
Sent: 2/10/2019 10:50:01 PM
Subject: Submission - MOD2019/0253 - 24 Lancaster Crescent, Collaroy
Attachments: Submission 2.10.19-FINAL.docx;

RE: MOD2019/0253 - 24 Lancaster Crescent, Collaroy

Dear Sir/Madam,

Please find attached a submission relating to the Modification application referenced above.

Regards,

Richard Dinham & Joanne Jefferies

Dear Sir/Madam

Objection Modification Application 2019/0253

We refer to modification application Council reference MOD2019/0253 (**Modification Application**) which seeks to amend development consent Council reference DA2016/0963 which authorises the construction of a residential dwelling at 24 Lancaster Crescent, Collaroy.

We also refer to the letter dated 24 June 2019 sent on our behalf to Northern Beaches Council by Addisons which sets out the grounds of our objection to the Modification Application. Our position as set forth in that letter stands and we expect, as we have been assured, that the contents of that letter will be properly and fully considered as part of this assessment.

With respect to the recent September 2019 amendment to the Modification Application, which additionally now seeks approval for a:

- New Western Boundary Fence/Retaining Wall to RL 65.075 due to side boundary topography for privacy and security. As seen on DWG DA-05 & DA-08
- Rear Northern Boundary Fence/Wall to 65.675 for privacy and security,

we object to these additional amendments on the grounds that no drawings have been submitted in respect of these proposals. It is thus unclear from the application whether the proposed *rear Northern Boundary Fence/Wall to 65.675 for privacy and security*, is the existing 2.3 metre high masonry boundary wall that the owner of 24 Lancaster Crescent has constructed between our property and hers, a proposed increase in height of that existing boundary wall or a new wall in addition to the existing boundary wall. Thus, in the absence of any drawings, it is not possible to properly assess the impact of these proposals on our property. That said:

- if the proposed northern boundary wall is either the existing 2.3 metre high masonry boundary wall that has already been constructed or a further extension of that wall, given that all boundary wall/fence requirements between our property and the property at 24 Lancaster Crescent, Collaroy are the subject of extensive Land and Environment Court Orders (copies of which have been provided to Council), Council does not have jurisdiction to determine such matters. Alternatively, Council should not on grounds of public interest, determine such matters in a manner which is inconsistent with the existing court orders;
- if the proposed northern boundary wall is a new wall in addition to the existing 2.3 metre high masonry boundary wall, any such wall would not in fact be a boundary wall. Any new wall would not meet the setback requirements of the DCP's Part B Built Form Controls and would exacerbate the already visually dominant and bulky structure that has been constructed at 24 Lancaster Crescent, specifically, as it presents from the rear of our property. It would also result in further shading of our back yard from the afternoon sun and for these reasons should not be approved on merit.

Lastly, we wish to note that the cumulative impact of the numerous modifications that have been submitted by the owner of 24 Lancaster Crescent from the original DA are significant and have resulted in a structure which is visually dominant and excessive in bulk and scale when viewed in the context of the surrounding neighbourhood. The modifications that are being sought under the Modification Application (with the exception of a small number) have already been constructed,

despite the numerous and obvious breaches of the DCP's Built Form Controls and the considerable detrimental impact to the neighbours on either side of this property. We feel that the spirit of the planning and approval process is not being respected.

Yours faithfully

Richard Dinham and Joanne Jefferies
Owners, 22 Lancaster Crescent, Collaroy,