

12th April 2022

The General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Ms Anne-Marie Young – Development Assessment

Dear Anne-Marie,

Development Application No. DA2021/2262
Issues response/ Supplementary Statement of Environmental Effects
Demolition works and construction of a dwelling house including garage
and swimming pool
14 Ocean Road, Palm Beach

Reference is made to Council's correspondence of 14th March 2022 in which a number of issues were raised in relation to the proposed development and a subsequent meeting with Council staff to discuss the issues in more detail. This submission details the highly considered response to the issues raised and is to be read in conjunction with the accompanying amended Architectural plans DA01(I) to DA06(I), DA07(J), DA08(I), DA09(G), DA10(E) to DA14(E), DA15(D), DA16(B), DA19(C), DA20(C), DA21(A) and DA30(A) prepared by Mathieson Architects.

The amended plans provide for the following built form changes:

Lower Ground Floor Plan

- A reduction in the width of the driveway where it crosses the property boundary to provide increased landscaped area at the front of the site.

Ground and Level 1

- A reduction in the width of the proposed dwelling and swimming pool to provide increased setbacks to the southern boundary at these levels and a corresponding reduction in building envelope breach.

Level 2

- A reduction in the width of the master bedroom to achieve an additional 1300mm setback to the southern boundary and a corresponding reduction in building envelope breach.
- A reduction in the trafficable area of the terrace to maintain appropriate visual privacy between adjoining development.
- A minor increase in the setback of the master bedroom to the front boundary to reduce the height of the development relative to ground level (existing).

These architectural amendments have facilitated an increase in landscaped area to 56% of the site area including the 6% functional landscaped area allowance.

In relation to the issues raised in Council's correspondence of 14th March 2022 we respond as follows.

Pittwater Local Environmental Plan 2014

Clause 4.3 Height of Buildings

Response: As you are aware, the natural ground levels of the land have been artificially modified to accommodate the pre-existing dwelling house. In this regard, this submission is accompanied by an amended contour diagram (DA14(E)) which interpolates the natural undisturbed ground levels across the site. The amended roof plan DA06(I) nominates the natural ground levels below the southern edges of the proposed upper-level roof form with the south-eastern corner of the Level 2 ensuite having a maximum parapet height of RL 19.71 located immediately above interpolated natural ground level of RL 10.00. This confirms a maximum building height of 9.71 metres which is below the 10 metre concessional standard which may be considered on steeply sloping sites.

We note that the areas of the development which exceed the 8.5 metre height standard have been significantly reduced through a reduction in overall building height achieved through the provision of increased setbacks to the southern boundary at each level and a pulling back of the upper level of the development relative to the street. We are satisfied that that both quantitatively and qualitatively the breaching building height elements are appropriately described as minor with the breaching elements depicted on the plan extract DA10(E) at Figure 1 over page.

The proposal is however compliant with 10 metre concessional building height for steeply sloping sites which reflects the appropriate scale of the dwelling and will ensure that the building sits down below the level of surrounding tree canopy. The development strikes a balance between keeping the building low into the site to reduce its visual prominence and excavation with the resultant stepped 2 storey building form and height ensuring the development will sit below the height of surrounding tree canopy level.

The contemporary and highly articulated building design incorporates a palette of natural materials and finishes which will enable the development to blend into the vegetated escarpment which forms a backdrop to the site.

In relation to an assessment against the considerations at clause 4.3(2D) of PLEP 2014 we rely on the assessment contained within the original Statement of Environmental Effects to demonstrate that the height of the building is acceptable have regard to its site-specific design response to the topographical characteristics of the site and the proposals juxtaposition with surrounding development. Under such circumstances, a clause 4.6 variation request is not required to support the building height proposed.

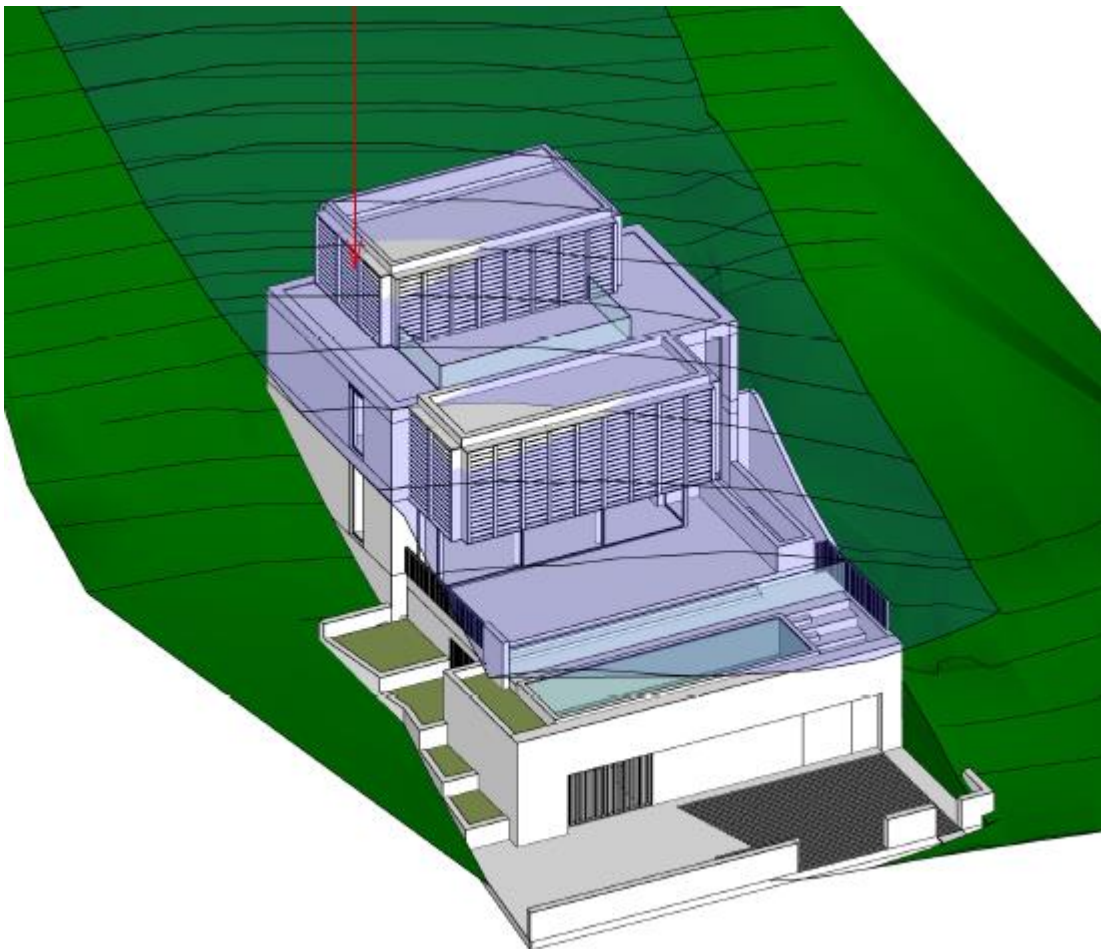


Figure 1 - Plan extract DA10(E) showing the minor building elements breaching the 8.5 metre building height standard

Pittwater 21 Development Control Plan

Clause A4.12 Palm Beach Locality

Response: The plans have been amended to increase the setback of the development to the southern boundary in particular the upper level by an additional 1.3 metres. This amendment has had the effect of significantly reducing the building height and building envelope breach with the building appropriately articulated and modulated to step down the site in response to the topographical characteristics of the land. We are of the considered opinion that the resultant building height, bulk and scale are entirely consistent with that established by recently approved and constructed development along this section of Ocean Road.

Under such circumstances we are satisfied that the development is consistent with the desired future character of the Palm Beach Locality as outlined as it relates to the orderly and economic development of a steeply sloping site along this section of Ocean Road.

Clause C1.3 View Sharing

Response: We note that concerns have been raised from the owner of No. 12 Sunrise Road that the proposed development may obstruct views currently available across the subject property towards Palm Beach and its immediate environs. This submission is accompanied by view analysis plan DA30(A), which has been prepared by the project Architect from available survey information, which demonstrates that the proposed development will not obstruct scenic views available from No. 12 Sunrise Road. An extract of this plan is at Figure 2 below.

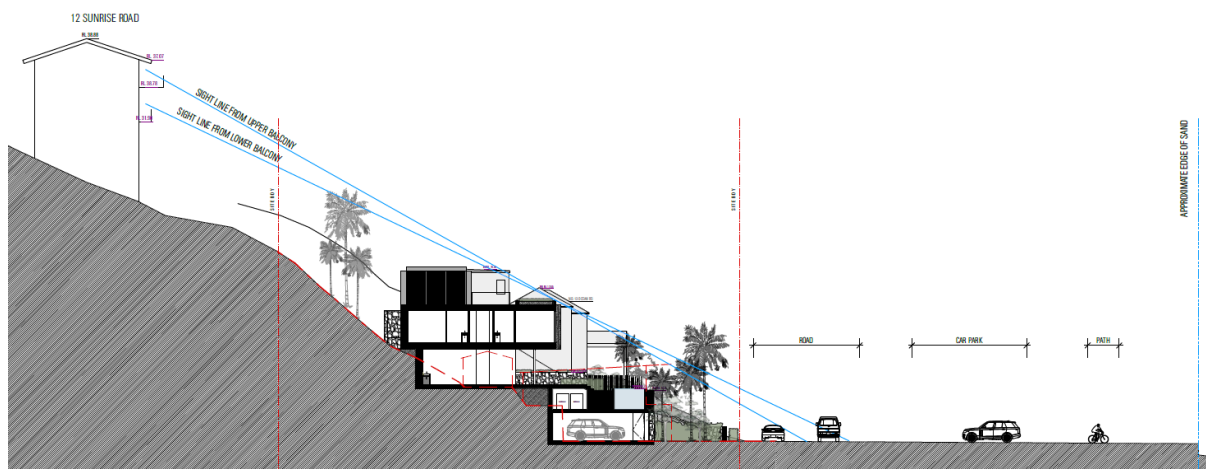


Figure 2 - Plan extract DA30(A) demonstrating the maintenance of views available from No. 12 Sunrise Road

In relation to the view loss concerns expressed by the owner of No. 13 Ocean Road it is clearly evident from an inspection of subject site that the proposed development will not impact on any scenic views currently available from the principle living and private open space areas of this adjoining property.

Given the ability to undertake an accurate assessment as to potential view impacts from an inspection of the site and the view analysis diagram DA30(A) we consider it unreasonable to insist upon the erection of survey accurate height poles in this particular instance.

Clause C1.4 Solar Access

Response: Having inspected the site and obtained an understanding as to the design and layout of the southern adjoining property No. 15 Ocean Road we are satisfied that the main private open space and principal living area of this property are those located adjacent to the Ocean Road frontage given the inherent amenity associated with available views and solar access from these areas of the property.

In this regard, this submission is accompanied by additional shadow diagrams which have been prepared on the basis of the amended Architectural plans with such plans demonstrating that at least 3 hours of solar access will be maintained to the east and north facing principal living room windows and east facing private open space between 9am and 12 noon on the 21st June in strict accordance with the control.

Clause C1.5 Privacy

Response: This submission is accompanied by amended plans which reduce the trafficable area of the level 2 balcony and incorporate fixed privacy attenuation measures to the south facing Level 1 and Level 2 bedroom and ensuite windows with the spatial separation and intervening landscape treatments proposed maintaining appropriate privacy between the ground floor level terrace and adjoining property. We note that the maintenance of absolute privacy between adjoining properties which are all orientated to take advantage of views is often unrealistic with a balance needing to be achieved in relation to the maintenance of cross views and reasonable privacy.

We are of the opinion that a reasonable level of privacy is maintained between adjoining development.

Clause D12.1 Character as viewed from a public place

Response: As previously indicated, the plans have been amended to increase the setback of the development to the southern boundary in particular the upper level by an additional 1.3 metres. This amendment has had the effect of significantly reducing the building height and building envelope breach with the building appropriately articulated and modulated to step down the site in response to the topographical characteristics of the land.

We are of the considered opinion that the resultant building height, bulk and scale are entirely consistent with that established by recently approved and constructed development along this section of Ocean Road with these provisions of the DCP satisfied.

Clause D12.8 Building Envelopes

Response: As previously indicated, the accompanying plans provide for increased setbacks at each level to the southern boundary of the property and a significant reduction in the building envelope breach. The extent of remaining building envelope breach is depicted in Figure 3 below.

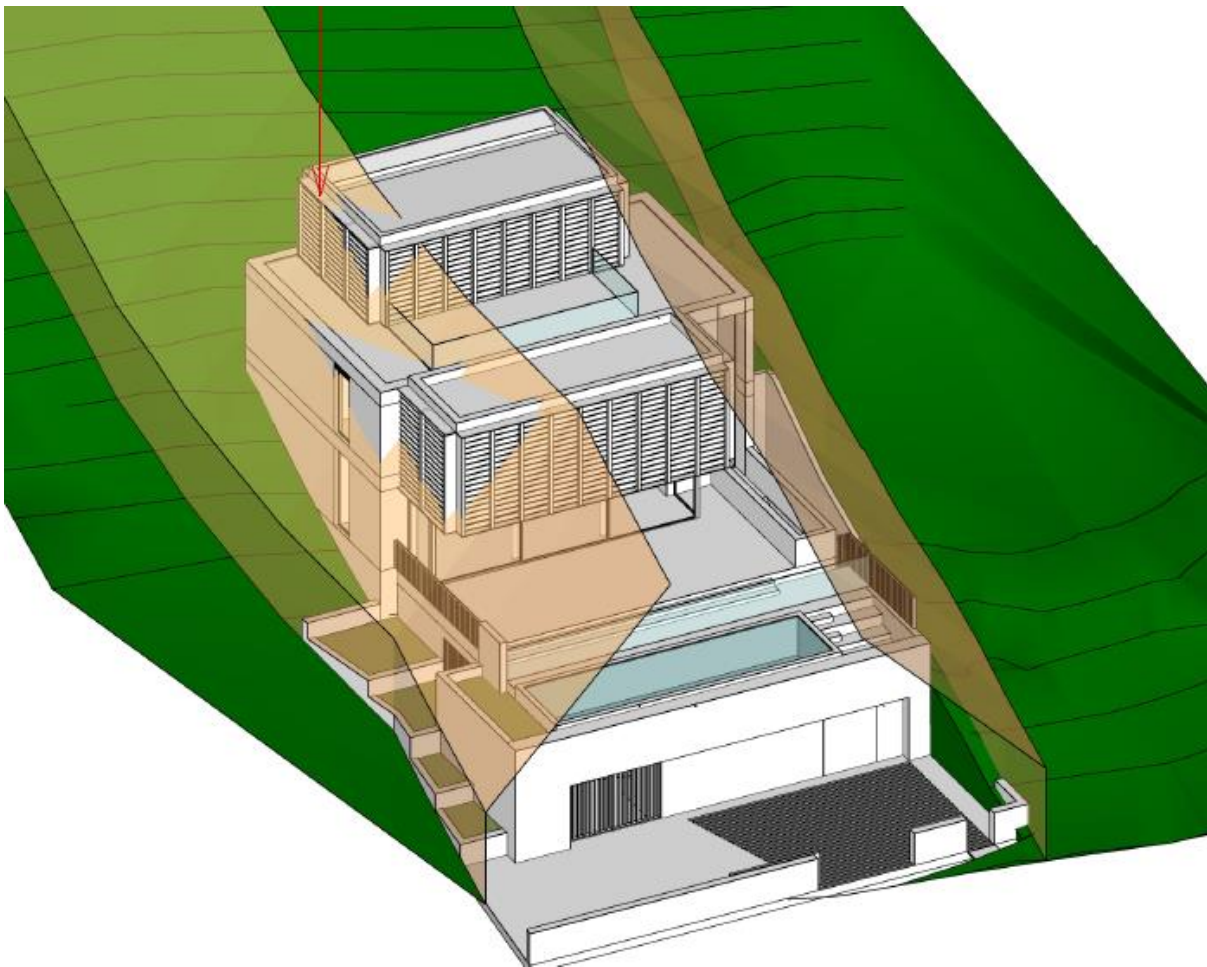


Figure 3 - Plan extract DA12(E) demonstrating the extent of building envelope breaching elements

This plan demonstrates that the extent of building envelope breach has been reduced to the extent necessary to ensure consistency with the objectives of the control namely:

- The breaching elements are confined to relatively small areas of building façade and result from a combination of the irregular southern boundary alignment and the topography of the site.
- The breaching elements do not prevent the development from achieving the desired future character of the Palm Beach locality as previously outlined.
- Notwithstanding the breaching elements, the development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.
- Notwithstanding the breach element, the highly articulated and modulated building façades minimise the bulk and scale of development.
- The breaching elements do not give rise to any public or private view affectation.
- The breaching elements do not give rise to any adverse privacy, amenity or unacceptable solar access implications.
- The breaching elements do not compromise the landscape quality of the development.

Given the developments ability to satisfy the objectives of the building envelope control, notwithstanding the minor building envelope breaches proposed, strict compliance has been found to be both unreasonable and unnecessary under the circumstances.

Clause D12.10 Landscape Area

Response: As previously indicated, the accompanying Architectural amendments have facilitated an increase in landscaped area to 56% of the site area including the 6% functional landscaped area allowance.

Whilst not strictly in accordance with the 60% control, the established landscape outcome on the site is both quantitatively and qualitatively enhanced with the site landscaping contributing to the biodiversity of the local area is detailed on the accompanying landscape plan. The landscaped area proposed will also ensure the development will sit within a landscaped setting and is consistent with the desired future character of the Palm Beach Locality.

Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of controls/ standards for dealing with that aspect of the development.

Response to resident submissions

Submission from No. 13 Ocean Road, Palm Beach

- This property owner has raised concern regarding impact on views to the south towards subject site from the upper-level bedroom window will be blocked. Would like to see accurate height profiles erected.

Response: This matter has previously been addressed in detail in response to Council's issues letter.

Submission from No. 15 Ocean Road, Palm Beach

- This property owner has raised concern regarding shadowing impacts, particularly to the rear garden associated with proposed Level 2.

Response: Response: This matter has previously been addressed in detail in response to Council's issues letter.

Submission from No. 12 Sunrise Road, Palm Beach

- This property owner would like to see accurate height profiles erected.

Response: This matter has previously been addressed in detail in response to Council's issues letter.

We are of the opinion that the amended documentation, the subject of this submission, comprehensively responds to the issues raised and provides for an overall refinement in the detailing and design quality of the development. Having given due consideration to the matters pursuant to Section 4.15(1) of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to modification sought in this instance.

Please not hesitate to contact me to discuss any aspect of this submission.

Yours faithfully

Boston Blyth Fleming Town Planners



Greg Boston

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

Director