

From: Danielle Wallis
Sent: 7/11/2022 7:44:43 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: urgent submission Mod2022/0518
Attachments: Submission Mod2022:0518.docx; IMG_140AEA41EA40-1.jpeg;

Attn : Thomas Burns

I submitted this submission re Mod2022/0518 on the 17th October however have just had a look at the documents on the council website and it does not appear. I did receive acknowledgement of my submission via email, which is attached.

Please find the submission for your consideration. I will call today to ensure that you have been able to take this into consideration.

Kind regards
Danielle Wallis
28 Ralston Rd
Palm Beach


17th October 2022

Danielle Wallis
28 Ralston Rd
Palm Beach 2108

Adam Susko
Planner
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Dear Adam,

Re: 26 Ralston Road, Palm Beach, NSW 2108 Mod2022/0518

WRITTEN SUBMISSION: LETTER OF OBJECTION

We have reviewed the Modifications submitted to council for Lot 4 and Lot 5, 26 Ralston Road Palm Beach. Given that the modifications seek to overturn the conditions imposed on the developer by council themselves in the passing of the original DA application, we are very concerned and object to all modifications outlined in the Statement of Modification, which include the **Alterations to floor levels of the dwelling on Lot 4** and the **Change in floor levels of lot 5** as well as the **Deletion of Condition 18**.

DA2020/0096 was determined after significant review and consideration of the impact of the development on all neighbouring parties. It was determined that the height of the development and the construction of the parapets on both Lot 4 and 5 significantly impacted both our property and the property immediately behind number 26.

It was stated in the determination that the reason for these reduction in building heights was **"To reduce the bulk and scale of the dwelling on the western elevation"**. The fact that the developer has chosen to ignore that determination is offensive to the process and to the expertise of the consenting officer at the time, Adam Croft and the Development Determination Panel, not to mention, a complete waste of councils' time and resources. We therefore ask you to respect the original findings and determination which underpinned the approval of DA2020/0096.

If the design cannot meet Australian Ceiling Standards within the confines of the building envelope decided upon by council, then it follows that the onus is on the developer to alter the design, not on council to change its determination that has already been made in consideration of all vested parties, not just the needs of the developer.

Our concerns with the modifications remain the same as those that were stated in our original submission to council on the 8th July, 2020.

1. Scale and Bulk of the Development

The proposed height of the development resulting from the modifications to Lot 4 (an additional 1.2m in total) along with the significant differential in the slope of the land between number 26 and 28, which is 1.5m at the boundary of both properties and over 2m difference from our western boundary, would mean that the scale and the bulk of the building from our property is overwhelming. This increase in height will also result in an **increase in the extent of the existing non-compliance to the building envelope**. The developer has argued that non-compliance is “reasonable” however we deny this given that the increase in the bulk and scale of the proposed modifications from both the public and from our domain are significantly increased. No amount of screening could be utilised to provide any sense of privacy or softening of the impact of the building to us because of the sheer height of it. This increase is also detrimental to the character of the Locality. The scale of building will significantly detract from the leafy, natural surroundings of this area of Palm Beach and is not at all consistent with the community aesthetic. Clearly these are the key reasons that underpinned councils’ decision to impose the reduction of heights on the original DA and nothing has changed in this regard.

Furthermore, with respect to the PLEP 2014, building heights do not take into account the variation in the slope of the land between the properties which adds a significant height differential between the two properties. Even though the development may not exceed the “Clause 4.3 Height of buildings”, the topography of the land adds to the imposing scale and bulk of the building. Obviously, this is why discretion from the Council is required, so that all aspects of the development can be considered in the context of the site and the locality. This is why the initial DA required the heights be modified to reduce the bulk and scale of the building and limit its impact on our home.

2. Loss of Visual Privacy

The increase in heights of both Lot 4 and Lot 5 will also mean that the occupants of both houses will have a direct view into our main outdoor living space at the front of our property which includes a pool and outdoor entertaining area (especially from the rooftop viewing area). Currently this is a very private space that we spend an enormous amount of time in. The lack of privacy would significantly impede our ability to enjoy our own outdoor space and thus impact our lifestyle considerably.

3. Loss of Aural Privacy

The height and the presence of the roof top terrace invites these areas to be used as entertaining spaces which will inevitably result in noise becoming an issue for the

surrounding community. This is a quiet peaceful area which is exactly why the current residents choose to reside here. Unlike other areas in Palm Beach where homes are primarily used as holiday homes, many of the homes in this enclave of Palm Beach are occupied full time by people who have moved here in search of the peace and tranquillity that the area offers, and many have lived here for a long time. The presence of the roof top terraces, and the presence of the parapets essentially add another floor to these dwellings that are certain to create noise disruptions. It would be preferable that the developer alter the roof structure to a pitched roof as stated in their Modification Statement than proceed with the reintroduction of the parapets. This would eliminate the roof top terrace from the design and would alleviate some height issues and would also eliminate some issues around the loss of visual and aural privacy, but not completely.

4. Increased Shadowing

As outlined in the Modification Statement increasing the heights and reintroducing the parapets would also impact the shadowing or solar access of our property and we note that shadow diagrams detailing the extent of this have not been provided by the applicant to detail the degree of impact of this upon our property and we therefore request that this be supplied. The detail in previous shadow diagrams is limited and does not show them in relation to our property.

5. Does not meet s4.55 of the EP&A Act

Finally, we reject the claim that the proposed modifications are consistent with the provisions of s4.55 of the EP&A Act ie that the development remains “substantially the same” as the one that is approved. The modification imposes significant height variations of 1.2 metres on both the public and private domain which impact number 28 Ralston Road significantly from a privacy perspective and from the alteration in the bulk and the scale of the property. This also impacts our solar access and changes the general aesthetic of our environment.

Council has spent time and money on reviewing this application, and after due process involving a Development Determination Panel who considered the impacts to us, our neighbours, and the community at large, as well as the developer, a decision was made to impose a reduction in heights on the development to reduce the bulk and scale of the building. This should not be altered at this late stage. If the imposed heights don't allow for the design to meet Australian Standard ceiling heights, then that is not an issue for council or the neighbourhood, it is an issue for the design of the development and it is therefore the design that needs to change, not the conditions determined by council.

Sincerely,
Danielle and Kevin Wallis



7:42 ↗

[< Inbox](#)**DASUB@nor...** 18/10/2022

To: Danielle Wallis >

Submission Acknowledgment

18/10/2022

MR Danielle Wallis

- 28 Ralston RDPalm Beach NSW 2108

RE: Mod2022/0518 - 26
Ralston Road PALM BEACH
NSW 2108

Dear Sir/Madam,

Thank you for your submission in

