
Sent: 26/05/2021 4:18:57 AM

Subject: Application No. DA2021/0400 - LINCOLN Submission of Objections

The General Manager,
Northern Beaches Council,
PO Box 82 Manly NSW 1655.
25 May 2021.
Attention: Thomas Prosser, Planner
Via email

Re: Application No. DA2021/0400

Address: Lot 2 DP 233128, 111 Bynya Road Palm Beach

Description: Alterations and additions to a dwelling house

Dear Thomas,

Thank you for your correspondence to us dated 6 May 2021 notifying the submission of a revised proposed development at 111 Bynya Road Palm Beach under new Application No. DA2021/0400.

Our Submission of Objections

Application No. DA2021/0400 supersedes the withdrawn Application No. DA2020/1333.

In respect of DA2020/1333, we submitted our objections concerning negative impacts on our coastal view, our amenity, and the neighbourhood streetscape.

In respect of DA2021/0400, we now submit our objections to aspects of this Application.

Principally, our objections as submitted previously in respect of DA2020/1333 apply also to DA2021/0400 and should be read in conjunction with our present Submission.

Objections Outline

The summary list of aspects of DA2021/0400 are the subjects of our objections that are further discussed under Section and Clause Headings of the following Statement of Environmental Effects (SoEE).

1. Negative impacts that would be imposed on our coastal view, and our amenity, by the proposed built form Upper Level (third level) Bedroom; and
2. Disharmony with the established neighbourhood streetscape roof height of existing dwellings along the oceanside of Bynya Road; and
3. Certain assertions contained in the Statement of Environmental Effects, dated March 2021, of DA2021/0400.

Our Residency Context

Our property at 98 Bynya Road has been in our continuous ownership and has been our principal place of residence since 1970.

Our current dwelling was built in 1980 and was specifically designed and orientated to capture the north-eastern aspect and coastline outlook.

Our affinity with that coastal view, from Palm Beach Lighthouse, along the Bouddi Central Coast shoreline to Maitland Bay and Maitland Reef, cannot be overstated - it is not merely an amorphous

view over featureless ocean - it is a foreshore view of rocky headlands, beaches, and forested ridges and it is our family's touchstone with appreciation of life in this part of the peninsula.

Statement of Environmental Effects (SoEE)

We hereby disagree with, and submit our objections to, certain statements/opinions/conclusions and such, contained in the SoEE.

(Reference Headings, Numbers, Pages, Reduced Levels (RLs), etc., referred to in our Submission correspond with those used in the SoEE and relevant drawings - Plans/Sections/Elevations submitted as part of DA2021/0400.)

Absence of Contact

Various assertions are made in the SoEE regarding the lack of adverse impact of the proposed development's height effect on our property at 98 Bynya Road, particularly as regards our loss of view. At no time did the author of the SoEE or any delegated representative, contact us or enter to conduct an on-site assessment at our property, in our presence or otherwise with our permission, to objectively ascertain our sightline circumstances.

Also, we are unaware of any such contact having been made with our immediate neighbours on the upper (south-western) side of Bynya Road at address numbers 100 and 102, who are also affected by the proposed development.

Our Objections as discussed hereafter under the Statement of Environmental Effects

I.0 Introduction

3rd & 4th Paragraphs - Page 3

3rd Paragraph

"This revised proposal has responded to the issues arising from the original consideration ... which has the effect of maintaining a substantial view corridor to the north-western side of the dwelling, which benefits the views and outlook for the properties to the south-west of the site"; and

"In our opinion, this revised submission presents a considered response to the concerns raised in submissions and Council support of the proposal is requested."

We strongly disagree with the purported beneficial outcomes in this statement. It characterises, in best light, the revised proposal's response of ... *"maintaining a substantial view corridor"* ... but does not acknowledge the fundamental issue that loss of view would yet remain to the extent obscured by the retained additional Upper Level (third level) construction.

Whilst we see that the Applicant has shown some willingness to address our loss of view concerns, nevertheless, the revised proposal perseveres with the additional third level concept, which continues to generate the same negative impacts, albeit differently, and merely moves our loss of view from one lateral circumstance to another.

4th Paragraph

The proffered opinion ... *"this revised submission presents a considered response to the concerns raised in submissions ... "*

This opinion seems constrained but might be seen as consistent with an apparent unwillingness of the Applicant to consider removal of the accommodation on the Upper Level entirely and to replan it at a lower level.

Our Supplementary Comment - Height Poles and Assessment of Views

Height Poles are an important part of the assessment of obstruction to our views of the Broken Bay north-eastern foreshore. Presently, some Height Poles are erected at 111 Bynya Road, however, they

were erected after the previous DA 2020/1333, so we have no certain knowledge as to their status. We request that they, or such others, be verified for accuracy of placement and height of the extremities of the proposed additional Upper Level.

In the case of the previous DA 2020/1333, errors occurred in the setting of those height RLs, which, had they been correct would have demonstrated even greater loss of view than was observed and photographed.

Please refer to our email to Planner - Jordan Davies dated 27 April 2021.

5.0 Proposed Development

3rd & 4th paragraphs - Page 10

"... a revised design has been prepared by Rachel Hudson Architect, which specifically addresses the areas of concern through design modifications to the proposed first floor element, which ... will retain substantial view corridors for the surrounding neighbours and present a reduced overall height for the proposed first floor addition."; and

"... the extent of the first floor addition has been reduced and the floor plate relocated to stand adjacent to the north-eastern boundary, together with a reduction in the overall height by 600mm, which has the effect of maintaining a substantial view corridor to the north-western side of the dwelling, which benefits the views and outlook for the properties to the south-west of the site."

We strongly disagree with the purported beneficial outcomes in these statements. The statements promote, in best light, benefits relating to changes but do not acknowledge the fundamental issue that loss of view would yet remain to the extent obscured by the lateral repositioning of the retained additional Upper-Level construction.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

Subclause - Desired Future Character of the Surrounding Locality - Page 13

"It is considered that the proposed new works will be consistent with the desired future character of the surrounding locality for the following reasons: ▪ The proposal will be consistent with and complement the existing detached style housing within the locality. ▪ The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. ▪ The setbacks are compatible with the existing surrounding development. ▪ The proposal does not have any adverse impact on long distance views.

We strongly disagree with aspects of that statement, particularly regarding the following matters:

Streetscape

Inference might be taken to invite viewing the bulk and height of the circa mid 1970's aberrant scale residence at 109 Bynya Road, as being acceptable within current planning guidelines. The streetscape majority of older and recently built residences in our immediate vicinity, having road frontages along the ocean side of Bynya Road, exhibit lower built form heights commonality at or below RL 119.00 compared with that of the proposed development at RL 120.85. The precedent also exists where the built form roof height of the adjacent residence at 113 Bynya Road, DA N0270/07 was lowered from RL 121.18 to RL 119.51 after favourable considerations of submitted height objections.

The proposed development struggles to respect the scale and form of other recent new development in the immediate vicinity.

Long-distance Views

The proposal does have adverse impact on our long-distance views as we discussed in preceding Sections: 1.0 Introduction, 5.0 Proposed Development, and this Section 6.3 Pittwater Local Environmental Plan 2014.

6.4 Pittwater 21 Development Control Plan

Control C1.3

View Sharing - Pages 21 & 22

The foregoing discussions in our submission regarding Views remain relevant to application of this Control.

We strongly disagree with that statement where it considers in concluding ... *"Uphill properties on the southern side of Bynya Road are substantially elevated above the subject site and are therefore considered to maintain views over and past the proposed roof and dwelling towards the north-east."*

This can only be mere supposition as no on-site verification assessment at our property was undertaken as we discussed in preceding heading **Absence of Contact**.

Further objections to aspects of this SoEE

In further examination of this SoEE, whilst similar objections can be made in relation to matters already discussed we now come to concerns addressing the conclusion.

8.0 Conclusion

In Paragraphs 4 & 5 - Page 34

Paragraph 4

The SoEE draws the conclusion that: ... *"This revised proposal ... responds appropriately to the concerns raised by Council's Assessment Officer and the surrounding neighbouring properties in relation to the previous proposal addressed under DA2020/1333 ..."*

We strongly disagree with that statement where it considers the revised proposal responds appropriately to the concerns raised in relation to the previous proposal under DA2020/1333. Our current concerns under DA2021/0400 regarding the negative impacts that would be imposed on our coastal view, our amenity, the streetscape, and the reduced value of our property by the revised proposal have been discussed in earlier SoEE Sections and Clauses of our Submission and we contend that the responses to them are inadequate.

Paragraph 5

... *"the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments ..."*

We strongly disagree with that statement as regards the negative impacts that would be imposed on our property for the reasons discussed in earlier SoEE Sections and Clauses of our Submission and we contend that the responses to them are inadequate.

Desired Outcome

Our concerns regarding Alterations and Additions to 111 Bynya Road Palm Beach, DA2021/0400, as currently proposed, relate primarily to the bulk and height of the proposed built form of the Upper Level and to the detrimental effects which would ensue to the immediate streetscape of Bynya Road and, not least, the loss of our coastline and ocean view. Erection of surveyed height poles positioned at the corner extremities of the proposed Upper Level would assist comprehension of its height and bulk and thereby enable assessment of its visual impact.

We look forward to there being a satisfactory outcome and would be happy to provide additional information to Council should it be required.

Yours faithfully,

Bruce Lincoln FRAIA, Architect
NSW Architects Registration Board No 3053.