
From: [REDACTED]
Sent: 31/08/2023 4:00:39 PM
To: Council Northernbeaches Mailbox
Cc: malcolm white
Subject: TRIMMED: DA 2023 0894 18 ROCK BATH ROAD PALM BEACH WRITTEN SUBMISSION: LETTER OF OBJECTION SUBMISSION: TULLOCH
Attachments: 18RBR AUGUST SUBMISSION.pdf; Rock Bath Rd VP1 Ground Level Living Area-Photomontage.pdf; Rock Bath Rd VP2 Upper Level Balcony-Photomontage.pdf; Rock Bath Rd VP3 Lower Garden POS-Photomontage.pdf;

Please find attached my additional submission, along with three view loss photomontages.

Could all documents please be uploaded to the DA Tracker.

Kind regards,

Bill Tulloch BSc[Arch]BArch[Hons1]UNSW RIBA RAIA
[REDACTED]

SUBMISSION

a written submission by way of objection

BILL TULLOCH BSC [ARCH] BARCH [HONS1] UNSW RIBA RAIA

prepared for

MALCOLM WHITE, 16 ROCK BATH ROAD PALM BEACH

31 AUGUST 2023

Northern Beaches Council
PO Box 82
Manly
NSW 1655

council@northernbeaches.nsw.gov.au

RE: DA 2023 0894
18 ROCK BATH ROAD PALM BEACH
WRITTEN SUBMISSION: LETTER OF OBJECTION
SUBMISSION: TULLOCH

Dear Sir,

My earlier submission dated 27 July 2023 detailed the main concerns including:

- The proposal fails to achieve a view sharing outcome;
- The proposed setbacks and dwelling design result in unacceptable privacy, visual bulk and amenity impacts;
- The proposal is inconsistent with the desired future character of the Palm Beach Locality;
- The proposal is inconsistent with the objectives of the C4 Environmental Living zone;
- The proposal is inconsistent with the Chapter 2 – Coastal Management considerations of State Environmental Planning Policy (Resilience and Hazards) 2021;
- The proposal fails to provide an adequate driveway design to service my client's property.
- Insufficient information has been provided to demonstrate that the development will not compromise the stability of the coastal bluff area and my client's property.

The Stability of the Coastal Bluff Area

Insufficient survey material has been provided within the CMS registered survey to define the coastal bluff edge. The CMS survey is incomplete, and the proposal builds in zones that are not surveyed and, 'guesses' the approximate line of the cliff edge.

The contour lines do not show where the cliff edge occurs. NSW Gov *Six Maps*, gives the distinct impression that the cliff edge is within 1.0m of the existing eastern metal fence line on the subject site, whilst the proposed development sails past this line by 4.0m.

Council has not been provided sufficient information to give confidence where the cliff edge actually occurs, nor that the coastal bluff will remain stable within the slope.

The site is within H1 Landslip and Bluff/Cliff Instability. The site is underlain by Newport Formation (Upper Narrabeen Group) rock (Rnn) which is of middle Triassic Age.

The Newport Formation typically comprises interbedded laminite, shale and quartz to lithic quartz sandstones and pink clay pellet sandstones. The rock unit was identified as a cliff face adjacent to the site by the client's engineers.

The Newport Formation creates fragility when exposed as a cliff face. Cliff collapses have regularly occurred along the Pittwater coast. The blocky sandstone unit is often jointed and these 'cracks', or poorly orientated defects, are prone to rockfall. Structural cracking and deflections in the existing external paving on the subject site, is noted in the Crozier Report. Lateral erosion of 1.2m is expected to occur over the next 100 years according to the Coastal Engineer's report.

The pool is positioned within 0.5m of the 'approximate' cliff edge, as described by the DA drawings, however I consider that the proposed pool may actually cantilever over the cliff edge.

Council will need to consider how a 1.2m lateral erosion provision, correlates with cliff collapses along the coast line, and how extensive excavation proposed on both neighbouring sites to my client's property will ensure Council's confidence that the coastal bluff will remain stable within the slope, and will not damage my client's property or put them in harm's way.

Considering these matters Council must seek advice as to the appropriate setback from the actual cliff edge to any excavation or construction activity.

Foreshore Building Line

The Foreshore Building Line has not been recorded by the CMS survey. I request that the applicant provides a clear assessment by the Registered Surveyor of the Foreshore Building Line. When assessing a Development Application that is subject to a Foreshore Building Line this measurement/line must be provided via survey. A surveyor would obtain the measurements from the NSW Planning Portal. The

proposal extends works beyond the FBL, and the main dwelling extends up to the FBL as displayed on the DA drawings.

View Loss

Further to my submission of 27 July 2023, I can now forward view loss photomontages prepared by Pam Walls, commissioned by my client.

Pam Walls photomontages have been prepared under the NSWLEC rules for photomontages.

Council will note that the applicant has not provided any such photomontages, but what appears to be, merely dotted lines on photos.

Given that the applicant has failed to undertake an actual view impact analysis, associated with the individual impacted properties then the proposal is inconsistent with the Land and Environment Court Planning Principle contained in *Tenacity Consulting v Warringah Council* and in particular the "fourth step" regarding the reasonableness of the proposal in circumstances where impacts arise from a development that breaches planning controls; and secondly whether a more skilful design could reduce the impact on views of neighbours.

The comments raised within the SEE relating to view loss cannot be relied upon.

Considering the importance of the view loss considerations, and without height poles erected, Council has not been supplied sufficient evidence to assess the matter of view loss, and on these grounds the DA must be refused.

Left with considerable uncertainty to the view loss outcomes, my client has asked for my assistance in this matter.

I have inspected my clients' property and considered three viewpoints for Pam Walls to carry out detailed view loss considerations.

I attach those view loss photomontages completed by Pam Walls.

27 JULY 2023 SUBMISSION

My 27 July 2023 Submission, brought Council's attention a number of recent decisions on view loss grounds:

- FURLONG V NORTHERN BEACHES COUNCIL [2022] NSWLEC 1208 [NSWLEC Dismissal of Appeal]
- DER SARKISSIAN V NORTHERN BEACHES COUNCIL [2021] NSWLEC 1041 [NSWLEC Dismissal of Appeal]
- WENLI WANG V NORTH SYDNEY COUNCIL [2018] NSWLEC 122
- REBEL MH NEUTRAL BAY PTY LTD V NORTH SYDNEY COUNCIL [2018] NSWLEC 191

- AHEARNE V MOSMAN MUNICIPAL COUNCIL [2023] NSWLEC 1013

My 27 July 2023 Submission, also brought Council's attention a number of recent decisions on view loss grounds by NBC DDP and NBLPP in 2022 and 2023, on view loss grounds:

- NBLPP REFUSAL: DA 2021/1408 16 ADDISON ROAD MANLY
- NBC DDP REFUSAL: DA 2021/1734; 21 HEADLAND ROAD NORTH CURL CURL.
- NBLPP REFUSAL: DA 2022/0625 27 KARLOO PARADE NEWPORT
- NBLPP REFUSAL: DA 2022/1158 13 ILUKA ROAD, PALM BEACH
- NBLPP REFUSAL: DA 2022/1650 8 BAROONA ROAD CHURCH POINT
- NBC DDP REFUSAL: Mod 2022/0518 26 RALSTON ROAD PALM BEACH

I raise these dismissals by LEC and refusals by NBC to give consideration on the consistency of approach by the LEC and Council, on view loss over side boundary. These decisions also show consistency on assessment approach on other matters when compliant developments or reasonably compliant developments have been refused under the 'Reasonable' Test under Tenacity.

I assisted the neighbour in the FURLONG V NORTHERN BEACHES COUNCIL [2022] NSWLEC 1208 [NSWLEC Dismissal of Appeal] case.

I have also assisted neighbours on other DA refused, withdrawn, or substantially amended on view loss grounds.

This DA has many similarities to the *FURLONG* case.

Council will be aware that the author of the applicant's SEE in this DA, Rebecca Englund, was instrumental in refusing NBC DA 2021/0571: 55 Wheeler Parade Dee Why, as a panel member at the DDP decision.

This NBC refusal was fully supported by the Commissioner at the NSWLEC, who dismissed the appeal.

I extract my commentary from the previous Submission. I colour that text now in blue, so Council Officers who have read the earlier submission can simply move to my assessment that follows.

[FURLONG V NORTHERN BEACHES COUNCIL \[2022\] NSWLEC 1208](#)

[I refer to a dismissal of a Class 1 Appeal by NSWLEC Commissioner Dr Peter Walsh on a nearby site in Dee Why on view loss grounds. I refer to Furlong v Northern Beaches Council \[2022\] NSWLEC 1208. \[NBC DA 2021/0571, 55 Wheeler Parade Dee Why\]](#)

[I represented the neighbour in this matter.](#)

[I include within this submission the view loss montages prepared by Pam Walls as a part of my submission to Council and the Court on this Appeal.](#)

I raise the dismissal by NSWLEC of the Applicant's appeal. The case in question had many similarities to this DA.

NBC DDP refused this DA on 24 November 2021, with Panel members Rod Piggott, [Rebecca Englund](#), Tony Collier and Liza Cordoba, following a Refusal Recommendation of NBC Development Assessment Manager, by the NBC Responsible Officer Jordan Davies, a very senior NBC Planning Officer, that Council as the consent authority refuses Development Consent to DA2021/0517 for Alterations and additions to a dwelling house on land at Lot B DP 338618, 55 Wheeler Parade Dee Why subject to the conditions that were outlined in the Assessment Report.

The assessment of DA 2020/0517 involved a consideration of a view loss arising from a proposed development that presented a generally compliant envelope to LEP and DCP controls.

The DDP agreed with the recommendation and refused this DA.

The Assessment Report found that:

" A view assessment is undertaken later in this assessment report and the proposal is found to result in an unsatisfactory view sharing outcome and the application is recommended for refusal for this reason"

The Assessment Report found that in respect to a compliant envelope:

" the question to be answered is whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact upon views of neighbours."

The Assessment Report within the Tenacity Assessment concluded:

"the view impact looking south-east is considered both severe and devastating from the respective rooms given the significant proportion of the views which are impacted. The aspect looking south and south- east are considered whole, prominent coastal views which are certainly worthy of consideration and at least partial protection. The proposal to remove the vast majority of these views is considered overall to be a severe view impact."

The DA was recommended for refusal, and DDP refused the DA in full support of the NBC Responsible Officer's Assessment Report.

The severity of the view loss that was considered unacceptable by the DDP was clearly stated by the DDP. This level of view loss was considered as 'severe' by the assessing officers and the DDP.

The Applicant appealed this decision.

On 22 April 2022, the appeal on *Furlong v Northern Beaches Council* [2022] NSWLEC 1208, was dismissed by the NSWLEC Commissioner Dr Peter Walsh. The decision summarised the issues:

60 Council took me to the findings of Robson J in *Wenli Wang v North Sydney Council* [2018] NSWLEC 122 ('Wenli Wang').

I reproduce pars [70]-[71] below:

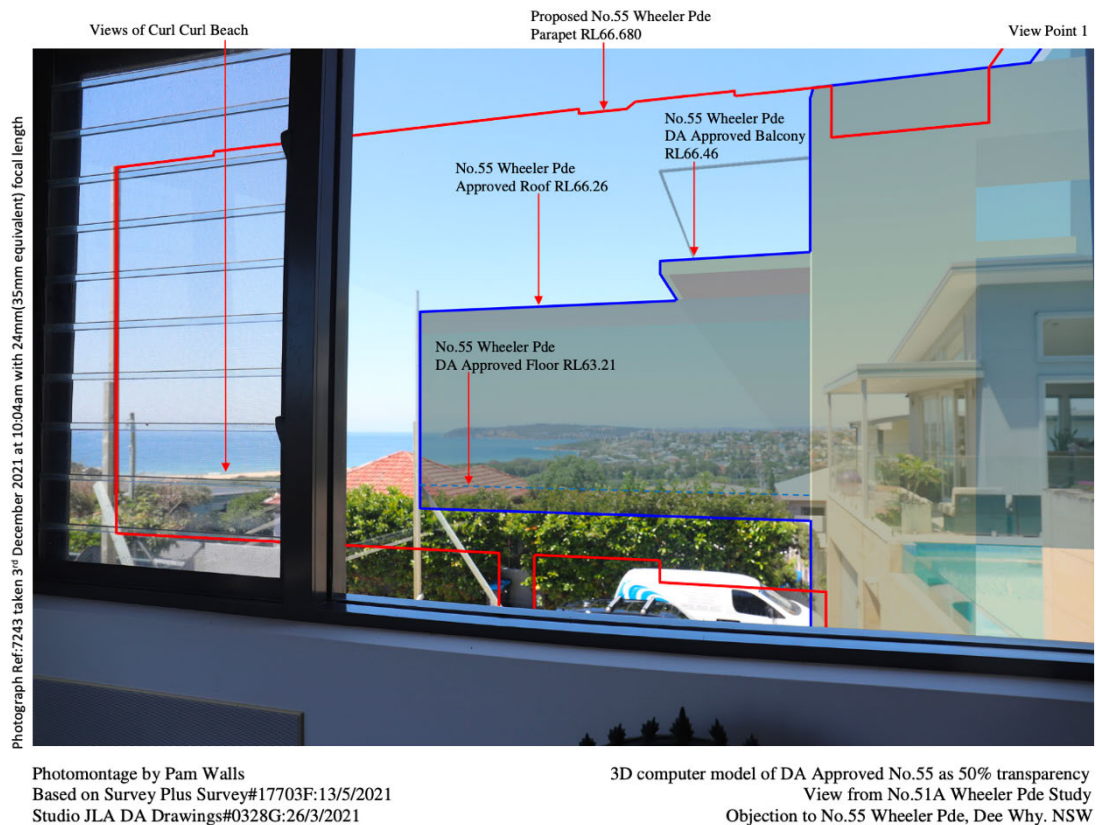
"70 Applying the fourth step of Tenacity, I repeat that the proposed development complies with the development standards in the LEP and is therefore more reasonable than a development which would have breached them. However, I do also note that there is evidence in the form of the Colville plan that a similar amount of floor space could be provided by a design which reduces the effect on the view from the surrounding properties.

71 I consider there is force in the submission of Council that the applicant has taken a circular approach to the fourth step of Tenacity which presupposes a right to the level of amenity achieved by the proposed development. Whilst it is true that a redevelopment similar to that provided in the Colville plan would not provide the same amenity as the proposed development, it would provide a very high level of amenity and enjoy impressive views."

61 In the matter before me, I am more inclined to the kind of conclusion expressed at [71] in Wenli Wang. While the proposed development, accommodating the alternative designs suggested by Council (either shifting the master bedroom westwards some 3.5m or sliding the master bedroom to the south to bring about the same view availability effect – see [43]), may not provide the same amenity outcomes as would be the case without such changes, the proposal would still enjoy a very high level of amenity, including in regard to the panoramic views available to the south, especially from living areas. The master bedroom would still enjoy superior views.

62 The proposal would bring about a severe view loss impact on 51A Wheeler Parade when there are reasonable design alternatives which would moderate this impact significantly. The proposal does not pay sufficient regard to cl D7 of WDCP which requires view sharing. The proposal before the Court does warrant the grant of consent in the circumstances.

The key issues in this case considered that the proposal would bring about a greater than moderate view loss impact, across a side boundary, on a Study/Bedroom when there was a reasonable design alternative which would moderate this impact significantly. The proposal did not pay sufficient regard to cl D7 of WDCP which requires view sharing.



The NSWLEC Furlong View Loss

In light of the guidance given in *Tenacity*, side boundary views have been considered difficult to protect for homeowners who will suffer from view loss from a proposed development.

However, the decision by Commissioner Walsh in *NSWLEC Furlong* has clarified the following:

1. although the decision in *Tenacity* makes it so that views across side boundaries are more difficult to protect than front and rear boundary views, that *"does not mean the protection of views across side boundaries is not appropriate in some circumstances"*; and
2. the proper application of the decision in *Tenacity* requires that *"the extent of view loss impact should be assessed from the property as a whole"*.

Furlong has therefore extended the reach of the second step set out in *Tenacity* in circumstances where a proposed development would bring about moderate, severe or devastating view loss to side boundary views.

In *Furlong*, 'severe view loss' was taken to occur when a proposed development would block views that are of a 'high value' and not replicated in other areas of the property, even if those view were perceived from the side boundaries of a property.

The key-takeaway from this decision is that views that are not perceived from the front and rear boundaries of a property can still be protected if they are of 'high

value' and not replicated in other areas of the property. In such circumstances, the loss of 'high value' views could be considered to cause severe view loss and should be able to be protected.

I contend that the decision in *Furlong* refines the steps in *Tenacity* and gives stronger protection to neighbouring properties who might suffer from view loss.

Further, a design alternative which reduces the view loss is more likely to be accepted. This goes to the reasonableness of a proposal under the fourth step in *Tenacity*.

Since *Tenacity*, side boundary views were considered difficult to protect for home owners who will suffer from view loss from a proposed development.

However, *Furlong* suggests that for side boundary views which are of a high value and not replicated in other areas of the property, it is appropriate to protect those views and refuse the proposed development. In this way, *Furlong* refines the planning principle in relation to view loss by placing greater emphasis on the perceived value of the view.

DA 2023 0894: 18 ROCK BATH ROAD PALM BEACH VIEW IMPACT ASSESSMENT

My earlier Submission raised the fact that all three parts of the four-part Tenacity Steps have been met.

In summary, and in simple terms:

STEP 1 VIEWS TO BE AFFECTED

- *Water views.*
- *Iconic views*
- *Whole views*
- *Water view in which the interface between land and water is visible*

STEP 2: FROM WHERE ARE VIEWS AVAILABLE

- *the view is enjoyed from a standing and sitting position from highly used rooms, entertainment decks and private open spaces*

STEP 3: EXTENT OF IMPACT

- moderate or above

Pam Walls has completed three photomontage viewpoints to assist in assessing the matter, from standing positions:

- **VIEWPOINT 1:** Living Room window at Ground Floor
- **VIEWPOINT 2:** Entertainment Deck at First Floor, immediately in front of main living/dining/kitchen zones;
- **VIEWPOINT 3:** Vantage Point within private open space

Pam Walls photomontages confirms my initial assessment that considering STEP 3: EXTENT OF IMPACT, that the composite view loss from my clients' property is moderate or above.

I rate the overall loss to be **SEVERE**.

I assess the extent of the loss from individual viewpoints to be:

- **VIEWPOINT 1:** zones adjacent the Living Room window at Ground Floor as a **devastating** loss. The view loss will be 100% of the near water view, 100% of the beach, 100% of the beach/surf interface, 100% of the surf zone, and part of the headland. From this viewpoint, the built form would need to be lowered **1.0m** to better protect the view.
- **VIEWPOINT 2:** Entertainment Deck at First Floor, immediately in front of main living/dining/kitchen zones as a **severe** loss. The view loss will be an expansive zone of the near water view, and the surf zone to the southern end of the beach. The loss is increased to severe, as the view from within the main internal spaces would take out more of the beach zone. This can be better

assessed when height poles are erected. From this viewpoint, the built form would need to be lowered **1.0m to 1.5m** to better protect the view.

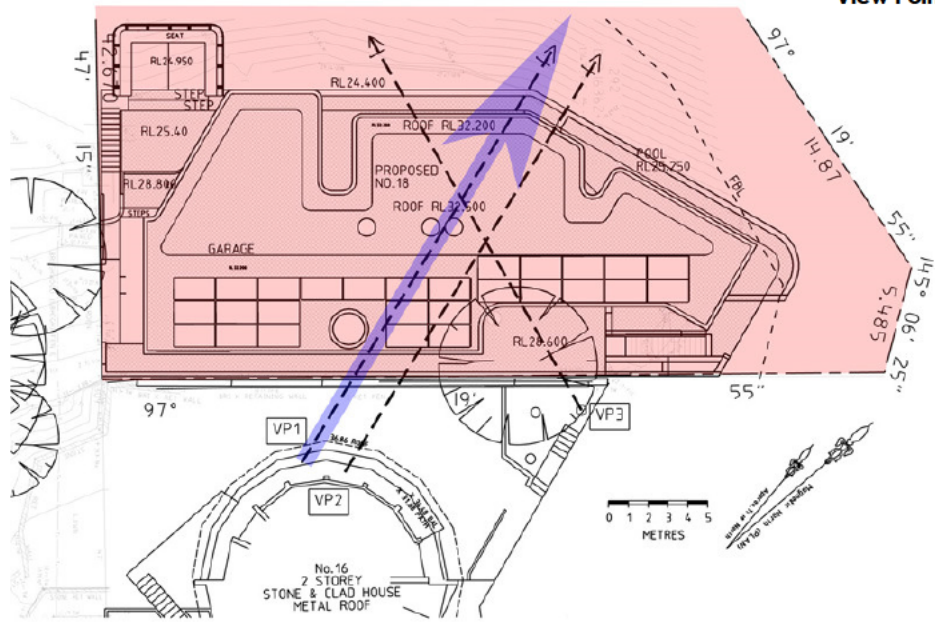
- **VIEWPOINT 3:** Vantage Point within Private Open Space as a **devastating** loss. The view loss will be 100% of the near water view, 100% of Palm Beach view, 100% of the water/land interface view, 100% of the surf zone view, the near rock shelf east of the Palm Beach Ocean Pool, 100% of Barrenjoey Headland, all of Barrenjoey Lighthouse, and the longer distant view over into Broken Bay, and beyond to the Central Coast headland views. If the viewpoint rotated to the left, there is also an expansive view of the beach zones towards Kiddies Corner at Palm Beach that will also be completely lost. From this viewpoint, the built form would need to be substantially altered by **deleting the eastern wing**, and the **built form lowered 1.0m to 1.5m** to better protect the view.

I attach the photomontages.

VIEW REFERENCE PLAN VP 1

View Point 1

Photograph Ref:9672 taken 29 July 2023 at 9:37am with 50mm(35mm equivalent) focal length



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View Reference Plan
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photograph taken from this location
1.6M above ground level



EXISTING & PROPOSED (Wire Frame) VP 1

View Point 1



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

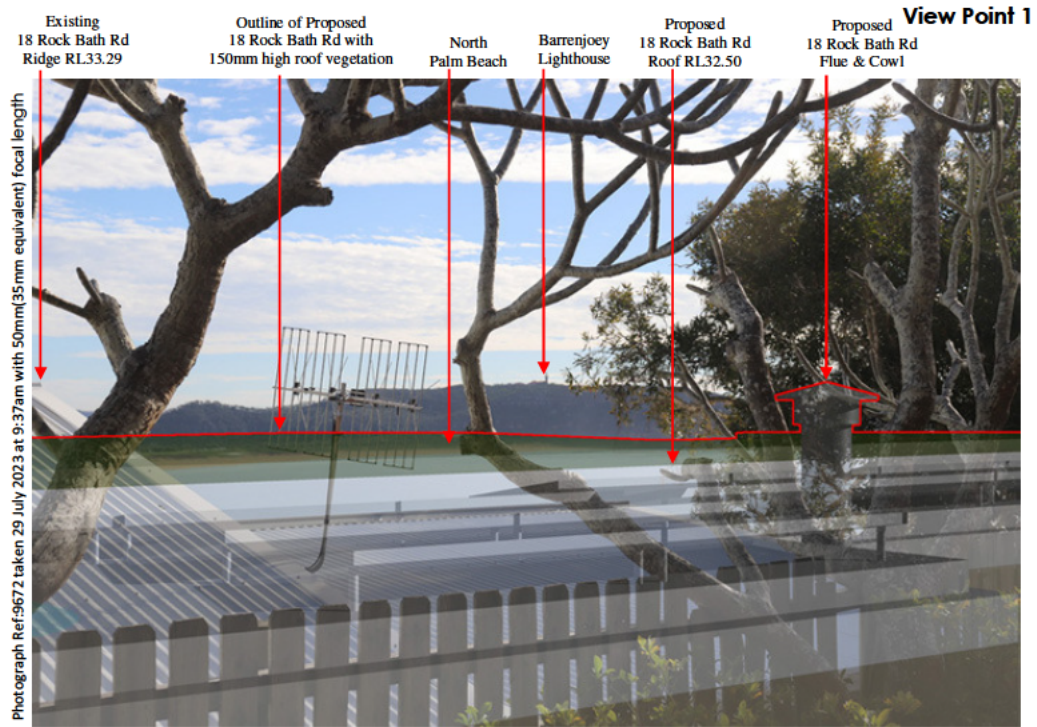
Photograph of existing view
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed 18 Rock Bath Rd overlaid as red outline
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

PROPOSED TRANSPARENCY & BLOCK FORM VP 1



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed 18 Rock Bath Rd overlaid as 50% transparency
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

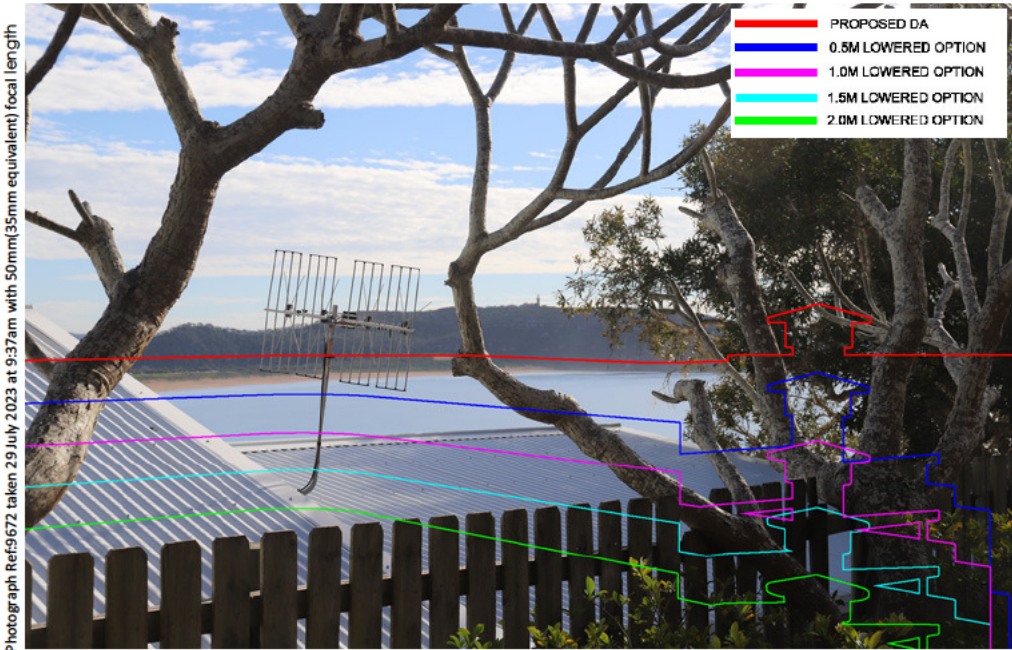


Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D solid block computer model of proposed 18 Rock Bath Rd
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

MORE SKILFUL DESIGN VP 1

View Point 1



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed 18 Rock Bath Rd overlaid as red outline
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Existing
18 Rock Bath Rd
Ridge RL33.29

Existing
18 Rock Bath Rd
Roof shape & Ridge RL32.34
Matched exactly

Existing
16 Rock Bath Rd
Fence RL32.55
Matched

Existing
18 Rock Bath Rd
Gutter RL31.75
Matched exactly

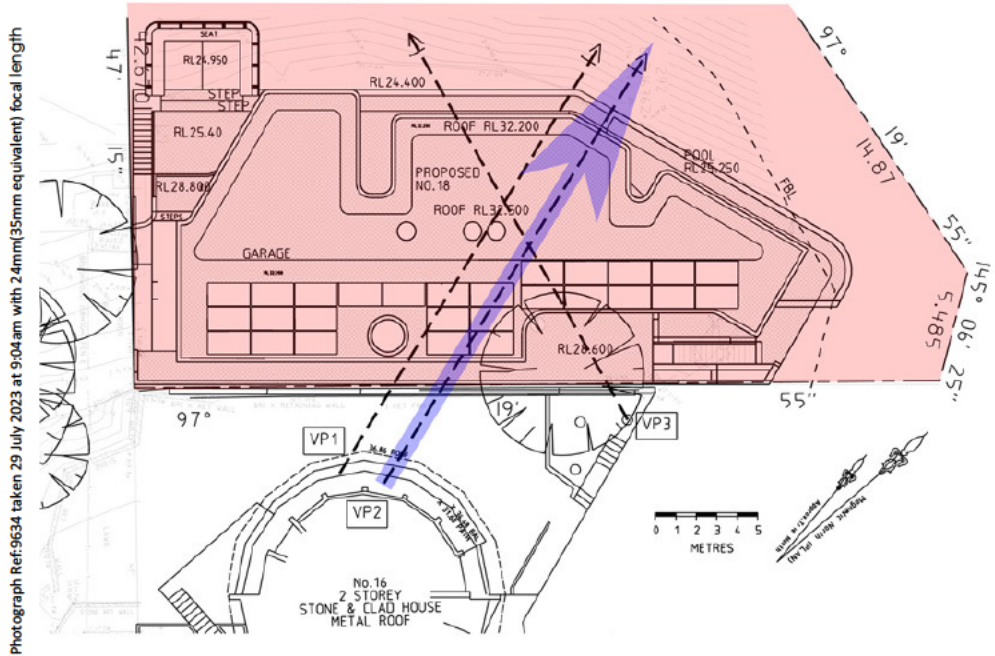


Verification Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of existing 18 Rock Bath Rd overlaid as 50% transparency
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

VIEW REFERENCE PLAN VP 2

View Point 2



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View Reference Plan
View from 16 Rock Bath Rd, Palm Beach upper balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photograph taken from this location
1.6M above balcony floor level



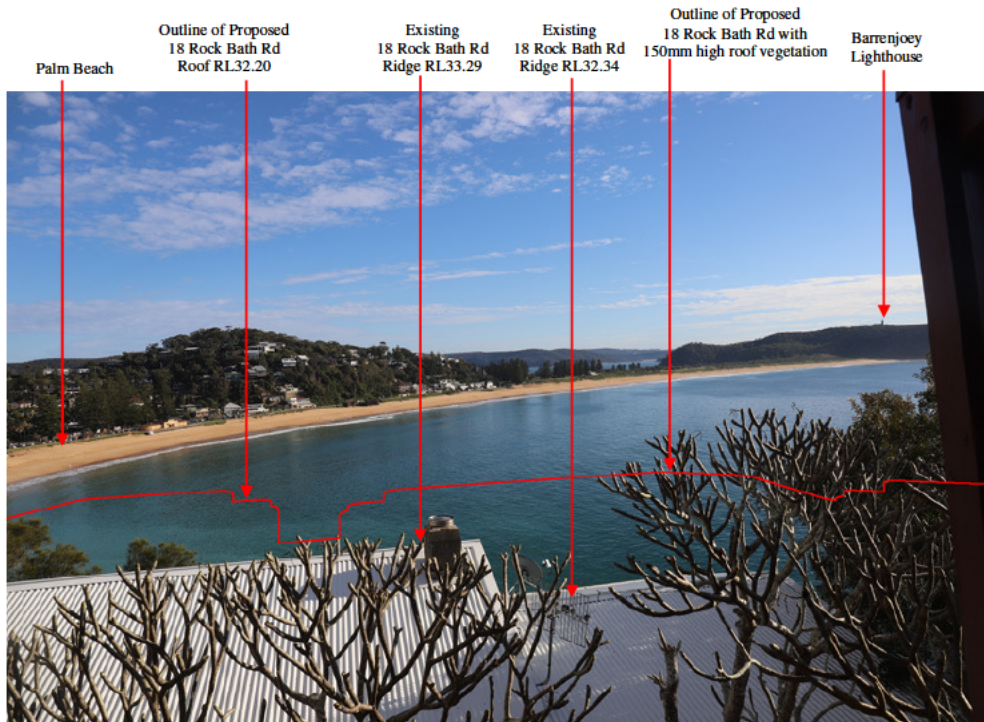
EXISTING & PROPOSED (Wire Frame) VP 2

View Point 2



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

Photograph of existing view
View from 16 Rock Bath Rd, Palm Beach upper balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

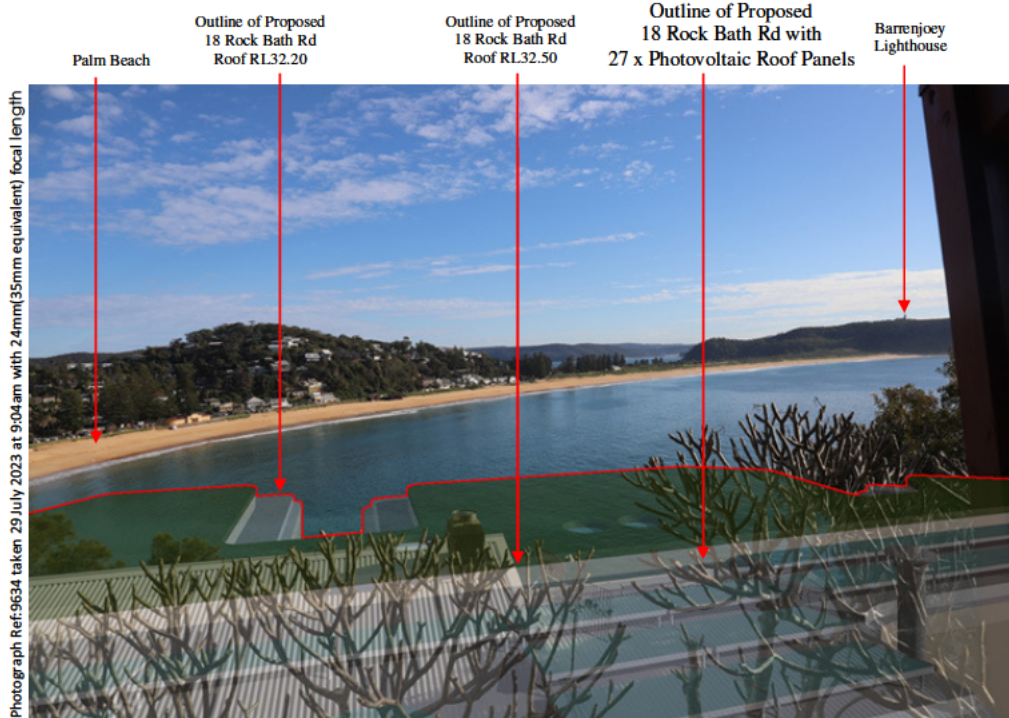


Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed 18 Rock Bath Rd overlaid as red outline
View from 16 Rock Bath Rd, Palm Beach upper balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

PROPOSED TRANSPARENCY & BLOCK FORM VP 2

View Point 2



View with 3D model of proposed 18 Rock Bath Rd overlaid as 50% transparency

View from 16 Rock Bath Rd, Palm Beach upper balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



View with 3D solid block computer model of proposed 18 Rock Bath Rd

View from 16 Rock Bath Rd, Palm Beach upper balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

MORE SKILFUL DESIGN VP 2

View Point 2

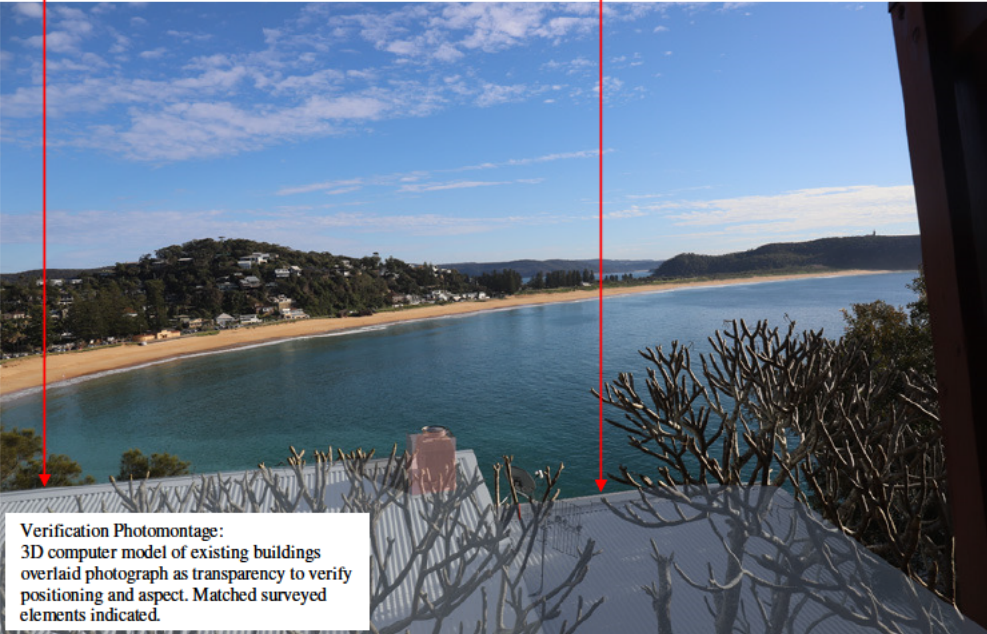


Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed 18 Rock Bath Rd overlaid as red outline
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Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Existing
18 Rock Bath Rd
Roof shape & Ridge RL33.29
Matched exactly

Existing
18 Rock Bath Rd
Roof shape & Ridge RL32.34
Matched exactly



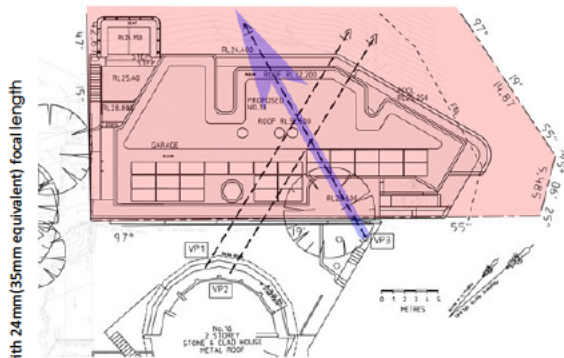
Verification Photomontage:
3D computer model of existing buildings
overlaid photograph as transparency to verify
positioning and aspect. Matched surveyed
elements indicated.

Verification Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of existing 18 Rock Bath Rd overlaid as 50% transparency
View from 16 Rock Bath Rd, Palm Beach upper balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

EXISTING & PROPOSED & MORE SKILFUL DESIGN VP 3

View Point 3



Photographs Ref:9744-51 taken 29 July 2023 at 10:01am with 24mm(35mm equivalent) focal length

Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

Photograph taken from this location
1.6M above terrace level

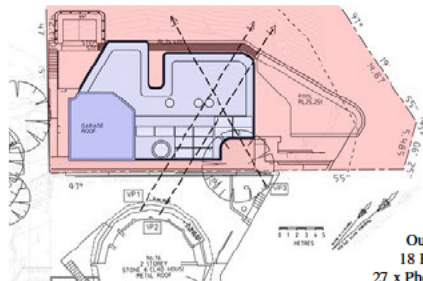


View Reference Plan
View from 16 Rock Bath Rd, Palm Beach lower garden POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed 18 Rock Bath Rd overlaid as red outline
View from 16 Rock Bath Rd, Palm Beach lower garden POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Plan view of
18 Rock Bath Rd
"More Skilful Design"

Outline of Proposed
18 Rock Bath Rd with
27 x Photovoltaic Roof Panels

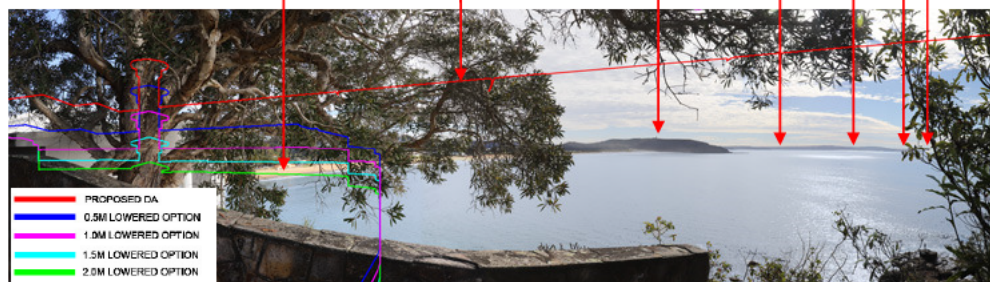
Barrenjoey
Lighthouse

Killcare

Bouddi
Point

Gerrin Point

Third Point

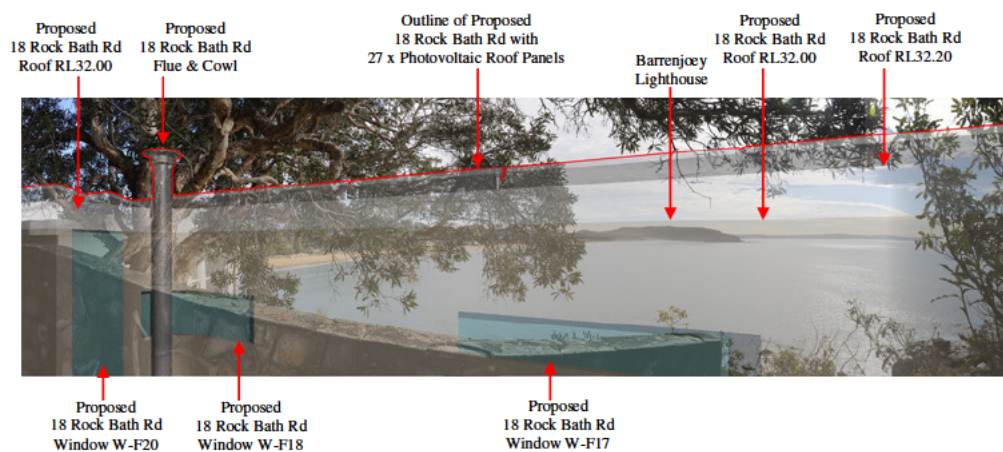
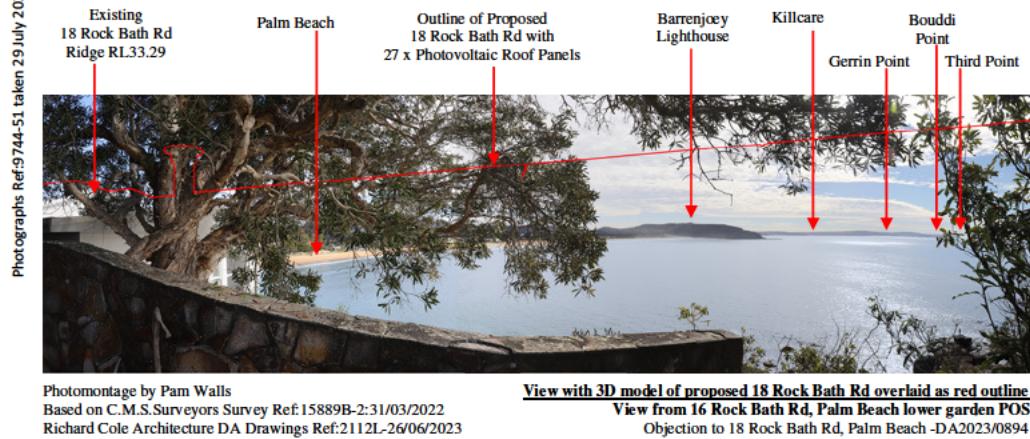
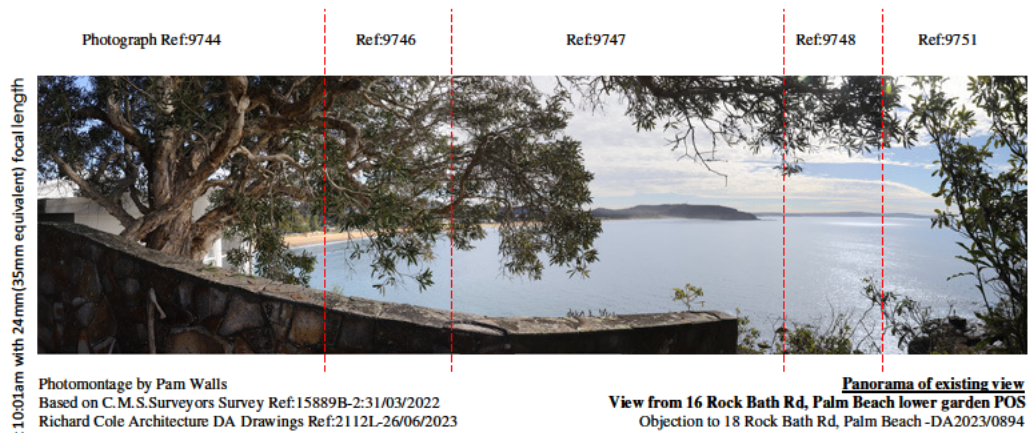


Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
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Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

EXISTING & PROPOSED (Wire Frame) & TRANSPARENCY VP 3

View Point 3



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed 18 Rock Bath Rd overlaid as 50% transparency
View from 16 Rock Bath Rd, Palm Beach lower garden POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Once the 14 heights poles are fully erected, as I requested in my earlier submission, a fuller consideration can be made.

However, from the consideration of the viewpoint photomontages prepared by Pam Walls, from the main highly used zones, from standing positions, and by my inspection of my client's property, my assessment is that the overall impact is **SEVERE**.

I now turn to Step 4 of Tenacity.

STEP 4: REASONABLENESS

The planning principle states that consideration should be given to the causes of the visual impact and whether they are reasonable in the circumstances.

Step 4 is quoted below:

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

NSWLEC Commissioner Walsh in *Balestriere v Council of the City of Ryde* [2021] NSWLEC 1600 in relation to the Fourth Step:

There are three different points to the fourth Tenacity step, concerned with assessing the reasonableness of the impact, which I summarise as follows:

Point 1 - Compliance, or otherwise, with planning controls.

Point 2 - If there is a non-compliance, then even a moderate impact may be considered unreasonable.

Point 3 - For complying proposals: (a) "whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours to bring about impact", and (b) "if the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable".

*In respect to Point 3, NSWLEC Commissioner Walsh in *Furlong v Northern Beaches Council* [2022] NSWLEC 1208 referenced *Wenli Wang v North Sydney Council* [2018] NSWLEC 122, in considering that if a more skilful design could be achieved arriving at an outcome that achieved 'a very high level of amenity and enjoy impressive views', then a proposed development has gone too far, and must be refused.*

As the proposed development does not comply with outcomes and controls, that are the most relevant to visual impacts, greater weight would be attributed to the

effects caused.

In my opinion the extent of view loss considered to be the greater than moderate, in relation to the views from my clients' highly used zones of my clients' dwelling.

- The view is from a location from which it would be reasonable to expect that the existing view, particularly of the view that could be retained especially in the context of a development that does not comply with outcomes and controls.
- The private domain visual catchment is an arc from which views will be affected as a result of the construction of the proposed development.
- The proposed development will create view loss in relation to my clients' property.
- The views most affected are from my clients' highly used zones and include very high scenic and highly valued features as defined in Tenacity.
- Having applied the tests in the Tenacity planning principle I conclude that my clients would be exposed to a loss greater than moderate from the highly used rooms.
- The non-compliance with planning outcomes and controls of the proposed development will contribute to this loss. Having considered the visual effects of the proposed development envelope, the extent of view loss caused would be unreasonable and unacceptable.
- The proposed development cannot be supported on visual impacts grounds.
- The siting of the proposed development and its distribution of bulk does not assist in achieving view sharing objectives.
- Where the diminishing of private views can be attributed to a non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.
- In my assessment the proposed garage is non-compliant in setback control, and the built form contributes to the view loss.
- In my assessment the proposed dwelling is non-compliant in setback control, and the built form contributes to the view loss.
- In my assessment the proposed dwelling is non-compliant in wall height control, and the built form contributes to the view loss.

The above non-compliance contributes to the loss, however, I consider a *more skilful design* could achieve a loss that might be described as 'moderate', and that would be considered acceptable to my client.

I remind Council of the FURLONG case, and the summary by NSWLEC Commissioner Walsh, that fully supported Council's decision:

NSWLEC Commissioner Walsh in Furlong v Northern Beaches Council [2022] NSWLEC 1208 referenced Wenli Wang v North Sydney Council [2018] NSWLEC 122, in considering that if a more skilful design could be achieved arriving at an outcome that achieved 'a very high level of amenity and enjoy impressive views', then a proposed development has gone too far, and must be refused.

My assessment finds that view sharing objectives have not been satisfied.

The above non-compliance will give rise to unreasonable amenity impacts upon the adjoining properties. In this instance, the proposal is not considered to achieve compliance with this control.

As noted by his Honour, Justice Moore of the Court in *Rebel MH Neutral Bay Pty Ltd v North Sydney Council* [2018] NSWLEC 191 (*Rebel*),

“the concept of sharing of views does not mean, for the reasons earlier explained, the creation of expansive and attractive views for a new development at the expense of removal of portion of a pleasant outlook from an existing development. This cannot be regarded as “sharing” for the purposes of justifying the permitting of a non-compliant development when the impact of a compliant development would significantly moderate the impact on a potentially affected view”.

The same unreasonable scenario in *Rebel* applies to the current DA. The proposed breaching dwelling will take away views from my clients' property (and possibly other adjoining properties) to the considerable benefit of the future occupants of the proposed dwelling. This scenario is not consistent with the principle of View Sharing enunciated by his Honour, Justice Moore in *Rebel*. The adverse View Loss from my clients' property is one of the negative environmental consequences of the proposed development. The proposed development cannot be supported on visual impacts grounds.

These issues warrant refusal of the DA.

I have asked Council to request that the Applicant position multiple 'Height Poles/Templates' to define the non-compliant building envelope, and to have these poles properly measured by the Applicant's Registered Surveyor. The Height Poles will need to define: All Roof Forms, and all items on the roof, Extent of all Decks, Extent of Privacy Screens. Height Poles required for all trees. The Applicant will have to identify what heights and dimensions are proposed as many are missing from the submitted DA drawings.

The applicant has not erected height poles.

There are architectural solutions that maintains my clients' view. I identify the precise amendments necessary to overcome this loss.

MORE SKILFUL DESIGN

I have considered the view loss implications, along with the applicants' consideration, stated to my client, that the proposed garage cannot be repositioned in line or level due to the private accessway that is already over ramp grades.

Council will note that my client accepts in principle, the concept of a private access road to the subject site.

Consideration of the overall impact on view sharing needs assessment of the garage in that matter.

I address the Tenacity question:

"...the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours"

I consider that there is a more skilful design available to the applicant *that 'could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours':*

- **Maintain the envelope of the garage**, maintaining the location, assuming pedestrian access from the garage to be immediately adjacent the front door entry, so as not to add any additional built form that may cause additional view loss;
- **Lower the built form by 1.5m:** including the lift and stairs;
- **Delete the upper level of the eastern wing** of the proposed development

I contend that:

- the reduction in height will not impact the allocation of rooms to seek out a sensational view to the north, and a more skilful design scheme would maintain the same amenity;
- any GFA lost in item 3 can be relocated to a lower ground floor to seek out a sensational view to the north and east, perhaps containing additional secondary bedrooms and a living zone for these bedrooms. A more skilful design scheme would maintain the same amenity;
- The deletion of the eastern wing reduces the impact of the proposed development when viewed from Palm Beach, and a more skilful design scheme would maintain the same amenity;
- The alternative 'more skilful design' solution, would deliver the same GFA or more, with all rooms facing the sensational view to the north and east.

The resultant outcome from the three viewpoints is shown on Pam Walls photomontages.

My clients are being considerably reasonable in supporting the principle of a private accessway to the subject site that will cause denial of car park access to their own property during the construction of the private accessway.

My clients have been forced to carry out a view loss assessment by means of a set of photomontages at their expense, that clearly should have been provided by the applicant.

Heights poles still have not been provided by the applicant.

I also ask that tree planting shall be located to remove impacts on view loss from my clients' view.

I contend that the proposed development, left unamended, when considered against the DCP and the NSW Land and Environment Court Planning Principle in *Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC* will result in an unacceptable view impact and will not achieve appropriate view sharing.

In conclusion, as the dwelling proposed will impact views from my clients' property, the erection of height poles is required to allow a full, accurate assessment of view impact and indeed the greater visual impact from Palm Beach, of a built form that is more than double the existing built form.

I contend that the proposal, if left unamended, is contrary to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* in that it does not satisfy the view sharing controls of the DCP.

OTHER MATTERS;

1. If the above amendments are made, this will involve deeper excavation in a small part of the site. I ask for an updated Geotechnical Report identifying a more precise set of attenuation methods to remove the rock, such as rock sawing extraction, double attenuation cuts to the southern boundary, no hydraulic methods of extraction, lowering vibration limits to 3mm/sec considering the fragility of my clients dwelling, and other matters raised in my earlier submission – I am certain Croziers can complete this simple task;
2. I ask Council for an extended list of conditions to any consent to cover the matters raised in my earlier submission.

Unless the Applicant submits Amended Plans to resolve all of the adverse amenity impacts raised within this Submission, my clients' ask Council to REFUSE this DA.

Yours faithfully,

Bill Tulloch

Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA RAIA
PO Box 440 Mona Vale
NSW 1660



R.A.WALLS CONSTRUCTIONS

Builders Lic.No:211785C

Qualified Supervisor & Clerk of Works

August 25, 2023

Malcolm White
16 Rock Bath Rd
Palm Beach. NSW 2108

**RE: Objection to 18 Rock bath Rd, Palm Beach:
DA 2023/0894:**

Dear Malcolm,



Please find attached the following view corridor photomontages:

View Point 1: View Corridor Photomontage from No.16 Rock Bath Rd ground level POS:

1. View reference plan.
 - a. Centre of camera at 1.6M above ground level.
 - b. Photograph of tripod location.
2. Photograph of existing view.
 - a. Photograph Ref:9672 taken 29 July 2023 at 9:37pm with 50mm focal length (35mm equivalent) which is accepted as “what the eye sees”.
3. Photograph with proposed No.18 Rock Bath Rd development overlaid as a red outline with significant points of interest indicated.
4. Photograph with proposed No.18 Rock Bath Rd development overlaid as a 50% transparency.
5. Photograph with proposed No.18 Rock Bath Rd development overlaid as a 3D solid block computer model.
6. Photograph with “more skillful design” options overlaid as coloured outlines.
 - a. Garage roof height remain as per proposed DA.
 - b. Extent of upper level limited to approximately 23M from West Boundary.
 - c. Built form including garage as per proposed D.A. red outline
 - d. Built form (not including garage) lowered by 0.5M dark blue outline
 - e. Built form (not including garage) lowered by 1.0M magenta outline
 - f. Built form (not including garage) lowered by 1.5M cyan outline
 - g. Built form (not including garage) lowered by 2.0M green outline
7. Verification Photomontage
 - a. Photograph with 3D computer model of existing surveyed elements overlaid as a 50% transparency. Matching surveyed RL's (AHD) and elements indicated.

View Point 2: View Corridor Photomontage from No.16 Rock Bath Rd upper balcony:

8. View reference plan.
 - a. Centre of camera at 1.6M above balcony floor level.
 - b. Photograph of tripod location.
9. Photograph of existing view.
 - a. Photograph Ref:9634 taken 29 July 2023 at 9:04pm with 24mm focal length (35mm equivalent).
10. Photograph with proposed No.18 Rock Bath Rd development overlaid as a red outline with significant points of interest indicated.
11. Photograph with proposed No.18 Rock Bath Rd development overlaid as a 50% transparency.
12. Photograph with proposed No.18 Rock Bath Rd development overlaid as a 3D solid block computer model.
13. Photograph with “more skillful design” options overlaid as coloured outlines.
 - a. Garage roof height remain as per proposed DA.
 - b. Extent of upper level limited to approximately 23M from West Boundary.

Cont/d....2



R.A.WALLS CONSTRUCTIONS

Builders Lic.No:211785C

Qualified Supervisor & Clerk of Works

-2-

Objection to 18 Rock Bath Rd, Palm Beach DA2023/0894
View Corridor Photomontage

August 25, 2023

More skillful design" options:

- | | |
|--|-------------------|
| c. Built form including garage as per proposed D.A. | red outline |
| d. Built form (not including garage) lowered by 0.5M | dark blue outline |
| e. Built form (not including garage) lowered by 1.0M | magenta outline |
| f. Built form (not including garage) lowered by 1.5M | cyan outline |
| g. Built form (not including garage) lowered by 2.0M | green outline |

14. Verification Photomontage

- a. Photograph with 3D computer model of existing surveyed elements overlaid as a 50% transparency. Matching surveyed RL's (AHD) and elements indicated.

View Point 3: View Corridor Photomontage from No.16 Rock Bath Rd lower garden POS:

15. View reference plan.

- a. Centre of camera at 1.6M above terrace ground level.
- b. Photograph of tripod location.

16. Photograph of existing view.

- a. Panorama of photographs Ref:9744-51 taken 29 July 2023 at 10:01pm with 24mm focal length (35mm equivalent) which includes peripheral views.

17. Photograph with proposed No.18 Rock Bath Rd development overlaid as a red outline with significant points of interest indicated.

18. Photograph with proposed No.18 Rock Bath Rd development overlaid as a 50% transparency.

19. Photograph with proposed No.18 Rock Bath Rd development overlaid as a 3D solid block computer model.

20. Photograph with "more skillful design" options overlaid as coloured outlines.

- | | |
|---|-------------------|
| a. Garage roof height remain as per proposed DA. | |
| b. Extent of upper level limited to approximately 23M from West Boundary. | |
| c. Built form including garage as per proposed D.A. | red outline |
| d. Built form (not including garage) lowered by 0.5M | dark blue outline |
| e. Built form (not including garage) lowered by 1.0M | magenta outline |
| f. Built form (not including garage) lowered by 1.5M | cyan outline |
| g. Built form (not including garage) lowered by 2.0M | green outline |

21. Verification Photomontage

- a. Photograph with 3D computer model of existing surveyed elements overlaid as a 50% transparency. Matching surveyed RL's (AHD) and elements indicated.

Information and equipment used to create 3D computer model:

1. Site visit 29th July 2023.
2. 3D computer model of existing No.18 and No.16 Rock Bath Rd was based on :-
 - a. C.M.S.Surveyors Survey Ref:15889B-2, dated 31/03/2022.
 - b. Grahame Rowe 16 Rock Bath Rd DA Drawings Ref:D31C, dated April 2011.
 - c. TSS Survey Ref:22083, dated 02/03/2022.
3. 3D computer model of No. 18 Rock Bath Rd proposed development was based on:-
 - a. Richard Cole Architecture DA Drawings Ref:2112L, dated 26/06/2023.

Cont/d....3

Shadow Diagrams * Photomontages * View Corridor Analysis * 3D Building Envelopes * Drafting
Land & Environment Court Appeals * Council D.A.'s * Objections * Structural Steel Working Drawings
www.photomontages.com.au * 8a Corang Road, Westleigh, NSW 2120 * www.rawalls.com



R.A.WALLS CONSTRUCTIONS

Builders Lic.No:211785C

Qualified Supervisor & Clerk of Works

-3-

Objection to 18 Rock Bath Rd, Palm Beach DA2023/0894
View Corridor Photomontage

August 25, 2023

4. Camera equipment used:-

- a. Canon EOS 6D Mark II Digital SLR full frame camera
- b. Canon 24mm-70mm lens set at 50mm focal length.
- c. Tripod set to height of 1600mm to centre of camera.

Software Package: Caddsmen Architect V4.5 Licensed to: R A Walls Constructions
Additional add-ons: BHP Sections and Merchant Bar (Structural Steel) and AS.1163 Hollow Sections
Adobe Photoshop CS2

The Caddsmen 3D engineering software package was written for the ADF in Adelaide in the early 1980's which has since developed to include architecture. We have been using this Australian 3D software package successfully for LEC and Councils since 1987, providing accurate 3D models for the purpose of providing detailed and accurate shadow diagrams, perspectives and photomontages.

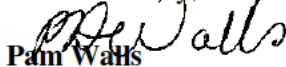
The method we use in the construction of a photomontage is unique to this company. A 3D computer model of existing buildings and elements are drawn up per digital survey information and site measurements and then overlaid onto the photograph. The position and aspect of the 3D model is then checked with the same elements in the photograph. These surveyed elements consist of Ridge/parapet RL's, Gutter RL's, building footprints, boundary fences, surveyed power poles and sign posts. These items become the test points for "proof of positioning". The proposed development is then simply switched on. Vegetation, red outlines, transparencies and view gained edits are produced in Adobe Photoshop on separate layers to CAD model.

Photographs were taken from various locations. Consideration for location selection was based upon:-

- a. Line of sight to significant heritage or environmental values.
- b. Line of sight to existing significant water views and shoreline, but not limited to views of Dee Why Beach and Long Reef Headland (including land-water interface and the wave action zone).
- c. Locations which have views shared from multiple living areas such as kitchen/dining and living room.
- d. The photographs used represent a position that was accessible, where surveyed RLs were available and where surveyed elements were visible for proof of positioning.

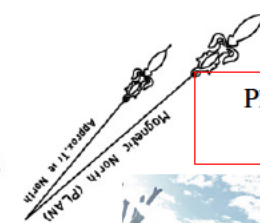
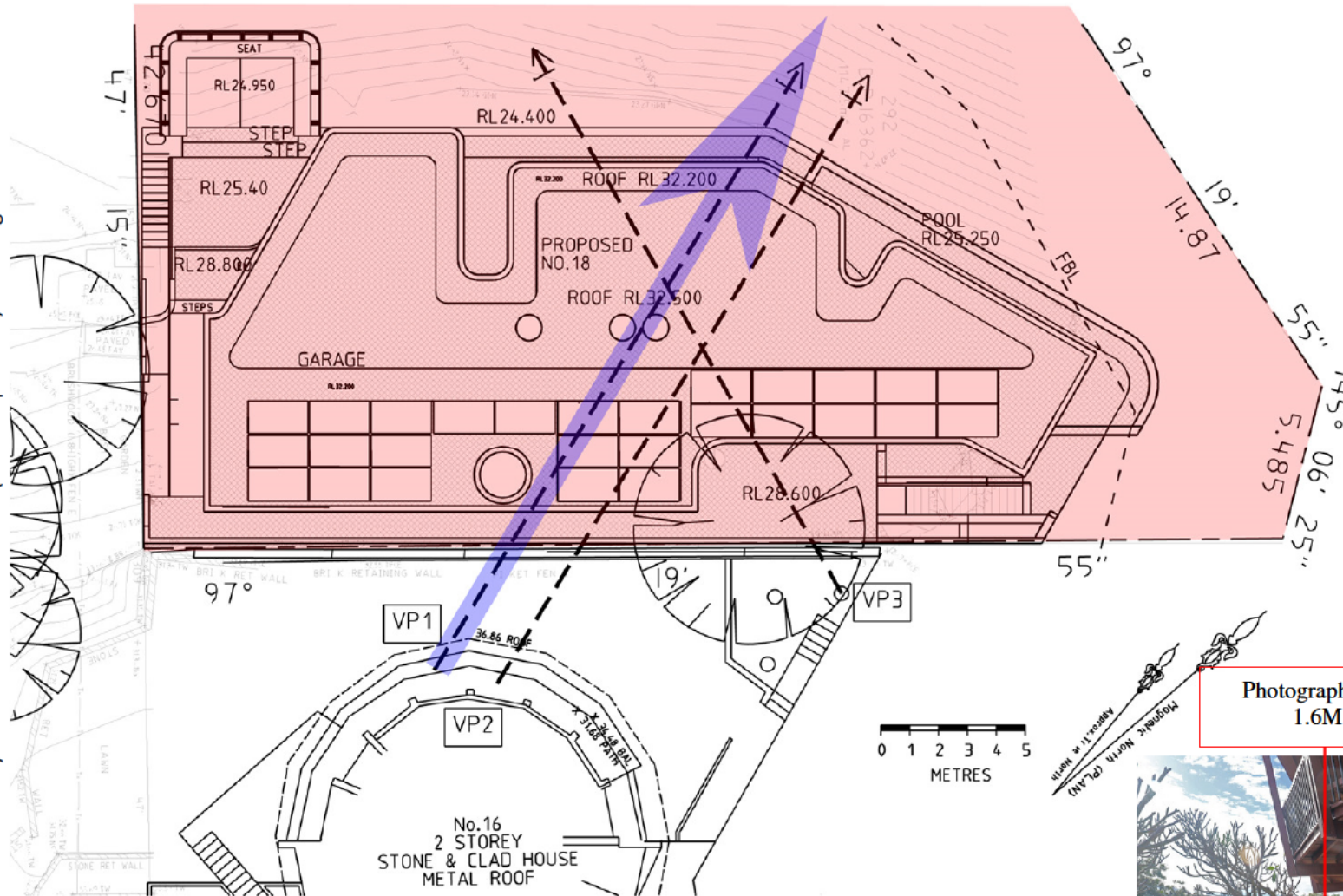
The attached photomontages are a reasonable indication of the extent of impact on the existing view corridors. We further state herewith, that there has been no distortion through digital manipulation in **any** form.

Yours sincerely,


Pam Walls

View Point 1

Photograph Ref:9672 taken 29 July 2023 at 9:37am with 50mm(35mm equivalent) focal length



View Reference Plan

View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photomontage by Pam Walls
Based on C.M.S. Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

Photograph Ref:9672 taken 29 July 2023 at 9:37am with 50mm(35mm equivalent) focal length



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

Photograph of existing view
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Photomontage by Pam Walls

Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed No.18 Rock Bath Rd overlaid as red outline

View from 16 Rock Bath Rd, Palm Beach ground level POS

Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Photomontage by Pam Walls

Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed No.18 Rock Bath Rd overlaid as 50% transparency

View from 16 Rock Bath Rd, Palm Beach ground level POS

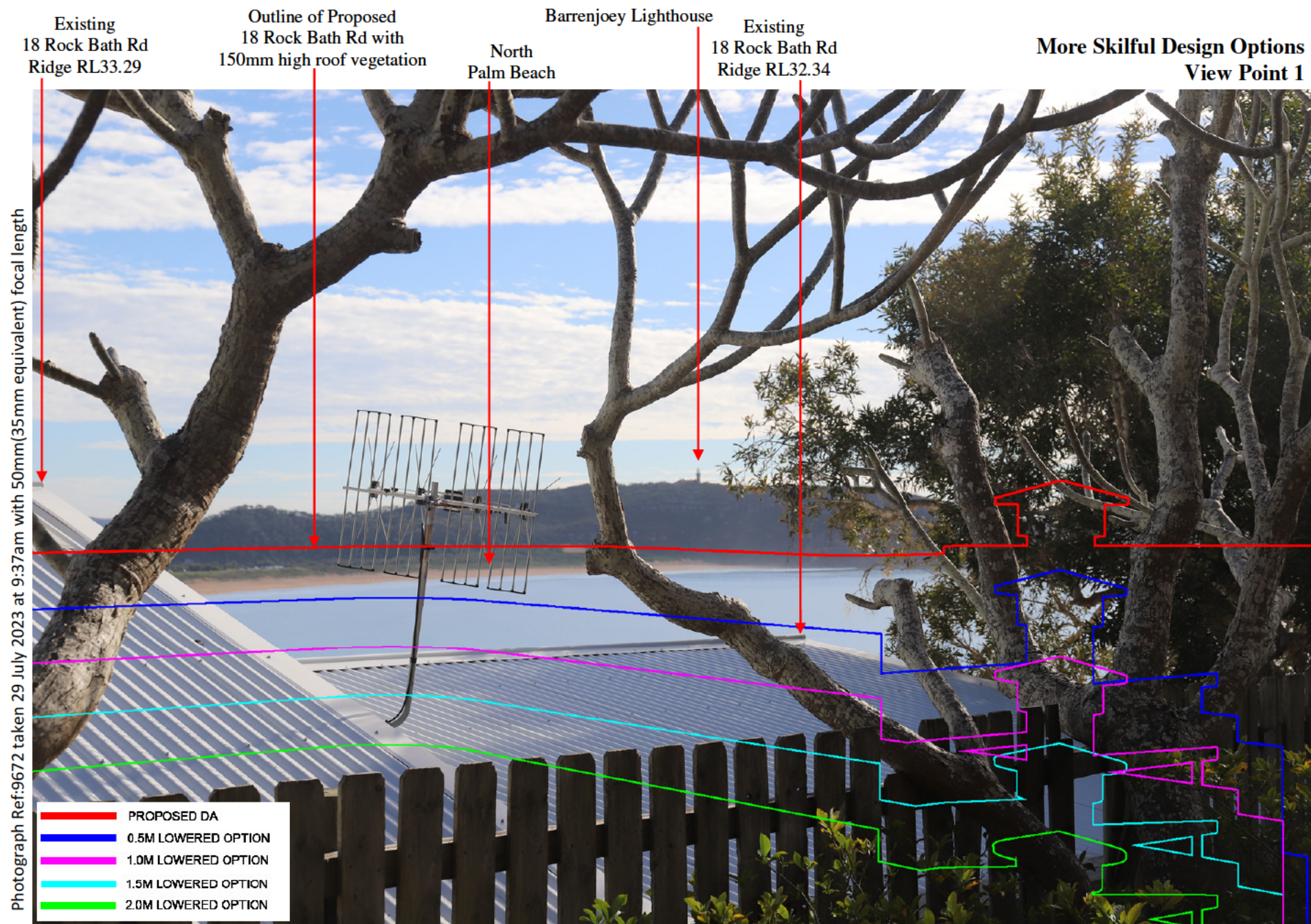
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photograph Ref:9672 taken 29 July 2023 at 9:37am with 50mm(35mm equivalent) focal length



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D solid block computer model of proposed 18 Rock Bath Rd
View from 16 Rock Bath Rd, Palm Beach ground level POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Photomontage by Pam Walls

Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed No.18 Rock Bath Rd overlaid as red outline

View from 16 Rock Bath Rd, Palm Beach ground level POS

Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Existing
18 Rock Bath Rd
Roof shape & Ridge RL33.29
Matched exactly

Existing
18 Rock Bath Rd
Roof shape & Ridge RL32.34
Matched exactly

Existing
16 Rock Bath Rd
Fence RL32.55
Matched

Existing
18 Rock Bath Rd
Gutter RL31.75
Matched exactly

View Point 1

Photograph Ref:9672 taken 29 July 2023 at 9:37am with 50mm(35mm equivalent) focal length



Verification Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of existing No.18 Rock Bath Rd overlaid 50% transparency

View from 16 Rock Bath Rd, Palm Beach ground level POS

Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photograph Ref:9634 taken 29 July 2023 at 9:04am with 24mm(35mm equivalent) focal length



Photomontage by Pam Walls

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

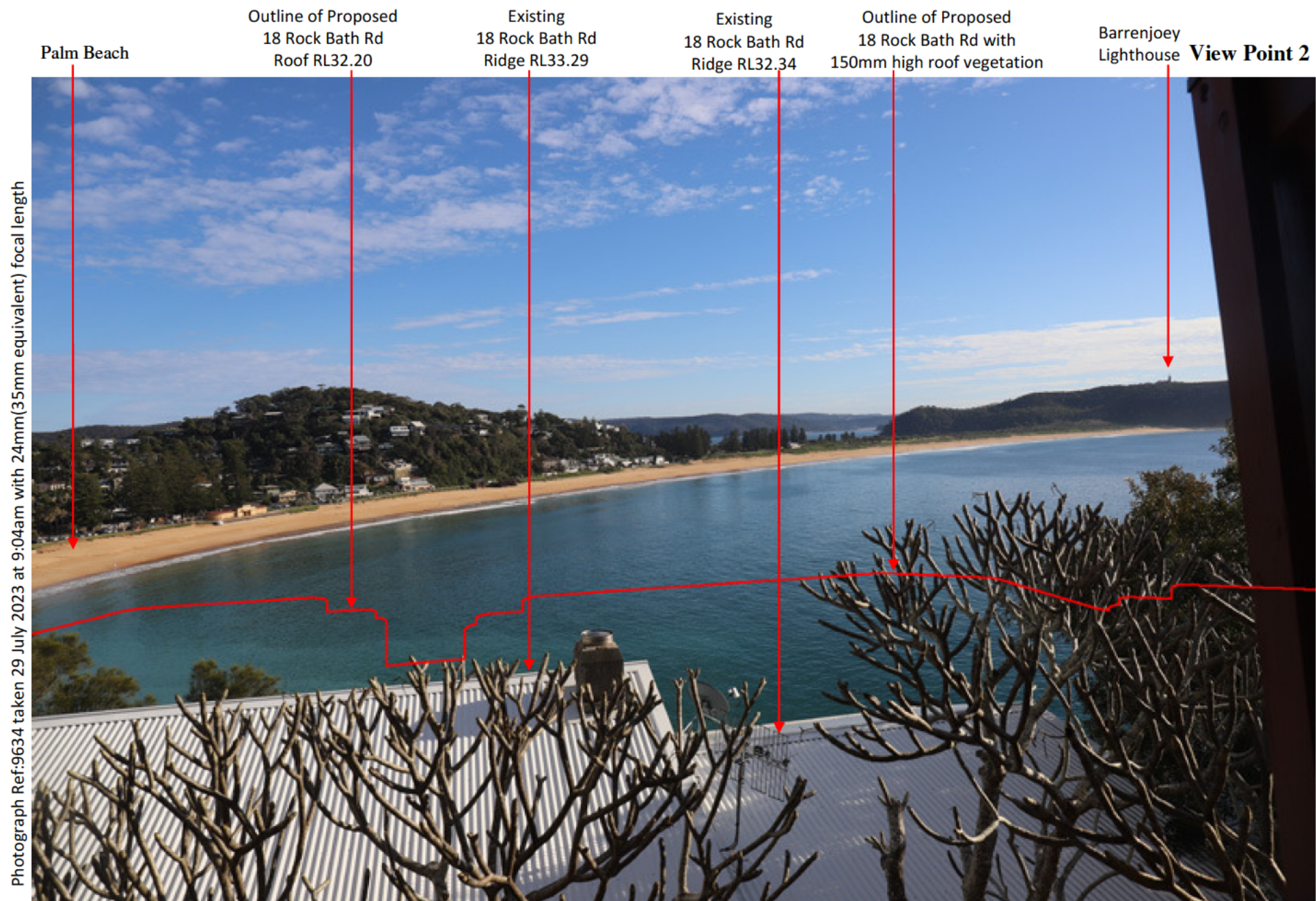
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photograph Ref:9634 taken 29 July 2023 at 9:04am with 24mm(35mm equivalent) focal length



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

Photograph of existing view
View from 16 Rock Bath Rd, Palm Beach upper level balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Photomontage by Pam Walls

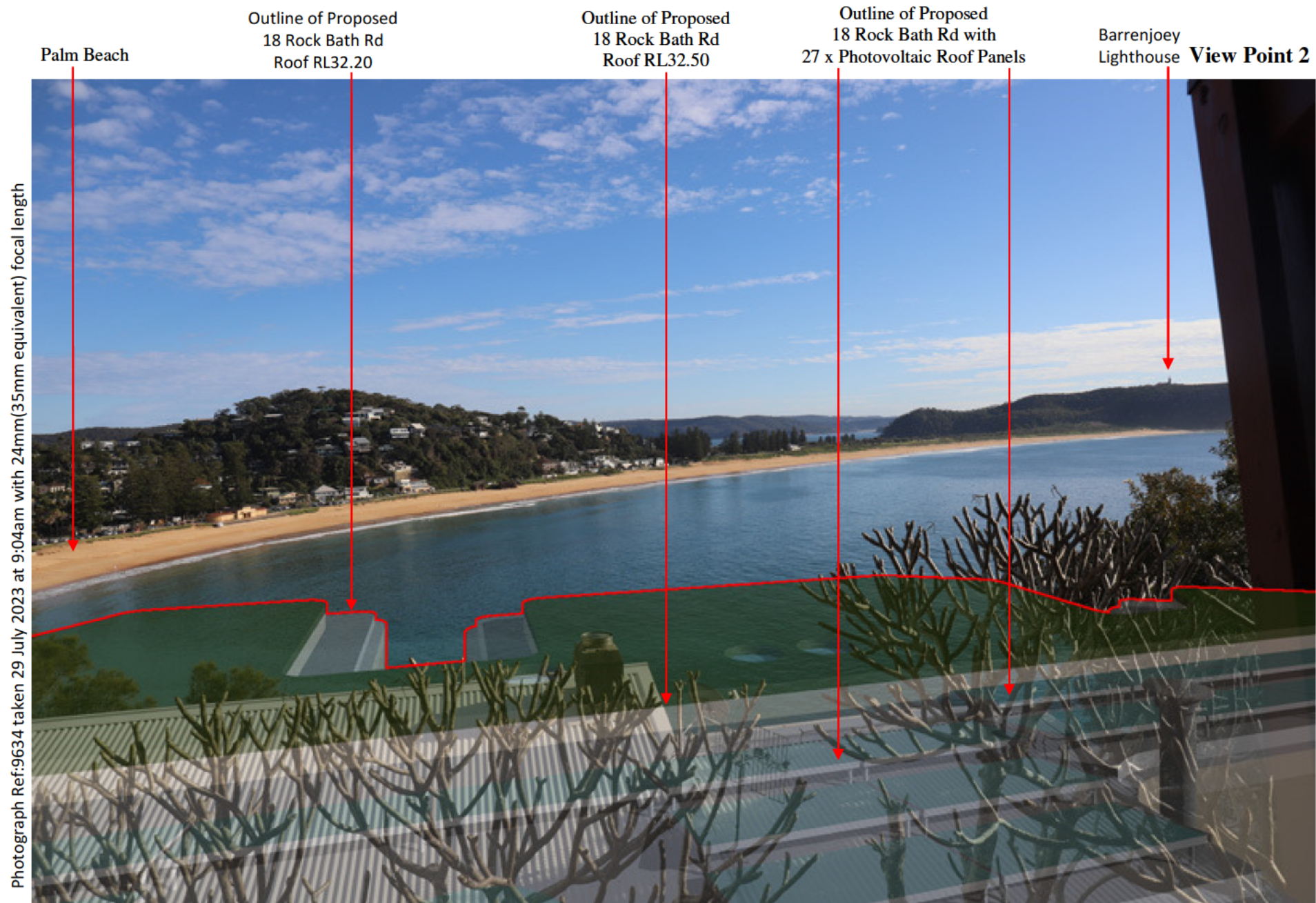
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed No.18 Rock Bath Rd overlaid as red outline

View from 16 Rock Bath Rd, Palm Beach upper level balcony

Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Photomontage by Pam Walls

Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed No.18 Rock Bath Rd overlaid as 50% transparency

View from 16 Rock Bath Rd, Palm Beach upper level balcony

Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photograph Ref:9634 taken 29 July 2023 at 9:04am with 24mm(35mm equivalent) focal length



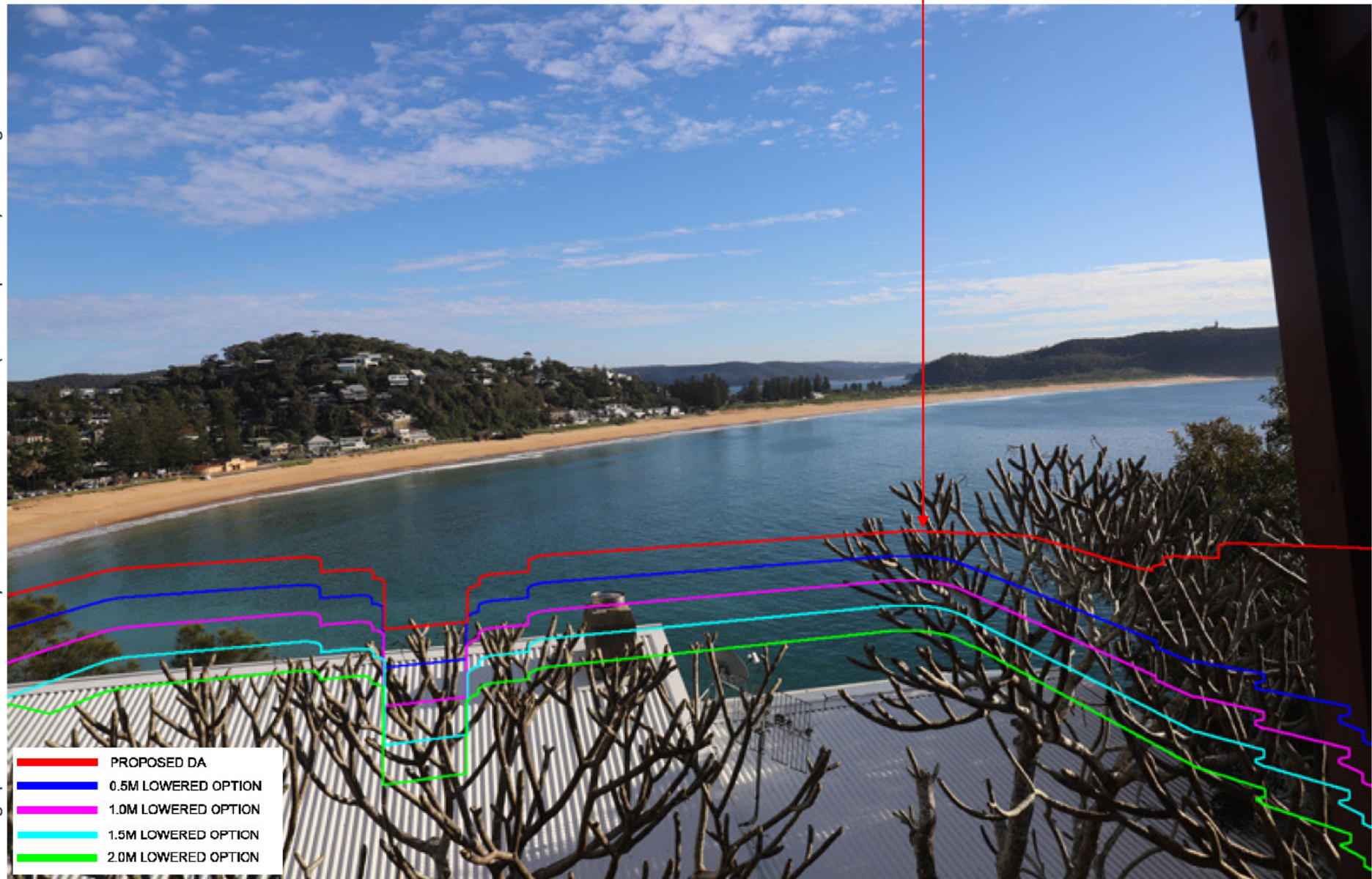
Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D solid block computer model of proposed 18 Rock Bath Rd
View from 16 Rock Bath Rd, Palm Beach upper level balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

The site plan shows the layout of No. 16, a 2-storey stone and clad house with a metal roof. The plan includes a garage roof, a pool, and various views (VP1, VP2, VP3). The plan also shows the location of the house relative to the surrounding area, including the road and the adjacent property.

View Reference Plan-“More Skilful Design”
View from 16 Rock Bath Rd, Palm Beach upper level balcony
 Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photograph Ref:9634 taken 29 July 2023 at 9:04am with 24mm(35mm equivalent) focal length



Photomontage by Pam Walls

Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of proposed No.18 Rock Bath Rd overlaid as red outline

View from 16 Rock Bath Rd, Palm Beach upper level balcony

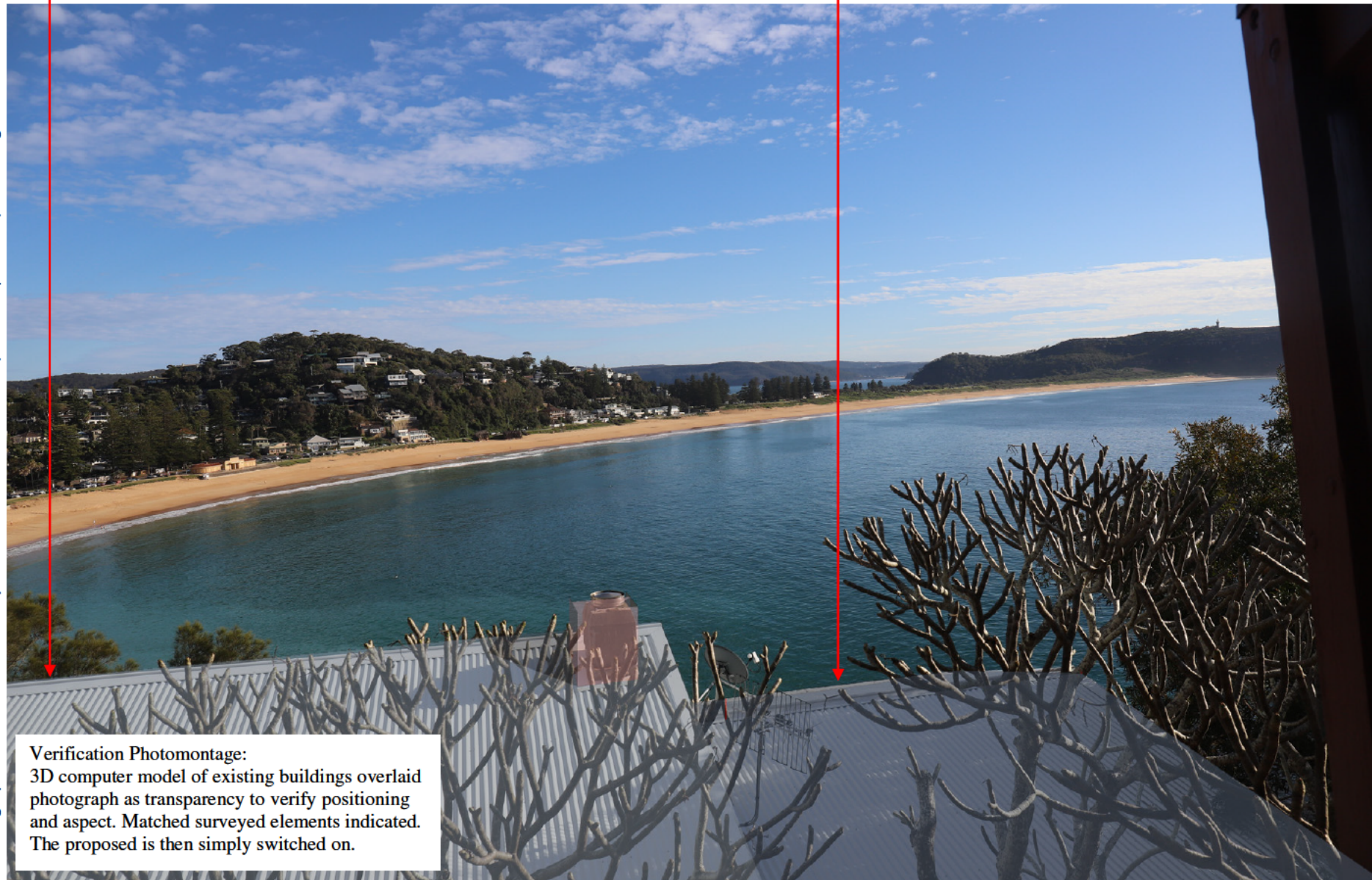
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Existing 18 Rock Bath Rd
Roof shape & Ridge RL33.29
Matched exactly

Existing 18 Rock Bath Rd
Roof shape & Ridge RL32.34
Matched exactly

View Point 2

Photograph Ref:9634 taken 29 July 2023 at 9:04am with 24mm(35mm equivalent) focal length



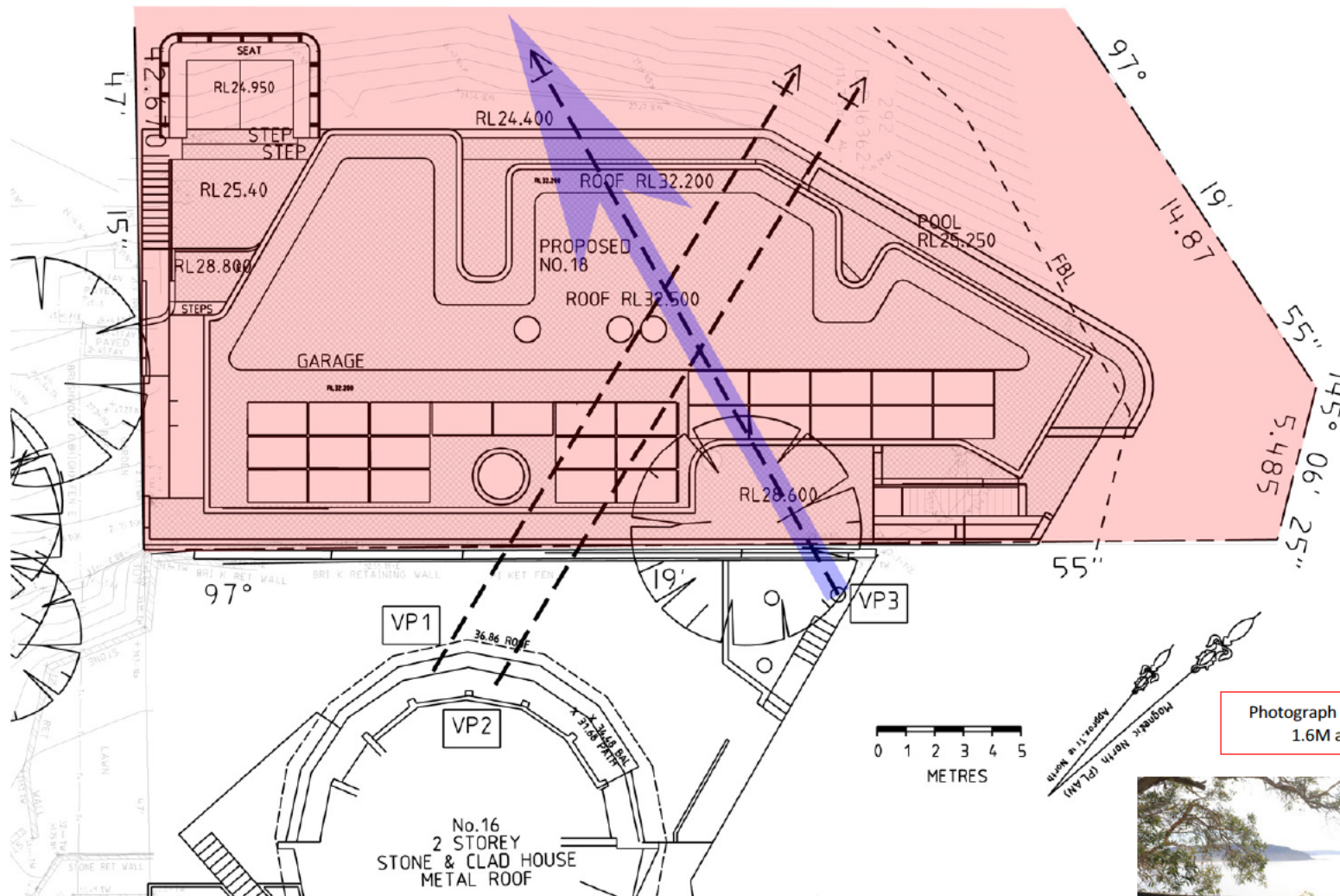
Verification Photomontage:
3D computer model of existing buildings overlaid
photograph as transparency to verify positioning
and aspect. Matched surveyed elements indicated.
The proposed is then simply switched on.

Verification Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D model of existing No.18 Rock Bath Rd overlaid as 50% transparency

View from 16 Rock Bath Rd, Palm Beach upper level balcony
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

View Point 3



Panorama of photographs taken with 24mm (35mm equivalent) focal length illustrating extent of overall view.
Photograph Ref:9744-9751 taken 29th July, 2023 at 10:01am



View Reference Plan

View from 16 Rock Bath Rd, Palm Beach lower garden POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View Point 3



Photograph
Ref:9744

Photograph
Ref:9746

Photograph
Ref:9747

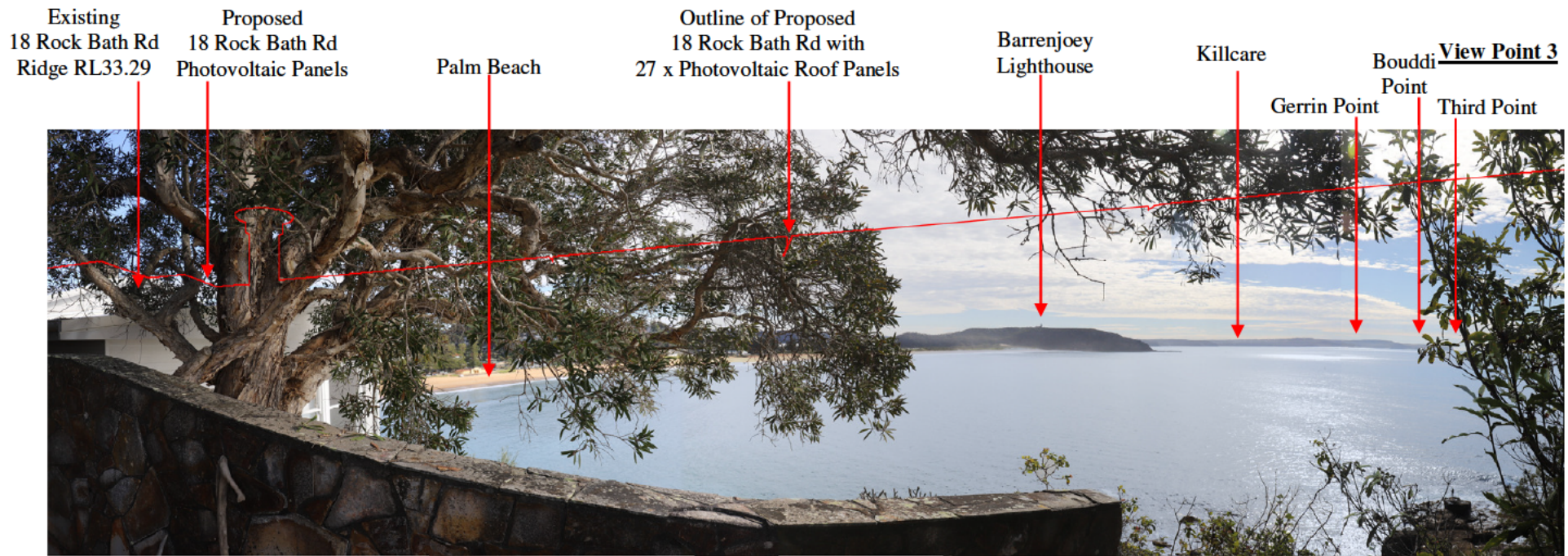
Photograph
Ref:9748

Photograph
Ref:9751

Panorama of photographs taken with 24mm (35mm equivalent) focal length illustrating extent of overall view.
Photograph Ref:9744-9751 taken 29th July, 2023 at 10:01am

Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

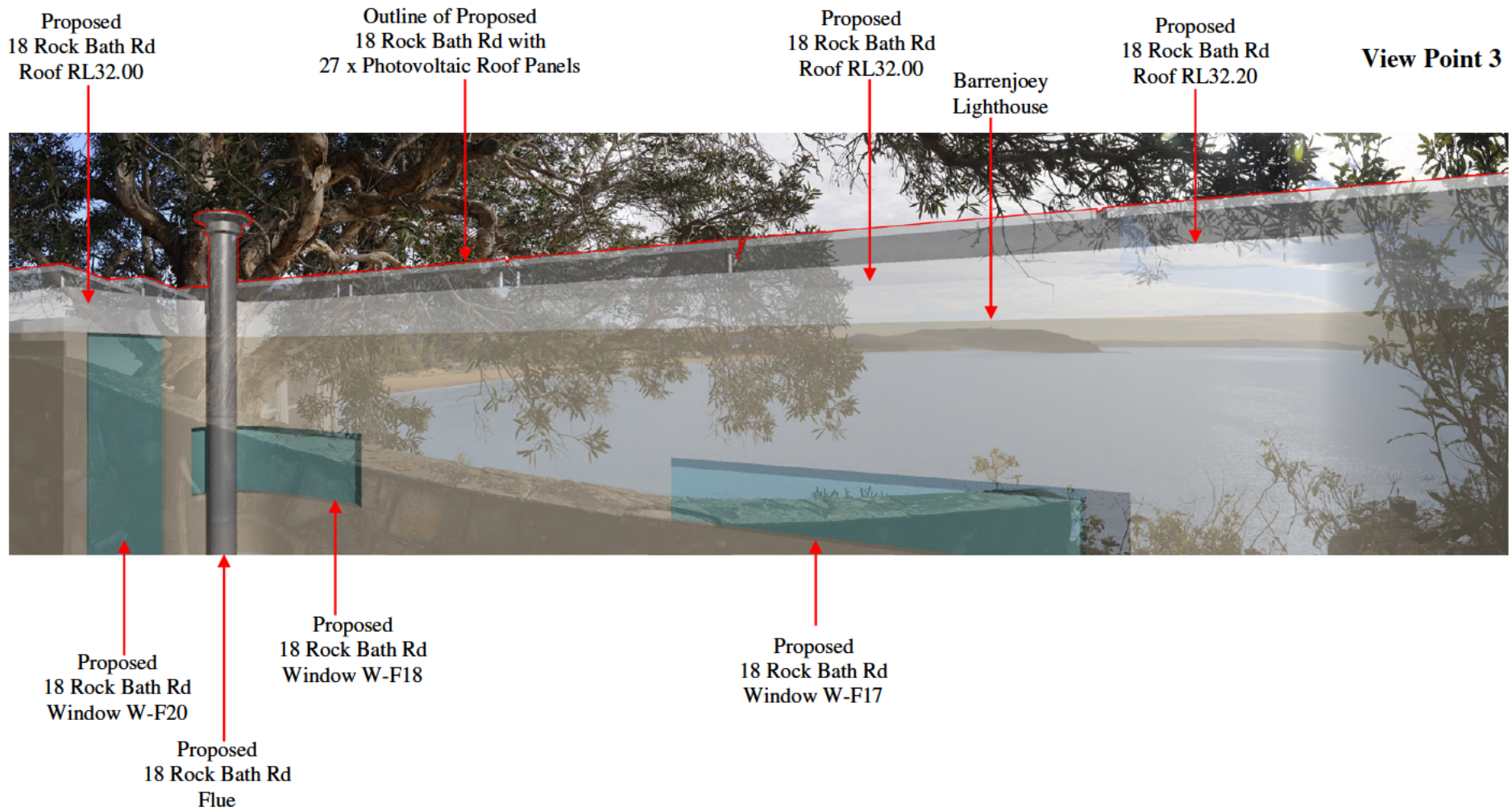
Photograph of existing view
View from 16 Rock Bath Rd, Palm Beach lower garden POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Panorama of photographs taken with 24mm (35mm equivalent) focal length illustrating extent of overall view.
 Photograph Ref:9744-9751 taken 29th July, 2023 at 10:01am

Photomontage by Pam Walls
 Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
 Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D computer model of proposed No.18 Rock Bath Rd overlaid as red outline
View from 16 Rock Bath Rd, Palm Beach lower garden POS
 Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



Panorama of photographs taken with 24mm (35mm equivalent) focal length illustrating extent of overall view.
 Photograph Ref:9744-9751 taken 29th July, 2023 at 10:01am

Photomontage by Pam Walls

Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D computer model of proposed No.18 Rock Bath Rd overlaid as 30% transparency

View from 16 Rock Bath Rd, Palm Beach lower garden POS

Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Proposed
18 Rock Bath Rd
Roof RL32.20

Proposed
18 Rock Bath Rd
Roof RL32.00

Outline of Proposed
18 Rock Bath Rd with
27 x Photovoltaic Roof Panels

Proposed
18 Rock Bath Rd
Roof RL32.20

View Point 3



Proposed
18 Rock Bath Rd
Window W-F20

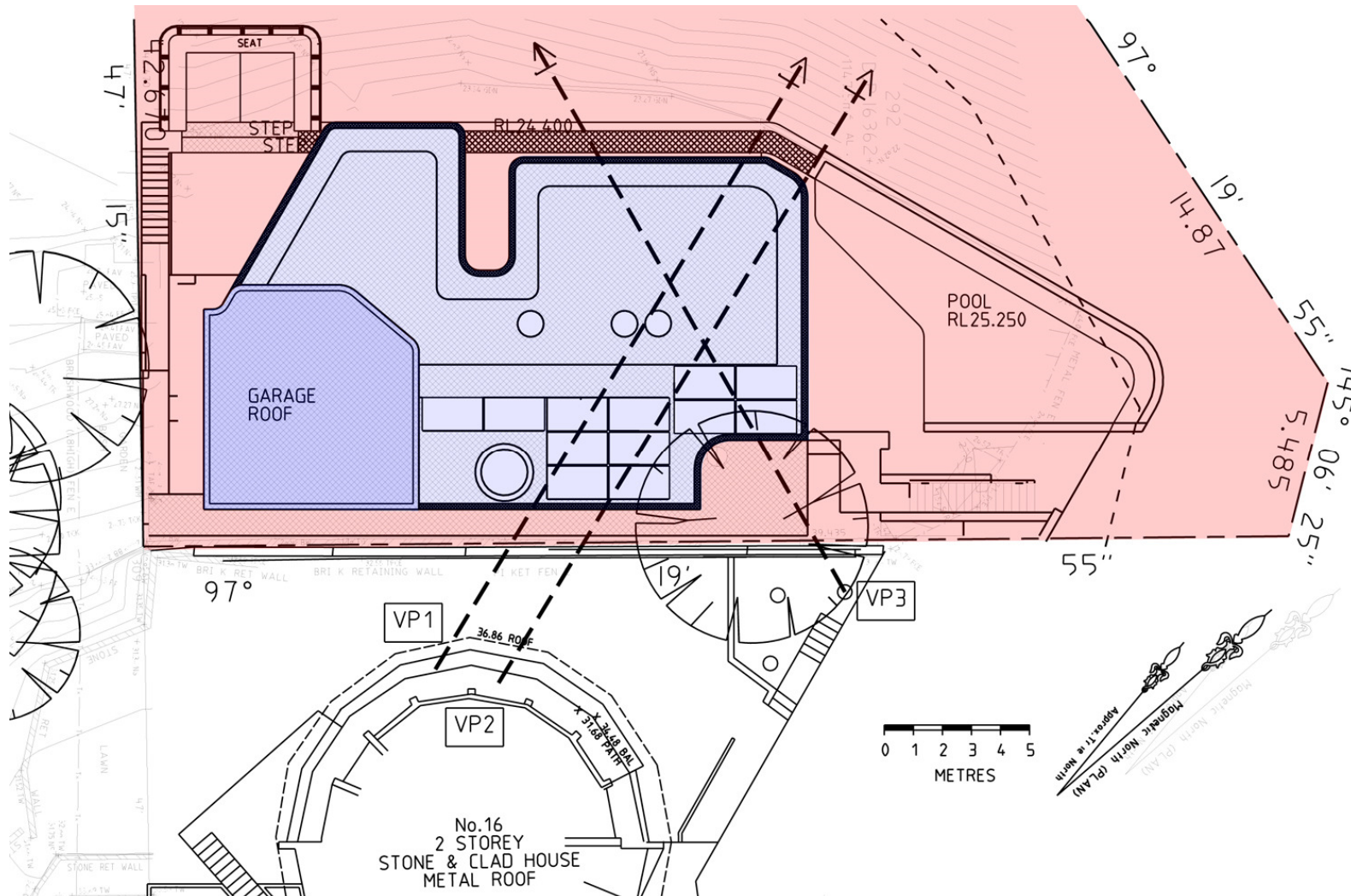
Proposed
18 Rock Bath Rd
Window W-F17

Panorama of photographs taken with 24mm (35mm equivalent) focal length
illustrating extent of overall view.
Photograph Ref:9744-9751 taken 29th July, 2023 at 10:01am

Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

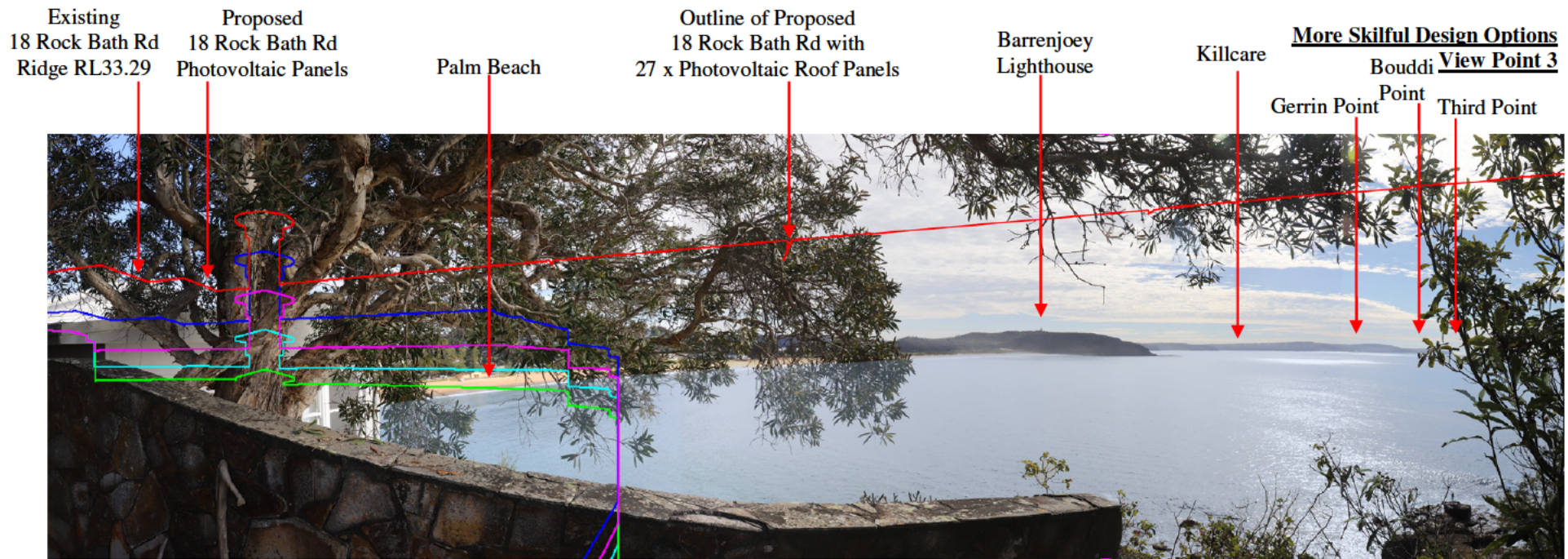
View with 3D solid block computer model of proposed 18 Rock Bath Rd
View from 16 Rock Bath Rd, Palm Beach lower garden POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

**More Skilful Design Options
View Point 3**



Photomontage by Pam Walls
Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

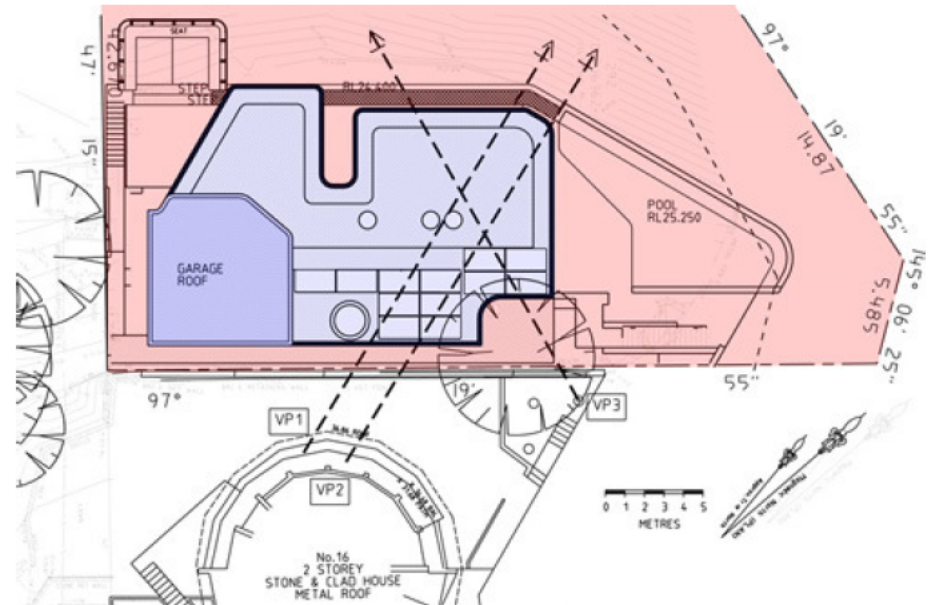
View Reference Plan-"More Skilful Design"
View from 16 Rock Bath Rd, Palm Beach lower garden POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894



More Skilful Design Options

- PROPOSED DA
- 0.5M LOWERED OPTION
- 1.0M LOWERED OPTION
- 1.5M LOWERED OPTION
- 2.0M LOWERED OPTION

Plan view of
18 Rock Bath Rd
“More Skilful Design”



Panorama of photographs taken with 24mm (35mm equivalent) focal length illustrating extent of overall view.

Photograph Ref:9744-9751 taken 29th July, 2023 at 10:01am

Photomontage by Pam Walls

Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022

Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D computer model of proposed No.18 Rock Bath Rd overlaid as red outline

View from 16 Rock Bath Rd, Palm Beach lower garden POS

Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894

Existing
18 Rock Bath Rd
Gutter RL31.75
Matched exactly

Existing
18 Rock Bath Rd
Roof RL32.29
Matched exactly

Barrenjoey
Lighthouse

Proposed
18 Rock Bath Rd
Roof RL32.20

View Point 3



Existing
18 Rock Bath Rd
Building footprint
Matched exactly

Panorama of photographs taken with 24mm (35mm equivalent) focal length
illustrating extent of overall view.
Photograph Ref:9744-9751 taken 29th July, 2023 at 10:01am

Photomontage by Pam Walls

Based on C.M.S.Surveyors Survey Ref:15889B-2:31/03/2022
Richard Cole Architecture DA Drawings Ref:2112L-26/06/2023

View with 3D computer model of existing No.18 Rock Bath Rd overlaid as 50% transparency

View from 16 Rock Bath Rd, Palm Beach lower garden POS
Objection to 18 Rock Bath Rd, Palm Beach -DA2023/0894