
Sent: 2/05/2021 7:27:52 AM
Subject: 13 Pacific Road Palm Beach NSW 2107 DA 2020/36 Written Submission:
Letter of Objection & Written Submission to NBLPP Submission: Casey
Attachments: NBLPP Submission Casey.docx;

Hi Livia,

2 May 21

Re: NBLPP Meeting 5 May 2021; 13 Pacific Road Palm Beach NSW 2107 DA 2020/36

Please find attached a Written Submission in objection to the above DA, dated 1 May 2021. Could you please forward this onto the Panel members.

The Applicant's latest revision was uploaded to Council website a few days ago, so this submission acts as a further objection to the DA against that revision, as well as the submission to NBLPP.

Vern Casey, the owner, has asked that I register to speak for him on Wednesday's NBLPP.

The meeting starts at 12 Noon, and as this is the only DA listed, I will be on stand-by on my mobile number from 12 Noon to make a very brief presentation to Panel Members.

Kind regards,

Bill Tulloch BSc[Arch]BArch[Hons1]UNSW
aattd@icloud.com

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

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;

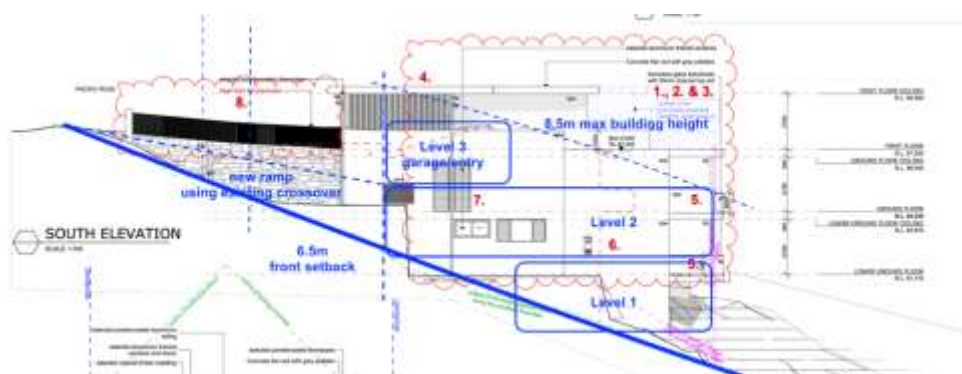
1. The extensive zones of the building above 8.5m building height, at the upper two storeys, that will:
 - a) be significantly and noticeably higher than existing surrounding development from vantage points below the subject site;
 - b) create a jarring and unsympathetic outcome set against neighbouring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

- d) take winter sun from our north facing windows, and external private open space, refer appendix A, particularly in the zone above the 8.5m building height control;
2. Lack of separation between the buildings, with non-compliant building envelope by **4.8m** [1.8m setback of roof - not dimensioned v 10.1m height of garage roof SE corner] – not 3.4m as the Assessment Report suggests - causing solar and visual bulk concerns. Inadequate zone for screening trees in the southern side setback zone adding to the privacy amenity loss
3. Lack of privacy screens to all south facing windows and decks, and lack of enclosure to the garaging and waste areas, that will cause visual, acoustic and odour problems to our main private open spaces
4. Visual Bulk, Privacy and Solar concerns caused by the **5m high elevated Access Driveway** structures [as high as our house], Internal Driveway structures, and Garage structures, positioned within the building envelope control, and our bedroom, with non-compliant front setbacks, and **with parapet heights 2.8m higher than our own**, causing visual bulk, privacy and solar amenity harm to our main western private open space, entry zones, bedroom, and ocean front decks
5. Off-Street Vehicle Parking Requirements are not adhered to by the lack of a turning circle, and cars needing to park in tandem requiring more traffic movements and amenity loss

To overcome these matters, we have asked that a **redesign** to include the following:

- Reduce Building Height not to exceed 8.5m.
- Compliant Front and Side Setbacks
- Compliant Building Envelope
- Maintain top of roof to match existing roof height at RL 88.27, and reduce upper-level roof not to exceed the RL 80 contour in alignment to ensure full compliance to standards
- Reduce floor plates below to c. RL 85.1 and c..82.10 and to follow the alignment of proposed ground floor in Rev B drawings
- Maintain existing ramp entry, or a new maximum grade AS ramp using the existing crossover, being the lowest level at the street frontage, with enclosed garaging to the northern side
- All windows to the South Elevation to have 1.7m sills, and obscured glass or privacy screens.
- Decks to have 1.7m high privacy screens facing the side boundary
- Landscaping in southern side setback to proposed wall height

This outcome would produce a **‘more skilful design’** that would overcome the amenity concerns, and would be more compliant to standards and controls. NBLPP might consider the solar loss to our property of the non-complaint component of the proposed development, compared with a more compliant 8.5m built form, as identified in this ‘more skilful design’ – the loss is significant.



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

11 Pacific Road
Palm Beach
NSW 2108

Appendix A [attached]

North Facing windows

