

S U B M I S S I O N : T H O M A S
a written submission by way of objection to DA 2020/1596

David Andrew Thomas & Elizabeth Helen Thomas
5 Mitchell Road
Palm Beach
NSW 2108

23 July 2021

DDP
Northern Beaches Council
725 Pittwater Road
Dee Why
NSW 2099

Northern Beaches Council
council@northernbeaches.nsw.gov.au
Karen.Bartlett@northernbeaches.nsw.gov.au

Dear DDP Members,

Re:
6 Mitchell Road Palm Beach 2108
DA 2021/1596

WRITTEN SUBMISSION: LETTER OF OBJECTION
Submission: Thomas

We refer to our earlier submissions.

We agree with the recommendation for refusal of the DA for the reasons stated within the Assessment Report.

BUILDING HEIGHT

We contend that the DA has proposed built form well in excess of 10m.

The applicant has not submitted any written request for the exception to the Building Height standard. Council has no power to grant a development consent for this development in accordance with Clause 4.6 of LEP.

We ask that these matters are included within the refusal.

The **Building Height** over the **proposed Stair** is **10.62m**

The Roof over the Stair is **RL 73.6**.

The Survey Mark is shown immediately adjacent the leading northern edge of the stair is **RL 62.88**.

This represents a building height at 10.62m

The 10.62m height does not ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality, does not ensure that buildings are compatible with the height and scale of surrounding and nearby development, does not encourage buildings that are designed to respond sensitively to the natural topography, and does not minimise the adverse visual impact of development on the natural environment, and heritage items.

The above non-compliance will give rise to unreasonable amenity impacts upon the adjoining properties. In this instance, the proposal is not considered to achieve compliance with this control.

These issues warrant refusal of the application.

Rear Building Line, Building Envelope, and Setback Non-compliances

We are still concerned that the non-compliance to **Rear Building Line, Building Envelope, and the Setback** from the Bible Gardens is leading to unsatisfactory amenity outcomes and objectives not being achieved. We hope DDP will consider adding those non-compliances to the refusal. We ask for consideration that amenity loss caused by the non-compliant **Rear Building Line, Building Envelope, and the Setback** also be added to the reasons for refusal.

Conclusion

We ask for a **REFUSAL** to be issued by DDP based upon the recommendations within the Assessment Report, adding the matter relating to **non-compliance to Building Height** and the **absence of a Clause 4.6 Variation Request on Building Height**, and to the amenity loss caused by non-compliant **Rear Building Line, Building Envelope, and Setback controls**.

Yours faithfully,

David Andrew Thomas & Elizabeth Helen Thomas
5 Mitchell Road
Palm Beach
NSW 2108