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**Sent:** 25/08/2016 10:27:55 PM

**Subject:** Objection to DA N0328-16 13A Ocean Rd, Palm Beach

**Attachments:** Objection to DA N032-16 13A Ocean Rd.pdf; Objection to DA N032-16 13A Ocean Rd.pdf;

The Interim General Manager  
Northern Beaches Council  
PO Box 882  
MONA VALE NSW 1660

Objection to DA N0328-16 13A Ocean Rd, Palm Beach

Please refer to the attached completed submission.

Regards  
Hugh Cooke

This DA Submission Form must be completed and attached to your submission.

DA No: N0328/16

The Interim General Manager  
Northern Beaches Council  
PO Box 882  
MONA VALE NSW 1660

(Fax No: 9970 1200)

Name..... HUGH COOKE  
Address..... PO Box 42  
YASS NSW 2582  
Phone..... 0418 693 282  
Date..... 24/8/16

**Proposed Development:** Alterations and additions to an existing dwelling house and construction of a detached secondary dwelling

**At: 13A OCEAN ROAD PALM BEACH NSW 2108**

I have inspected the DA plans and related documents. I have considered them in the context of the relevant planning instruments or policies.

☒ Yes ☐ No

I am willing to provide expert reports to supplement my comments should a conflict in opinion arise.

☒ Yes ☐ No

I am willing to provide evidence to the Land and Environment Court if the application is appealed.

☒ Yes ☐ No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's internet site through Council's transparent Development Application Tracking process. You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern.

**COMMENTS:** (You may use the space provided or attach a separate document).

Please refer attached

Name: HUGH COOKE Signature: [Signature] Date: 24/8/16

**Disclosure of Political Donations and Gifts (sec 147 EP&A Act 1979):**

Please read the information concerning political donations and gifts disclosure available at [www.pittwater.nsw.gov.au/political](http://www.pittwater.nsw.gov.au/political) and, if relevant, tick the box below and provide details of the donation or gift on the disclosure statement available on Council's website:

I have made a political gift or donation

☐

24 August 2016

Hugh Cooke

PO Box 42  
Yass NSW 2582

The Interim General Manager  
Northern Beaches Council  
PO Box 882  
MONA VALE NSW 1660

Telephone 02 6227 3134  
Mobile 0418 693 282  
Facsimile 02 6227 3136  
Email: hughcooke@bigpond.com

Dear Interim General Manager,

**DA No : N0328/16**

**Proposed Development 13A Ocean Road, Palm Beach NSW 2108**

As the adjoining owner of 13 Ocean Rd, we object to this DA N0328/16.

Our objections to the proposed development at 13A Ocean Road include;

- 1. Overshadowing impact and loss of sun we currently enjoy.**  
The proposed development overshadows our private space which is the space that extends across all of the rear of the residence which includes our BBQ and clothesline (needs sun), the concrete area on top of the garage, the lawn area below deck and the landing for the upstairs bedroom. All these areas of private space have not been considered by the applicant.
- 2. Privacy impact from the proposed buildings**  
The proposed development impacts our current privacy with windows overlooking our private space being the space that extends across all of the rear of the residence which includes our BBQ and clothesline (needs sun), the concrete area on top of the garage, the lawn area below deck and the landing for the upstairs bedroom. All these areas of private space have not been considered by the applicant.
- 3. Upstairs bedroom and landing**  
No consideration of loss of views from our upstairs room. Further work by the applicant is required to determine any overshadowing or privacy impacts on this bedroom and landing.

Other issues that need clarification and/or corrective action;

- Is the rumpus room a planned bedroom for sleeping arrangements?
- The answer given in the View diagram schedule does not consider our upstairs room.
- The Statement of Environmental Effects (5.0) is not true as overshadowing and privacy has been impacted.
- The applicant's answer is incorrect to '5.0 Would strict compliance tend to hinder the attainment of the objectives of Clause 4.6 of PLEP 2014?'

*As the non-compliance does not create any unacceptable amenity impacts on neighbours related to view loss, visual bulk, overshadowing and privacy, compliance with the maximum height control is unnecessary and unreasonable in the circumstances of the case.*

This is despite the specific objectives of Clause 4.3 of PLEP 2014 are detailed as:  
(c) to minimise any overshadowing of neighbouring properties,

- C1.4 Solar Access has not been satisfied and we disagree with the applicant's answer as the controls seek to achieve the outcomes:  
Residential development is sited and designed to maximise solar access during mid-winter.  
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.  
Reduce usage and/dependence for artificial lighting.

*The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.*

*The proposal is accompanied by shadow diagrams which demonstrate the overshadowing impacts of the proposed works. The subject and neighbouring properties will continue to receive excellent solar access between at 9am and midday on 21 June.*

*Whilst the rear elevation of No. 13 Ocean Road (not a private open space) will see a minor reduction in solar access, the front portion (private open space) of the dwelling will continue to receive 3 hours of solar access between 9am and midday. Accordingly, the proposal is considered to satisfactorily address the provisions of this clause.*

Due to the 2011 DA No N0567/10 of this property at 13A Ocean Road Palm Beach, we are now impacted with overshadowing, loss of views and loss of sun we did enjoy.

Please consider our objection and the issues we have raised.

Regards



Hugh Cooke

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DA No: N0328/16

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Northern Beaches Council  
PO Box 882  
MONA VALE NSW 1660

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24 August 2016

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