
Sent: 27/02/2020 3:17:06 PM
Subject: DA2019/1504 - 325 Whale Beach Road Palm Beach - Submission
Attachments: 325 Whale Beach Road submission 27 FEB 2020 FINAL.pdf;

Hi Guys,

Could you please register this submission and put it online?

Thanks!

Gareth David

Planner

Development Assessment

t 02 9970 1626

gareth.david@northernbeaches.nsw.gov.au

northernbeaches.nsw.gov.au



From: Lance Doyle <lance@doyleconsulting.com.au>
Sent: Thursday, 27 February 2020 2:46 PM
To: Gareth David <Gareth.David@northernbeaches.nsw.gov.au>
Cc: John Sheahan QC <john.sheahan@banco.net.au>; Shannon Gregory <shannon.gregory@banco.net.au>
Subject: 325 Whale Beach Road Palm Beach

Dear Gareth,

Thank you once again for your time yesterday, it was appreciated. Could you also convey our appreciation to Tom as well, for his endeavours.

As discussed earlier today, the requested conditions of consent are provided in our further submission (attached) incorporate a request for the easternmost portion of the pool (not the balance tank) to be no closer than 11.2 m to the easternmost boundary with additional condition requesting that no landscaping element including structures east of the proposed pool is any taller than 1.8 m.

Should you require any additional information or wish to discuss this matter, please contact me.

Regards,

LANCE DOYLE

B.AppSc(UWS), M.Plan(UTS), PIA

TOWN PLANNER

0414747395

DOYLE CONSULTING GROUP

Doyle Consulting Group

Planning and Development Services

ABN: 55278784425

Lance@doyleconsulting.com.au

Mob 0414747395

27th February 2020

The General Manager

Northern Beaches Council

Council@northernbeaches.nsw.gov.au

Re-DA No.2019/1504- 325 Whale Beach Road Palm Beach

ATTN: Mr Gareth David

Dear Sir,

I am again writing to you following your attendance at my client's site on Wednesday, 25 February to discuss the proposal with myself and the property owner Ms Gregory in order to understand the concerns over the proposal and to endeavour to accurately establish the location, height and length of the proposal due to previously expressed concerns over potential impacts with regard to view loss and inappropriate built form.

Your attendance at the subject site and your assistance in locating the extent of the proposal was valuable and enabled myself and my client to clearly establish the location and form of the proposal and I would like to thank you and your colleague for this assistance.

We now have a better understanding of the proposal. Whilst it is acknowledged that the proposal is not as long (by about 2 m) as first suggested, the proposal nonetheless results in a structure that (as indicated by Drawing No. LMP 01) is to be approximately 15 m long by 2.05 m high on its western end (at point A on LMP 01) and 3.86 m in height from the existing ground level on its eastern end (at point D on LMP 01 at point D). Any structure of this height on a nil setback to a boundary would

likely be considered to be inappropriate, particularly in an area identified by statutory planning controls as being a locality of scenic beauty, iconic views and requiring ongoing protection from inappropriate development. Traditionally, any structures within the foreshore area would be no higher than 1.8 metres, namely boundary fence height. The proposal, at over 3.6 metres in height is the equivalent height of TWO boundary fences.

In considering this proposed structure on the boundary, it is significant to note that the normal boundary fence is a maximum of 1.8 m high from existing ground level. The impact of a boundary fence of that height along the southern boundary of 325's allotment on the amenity of 319 (and of the adjoining Council allotment), in particular, on the iconic views would be minimal. Instead of this usual boundary fence, by putting a non-compliant pool above existing ground level with a non-compliant deck built to the boundary with no set back and a 1.8 m fence atop that deck, the combined effect is a structure that ends up creating a 2.05 m to 3.86 m high boundary fence that has significant negative impact on the amenity of 319.

Concerns remain over the height, proximity to boundary and the apparent disregard for the scenic values of the locality particularly when it is readily apparent that the size and configuration of the subject site (which encompasses two allotments) contains options for the location of the proposal which would give effect to the objectives of statutory planning documentation and court planning principles such as those expressed within *Tenacity v Warringah*, wherein the principles of view sharing are set out. Whilst it is acknowledged that the views available to my client's property

are across a side boundary the *Tenacity* planning principle is quite specific in that impacts upon views from non-compliant elements are given considerably more weight than view loss from compliant elements. The available views from 319 are of iconic elements such as Palm Beach itself and these are views that are obtained from the living areas of No.319, as was confirmed by your attendance on my clients property.

The proposal is non-compliant in terms of its setback to the side boundary and this lack of setback, coupled with an inappropriate location, results in the proponent seeking to satisfy the provisions of legislation to provide pool safety fencing but also to propose a privacy screen that is by any measure, excessive, when located directly on the boundary at an inappropriate height.

This element in terms of privacy is entirely a consequence of an insensitive proposal in a sensitive location.

It is requested that the proponent be directed to bring the proposal into compliance in terms of the setback to the boundary and also to reduce the visual impact of the proposal due to its excessive height.

Should Council not be minded to grant this request to relocate and render the proposal more visually sensitive to its locality, I request that the following conditions of consent be imposed upon any likely development consent -

1. The proposed location of the proposed pool is to be set out by a registered surveyor to confirm that the easternmost wall of the proposed pool, excluding the balance tank will be located at a point no less than 11.2 metres from the easternmost salient of the subject site. This survey is to be carried out upon the completion of formwork for the pool and prior to the pouring of concrete for this component of the

structure. This survey is to confirm the location is entirely in accordance with the approved location and concrete is not to be poured until concurrence is obtained from the relevant certifying authority.

2. Any landscaped element to be planted or erected within the area of the subject site east of the proposed pool is to be of a species that will not reach a mature height of any more than 1.8 m in order to protect views from the public reserve adjacent to the subject site along with views from 319 Whale Beach Road.

Thank you once again for the opportunity to provide this submission on behalf of the owner of No.319 Whale Beach Road.

Should you wish to discuss this matter or require further information, please contact me.

LANCE DOYLE

B.AppSc (UWS), MPlan (UTS),MPIA

Email: lance@doyleconsulting.com.au