
From: William Fleming
Sent: 21/12/2023 10:36:44 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED 3 Waratah Road, Palm Beach DA2023/1548
Attachments: 5 Waratah Road, PALM BEACH - Submission.pdf;

Hello,

Please find attached a submission with regard to DA2023/1548 - 3 Waratah Road, Palm Beach

kind regards,
Will

--

William Fleming

Planner



Town Planners

[Redacted]

[Redacted]

[Redacted]

15 December 2023

The General Manager
Northern Beaches Council

Attention: Clare Costanzo

**RE: DEVELOPMENT APPLICATION DA (DA2023/1548)
ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND ASSOCIATED WORKS.
3 WARATAH ROAD, PALM BEACH**

1.0 INTRODUCTION

I write in response to the development application lodged for 3 Waratah Road on behalf of the owners of 5 Waratah Road. My client's property is to the south of the subject site and raises concerns with the proposed works to the garage with studio space above.

2.0 INCONSISTENCY WITH CLAUSE C1.11 & C1.14 OF THE DCP

The Applicants proposed to extend the detached garage and proposes a new studio above. The first floor studio includes a full bathroom, internal partition walls creating separate spaces and a private open space area via a new balcony. The studio can be separately accessed via the new staircase at the rear of the garage. The studio quite clearly has the ability to be used as a secondary dwelling and we are of the opinion that clause C1.11 is relevant to the proposal.

Clause C1.11, Secondary Dwellings and Rural Worker's Dwellings, has the following objectives:

Limitation of the visual bulk and scale of development. (En, S)

Provision of design flexibility for second storey development.

Restriction of the footprint of development site. (En)

Retention of natural vegetation and facilitation planting of additional landscaping. (En)

Provision of rental accommodation. (S)

The controls associated with this control also include that:

Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.

A secondary dwelling above a detached garage is not supported.

The proposal provides for a studio above the garage. While not technically a secondary dwelling as no kitchen is proposed it is capable of being a secondary dwelling and the intent of the control is to limit visual bulk. The development increases the bulk of the garage and with the new first

floor level it will have an unreasonable visual impact when viewed from my client's property. It is clear that the intent of these controls is to ensure that detached structures are kept at a single storey level to ensure a reasonable bulk and scale outcome. 3D images have been provided demonstrating the unreasonable bulk and scale of the development when viewed from my client's property. The proposal is inconsistent with this clause within the DCP.



Image 1: 3D Render views



Image 2: 3D render view

Clause C1.14, Separately Accessible Structures, has not be addressed within the Statement of Environmental Effects despite proposing a separately accessible structure. The controls and variations that relate to this clause are as follows:

Controls

A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:

it is ancillary to a dwelling;

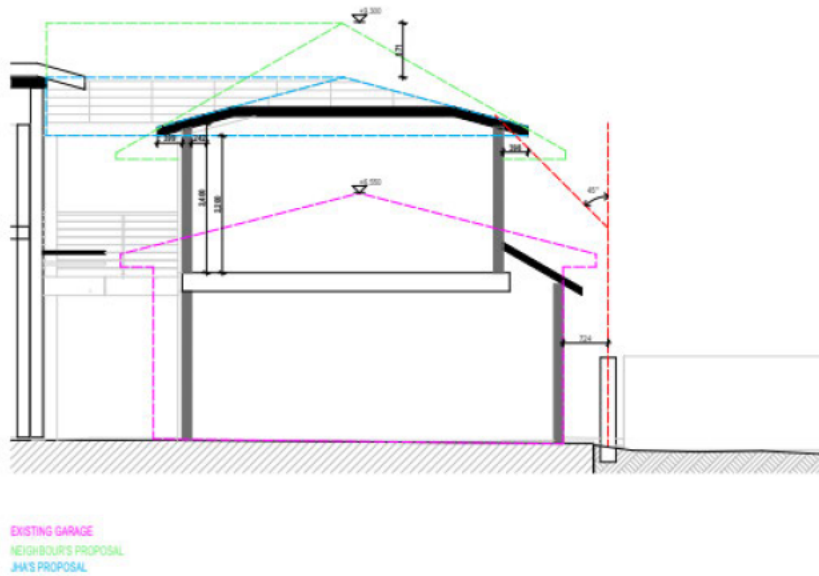
it is not designed for separate habitation and does not contain any cooking facilities.

Variations

Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.

The inclusion of a full bathroom speaks to the intent for it to be used for separate habitation and designed as such. The studio can be accessed from the first floor level of which there are currently 4 existing bathrooms with an additional ensuite proposed to bedroom 5. There is no necessity for a bathroom in the studio, which would result in having 6 bathrooms on the first floor alone, when there are several already within easy access of the studio.

Should the studio above the be supported by Council we request that the bathroom be deleted to ensure it is not used for separate habitation. We also seek a redesign to minimise its bulk and scale which include lowering the height and pitch of the roof which would match the existing pitch and ridge RL's. An indicative drawing is provided below:



JORGE HRDINA
ARCHITECTS PTY LTD

5 WARATAH ROAD | Neighbour Section
5 WARATAH ROAD, PALM BEACH | 1:50 @ A3 20/11/2023

Image 3: Potential amendments

3.0 CONCLUSION

It is my client's submission that the intent of clause c1.11 and c1.14 of the DCP seeks to limit detached structures to a single storey to minimise visual bulk and streetscape impacts. The studio is capable of being used as secondary dwelling with secondary dwellings not anticipated to be above detached garages within the DCP. The separately accessible structures clause does not anticipate these type of developments to be designed for separate habitation. The bathroom should be deleted in that regard should it be approved. The proposed first floor addition will have an unreasonable visual impact and loss of amenity to the private open space area of No. 5.

Should amended plans be submitted we reserve the right to make further submissions in response.

Please don't hesitate to contact me should you have any questions.

Yours sincerely



William Fleming
BOSTON BLYTH FLEMING
BS, MPLAN