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**From:** John Vizzard  
**Sent:** 26/07/2023 5:24:15 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** TRIMMED: DA2023/0868  
**Attachments:** DA Submission.docx;

Dear Council,

Please Find my attached Submission.

Regards  
John Vizzard

25 Anzac Avenue  
Collaroy NSW 2097  
[REDACTED]

Dear Northern Beaches Council,

I am the owner of 25 Anzac Avenue Collaroy and have been living in this property for the past 49 years and I am lodging this submission regarding the development proposal at 37– 43 Hay Street, Collaroy (DA2023/0868).

My property is located directly to the north of the proposed development on the opposite side of Anzac Avenue and is significantly impacted by the proposal.

I object to the proposal for the following reasons:

#### **State Environmental Planning Policy (Housing) 2021**

- The application does not comply with section 108 (2)(c) of SEPP Housing 2021, which requires that the density and scale of the buildings, when expressed as a Floor Space Ratio (FSR) is 0.5:1 or less. The proposal would result in an FSR of 0.75:1, which substantially exceeds this requirement by 50%.
- The development is non-compliant with Section 5 – Private Car Accommodation of Clause 85, within the SEPP (Housing) 2021. The architectural plans do not demonstrate consistency with the adaptable requirement set out in AS 2890.6, or a minimum of 10% of the total number of car parking.
- The proposal is non-compliant with Clause 97 – Design of in-fill self-care housing and Clause 98 of Design of Seniors Living Houses, OF Division 5 – Design Requirements of the SEPP(Housing) 2021 as demonstrated below:
  - The immediate area surrounding the Collaroy site is characterised by residential land uses, with the predominant form of development being low-density, detached dwelling houses within landscaped settings.
  - The proposed seniors living development, has not been designed to reflect the desired low density detached character of the area. The design does not go far enough to break up the bulk of the built form through greater varied setbacks (particularly along the Anzac Avenue frontage), changes in height and roof formation or by utilising of a mixture of one and two storey buildings across the site. Rather the two-storey presentation along both street frontages creates a visual bulk and scale that is inconsistent and unreasonable in this context.
  - The non-compliant FSR of 0.75:1 reflects a significant overdevelopment of the site and is the major contributor to the excessive bulk and scale of the built form, and amenity impacts to adjoining neighbours.
  - The proposed building form along the street frontages presents as a medium density townhouse style building mass appearance.
  - The development provides insufficient separation, breaks in the built form and visual relief, particularly as viewed from the Hay Street and Anzac Avenue Streetscape.
  - Accordingly, it is considered the bulk and scale, and overall massing of the proposed development does not reflect the desired low density residential character of the locality and does not appropriately respond to the low density detached style of the immediate Collaroy area.
  - It is considered that the proposal has failed to meet the following relevant requirements of these guidelines:

- The proposal does not provide a mix of dwelling sizes and variety of massing and scale of built form within the development i.e. only 11 x 3 bedrooms units are proposed.
    - Development should be more modest in scale.
  - The proposed development does not respond to the desirable streetscape character of Hay Street, nor Anzac Avenue
  - The non-compliant secondary front building setback, and various built form within both front setbacks (i.e. retaining walls, ramps, fencing) fail to maximise landscaped area to provide additional vegetation to reduce the built form and enhance the existing streetscape.
  - The proposed building form represents a substantial building mass that runs for a length of approximately 55m along Hay Street and over 35m along Anzac Avenue. The proposed development has insufficient separation or breaks in the built form in order to minimise visual impact from adjoining properties and the streetscape.
  - The proposal also results in solar access and privacy impacts due to its scale and proximity to the adjoining building at No. 35 Hay Street and adjoining properties No. 989 to 993 Pittwater Road.
  - The proposal will not protect solar access to No. 35 Hay Street or mitigate direct overlooking to private open space of neighbouring development as required by the SEPP(Housing) 2021 guidelines
  - As a result, the proposal fails to meet the following requirements and objectives:
    - *to reduce the apparent bulk of development and its impact on neighbouring properties*
    - *to minimise overshadowing*
    - *to reduce impacts of unrelieved walls*
    - *to minimise impacts on the privacy and amenity of adjoining dwellings*
- The proposal is non-compliant with Clause 99 – Neighbourhood amenity and streetscape, Division 6 Design Principles of the SEPP(Housing) 2021 for the following reasons:
  - The area surrounding the proposed site is characterised by low-density, residential land uses within landscaped settings.
  - The substantial FSR of 0.75:1 reflects an overdevelopment of the site, contributes to excessive bulk and scale of the built form, and amenity impacts to adjoining neighbours.
  - The excessive gross floor area (GFA) of the development and inadequate separation distances to adjoining properties would result in adverse visual and amenity impacts.
  - The proposal is non-compliant with the front setback requirements along Anzac Avenue, with ancillary built form predominate within the front setback of both streetscapes. A contravention of the front building requirements of the Warringah Development Control Plan 2011.
  - Accordingly, it is considered the scale, density, bulk and overall massing of the proposed development does not reflect the desired low density residential character of the locality.
  - Planning concerns also include non-compliances with wall height, solar access and visual privacy provisions.
- The proposal is non-compliant with Clause 106 – Interrelationship of Division with design principles within Division 7 – Non-Discretionary Development Standards, as the proposal does not demonstrate that adequate regard to the principles set out in Division 6.

- The proposal is non-compliant with Clause 108 – Non-discretionary development standards for independent living units of Division 7 as follows:
  - The proposal would result in a FSR of 0.75:1 (915.76 m<sup>2</sup>), which exceeds the requirement of 0.50:1 requirement by 50%.
  - The significant FSR variation demonstrates an overdevelopment of the site, contributes to excessive bulk and scale of the built form, and contributes amenity impacts to adjoining neighbours. A reason for refusal of the application.
  - The submitted written request pursuant to cl.4.6 of WLEP 2011, does not sufficiently justify the exceedance of the Floor Space Ratio development standard. A reason for refusal of the application.

### **Warringah Local Environment Plan 2011 (WLEP)**

While the State Policy for seniors housing provides for a form of development that typically has a greater density and scale than the forms of residential development permitted under the WLEP, the proposal is not sufficiently complementary and compatible with the established character and is inconsistent with the desired future character envisaged for the Collaroy and immediate area.

### **Clause 6.2 Earthworks**

The satisfaction of Clause 6.2 Earthworks cannot be accurately determined. The Geotechnical Report has not provided sufficient information to complete an correct assessment of the proposed excavation. The geotechnical report submitted with the development application references plans dated November 2022, whereas the architectural plans submitted with the documentation package are dated 28/06/2023.

The geotechnical report also specifies that “the excavation will reach a maximum depth of 3m, however the section plans demonstrate an excavation depth of well over 3m. Accordingly, there is a discrepancy the documentation that is required to be addressed.

### **Warringah Development Control Plan 2011 (WDCP)**

While it is acknowledged where there is an inconsistency between a control in the WDCP and the SEPP (Housing) 2021, the latter will prevail as the applicable standard. Nevertheless, the non-compliance with the WDCP controls is to be considered and assessed as they form the basis for the design expectation and intent for compatibility of the area.

### **Clause A.5 Objectives**

The proposed development does not comply with the following objective of Clause A.5, being:

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*

The proposed development is not considered complementary to the desired character for this surrounding locality as it does not propose or present as low density residential development. The substantially non-compliant FSR of 0.75:1 reflects an overdevelopment of the site, contributes to excessive bulk and scale of the built form, and amenity impacts to adjoining neighbours.

The design does not reflect the low density detached style prevalent in the surrounding area and does not attempt to minimise the visual impact it will have on the streetscape.

Therefore, the proposal remains inconsistent with the Neighbourhood Amenity and Streetscape requirements of Design Principals outlined within Division 6 of SEPP (Housing) 2021. Furthermore, the proposal is inconsistent with the objectives in clause A.5 Objectives of WDCP. Therefore, the proposal does not satisfy the character provisions of SEPP (Housing) 2021 and WDCP and warrants refusal of the application for these reasons.

### **B.1 Wall Height**

The proposal demonstrates wall height that exceeds the 7.2 metres requirement. The proposed development is of a greater scale due to the exceedance of the FSR control than any other development within the visual catchment of the site.

Overall, it cannot be said that the bulk and scale of the development is minimised in that the proposal exhibits excessive wall height, bulk, scale and mass that is not consistent with the built form of low-density detached style housing in the immediate area.

### **B.7 Front Setback**

While it is stated in the WDCP that sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback *may* be reduced to a minimum of 3.5 metres for the secondary frontage, but only if the secondary street variations consider the character of the secondary street and the predominant setbacks existing to that street.

The proposal has various built form elements, including the roofline that encroach into the 3.5m secondary front setback. As a result, the minimal secondary front setback attributes to a proposal that exhibits excessive bulk, scale and mass as viewed from Anzac Avenue and does not provide sufficient space to alleviate amenity impacts such as privacy.

The variation to the front setback should be reduced, in that higher intensity development should respond to the local character by providing greater setbacks to maintain more appropriate spatial separation. While the WDCP does provide for variations relating to the secondary front setbacks associated with corner allotments, however as the application is unable to achieve consistency with the outcomes of this control, through minimising the visual impact of the development, these variations have not been demonstrated to be warranted or well founded.

### **C.4 Stormwater**

Inadequate information and stormwater modelling means the correct assessment of the management of stormwater in terms of the additional impact of water runoff associated with the site changes cannot be undertaken.

The proposal significantly increases the total impervious area of the site. Stormwater plans have been provided without supporting evidence that the required water quality and water balance parameters will be met, along with inadequate details regarding Water Sensitive Urban Design requirements for water quality, including submission of the water quality model (MUSIC model files). Meaning this warrants refusal of the application.

### **D.6 Access to Sunlight**

The adjoining property to the south is a one-storey dwelling house. The dwelling house has windows on the northern elevation, and its private open space area is located in the eastern area adjoining

the dwelling house. Assessment of the Shadow Diagrams demonstrated that the neighbouring property has significant overshadowing over the property and its private open space between the hours of 9am and 3pm. The overshadowing is directly caused by the non-compliant FSR and excessive wall height. If the development reduced the FSR, wall height, bulk and scale, and provided larger side setbacks, the solar access impacts would be reduced. This non-compliance warrants refusal of the application.

#### **D.8 Visual Privacy**

Overall, the proposed development has not provided sufficient separation or privacy measures to mitigate overlooking from the elevated windows and balcony areas into the principle private open space and windows of the adjoining properties to the south, and to the private open space of properties to the east along Pittwater Road.

Accordingly, it is considered that the proposal, with a non-compliant FSR, does not optimise privacy through good design, and will result in unacceptable privacy impacts to the adjoining site. Having regard to the above reasoning, it is concluded that the proposed development is inconsistent with the relevant objectives of the WDCP and warrants refusal of the application.

#### **Summary**

In summary, the proposed development is considered to be of excessive bulk and scale, which would result in unreasonable impacts upon the amenity of adjoining and nearby properties and is inconsistent with the desired character of the Collaroy locality.

The application has also failed to demonstrate via written evidence that the non-compliant FSR is justified.

The proposal DA2023/0868 involves a number of variations to critical planning controls, within both SEPP (Housing) 2021, WLEP 2011 and WDCP 2011, that render the proposal inappropriate and unsuitable for the site and the locality and warrants refusal of the application.

Regards,

John Vizzard

25 Anzac Avenue

Collaroy.

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