
Sent: 26/04/2021 10:31:44 AM
Subject: Request for assistance with an online development objection
Attachments: Submission ROY HAWTIN.docx;

Hi there,

I'm trying to attach a letter to an online submission relating to a development proposal at 13 Iluka Road.

The letter attached is what I'm trying to submit.

Are you able to help guide me in how to attach this to my online submission please?

Many thanks,
Kristen



Kristen Roy

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

Northern Beaches Council
council@northernbeaches.nsw.gov.au
cc: Adam Mitchell, NBC Planner

Dear Chief Executive Officer,

***Re: 13 Iluka Road Palm Beach NSW 2108 - DA 2021/0197
A written submission by way of objection (ROY-HAWTIN)***

This document is a written submission by way of objection to DA 2021/0197 lodged under Section 4.15 of the EPAA 1979 [the EPA Act].

The DA seeks development consent for the carrying out of certain development, namely:

The proposed two-storey dwelling residence will involve the demolition of the existing dwelling, and the construction of the new dwelling residence with outdoor pool, balconies, and addition above garage and 2 level granny flat connected internally with the new house.

We note at the outset that the development in its proposed state is inconsistent with:

- (i) the desired character of the locality; and
- (ii) the development controls applicable to the development

We ask that the Council reject the plans in their current form and seek amended plans from the Applicant to comply with LEP and DCP controls. We urge Council to encourage a development that will preserve the seaside character and charm of the locality.

Background

We are a young family who live at 12 Nabilla Road, opposite and diagonal to the proposed development site. We have immediate family who also live in Palm Beach and we have spent much of our lives in the Pittwater area. The DCP captures for us the reason why made the significant commitment to settle in the area and in particular this street:

*“Pittwater is characterised by spectacular natural beauty. The urban development of Pittwater consists of a series of interconnected urban villages which have grown from the valley floors. Between these village centres, residential development is interspersed with open space that focuses on a physical attribute of the area e.g. beach or bay. Whilst having similar characteristics the **urban development***

has remained sympathetic to the topography which has resulted in treed leafy residential areas that prize their views and proximity to the various waterways, which is reflected in the property values of the area"

The village that encompasses the proposed development is a tranquil, peaceful setting with a consistent streetscape of neutral coloured, low-rise homes that are in keeping with the seaside character of the locality. We were drawn to the visual beauty of the locality but also to the close-knit community of residents who take pride in their street and who co-operate to ensure that physical beauty and neighbourly spirit are maintained. Nabilla Road regularly hosts Friday night street drinks for all neighbours to attend and enjoy uninterrupted views of the bay together.

Development Objections

1. Desired Character

It is abundantly clear to the casual observer that the proposed development will jar significantly with the surrounding seaside streetscape. The plans show a three-storey building with a tall, harsh concrete wall on the bay side of the structure and another concrete wall on the Nabilla Road side. The structure is black concrete on a street dominated by neutral, white weatherboard with leafy green gardens. The structure will drastically change the village atmosphere and distinct identity of the neighbourhood, setting a precedent for overdeveloped city-style investment homes that will maximise site development to the detriment of surrounding natural environment and family amenity.

Council is required to assess development applications in the context of the "*desired character*" of Palm Beach locality set out at A4.12 of the Pittwater DCP, notably:

- Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys;
- Developments will integrate with the landform and landscape, with common design thread being the landscaped, treed frontages and subdued external finishes;
- Retain a **beach and water character** in harmony with the community's needs and aspirations;
- Future development will maintain a **building height limit below the tree canopy** and minimise bulk and scale;
- Existing and new native vegetation, including canopy trees, will be integrated with the development;
- Building **colours and materials will harmonise** with the natural environment.

We submit that the bulk and design of the current application is not compatible with any of the above characteristics and therefore does not satisfy the aims of the DCP.

2. Non-compliance with LEP and DCP controls

The loss of desired character is all the more relevant where the loss is directly attributable to non-compliance of LEP and DCP controls.

We draw your attention in particular to:

- D12.5 Front Building Line, 4.0m control to Nabilla Road, 4.0m control v zero [garage]; decks [zero]; building [1.6m] [>1000% non-compliance]
- D12.6 Rear Building line, 6.5m control v 4.0m to #3 Woorak Road [62% non-compliance]

- D12.8 Building Envelope, fails control
- D12.9 Landscape Area, fails control
- D12.11 Fence to Nabilla Road, 1.0m control v 2.1m proposed [210% non-compliance]

We note that other objections have set out the legal precedent relating to character loss in this regard¹. We also note that the above control breaches have been detailed in full in the submission 'Dennison-Quirk'. We reiterate the findings made in that submission.

Conclusion

The current proposal is not consistent with the objectives, outcomes and controls of the DCP. We are deeply concerned by the precedent this proposal could set for the locality and with respect we intend to actively ensure Council compliance with all relevant controls throughout the development process.

Yours sincerely,

Kristen ROY and Nigel HAWTIN
0412 131 957

¹ In Project Venture Developments v Pittwater Council (2005) NSW LEC 191, NSW LEC considered character:

"whether most observers would find the proposed development offensive, jarring or unsympathetic in a streetscape context, having regard to the built form characteristics of development within the site's visual catchment"