
Sent: 29/07/2022 2:25:44 PM
Subject: DA2021/2416 - 155 Pacific Road, Palm Beach (Our Ref:22-082A)
Attachments: Submission Final.pdf; Attachment 1.pdf; Attachment 2.pdf;

Hello Adam,

Please see attached submission with regards to DA2021/2416 - 155 Pacific Road, Palm Beach.

Kindly acknowledge receipt of the same.

Regards

Bob

29 July 2022

RJC:22-082A

The General Manager
Northern Beaches Council
P O Box 82
Manly NSW 1655

Attention: Mr Adam Susko

email: council@northernbeaches.nsw.gov.au

Dear Adam,

**Re: DA2021/2416 (“the DA”);
Partial Demolition of the existing dwelling and the construction of a new dwelling
with a detached studio and swimming pool (“the proposal”);
155 Pacific Road, Palm Beach (“the development site”).**

We write in relation to the above DA on behalf of our client who is the owner and occupier of 161 Pacific Road, Palm Beach (“our client’s home”) which is located to the north of and which adjoins the development site. The relationship between our client’s home and the development site is shown on the photo below on which our client’s home is edged white with the development site to its left: -



Running along the common boundary between our client's home and the development site, but wholly forming part of the development site, is a 6.0m wide right of way which contains an inclinator, stairs and many trees. (The right of way is identified on the survey plan which forms part of the DA. It is, however, shown more clearly on the attached deposited plan for the development site: see **Attachment 1**). The combination of the width of the right of way and the trees within it give rise to a situation whereby neither our client's home nor the existing dwelling on the development site adversely impact one on the other.

Our client's home, and in particular the private open space on the home's north eastern side which enjoys the excellent view, thus enjoys a high level of privacy. However, from the survey submitted with the DA it will be seen that the roof ridge of our client's home is at RL66.29mAH. By way of comparison, the living room and large deck on the ground floor of the proposal are at RL68.06mAH. In other words, the internal and external living spaces of the proposal are significantly higher in relative terms when compared to our client's home. As a result the existing privacy of our client's home is likely to be severely impacted upon by the proposal, this impact being compounded by the proposed removal of several trees in and adjacent to the right of way. Our client is most concerned about this severe impact and had asked us to make this submission on their behalf.

As described in the Statement of Environmental Effects which forms part of the DA, the proposal comprises the following elements: -

"Lower Ground Floor

- *Alterations and additions to lower ground floor level to provide for two bedrooms, bathroom, laundry, bathroom, wine cellar, TV/sitting room/ library, internal access stairs and lift shaft.*

Ground Floor

- *Alterations and additions to ground floor level to provide for new entry, living, kitchen and pantry, office, powder, master bedroom with ensuite, sitting and walk-in robe, decks, internal access stairs and lift shaft.*

First Floor

- *Proposed new first floor addition to provide for studio/workshop with lift shaft and stair access.*

Additional Works

- *New swimming pool and associated decking*
- *New detached studio with living, bath, bedroom and deck*

Additionally, however, the proposal also involves the removal of several trees including Tree T6, as identified in the Arboricultural Impact Assessment Report submitted as part of the DA. Provided overleaf is a photo taken from the private open space of our client's home identifying Tree T6. According to the Applicants survey this tree is 8.0m high and the ground level adjacent to it is at RL62.12mAH giving the top of the tree a height of around RL70mAH. The living

room and deck of the proposal will be at a level which is approximately 2.0m below the top of this tree.

We make the following submission on the proposal on behalf of our client.

1. Loss of Privacy

The proposed living areas and large deck will create a situation where the residents of the new dwelling will be able to directly overlook the private open space of our client's home (this being located on the home's north eastern side facing the excellent view) and no measures have been integrated into the proposal to attenuate or mitigate the adverse privacy impacts. Indeed, the impact will be compounded by the proposed removal of trees from within and adjacent to the right of way, including Tree T6.

The replacement plantings in this location are Kentia Palms (*Howea forsteriana*) which, with a height at maturity of 15.0m, will have no screening effect at all.



Additionally, the TV/ sitting/ library room on the proposed lower ground floor at RL65.07mAHD has north facing windows which will also look directly over our client's private open space. Provided in **Attachment 2** is the North West Elevation which forms part of the set of DA plans which (along with the photo above) clearly demonstrates the

extent to which overlooking opportunities will arise over our client's home, including on our client's private outdoor space.

This overlooking is unreasonable and unacceptable. This potential for overlooking appears not to have been considered in the formation of the DA. In this regard, there is no reference at all to the existing interrelationship between the development site and our client's home in the Statement of Environmental Effects submitted in support of the DA.

2. Categorisation of the proposed 'studio'

The proposal includes what is described as a 'studio' which comprises a self-contained separate dwelling. It should be properly identified for what is in: a "secondary dwelling". A "secondary dwelling" is defined as follows in Pittwater LEP 2014:-

"secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

The proposal should still be described as one which involves a new dwelling and a secondary dwelling.

3. Further action

No doubt you will want to visit our client's home to see its inter-relationship with the development site for yourself. In this regard, please contact the undersigned in the first instance in order to make the necessary arrangements.

Thank you for the opportunity to make this submission.

Yours faithfully

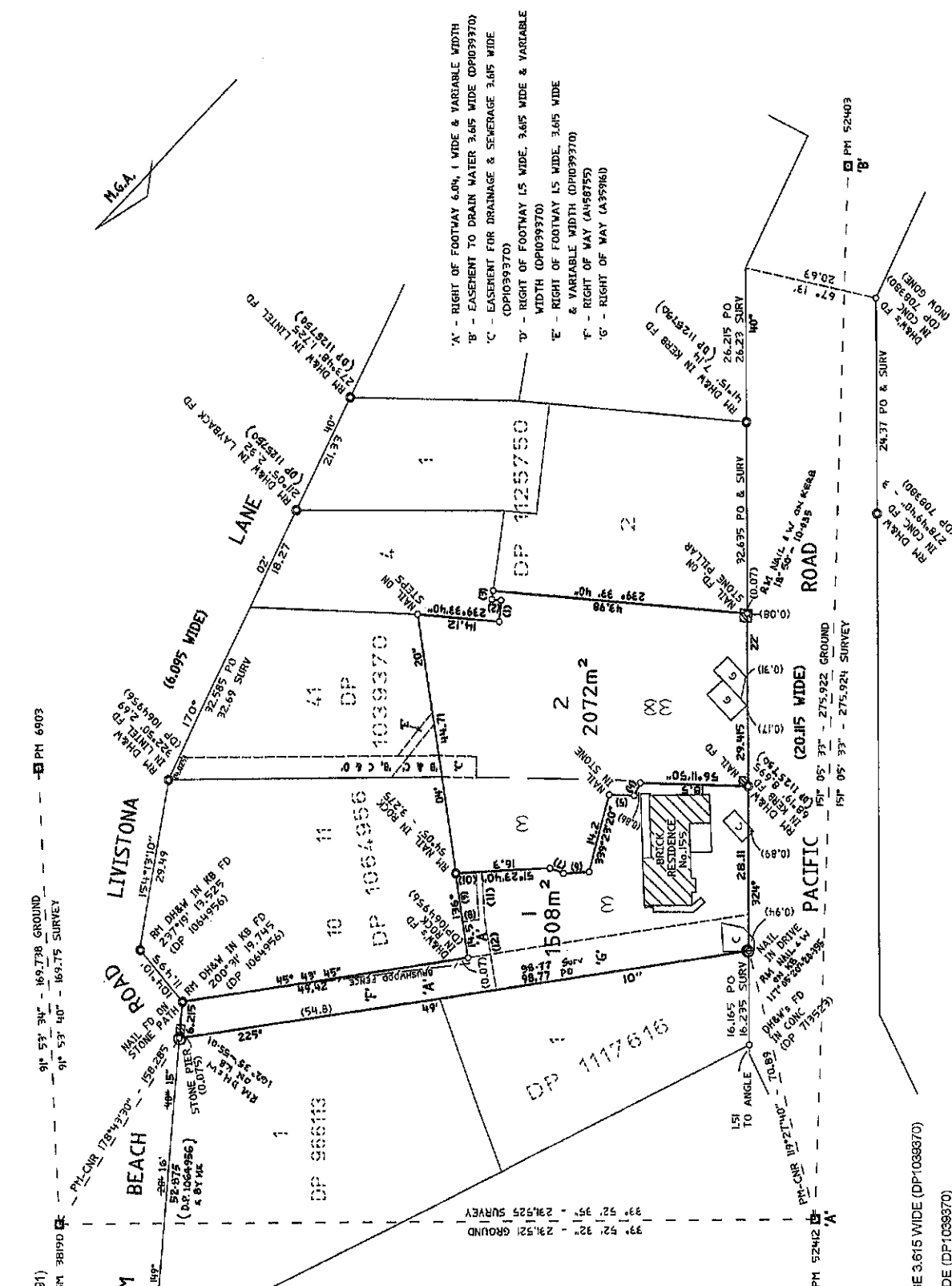
BBC Consulting Planners



Robert Chambers

Director

Email bob.chambers@bbcplanners.com.au



SURVEYING REGULATION 2006 CLAUSE 6(2)				
MARK	MGA COORDINATES		CLASS	ORDER ZONE
	EASTING	NORTHING		
PH6903	344405.965	6281279.087	B	2 56
PH52403	344320.670	6280850.978	B	2 56
PH52412	344187.304	6281052.194	B	2 56
SS43819	344316.338	6281284.693	B	2 56
COMBINED SEA LEVEL & SCALE FACTOR 0.999893				
SOURCE SCHEMS 8 NOVEMBER 2008				

TABLE OF SHORT LINES	
(1)	149°33'40" 3.645
(2)	59°34' 1.58
(3)	152°34'25" 1.5
(4)	35°05' 2.6
(5)	56°11'50" 3.8
(6)	51°23'40" 3.13
(7)	75°50' 4.165
(8)	2.85
(9)	8.39
(10)	3.56
(11)	140°59'40" 8.08
(12)	175°37' 12.16

C - CARPORT
G - GARAGE

- (X) BENEFITED BY - EASEMENT FOR DRAINAGE OF SEWAGE 3.615 WIDE (DP1039370)
- (Y) BENEFITED BY - EASEMENT TO DRAIN WATER 3.615 WIDE (DP1039370)
- RIGHT OF FOOTWAY 1.5 WIDE, 3.615 WIDE & VARIABLE WIDTH (DP1039370)

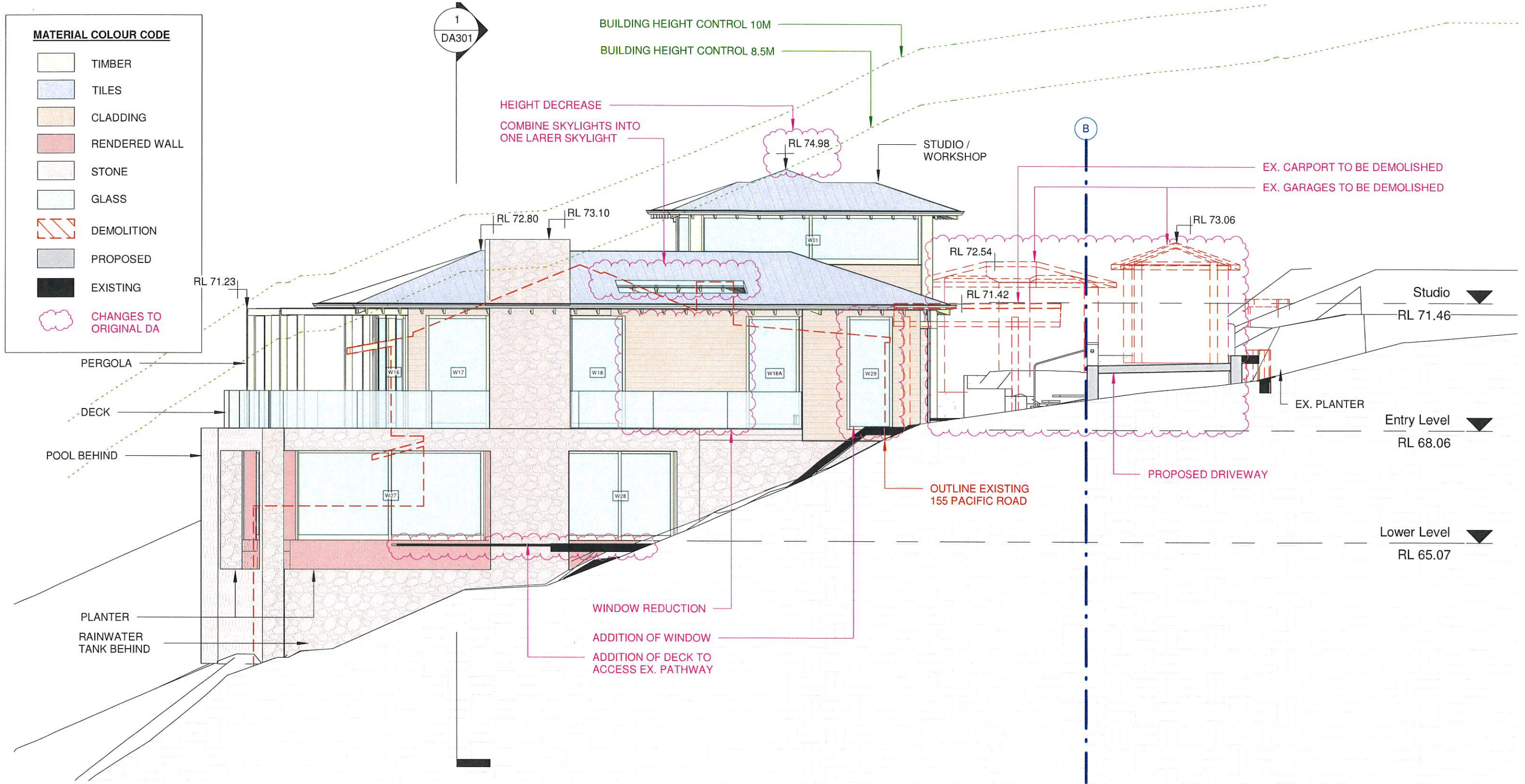
SURVEYORS: RICHARD, BERNARD SCOTT GREEN
Date of Survey: 8-11-2008
Surveyor's Ref: 47510

PLAN OF SUBDIVISION OF
LOT 1 DP 532410
LOT 4 DP 8595
LOT 3 DP 1125750

LGA: PITTWATER
Locality: PALM BEACH
Subdivision No: P08109
Lengths are in metres.
Reduction Ratio 1:500

Registered
23-12-2009

DP1144798 P



cm

This Drawing must not be used for Construction unless signed as Approved

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Project:
Greaser Lambert-Smith House
155 Pacific Road, Palm Beach

Project number 2021_135

Revisions		
No.	Description	Date
1	DA	2021-11-22
2	Revised DA Set	2022-04-19
3	Revised DA Set	2022-06-17

Client:
Philip & Jo

Drawing Number:

DA204

Date

2022-06-17

Issue 3

Drawing:

Northwest Elevation

Scale 1 : 100 @ A3

Drawn by:

EW

Checked by:

MB