

# Objections to Amended DA listed on 26/4/2022

**Lot 2 DP 514296  
At 7 Crown Rd Queenscliff.**

**Objection submitted by:  
Dr Anthony Burns  
Mrs Stone Burns  
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1 Crown Rd Queenscliff**

## Overview

- Our new 3D height plane drawings based on the DA's survey plan and LEP 2011, show large and extensive non compliances with 3 height regulations. (page 4) This results in loss of iconic Freshwater Beach and ocean views directly in front of our lounge room and other levels of our home. (page 6)
- A detailed study and analysis of the DA's Clause 4.6 submission reveals that no justification is given to vary LEP 2011. It is an attempt to hide the 3 large and extensive height non-compliances. (page 15)
- The Statement of Environmental Effects shows 10 non compliances (page 9), including:
  - a) Landscaped area is **17.5%**. This is less than half the required 40%. This is a result of the excessive building bulk. (page 8)
  - b) The building is located in a slip zone but has **no foundations**. It contravenes the National Construction Code Part 3.2. The DA needs a submission on remedial engineering works to install footings to stabilise the structure. (page 7)
  - c) The bulk of the DA is out of keeping with surrounding buildings. It is a wide building, extending across 6/7 storeys with a further 3 storeys of construction on the natural cliff face. This presents an unsightly view to the public from Freshwater Beach.
  - d) The front setback in front of our property is currently 3.8m. It should be 6.5m. It should not be reduced to 3.06m as the DA proposes, to further increase non-compliance with this requirement. (page 9)
  - e) The waste management plan fails to describe how waste is to be removed without great disruption to neighbours.
- The existing building was built by a deregistered builder, higher than Council approved plans. The DA seeks to maintain excessive ceiling heights by demolishing the entire top level but keeping part of the top floor. The DA then seeks to increase the height of the building by a further 550mm and expand the building size by over 40%. This approach is contrary to skilful design and view sharing.
- We have proposed changes to the amended DA that will have a negligible impact on the DA's increase in area, **yet minimise our view loss**. The building will still be non-compliant with 3 height regulations and Statement of Environmental Effects non compliances. (page 3)

## Issues with Submitted DA drawings:

- The DA shows conflicting plans of the roof in the bedroom plan vs the office level plan. They show very different positions of the North roof edge. The Northern roof extension causes view loss.
- The DA still does not show the proposed louvres on the East of the top level in the elevation from the North. These contravene the East Side Building Envelope and cause unnecessary view loss.
- The East wall existing doorway is now shown ... hanging in space, 1.24 m above the path beneath it. Similarly the claimed ground level does not reflect the survey, or reality. Regardless, the East side height non compliances are now much more clearly shown in our new 3D height plane drawings 1a and 1c. Our 3D height planes are based **only on survey points from the DA's survey plan**. They do **not** use fake points and invented levels. They show clearly the height non compliances with Side Boundary Envelope and Maximum Wall Height at the East side of the top level in the DA.
- The East elevation now does show the new rooms at the pool level ... but not correctly. The dotted outline should extend 0.7m further Southward. It shows the massive height of the building and the existing high ceilings that the applicant is trying to keep, with little consideration to view sharing.
- Different values are shown for top of roof RL. Top of roof sheeting RL at roof perimeter is not shown. This directly impacts our view loss.

## East Side Boundary Envelope

1. The East wall of the top level causes view loss of the most valuable and iconic views. Freshwater Beach is iconic and the ocean at the beach is most valuable. All levels of our home are impacted, seating and standing. ("Step 1", Tenacity vs Warringah Council, 2004)
2. The Side Boundary Envelope should be based on the Existing Ground Level using the DA's survey plan, as shown in Fig 1a and Fig 2. The Existing Ground Level on the East side is identical to the "natural" ground level because there has been no excavation of the natural rock shelf. We have used the survey point RL 30.77 on top of the path, shown in the DA's survey. **We request that the East wall on the top level should be 3.80m from the boundary** as we previously described, rather than the amended DA's 3.04m.
3. This increase of just 0.76m from 3.04m in the DA, involves a reduction in area of the DA of 4.47 sq m. This is trivial compared to the proposed increase in area of the DA of 170 sq m. However, it has a large impact on our view loss from every level of our home as can be seen in Figs 3a, 3b (lower level view loss).
4. The new top level's East Wall will still have a large Maximum Wall Height non compliance.
5. The proposed wrap around balcony on the East side of the top level serves no purpose other than to invade our privacy. Future use of the balcony might create further view loss for us. We request the balcony end flush with the top level's East side wall, 3.8 m from the East boundary.
6. The railings and louvres penetrate the Side Building Envelope and should be removed. Similarly, the louvers, planter boxes and vegetation on the East side of the top level serve no purpose other than to block our views. Planter boxes do not add to the defined landscaped area. We request they be removed.

## North Roof Extension

The Northern extent of the roof has a large and extensive non compliance with the Maximum Building Height, Side Boundary Envelope, and Maximum Wall Heights (a 2.19 m height non compliance), as shown in Figs 1a, 1b, 1c. These are based on the LEP 2011's Existing Ground Level, taken **directly from the DA's survey plan**. These non compliances cause view loss.

We have created a 3D model of the view loss of iconic Freshwater Beach views, Fig 4a. It shows the proposed roof (yellow), existing roof (blue) and the proposed roof lowered to comply with the Maximum Building Height (pink).

Our view loss of the iconic Freshwater Beach is shown in Fig 4b. We request that our view loss be mitigated by either (both have the same impact on our view loss):

1. Reducing the roof height so the Northern edge of the top of the metal is lower than the existing roof.
2. Moving the Northern edge of the roof back (Southward), a further 1.6 metre, based on the "Plan Office Level" drawing. This will provide beach view loss approximately equivalent to what we have now from the existing, illegally built structure. We feel this is more than reasonable.

## Achieving Reduction in Our View Loss

The top level of the amended DA has 23 square metres of hallway and internal walkway.

Skilful design ("Step 4", Tenacity vs Warringah Council), will reduce the area of hallways while improving the amenity and functionality of the DA. At the same time, it will reduce our view loss. It will also maintain the space between our home and the DA and prevent crowding and loss of light. The following require just 18 sq m:

1. Move the East wall of the top level to 3.8 metres from the East boundary (4.5 sq m required)
2. Move the North face of the top level of the roof 1.6 metres Southwards
3. Maintain the front set back in front of our property to the North, at 3.8m rather than reducing it to 3m. The DCP requirement is 6.5m (See section 5.1.7 - Objections to the Statement of Environmental Effects, page 9)

## Our Recommendation

The 100% new top level of the DA has large and extensive non compliance with 3 height regulations. At the East, the "Existing Ground Level" is natural, unmodified and unexcavated. We are happy to compromise on the non compliances of West Side Boundary Envelope, Maximum Wall Height and Maximum Building Heights, in the new top level, provided:

- The East wall is placed 3.8m from the East boundary and all paraphernalia are removed to provide unobstructed ocean views.
- Either the Northern roof edge is moved back (Southwards) by 1.6m from that shown in the office level plan OR the top of the metal at the Northern edge, be reduced in height to below the top of the existing building roof.
- The front set back in front of our property to the North is kept at the existing 3.8m and is not reduced to 3.0m.

We are happy to discuss any issue with the owner via Zoom, if he has returned to UK. We would like to have future decades of friendship with our new neighbour, rather than years of resentment.

## 3D Height Planes

Based on LEP 2011

Showing Non Compliances Causing View Loss

**Amended DA 2021/1636**  
Listed 26/4/2022  
**5m Side Boundary Envelopes**  
Based on Existing Ground Level

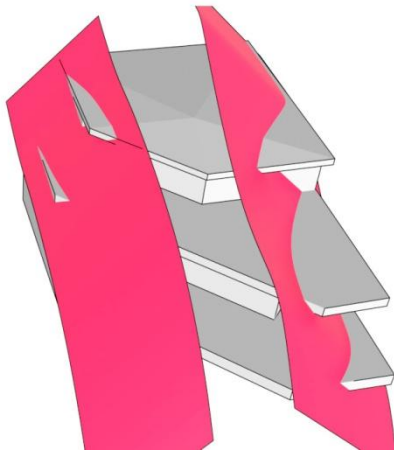


Fig 1a

**Amended DA 2021/1636**  
Listed 26/4/2022  
**Maximum Building Height**  
Based on Existing Ground Level

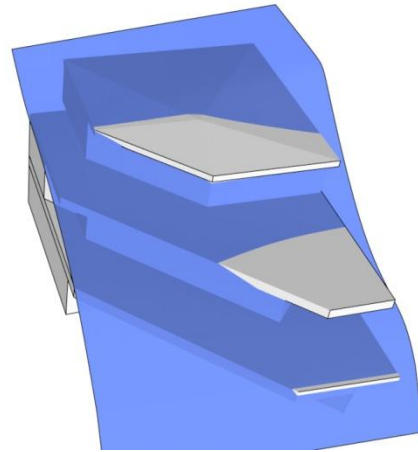


Fig 1b

**Amended DA 2021/1636**  
Listed 26/4/2022  
**7.2m Maximum Wall Heights**  
Based on Existing Ground Level

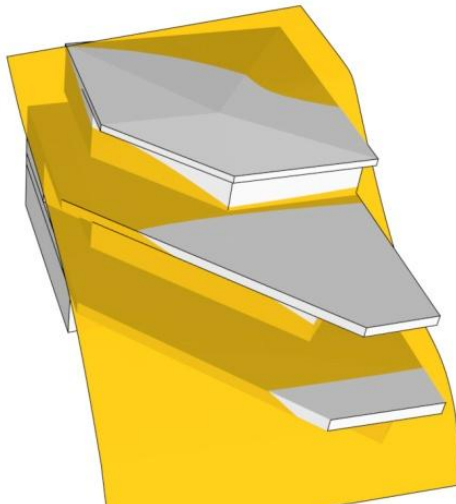


Fig 1c



View Losses

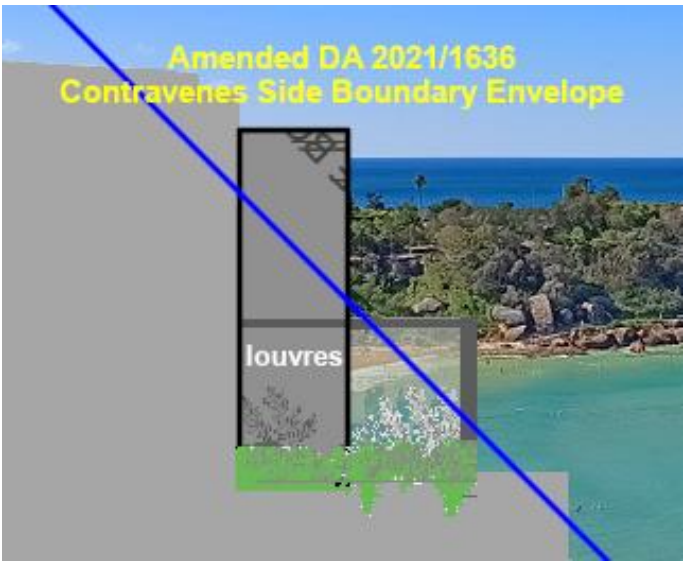


Fig 3a

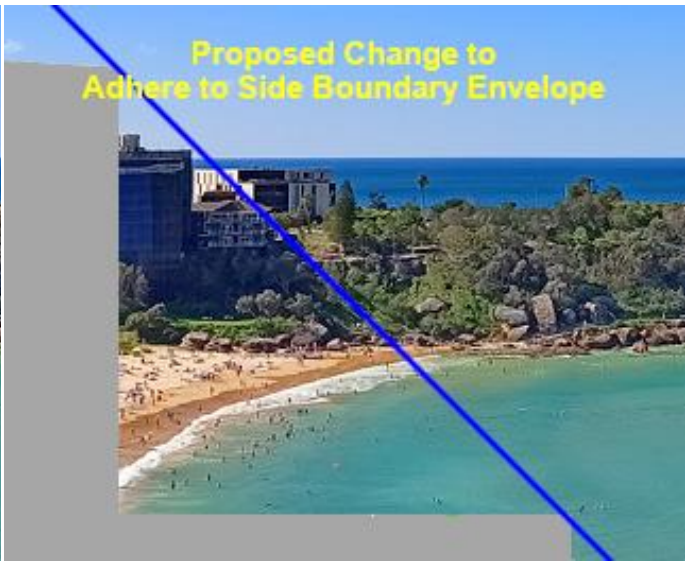


Fig 3b



Fig 4a



Fig 4b

# Objections to the Statement of Environmental Effects

## 5.1.2 Height of Buildings

The submission states: “The proposed works will extend above the 8.5m height plane”

Fig 1b shows large and extensive non compliances with the Maximum Building Height. The DA proposes to increase building height by 550mm. The clause 4.6 submission provides no basis for varying the requirement of a Maximum Building Height of 8.5m. Please see “Objection to Clause 4.6 Submission.” below.

The stated objectives of clause 4.3 WLEP includes:

“(b) to minimise visual impact, disruption of views.”

This aim of the LEP is not being met. The non compliant building height causes us loss of iconic views of Freshwater Beach and ocean.

## 5.1.4 Heritage Conservation

The development down the natural cliff face negatively impacts the ‘coastal cliff significance’.

We should aim to preserve the natural beauty of our coastal cliffs, unfettered by private constructions.

## 5.1.5 Development on Sloping Land

It is falsely claimed: “The preliminary geotechnical report provided concludes that provided good engineering and building practice are followed the risk to landslip is considered acceptable “

The building does not conform to the minimum standard set by the National Construction Code. The building has **no foundations. The building does not have footings**, as required by any building, let alone a building in a slip zone.

The photo shows the rear (South) wall of the building with bricks perched on a bare rock “floaters”. The photo is taken under the building through the East side doorway. Bricks are placed on rock without footings. Similarly, no footing can be seen under the side entrance. There is only rubble. This is typical of the practices of the shonky, deregistered builder who built the structure.



Malpractice in the construction extends to the lack of steel in the concrete slabs. Lack of steel in the roof has caused the roof to crack, leak rain water and sag. The previous owner was forced to replace the windows because the sagging roof had made them bow. This has necessitated the removal of the roof in the DA.

## 5.1.6 Landscaping

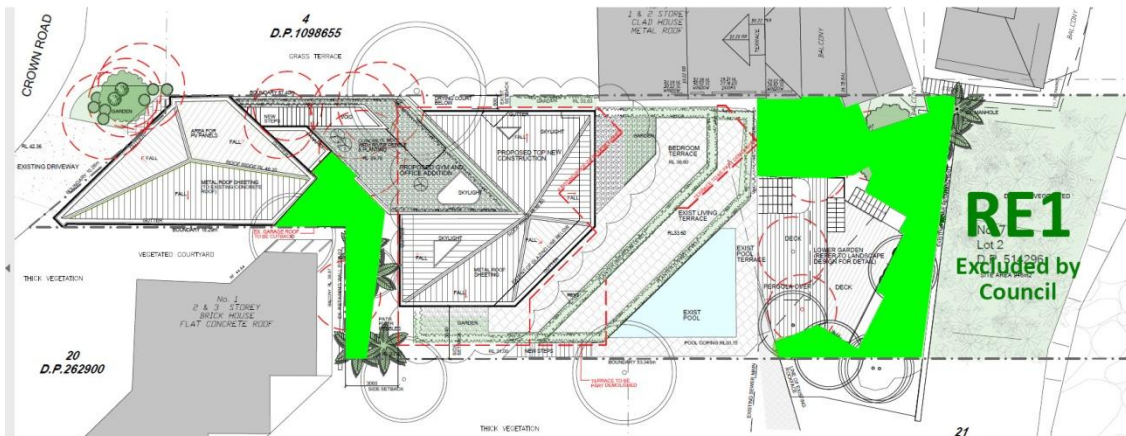
DCP Control D1 Requires a minimum 40% landscaped open space is to be provided. The landscaped area of the DA is **17.5%**. **This is less than half** the required minimum of 40%. **This is a direct result of the excessive bulk of the proposal.**

- “a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and **any open space areas with a dimension of less than 2 metres** are excluded from the calculation; “  
“ d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.”

The green area shows landscaped area. Both of these areas include dimensions less than 2 metres and according to the DCP should be excluded. This would imply 0% landscaped area. If they are included, the landscaped area is 17.5%. Note that vegetation in planter boxes is not permissible.

The area to the North is RE1 zoned land and is excluded by Council. The total land area, excluding the RE1 area, is a large 639.6 square metres. The building size and bulk is excessive.

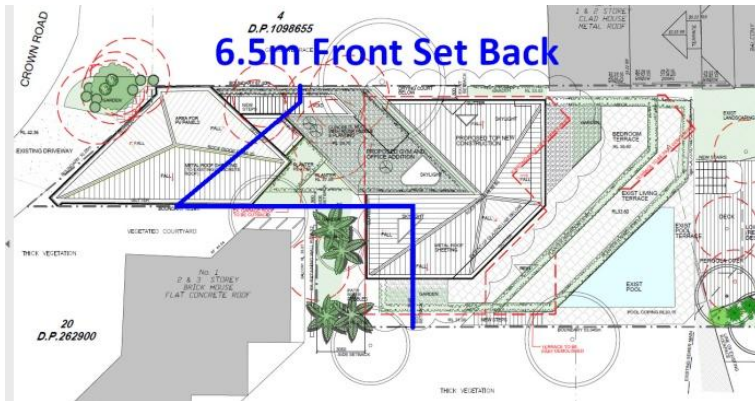
## Landscaped Area



### 5.1.7 Front Set Back

The DCP front boundary set back should be 6.5m. SEPP 3.10 (15) Minimum setbacks: "... must have a setback from the rear boundary of the lot that is in front of the battle-axe lot ... ". That is, the part of the building in front of our property should be 6.5 metres from the boundary. The amended DA has reduced the existing set back of 3.8m to a proposed 3.06m. Reducing the distance between buildings causes loss of light by ambient occlusion, together with a feeling of increased oppressive crowding.

The DA is non compliant.



### 5.2.1 Compliance Table

Control	Requirement	Proposed	Compliance
Wall Height DCP Control B1	7.2 metres from ground level (existing) to the underside of the ceiling to the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	The building has very large and extensive non-compliances of up to <b>2.19m</b> above Maximum Wall height. The 3D height plane diagram Fig 1c shows that most of the top level is non-compliant	<b>No.</b> Major non compliances
Side Boundary Envelope DCP Control B3	Buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 5 (not 4 as claimed) metres.	The DA shows major non compliance on the East and West as shown in Fig 1a. Both non compliances result in our view loss. We have proposed that the East wall be placed at 3.8 metres from the East Boundary. We have proposed that the Northern edge of the roof be moved 1.6m Southwards. Compliance is necessary to minimise our view loss.	<b>No.</b> Major non compliances.

Front Boundary Setback DCP Control B7	Development is to maintain a front setback of 6.5 metres. The site has an existing garage within the front setback which is to be retained.	1) Existing garage on street is acceptable to us. 2) In front of our home: SEPP 3.10 (15) Minimum setbacks: "...must have a setback from the rear boundary of the lot that is in front of the battle-axe lot..." That is, the part of the building in front of our property should be 6.5 metres from the boundary. The amended DA has reduced the distance from 3.8m to 3.06m. It should be increased to 6.5m.	<b>No.</b> Non compliant
Demolition & Construction DCP Control C8	A demolition and waste management plan must be satisfactorily completed and submitted	A very large volume of concrete rubble will be generated by demolition. This section of Crown Rd is a cul de sac. Waste removal trucks will block access of residents to the West. We will not permit the use of a crane to pass materials over our property because of the safety hazard. There is a similar hazard to the West. The work will negatively impact 10 families in the Crown Rd cul de sac. No plan has been submitted as to how waste will be removed. It is suggested that waste be carried to the bottom of the property and removed by helicopter crane.	<b>No.</b>
Landscaped Open Space DCP Control D1	A minimum 40% landscaped open space is to be provided "a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of <b>less than 2 metres are excluded</b> from the calculation; " " d) The minimum soil depth of land that can be	As a result of the excessive increase in size and bulk of the building, the landscaped area has been reduced below the minimum. <b>17.5% landscape area is proposed</b> (not the claimed 35%). This is far less than the <b>minimum 40%</b> . There is no justification in reducing open space, particularly in such a sensitive coastal area.	<b>No.</b> Very large non-compliance

	included as landscaped open space is <b>1 metre.</b> "		
Views DCP Control D7	<p>To allow for the reasonable sharing of views.</p> <p>To encourage innovative design solutions to improve the urban environment.</p> <p>To ensure existing canopy trees have priority over views</p>	<p>The proposed works will result in unreasonable and unnecessary view loss resulting from 3 height non-compliances.</p> <p>The DA proposes a 44% increase in area of an already massive structure with high ceilings.</p> <p>We have proposed changes that will have a tiny impact on the increase in area of the structure but have a large impact in reducing our view loss.</p> <p>The view loss drawings in the DA bear no relation to reality. We have provided further detailed view loss drawings created from actual views and 3D computer modelling.</p>	<b>No.</b>
Privacy DCP Control D8	<p>Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours. To encourage innovative design solutions to improve the urban environment.</p> <p>To provide personal and property</p>	<p>The proposed wrap around balcony at the East of the top level invades our privacy. The balcony should end 3.8 metres from the East boundary.</p>	<b>No.</b>
Building Bulk DCP Control D9	<p>Encourage good design and innovative architecture to improve the urban environment. Minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</p>	<p>The DA proposes to increase the bulk of the already large building by over 40%. It proposes a massive 6/7 storey building, primarily across a full 15.2 metre wide block. An additional 3 storey structure extends below across a natural cliff face. The building is a scar on the hillside, visible by the public from Freshwater Beach. It is out of all proportion to other residential dwellings around it.</p>	<b>No.</b> Large increase in bulk with many negative impacts.

Wildlife Corridor E4	To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits. To retain and enhance native vegetation and the ecological functions of wildlife corridors	The 9/10 storey development blocks all wildlife corridors, except at the bottom of the cliff at the Northern end of the property.	<b>No.</b>
Landslip Risk DCP Policy E10	The site is identified as falling within Landslip Risk Area B The applicant must demonstrate that: <ul style="list-style-type: none"> <li>• The proposed development is justified in terms of geotechnical stability; and</li> <li>• The proposed development will be carried out in accordance with good engineering practice.</li> </ul>	The building has <b>no foundations</b> . The building was built by a deregistered builder and has no footings under walls. This is not acceptable for any location, but particularly in the slip zone in the current location. The building fails to meet the minimum standard set by the National Construction Code Part 3.2.	<b>No.</b> Absence of foundations.

### 5.2.2 View Sharing Assessment

The view location “V2” of 1 Crown Rd in the DA, is taken from a kitchen cupboard. It is unrealistic. Our major view loss is from our lounge room, on the top floor at West of our home. The proposed development is directly in front and impacts our views of Freshwater beach and the ocean.

Detailed view loss images have been provided (see page 6).

## 5.4 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

The DA is located in a designated Coastal Zone <https://nb-icongis.azurewebsites.net/> and is subject to the Coastal Protection Act 1979 and October 2010 modifications.  
<https://legislation.nsw.gov.au/view/html/inforce/2015-06-04/act-1979-013#sec.39>



## **Site Designs and Internal Designs**

### **Likely compliance with the Building Code of Australia**

The DA does not comply with the National Construction Code of Australia, because of its lack of foundations. The building was built by a deregistered builder and has no footings. This can be clearly seen from the room at the South East of the building. The site is a slip zone.

This is one of the visible examples of the builder's shoddy work. The collapsing roof is further evidence that the building has not been built to the required standard. The roof had collapsed to such an extent that windows were bowing and had to be replaced by the previous owner.

### **What would be the impacts of construction activities in terms of:**

- **The environmental planning issues listed above**
- **Site safety**

No statements have been made as to provisions and methods for safe demolition without impact on neighbouring properties.

### **c) The suitability of the site for the development**

- **Does the proposal fit in the locality**

The massive increase in bulk of the building is unsuitable for this sensitive coastal zone.

## **6. Conclusion**

The proposed development has large and extensive non compliance with Maximum Building Height, Maximum Wall Height, Side Boundary Envelopes and front set back. The clause 4.6 submission provides no grounds for departing from the requirements of LEP 2011.

The 3 height non compliances result in loss of our most valuable views of Freshwater Beach and ocean.

The massive increase in bulk and height of the building is not in the public interest. The size of the building is inappropriate for the size of the land and its location. The proposed building will be a scar on the hillside when viewed by the public from Freshwater Beach.

The existing structure was built by a deregistered builder at a height greater than shown on Council approved plans. The structure is defective, with extensive concrete cancer and a lack of foundations.

## Objection to Clause 4.6 Submission.

### Clause 2.1

The existing building sits on a relatively flat rock platform.

There has been no excavation or modification of the ground level at the East of the building.

The building sits at the base of an existing stone wall on the West.

The ground has been filled with builder's waste on the South side.

There is extensive survey information in the DA, regarding "the existing undisturbed surveyed surface of the ground" at the East and West sides of the building.

At the East of the building there has been no excavation and no disturbance. The building sits on a natural rock shelf. The "natural" ground level is identical to the existing ground level. However the DA presents an imaginary "natural" line that bears no relation to reality. The imaginary line is drawn only to attempt to hide height non compliances. The DA's survey points should be used.

The claimed maximum building height plane is vastly in error. The maximum building height planes based on the DA survey data are shown in Fig 1b. Height non compliances are very large.

### Clause 2.2

Clause 4.6(3) of WLEP provides:

"(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, ...

"

There has been no demonstration that the DA is reasonable or necessary. It seeks to increase the size of an already large building by 44%. In doing so, it will cause view loss of our most valuable iconic views of Freshwater beach and ocean views. This is not reasonable cause to vary LEP 2011.

It is claimed "there are considered to be sufficient environmental planning grounds to justify contravening the development standard." **However no such grounds are presented.**

The existing structure was built by a deregistered builder contravening Council approved plans by building higher than approved. The DA seeks to add to the building's non compliance.

The claim that “the proposed development will be in the public interest” is false. The building spans a massive 6/7 storeys with additional structures descending an additional 3 storeys down a natural cliff face. The proposal is a massive scar on the hillside. It is totally out of keeping with bulk and scale of surrounding residences and the sensitive nature of this oceanfront site. As described in LEP 2011 Clause 2.1:

“(d) in relation to residential development, to—

- (i) protect and enhance the residential use and amenity of existing residential environments, and
- (ii) promote development that is **compatible with neighbouring development in terms of bulk, scale and appearance ...** “

### 3.0 Case Law

The submission falsely claims that the aims of the LEP are met:

“17 the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved”

The DA does not seek to meet any of the aims of the LEP 2011:

“4.3 Height of buildings

(1) The **objectives** of this clause are as follows—

- (a) **to ensure that buildings are compatible with the height and scale of surrounding and nearby development,**
- (b) **to minimise visual impact, disruption of views, loss of privacy** and loss of solar access,
- (c) **to minimise any adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,**
- (d) **to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.**

“

None of these aims are met. It makes little attempt to minimise the impact on us. Instead, it seeks a huge increase the area of an already massive building. The building is of excessive height and bulk compared to surrounding residences. It provides a negative impact on views of the natural cliff face and hillside to the public from Freshwater Beach.

#### **4.0 Request for variation**

The submission claims to adopt the first option, to establish that compliance with the development standard is unreasonable and unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The submission falsely claims that it

“(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,”

The building spans a massive 6/7 storeys with additional structures descending a natural cliff face, an additional 3 storeys. This is totally out of keeping with bulk and scale of surrounding residences and the sensitive nature of this oceanfront environment.

There is no residential dwelling anywhere in the area that comes close to the bulk and scale of the DA. The only residential building that approaches a similar height is No 13 Crown Rd that is built on a very narrow site. This DA spans a full 15.2 m wide site.

The submission falsely claims:

“

The building form and height has been appropriately distributed across the site to minimise disruption of views.

”

The primary basis of our objection is our view loss from the 3 height non compliances of the DA.

The submission falsely claims (on p42):

“

View analysis has been undertaken which demonstrates that existing water and land interface views enjoyed by neighbouring properties will be largely unaffected.

“

The DA’s “view loss analysis” was calculated from one of our kitchen cupboards. Our primary view loss is directly in front of our lounge room. We have created a computer 3D model of the structure and shown accurate and major view losses from our lounge room and other levels of our home.

The submission falsely claims (p43):

“The new addition ... not give rise to any unreasonable visual impact concerns.”

The building when viewed from the beach will create a wide, 9/10 storey high scar on the cliff.

The submission falsely claims:

“the works represent an improvement to the existing built form”

The proposed 44% increase in the bulk of this already massive building will have a deleterious visual impact to the public from Freshwater Beach.

The submission falsely claims:

“To enable other land uses that provide facilities or services to meet the day to day needs of residents.”

A massive structure of almost 600 sq m goes well beyond the “day to day needs”.

The submission falsely claims (page 44):

“The works do not impact on the heritage value of the cliffs.”

A structure that attempts to use every possible square metre of land area across 9/10 storeys, is not in consideration of the heritage value of the natural cliff and hillside.

The submission falsely claims:

“Sufficient environmental planning grounds exist to justify the height of buildings variation namely the topography of the land which limits the ability to distribute a compliant quantum of floor space across the site”

No justification whatsoever has been provided to deviate from LEP 2011. The aim is simply to increase the bulk of an already massive structure, in a sensitive coastal area.

The submission falsely claims:

“In this regard, I consider the proposal to be of a skilful design”

A skilful design would adhere to LEP 2011 and comply with height regulations, particularly on the new top level that impacts our views of the beach and ocean.

#### **4.3**

The submission falsely claims (p 46)

“the proposed development it is consistent with the objectives of the development standard”

The sole aim of the submission is to attempt to justify non compliances in 3 height regulations while greatly increasing the bulk of the structure. The existing building was illegally built by a deregistered builder, ignoring Council approved plans. The DA is an attempt to further increase the bulk of the structure by building on the existing ceilings of excessive height.

The DA does not seek to meet any of the aims of the LEP 2011 listed under: “4.3 Height of buildings”

## 5.0 Conclusion

The supposed conclusions listed in the Clause 4.6 submission do not relate to the DA 2021/1636 and do not provide any justification to vary LEP 2011. They are verbatim copied boilerplate, identical to that shown here for a Sydney city building.

<https://meetings.cityofsydney.nsw.gov.au/documents/s18040/Attachment%20D%20-%20Clause%204.6%20Variation%20Request.pdf>

Buildings in the heart of the city are totally different circumstances to the coast at Queenscliff.

No grounds have been presented to vary the LEP 2011 standard. The building has a large, 44% increase in bulk of an already large structure. The structure extends over 6/7 storeys with a 3 storey extension below.

The height non compliances cause loss for us of beach and ocean views, from our lounge room and other levels in our home.

The 3D height planes in the 4.6 submission are incorrect. They are not based on the DA’s own survey.

Our 3D height planes in Fig 1b show large and extensive non compliance with Maximum Building Height. Our 3D model is based on DA’s own survey points of existing ground levels, not some arbitrary values as in the 4.6 submission.

The existing structure was built by a deregistered builder at a height greater than approved by Council. The DA has a 100% new top floor that contravenes height regulations **because it is built on an illegal base and has high ceiling heights at lower levels.**

**The proposed average ceiling height is large and excessive 3.03m across 3 storeys (RL 39.25 – RL 30.15)/3 (including slab thickness). It is inevitable that the Maximum Building height is exceeded.**

An unapproved existing building with high ceilings, resulting in height non compliances, is not justification for varying the standard.

## **Cost**

The DA claims a total cost of \$947,600.

We do not have access to costing details but the figure is less than the average for such a large, multi storey structure involving demolition, excavation, scaffolding, concrete cancer and special materials for a high wind and corrosive salt zone. We have discovered the need for remedial works to install foundations to stabilize the structure, which will add to costs. Premium finishes for this premier location could alone add another \$1M.