COPY OF MODIFICATION APPLICATION SENT BY EMAIL 13/4/21 TO COUNCIL MAILBOX & PLANNER Ms A. WARNEST. NO AUTOMATED REPLY RECEIVED TO DATE. FOLLOW UP EMAILS ALSO PRODUCED NO AUTO-REPLIES.

Delivered By Hand:- 14 April, 2021

Ms D WILLMAN
dianewillman@yahoo.com.au

Modification application to DA2019/1317 – Mod2021/0066
26 West Street Balgowlah NSW 2093

Attention: Ashley Warnest, Planner. Northern Beaches Council

Dear Ms. Warnest,

I strongly object to the granting of the above modification on the following grounds:-

The Environmental Planning and Assessment Act (Section 96) permits the Consent Authority to modify a Development Consent where the modification(s) involve Minor Error, Misdescription or Miscalculation.

This matter fails to meet any of the above. The garage was raised significantly above the permitted height creating a second floor workshop over the panel-lift door with an east facing window over the ridge and room to walk around.

This was no construction mistake.

It was only after a neighbour spoke to the Applicant at some length that the roof height was *partially* lowered. However it was still clearly and obviously over the height approved by Council. When that too was broached the Applicant lodged the above Modification application.

The evidence is clear.

This has been no mistake, Error, Misdescription or Miscalculation. The evidence points to a deliberate attempt to maximise the interior space above and beyond the plans approved by Council, confident approval would eventually follow.

In an earlier submission to Council I pointed out efforts made by the former Manly Council to prevent misuse of what had been described as 'garage space'.

The Development as it relates to the substantially enlarged garage space significantly impacts on the quality of the Streetscape and fails to meet a number of the Aims and Objectives of the Manly Development Control Plan 2013 Amendment 11 – last amended 28 August 2017.

1.7 (b) This development fails to contribute to the quality of our Sreetscapes – West Street, Balgowlah

1.7 (f) Fails to ensure the above development positively responds to the heritage and character of the surrounding area.

3.1 (1) Fails to minimise any negative visual impact of walls on the street frontage. There has been no attempt to reduce bulk.

3.1 (2) Fails to ensure development generally viewed from the street complements the identified Streetscape.

3.1.1.1 (i) Fails to complement the predominant building form, distinct building character and architectural style in the locality of West Street Balgowlah.

3.1.1.1 (ii) Fails to ensure the bulk and design of development does not detract from the scenic amenity of the area when viewed from surrounding public and private land.

3.1.1.1 (iii) Fails to maintain building height at a compatible scale with adjacent development particularly at the street frontage. The scale and style of every other garage in West Street are in keeping with that Streetscape.

3.1.1.3 (a) While roof forms need not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings they should complement them. This dominating bulky cube fails utterly to contribute to the quality of the Streetscape in which it sits.

3.1.1.4 (a) (i) This garage dominates the street frontage and fails at all levels to be compatible with the Streetscape and the location.

The original application failed to meet Council's DCP Streetscape requirements. **Despite the failures detailed above, Council approved that application.** It may therefore be unreasonable for the Applicant to be penalised for constructing *what was originally approved.*

It is equally unreasonable that the Applicant now be allowed to further benefit from the approval of a DA which fails to meet Streetscape requirements.

Given all the above circumstances it is both reasonable and proper that the roof height in question be limited in its entirety to that originally approved by Council.

The height changes have **not** been Mistakes, Minor Errors, Misdescriptions or Miscalculations. The history of this matter provides evidence of a determination to obtain Council approval above and beyond any reasonable impact on the West Street Streetscape. Council must not be seen to be complicit in this as it would set a precedent which earlier decision-making has resisted. The dwellings in West Street Balgowlah are individual and diverse but until now all have fitted into the Streetscape harmoniously in no small part due to previous Council vigilance.

In assessing this latest Modification request I ask that Council enforce the height limit of the garage roof set out in the original Condition of Consent.

Yours sincerely,

Diane Willman
Mob. 0418 200 154