
From: [REDACTED]
Sent: 26/07/2024 6:30:46 AM
To: Council Northernbeaches Mailbox
Cc: malcolm white
Subject: TRIMMED: DA 2024/0891 12-14 ROCK BATH ROAD PALM BEACH
WRITTEN SUBMISSION: LETTER OF OBJECTION SUBMISSION:
TULLOCH
Attachments: 12-14 WS JULY 24.pdf;

Kind regards,

Bill Tulloch BSc[Arch]BArch[Hons1]UNSW RIBA Assoc RAIA
DA Objection Pty Ltd
Director
[REDACTED]

DA OBJECTION

a written submission by way of objection

BILL TULLOCH BSC [ARCH] BARCH [HONS1] UNSW RIBA Assoc RAIA
Director
DA Objection Pty Ltd

prepared for

MALCOLM WHITE, 16 ROCK BATH ROAD PALM BEACH

19 JULY 2024

CEO
NORTHERN BEACHES COUNCIL
725 PITTWATER ROAD,
DEE WHY
NSW 2099

council@northernbeaches.nsw.gov.au

RE: DA 2024/0891
12-14 ROCK BATH ROAD PALM BEACH
WRITTEN SUBMISSION: LETTER OF OBJECTION
SUBMISSION: TULLOCH

Dear Sir,

This document is a written submission by way of objection lodged under Section 4.15 of the EPAA 1979 [the EPA Act].

I have been instructed by my clients to prepare an objection to this DA.

I have been engaged by my clients to critically review the plans and documentation prepared in support of the above development application and to provide advice in relation to policy compliance and potential residential amenity impacts.

Having considered the subject property and its surrounds and the details of the development application currently before Council, I am of the opinion that the proposal, in its present form, does not warrant support. In addition, I am of the view that amendments would need to be made to the development proposal before Council is in a position to determine the development application by way of approval.

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.

Non-compliance with conditions of consent issued on 14 December 2023 on DA 2023/0342, on the subject site.

DA 2024/0891 is presented with new drawing numbers, new reports and new documentation, all with new 2024 dates, that are different from the stamped plans and documents referred in within the consent issued on 14 December 2023 on DA 2023/0342, on the subject site.

It is uncertain as to the full extent of the matters that are different. However, DA 2024/0891 does not accord with the conditions of consent issued on 14 December 2023 on DA 2023/0342, on the subject site.

A number of submitted drawings and reports within this DA cause my client's considerable concern.

Construction Traffic Management Plan. [CTMP]

Conditions of consent issued on 14 December 2023 on DA 2023/0342, on the subject site required a Construction Traffic Management Plan [CTMP] to be submitted under Condition 15.

The Applicant within this DA 2024/0891 has now submitted a document entitled '*Construction Management Plan*' dated May 2024.

The CTMP does not accord with Condition 15 issued on 14 December 2023 on DA 2023/0342.

The CTMP is not acceptable as it states:

1. *Vehicular access to the site will be via the Unformed Road west of site (light vehicles only).* This is unacceptable, as the applicant does not have permission to access the unformed road. My clients are concerned that the unformed road is too steep and narrow, and is highly unsuitable for any construction access. Council will be aware of the substantial works of rebuilding this unformed road by neighbours to the north, recently approved by Council and NSWLEC. I refer to the fifth bullet point on page 10 of the conditional consent, and the following section of the condition. The proposed CTMP does not comply.
2. The CTMP states: *'The site has a frontage of approx. 39.625m to the unformed road. It is envisaged that light construction vehicles can be parked on site at the north east end using the unformed road as access.'* This is unacceptable as this would block access to other users.

No access to the Unformed Road can be given for any purposes, and a sign must be erected to state that no access is allowable under any circumstances.

The CTMP has not identified adequate measures to comply with Condition 15 of the 14 December 2023 on DA 2023/0342. The DA should be REFUSED on these grounds.

15. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- o The proposed phases of construction works on the site, and the expected duration of each construction phase

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- o The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- o Make provision for all construction materials to be stored on site, at all times
- o The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- o The proposed method of access to and egress from the site for construction vehicles, including access routes and truck rates through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- o Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No materials or plant are to be located or parked in the private road/driveway, community title road or right of way
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
 - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- o The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- o Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- o Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- o Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- o The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- o Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- o Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- o The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- o Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- o The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- o Proposed protection for Council and adjoining properties
- o The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites".

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All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

PRIVACY

Condition 16 requires privacy screen within 16[b] that has not been provided.

16. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

a) South-eastern Wall: The south-eastern wall of the garage and subfloor structure shall be confirmed by survey whether any portions are located on the common property boundary. Unless owners consent is obtained from No. 10 Rock Bath Road Palm Beach, any structures on the common boundary are to be retained and not demolished.

b) Internal Stairwell: The stairwell window to the northern end of the dwelling (WG-06) shall consist of an external fixed privacy screen for the full height of the windows. The privacy screen shall be of fixed opaque panels or angled louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

Drawing DA 16 fails to show the outcomes to the full extent of this glazed wall. It requires a privacy screen for the *'full height of the windows'*, not *'to the upper banks of glass'* depicted on DA 16. My clients ask that this matter is amended on the drawings for clarity.

Drawing DA 07, Section DD shows a highly elevated Terrace with inadequate privacy screen to ensure there is no direct overlooking across a side boundary directly into my client's property. My clients ask Council to impose a condition of a 1.7m high privacy screen to the northern edge of this highly elevated Terrace.

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

Yours faithfully,

Bill Tulloch

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Director
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