

S U B M I S S I O N : C A S E Y  
a written submission by way of objection to DA 2020/1136

Mr & Mrs Vernon & Donna Casey

11 Pacific Road  
Palm Beach  
NSW 2108

2 May 2021

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

NBLPP  
Northern Beaches Council  
[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Dear NBLPP Members

Re:  
13 Pacific Road Palm Beach NSW 2107  
DA 2020/1136

Written Submission: Letter of Objection & Written Submission to NBLPP  
Submission: Casey

This document is a further written submission by way of objection lodged under Section 4.15 of the EPAA 1979 [the EPA Act], and forms the written submission to NBLPP.

We refer to our objection dated 2 October 2021 and 9 March 2021.

Our property is immediately to the south of the subject site.

In this Submission we address our ongoing objection to Amended Plan Submission, uploaded to Council website on 27 April 2021, generally Revision B drawings dated March 2021 – which we have just seen.

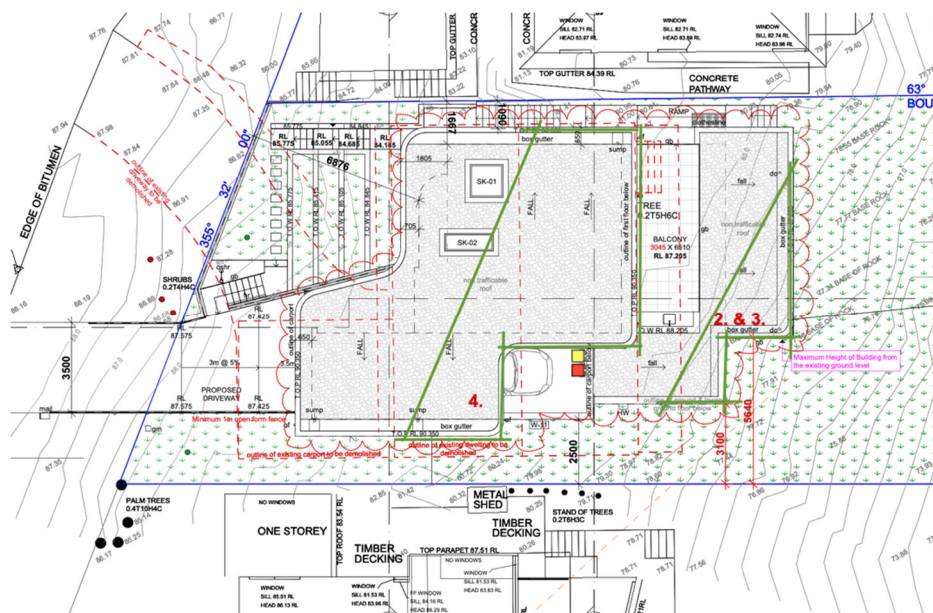
This Submission also confirms that we agree generally with the Assessment Report prepared by Council Officer David Auster [Anna Williams: Authorising Manager]. We ask for an extended set of reasons for refusal attached to this submission.

The Amended Plan submission unfortunately still represents considerable non-compliance to LEP and DCP controls, and delivers poor amenity outcomes.

We generally agree with the assessment report, and we contend the latest amended drawings do little to resolve the main issues. We totally agree with the Council Officer Recommendation:

*The assessment has found that the proposed height, bulk and scale of the development is excessive, and will have unacceptable impacts. The proposal is non-compliant with the height of buildings development standard, and side boundary envelope control, and overall, the proposal will have unreasonable impacts on both public and private views, visual impacts caused by the overall bulk and scale, and will be generally inconsistent with the desired future character as expressed in the locality statement for Palm Beach.*

We contend that the excessive height above 8.5m is not 'minor' and fails LEP 4.3 2D [a], and fails the objectives LEP 4.3 [1] [a] desired character of locality, [b] compatible with neighbours, [c] overshadowing, and [d] street view.



*Sketch against Roof Plan Rev B: Extensive zones exceed the 8.5m control at both upper levels, shown edged in green on the above sketch. **The area over 8.5m is not 'minor' and fails LEP 4.3 2D [a], and fails the objectives LEP 4.3.** Note that existing and neighbouring dwellings maintain the 8.5m height control.*

Our main concerns are;

1. The extensive zones of the building above 8.5m building height, at the upper two storeys, that will:
  - a) be significantly and noticeably higher than existing surrounding development from vantage points below the subject site;
  - b) create a jarring and unsympathetic outcome set against neighbouring houses that comply with the 8.5m control;
  - c) take public domain street views of the ocean



Considering the above matters, we ask that the following reasons for refusal are **added** to the eight reasons for refusal contained within the recommendation:

1. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause B6.1 Access Driveways**
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause B6.2 Internal Driveways**
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause B6.3 Off-Street Vehicle Parking Requirements**
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause C1.4 Solar Access**
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **C1.5 Visual Privacy**
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause C1.6 Acoustic Privacy**
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause C1.1 Landscaping**
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause D12.1 Character as viewed from a public place**
9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause D12.5 Front Building Line**
10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause D12.14 Scenic Protection Category One Areas**

We ask NBLPP to **REFUSE** the DA

**Mr & Mrs Vernon & Donna Casey**

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Appendix A [attached]

North Facing windows

