

S U B M I S S I O N : G O D D E N
a written submission by way of objection to DA 2021/0419

Mr & Mrs Geoff & Ann Godden
264 Whale Beach Road
Whale Beach
NSW 2107

4 August 2021

DDP

Dear DDP Members

Re:
266 Whale Beach Road, Whale Beach
DA 2021 0419

WRITTEN SUBMISSION: LETTER OF OBJECTION
Submission: Godden

We refer to the Assessment Report on the above DA. We disagree with the assessment in respect to the massive **42.9% non-compliance** to **D12.8 Building Envelope controls**.

We contend the massive non-compliance fails to achieve not only the **control**, but also fails to meet the **outcomes** to **D12.8 Building Envelope**, primarily:

- *To achieve the desired future character of the Locality.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Our previous submission highlighted the fact that our residence was originally designed by **Bruce Rickard** in the 1960's. Rickard also designed the upper level 'retreat', and that was completed in 2005, not long before Bruce Rickard's death in 2010. Council must note that the setting of this very important architectural work of Bruce Richard must be respected, and very carefully preserved. Rickard won Royal Australian Institute of Architects design awards in 1972, 1977, 1983, 1992 and 2009.

Our residence was designed in the 1960's with minimal side boundary setback. Our property is also on the low side of the slope facing the subject site. Any proper site analysis and proper design consideration would have considered that the 2.5m side boundary setback control should fall on our

boundary, and that the Applicant should have designed the front elevation to fit within the **D12.8 Building Envelope controls**.

We are greatly concerned that there is insufficient building separation. This matter can be very easily rectified without loss of amenity to the Owner.

We also have privacy issues to windows and raised courtyards above the side boundary levels.

We also have a concern on flooding.

We ask DDP to impose **Deferred Commencement Conditions**:

1. The proposed dwelling is to be repositioned to the east, by increasing the western side setback to Grid A to have a 2.5m side setback to the western boundary, and the eastern side setback to Grid E to have a 1.0m side setback. Adjust external works to suit. Reason: to better accord to D12.8 Building Envelope
2. The proposed dwelling is to be lowered by 1.0m. Adjust external works to suit. Reason: to better accord to D12.8 Building Envelope
3. Windows facing west to have obscured glass. Reason: to provide better privacy outcomes to neighbours to the west
4. 1.65m high privacy screens to the western side of the proposed elevated Courtyard at Second Floor. Reason: to provide better privacy outcomes to neighbours to the west
5. Stormwater trench to be positioned along western boundary to collect all surface and sub-surface stormwater. Reason. Flooding

We ask the DDP to impose the above conditions on any consent, or refuse the DA for the reasons listed in the appendix.

Yours faithfully,

Mr & Mrs Geoff & Ann Godden
264 Whale Beach Road
Whale Beach
NSW 2107

[illegible]

Reasons for Refusal

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4. The proposal is contrary to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in that the proposal has a detrimental impact on both the natural and built environments in the locality of the development.
5. The development is not suitable for the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
6. The proposal is not in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* because it results in a development that breaches development standards and controls. The proposed development would result in a development that is of excessive bulk and scale which results in adverse impact on the streetscape, adjoining properties and the broader locality.