
Sent: 16/10/2022 10:55:23 AM
Subject: Submission on proposed modification: Mod2022/0518
Attachments: Submission on Mod2020- 0518 - Oct 2022.docx;

Please find attached my written objection to the proposed modification of the Development Consent DA2020/0096 granted for demolition of the dwelling house at 26 Ralston Rd, Palm Beach, and the construction of two dwelling houses.

Kind regards

David Plank

Sent from [Mail](#) for Windows

David Plank

Owner of 8 Ebor Rd, Palm Beach NSW 2108

16 October 2022

Chief Executive Officer
Northern Beaches Council
725 Pittwater Road Dee Why NSW 2099

council@northernbeaches.nsw.gov.au

Dear Chief Executive Officer,

Re: 26 Ralston Road, Palm Beach, NSW 2108

Mod2022/0518

WRITTEN SUBMISSION: LETTER OF OBJECTION

Submission: Plank

This document is a submission by way of objection to Mod2022/0518, a proposed modification of DA2020/0096 granted for demolition of a dwelling house at 26 Ralston Rd (Lot 4 Sec 10 & Lot 5 Sec 10 DP 14048) and construction of two dwelling houses.

The subject site lies to the north of my property. I enjoy water views over the subject sites rear and front boundary. I enjoy a good level of privacy from the subject site.

I have major concerns relating to:

- View Loss
- Privacy (visual and acoustic)

I would note that at no time, either during the original DA process or with this modification has the applicant made any attempt to contact me to discuss the plans. In the first instance this led DA 2020/0096 to assert a number of falsehoods about the lack of impact the proposed development had on my property.

The proposed amendment is considered to be inconsistent with the outcomes, controls and objectives of the relevant legislation, plans and policies. In particular via its impact on neighbours through the additional height and bulk that the proposed modifications will have.

In considering my original objection to DA2022/0096, the Development Application Assessment Report of 27/8/2020 determined that the impact of my views of the revised building were acceptable in large part because “those from the upper level balconies will likely be retained.”

This will no longer be the case with the revised plans, meaning the impact on the amenity of 8 Ebor Rd is now substantial.

The subject site is of significant size, and there is no reason, unique or otherwise why a fully compliant solution to all outcomes and controls cannot be designed on the site.

I am concerned to the non-compliance of the PDCP outcomes and controls:

C1.3 View Sharing

C1.5 Visual Privacy

C1.6 Acoustic Privacy

C1.3 View Sharing

The clause states:

Outcomes: A reasonable sharing of views amongst dwellings.

Controls: All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing. Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.

Commentary: The original proposal already had a material impact on the views from 8 Ebor Rd. But, as noted above, the Assessment report concluded that the impact was acceptable because of the nature of the water views and the fact that “those from the upper level balconies will likely be retained.”

This will no longer be the case if the modifications are accepted. This means a key mitigating factor in the consideration of the original proposal will now be lost. The existing view is a ‘moving landscape’, rather than just a ‘scenic outlook’, given the activity on the water. The extent of view loss is severe to devastating under the modification, and the features lost are considered to be valued.

As a consequence, I ask that the proposed modifications be declined.

C1.5 Visual Privacy

The clause states:

Outcomes Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

There is a direct line of sight from the proposed roof decks to my property. That was previously mitigated by the reduction in the height of the proposed building. This mitigation will be completely lost if the height of the dwelling is increased in line with the proposed modification.

C1.6 Acoustic Privacy

The clause states:

Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S) Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas (S).

The substantial lift in height proposed by the modification means that the roof terrace will now be considerably higher than in the approved development. As such there will be material spill over of noise from the terrace to my property.

Conclusion

The proposed modification does not satisfy the relevant objectives of the LEP and the relevant outcomes and controls contained in the DCP as they are reasonably applied to an application proposing a new dwelling. The outcome is a building that causes poor amenity outcomes including view loss and other concerns to multiple residential outcomes and controls.

The modification does not satisfy the objectives of the standard and will present poor residential amenity consequences. The subject site is of considerable size, and there is no reason, unique or otherwise, why a fully compliant solution cannot be designed on the site, to avoid amenity loss.

The modification is not considered to be an appropriate outcome for the site as it fails the balance between the development of the site and the retention of significant natural features and the maintenance of a reasonable level of amenity for adjoining properties.

I ask Council to reject the proposed modifications.

Yours faithfully,

David Plank

Owner of 8 Ebor Rd, Palm Beach NSW 2108

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