



northern
beaches
council

11 January 2022



Andrew Darroch
6/20 Wylde Street
POTTS POINT NSW 2011

Dear Andrew,

Development Application No: DA2021/2075 for Alterations and additions to a dwelling house at 22 Ocean Road PALM BEACH.

I refer to your Application which is under assessment by Council and the previous correspondence from Council dated 7 December 2021.

Further assessment of your application has been undertaken following the installation of the height poles on the subject land and the additional information provided to verify the height of these poles, from a registered surveyor.

An inspection of the adjoining properties which have made submissions on your application has also been undertaken.

Upon consideration of all this information, Council does not support the proposal in its current form.

The reasons for this assessment is provided below:

View Loss

Council has undertaken an assessment of the proposal against the view sharing planning principle outlined within the NSW Land and Environment Court Case of *Tenacity Consulting v Warringah Council (2004) NSWLEC 140*.

In determining if the view loss caused by the proposal is reasonable, it must be determined if the proposal is compliant with the relevant development standards and planning controls. An assessment of the proposal has found that the proposal is not consistent with the following development controls within the Pittwater 21 Development Control Plan (P21 DCP):

- D12.6 Side and rear building line; and
- D12.8 Building envelope.

These controls are discussed further in this correspondence. The consequence of these non-compliances are that they effect view corridors from the following adjoining properties: No.66 Florida Road; and No.70 Florida Road. Hence, the view loss that results as a consequence of the non-compliances are not considered reasonable and the proposal is not supported.

Side Building Line



The P21 DCP specifies that a 1 and 2.5m setback applies from the side boundaries of the site. This applies to the proposed additions to the existing dwelling house and no dispensation is given to existing setbacks.

The proposal setbacks the new areas of wall on the north and south elevation at approximately 1.6m, which on at least one side is not compliant with the 2.5m setback control.

In the context of the view loss that is identified to the adjoining properties to the west of the site, the proposal fails the Outcomes of the control and is therefore not supported.

Building Envelope

A building envelope of 3.5m / 45 degrees from the side boundary (in this instance, taken from the natural ground level at the boundary) applies to the proposed development.

The proposed additions to the existing walls on the north and south elevations will project outside of this envelope.

In the context of the view loss that is identified to the adjoining properties to the west of the site, the proposal fails the Outcomes of the control and is therefore not supported.

Council is providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information addressing the issues by 25 January 2022 (14 days); or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by 25 January 2022 at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nic England on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A blue ink signature of Rodney Piggott.

Rodney Piggott
Manager, Development Assessment