
Sent: 18/06/2021 2:28:14 PM
Subject: Notification Response - Development Application DA2021/0197
Attachments: Objection June 2021.pdf;

Attention: Adam Mitchell - Town Planner

Please find attached a submission in response to the formal notification of the above development application.

Regards

Greg Boston

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

Director



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18th June 2021

The General Manager
Northern Beaches Council
PO Box 882
Mona Vale NSW 1660

Attention: Adam Mitchell - Town Planner

Dear Mr Mitchell,

**Notification Response – Development Application DA2021/0197
Demolition works and construction of a dwelling house including a secondary
dwelling and swimming pool
No. 13 Iluka Road, Palm Beach**

We have been engaged by the owners of No. 5 Woorak Road, Palm Beach, to critically review the plans and documentation prepared in support of the above development application and provide advice in relation to policy compliance and potential amenity impacts on their property. Our client's property is located directly to the south-east of the subject site.

Having reviewed the documentation prepared in support of the application, and having inspected our client's site to determine the juxtaposition of the properties, we feel compelled to object to the application on the following grounds.

Inadequate information

The Statement of Environmental Effects (SoEE) prepared in support of the development application is grossly inadequate and misleading with such shortcomings not overcome by the Supplementary Statement of Environmental Effects (SSoEE) prepared in support of the amended plans. The identified inconsistencies and errors are as follows:

- The original SoEE and architectural plans incorrectly refers to the application as being for alterations and additions.
- The SoEE makes no reference to the application involving the construction of a secondary dwelling as defined. The "granny flat" referred to throughout the SoEE is not a defined land use.

- In this regard, we question whether the application was properly made in relation to accurately identifying the land uses proposed,
- Nowhere within the supporting documentation is the clause 5.4(9) Pittwater Local Environmental Plan 2014 (PLEP) secondary dwelling provisions addressed nor the clause B6.3 PLEP Secondary dwelling carparking provisions. The application is deficient in this regard.
- Nowhere within the supporting documentation is the clause C1.11 Pittwater 21 DCP Secondary dwelling provisions addressed. The application is deficient in this regard.
- The secondary dwelling is internally connected with, and partly located over the principal dwelling and to that extent we do not see how the proposal can comply with the 1 hour fire separation requirements of the BCA with no openings permitted within 3 metres of a side boundary for the Class 2 building proposed.
- The plans would suggest that a tertiary area of accommodation is proposed given that the ground level centrally located bedroom and bathroom are not internally accessed from either of the proposed dwellings. There is no justification for these tertiary separately accessible rooms which are readily capable of being used, or adapted for use, for separate occupation.

Non-compliance with Pittwater 21 DCP controls

Front Building Line – Clause D12.5 requires development to be setback 6.5 metres from the primary road frontage with a setback to the secondary frontage of 3.25 metres potentially acceptable where the outcomes of the control are achieved. The stated outcomes of the control are as follows:

- *Achieve the desired future character of the Locality.*
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
- *The amenity of residential development adjoining a main road is maintained. (S)*
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
- *To preserve and enhance the rural and bushland character of the locality. (En, S)*
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To encourage attractive street frontages and improve pedestrian amenity.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

The proposed dwelling has a variable setback to Iluka Road, being the primary frontage and address of the property, of between 3.0 and 6.5 metres representing a partial non-compliance of 3.5 metres or 53.8%.

The proposed dwelling, associated garaging and swimming pool have variable setbacks to Nabilla Road, being the secondary street frontage, of between nil and 3.310 metres with the majority of first floor building elements extending to within 1.5 metre of this boundary. This represents variations of up to 100%.

These variations have not been considered against the outcomes of the standard in either the original SoEE or the subsequent SSoEE. Having inspected the site and its immediate surrounds from the roadway, I am of the opinion that the setbacks proposed to both street frontages are inconsistent with the following outcomes of the control:

- *Achieve the desired future character of the Locality.*
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

The bulk and scale projecting so close to both street frontages will have an adverse impact on the relatively open streetscape character established by surrounding development. The proposed setbacks will impact on the views and outlook obtained from our client's property with the height, bulk, scale and setbacks proposed not sensitively relating to the spatial characteristics of the existing urban environment. Under such circumstances, any variation to the front setback control must fail.

Character as viewed from a public space – Clause D12.1 requires the bulk and scale of buildings to be minimised with garages and parking structures not being the dominant site feature when viewed from a public place. The proposal does not comply with these requirements, nor the outcomes associated with the control namely:

- *To achieve the desired future character of the Locality.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*
- *To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.*
- *The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

- *High quality buildings designed and built for the natural context and any natural hazards. (En, S)*
- *Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*
- *To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

These provisions and associated outcomes have not been addressed in any of the supporting documentation and to that extent the application must fail.

The setbacks proposed to Nabilla Road are insufficient to provide visual relief or landscape opportunity to soften and screen the proposed building form with the proposed sunshade blinds further adding to the visual bulk of the overall building design. The resultant height, bulk, scale and setbacks will result in a building which dominates the streetscape, is incapable of being softened and screened by landscaping and which will be perceived as inappropriate and jarring in a streetscape context. Under such circumstances the application must fail.

View sharing - Clause C1.3 requires a reasonable sharing of views amongst dwellings. The proposed development, by virtue of its height, form massing and setbacks, will impact on views available from the upper-level bedroom area of our client's property down the alignment of Nabilla Road towards Pittwater. Given the non-compliant nature of the front setback a view sharing outcome is not achieved and to that extent the proposal is non-compliant with the view sharing provisions of the DCP.

Solar access - The primary outcome associated with the C1.4 solar access provisions is that residential development is sited and designed to maximise solar access during mid-winter. The proposal has not been designed to maximise solar access during midwinter with the proposed secondary dwelling clearly contributing to overshadowing impacts to the adjoining property to the south of the site in an unacceptable manner.

Visual bulk - The large unarticulated and monolithic design of the southern building façade will have a significant adverse visual impact as viewed from the adjoining properties to the south of the site and represents, in our opinion, poor contextually inappropriate building design.

Intended use – From an analysis of the proposed floor plans, it would appear that the building has been designed to facilitate multiple occupancies under the guise of a dwelling house and secondary dwelling. There is a curious internal connection between the principal and secondary dwellings and then no connection at all between tertiary habitable rooms and bathroom facilities at ground floor level. In our opinion the application would appear to be a sham as it relates to the intended use of the property.

We consider the application to be without merit and accordingly should be refused. Please do not hesitate to contact me to arrange site access or should you wish to discuss any aspect of this submission.

Yours sincerely
Boston Blyth Fleming Pty Ltd

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director