

SUBMISSION: DORSEN
a written submission to NBLPP to DA 2019/1522

35 Beach Road
Collaroy
NSW 2097

11 September 2020

NBLPP
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

NBLPP, Northern Beaches Council
council@northernbeaches.nsw.gov.au

Dear Chair,

Re: 41-43 Beach Road Collaroy NSW 2097
DA 2019/1522

Submission NBLPP: Dorsen

I refer NBLPP to my earlier Submissions.

I will not repeat the detail from these Submissions, so I ask NBLPP to refer back to the last three Submissions for greater detail as required. These Submissions were submitted jointly with my neighbour.

This Submission is presented to NBLPP in consideration of the determination by NBLPP on the above DA.

I am still very concerned to the overall bulk and scale of the proposed development as viewed from my property, and from the public domain immediately to the east of our property.

I appreciate the efforts by the NBC Planner in ensuring that the earlier excesses of the proposed development were curtailed. I do not feel that these are 'concessions' by the Developer in any form, but simply a proposed envelope that should never have been proposed in the first place.

The proposed conditions before you contained within the DA Assessment Report are necessary, however I believe they do not go far enough, to protect my property from amenity loss from a non-compliant envelope.

I ask NBLPP to consider six main conditions, that build upon the proposed conditions set forward in the DA Assessment Report.

The main reasons for these increased conditions are to ensure that the proposed non-compliant development is brought back to full LEP & DCP compliance, poor privacy outcomes, and to reduce visual bulk.

I also ask NBLPP to review a list of standard NBC conditions that have been omitted from the DA Assessment Report, that I believe are essential to better control the development activity on the subject site.

The six main conditions that I ask NBLPP to consider are:

A. Reduce Envelope: Southern Wing to have increased side setbacks of 0.67m at both levels, and for the southern wing to reduce in height by 950mm.

The DA Assessment Report confirms that the building envelope of the Southern Wing, still presents development that is non-compliant to building height, wall height, and side boundary envelope development standards.

There is no reason, unique or otherwise, for a new build development on such a very large and sensitive site, to be outside of multiple controls.

View Loss

NBLPP will note within the DA Assessment Report that there is 'moderate' view loss from my property at 35 Beach Road.

In *Tenacity*, [Tenacity Consulting v Warringah Council 2004], NSW LEC considered Views. Tenacity suggest that Council should consider:

"A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable."

The development breaches multiple planning controls and is unreasonable.

The impact on views arises as a result of non-compliance with one or more planning controls, and the moderate impact, as defined by DA Assessment Report, is considered unreasonable.

Building Bulk

I strongly feel that the bulk is still far too aggressive facing my properties, and a compliant envelope should be the absolute minimum requirement.

I direct NBLPP to Point J2, on the DA Drawings, the south-east corner of the southern wing.

NBLPP will note from the following data, that Point J2 is non-compliant to Building Height, Wall Height by 950mm, and exceeds Side Boundary Envelope by 670mm.

Point J2

- Proposed RL 18.17
- Underside of ceiling FCL 17.77 [allows 400mm roof zone]
- Ground Level Existing RL 9.56 [*Stamford Property Services Pty Ltd v City of Sydney & Anor* [2015] NSWLEC 1189, base of retaining wall]
- Building Height 8.61m
- Wall Height 8.15m, **950mm** non-compliance
- Required setback to fall within DCP B3: [18.17 proposed height – [RL 4.85m boundary + 4.0m] = 9.32m required] v 8.65m proposed DCP B3: **670mm** non-compliance

I ask for these reductions to be imposed: 950mm reduction in height, and 670mm further setback at both levels.

Ensure all dimensions to boundaries are included, along with finished levels at every location, to adequately provide an envelope for future compliance control.

These modifications are best completed under Deferred Commencement.

B. Reduce Basement: Basement to be reduced in size, and for vibration to be reduced to 2.5mm/sec on southern boundary

I am greatly concerned to the vast amount of proposed excavation on the subject site, and ask NBLPP to limit the extent of the basement to that of a double garage at the base of the ramp, with a turntable.

I am concerned that the vibration over many, many months of demolition and excavation will cause my property to be uninhabitable. Considering that the neighbourhood is full of residents living and working from our homes during Covid 19, I ask NBLPP to limit the vibration levels at the southern boundary to 2.5mm/sec. Carefully applied geotechnical techniques can be used to achieve these outcomes, and I ask NBLPP Panel members to seek the Applicant's agreement to this very important matter, or to impose the condition.

Taylor Geotechnical Engineering Report on page 5 states:

If the neighbouring structures are of significant age or show signs of foundation movement, then vibration levels should be kept below 3 mm/sec.

There has been subsistence in neighbouring properties and neighbouring properties are of significant age.

I ask NBLPP for a positive vibration level to be set at 2.5mm/sec, with a stop work halt at 2.0mm/sec, or lower levels as required. The recommendations within the Geotechnical Report are too vague: I need certainty.

C. Reduce Visual Bulk: 1.2m high fence to be setback 1m from southern boundary

I appreciate that this fence is for balustrade purposes, but I ask NBLPP to request that the Applicant simply lowers the ground levels behind the wall to achieve a balustrade height, or set the balustrade back 1m from the southern boundary to reduce the bulk, and other poor amenity outcomes of what will be a 4.4m high wall [3.2m + 1.2m] built on the boundary.

D. Reduce Visual Bulk and provide better Privacy outcomes: 1.6m privacy screen to be setback to align with southern wing at Ground Floor alignment

I request that the fixed 1.6m privacy screen be positioned higher up the slope to align with the Southern Wing Ground Floor alignment.

The proposed position simply adds more bulk into this area, takes sun, creates visual blight, whilst not resolving the privacy problems.

E. Privacy Screens: All privacy screens in the southern elevation shall be fixed and full height to 1.6m high above FFL, and of horizontal louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development, or glass to be fitted with obscured glazing, and shall be installed to the following windows / decks.

- i. W1.01 first floor bedroom north facing window and the entire length of the northern edge of the adjoining deck.
- ii. W1.28 first floor north facing lounge window and the entire length of the northern edge of the adjoining deck.
- iii. WG0.4, WG0.5, WG0.6, WG0.7
- iv. The entire length of the southern edge of the deck to the master bedroom.
- v. W1.22 to W1.27 inclusive

I ask NBLPP to extend the privacy conditions to cover all the southern wing at Ground, and at First Floor, and to better define the spacing of the privacy screens as noted above, and that spacing is currently used within other NBC determinations.

F. Privacy increased Sill Height: WB.02 & WB.03 to the basement playroom shall be amended to a solid wall with a high-level window at a height of 1.6m above the FFL.

I ask NBLPP to extend the privacy conditions to cover all the southern wing at Basement.

I ask NBLPP to consider the six main conditions of consent, and ask NBLPP to consider a more extensive list of standard NBC conditions of consent within appendix A

Yours faithfully,

Mrs Jan Dorsen
35 Beach Road
Collaroy

Appendix A

Additional Standard NBC Conditions:

I ask NBLPP to consider a more extensive list of standard NBC conditions to better protect the outcome

Both 29 Beach Road and 35 Beach Road must be included within the Dilapidation Report conditions of consent.

Approved Land Use

Nothing in this consent shall authorise the use of the site as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house, as defined within the LEP. Any variation to the approved land use and/occupancy beyond the scope of the above definition will require the submission to Council of a new DA.

Reason: I am concerned that the basement may be used for other commercial purposes, outside of the LEP definition

The following additional conditions need further careful consideration by NBLPP, and I ask NBLPP to ask Council Officer's why these standard conditions have not been recommended to be included within any consent.

Conditions to be satisfied prior to the issue of the CC

Amendments to Approved Plans

A. Reduce Envelope: Southern Wing to have increased side setbacks of 670mm at both levels, and reduce height by 950mm

B. Reduce Basement: Basement to be reduced in size, and for vibration to be reduced to 2.5mm/sec on southern boundary, with constant vibration monitoring and daily reporting to NBC

C. Reduce Visual Bulk: 1.2m high fence to be setback 1m from southern boundary

D. Reduce Visual Bulk and provide better Privacy outcomes: 1.6m privacy screen to be setback to align with southern wing at Ground Floor alignment

E. Privacy Screens: All privacy screens in the southern elevation shall be fixed and full height to 1.6m high above FFL, and of horizontal louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development, or glass to be fitted with obscured glazing, and shall be installed to the following windows / decks.

- i. W1.01 first floor bedroom north facing window and the entire length of the northern edge of the adjoining deck.
- ii. W1.28 first floor north facing lounge window and the entire length of the northern edge of the adjoining deck.
- iii. Southern Wing: WG0.4, WG0.5, WG0.6, WG0.7
- iv. Southern Wing: The entire length of the southern edge of the deck to the master bedroom.
- v. Southern Wing: W1.22 to W1.27 inclusive

F. Privacy increased Sill Height: Southern Wing WB.02 & WB.03 to the basement playroom shall be amended to a solid wall with a high-level window at a height of 1.6m above the FFL.

No approval is granted for the installation of a solid/fuel burning heater.
Compliance with standards [demolition]
Compliance with standards
Construction Traffic Management Plan
Engineering Assessment
Engineers Certification of Plans, including all retaining walls
Design Impact on processes and public/private amenity
No excavation within 1m of boundary
Method Statement from Geotec Engineer to define Vibration not to exceed 2.5mm/sec at boundary, with halt at 2.0mm/sec, with permanent monitoring and daily reporting to PCA & NBC Compliance Officer
Protection of Neighbours assets

Conditions to be complied with during demolition and building works

No approval is granted for the installation of a solid/fuel burning heater.
Property Boundary levels
Installation and maintenance of sediment controls
Notification of Inspections
Traffic control and management during works
Waste Management during development
Building materials
Geotechnical issues
Rock Breaking
Protection of rock and sites of significance
Protection of adjoining property
Vibration not to exceed 2.5mm/sec at boundary, with halt at 2.0mm/sec
No excavation within 1m of boundary

Conditions which must be complied with prior to the issue of the OC

No approval is granted for the installation of a solid/fuel burning heater.
Final Survey Certificate
Certification of Structures
Positive Covenant and Restriction as to User for On-site stormwater disposal structures
Geotechnical certification prior to occupation certificate
Acoustic treatment of pool filter
Noise Nuisance from plant
Lighting Nuisance
Works as executed drawings
Privacy Screens and privacy obscured glass Certification to accord to DA plans

Ongoing Conditions that must be complied with at all times

Approved Land Use

Solid fuel heater: prohibited

Landscape maintenance

Retention of Natural Features

No additional trees or scrub planting in viewing or solar access corridors of neighbours

Maintain fauna access and landscaping provisions

Noise Nuisance from plant: Plant room and equipment for operational conditions - Noise and vibrations

Swimming pool filter, pump and AC units [noise]

Outdoor lighting

Lighting Nuisance