

**SUBMISSION: THOMAS**  
a written submission by way of objection to DA 2020/1596

**David Andrew Thomas & Elizabeth Helen Thomas**  
**5 Mitchell Road**  
**Palm Beach**  
**NSW 2108**

**11 August 2021**

**NBLPP**  
**Northern Beaches Council**  
**725 Pittwater Road**  
**Dee Why**  
**NSW 2099**

**Northern Beaches Council**  
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**Dear NBLPP Members,**

**Re:**  
**6 Mitchell Road Palm Beach 2108**  
**DA 2021/1596**

**WRITTEN SUBMISSION: LETTER OF OBJECTION**  
**Submission: Thomas**

We refer to our earlier submissions.

We agree with the recommendation for refusal of the DA for the reasons stated within the Assessment Report.

**BUILDING HEIGHT**

We contend that the DA has proposed built form well in excess of 10m.

The applicant has not submitted any written request for the exception to the Building Height standard. Council has no power to grant a development consent for this development in accordance with Clause 4.6 of LEP.

We ask that these matters are included within the refusal.

The **Building Height** over the **proposed Stair** is **10.62m**

The Roof over the Stair is **RL 73.6**.

The Survey Mark is shown immediately adjacent the leading northern edge of the stair is **RL 62.88**.

This represents a building height at 10.62m

The 10.62m height does not ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality, does not ensure that buildings are compatible with the height and scale of surrounding and nearby development, does not encourage buildings that are designed to respond sensitively to the natural topography, and does not minimise the adverse visual impact of development on the natural environment, and heritage items.

The above non-compliance will give rise to unreasonable amenity impacts upon the adjoining properties. In this instance, the proposal is not considered to achieve compliance with this control.

These issues warrant refusal of the application.

#### **Rear Building Line, Building Envelope, and Setback Non-compliances**

We are still concerned that the non-compliance to **Rear Building Line, Building Envelope, and the Setback** from the Bible Gardens is leading to unsatisfactory amenity outcomes and objectives not being achieved. We hope DDP will consider adding those non-compliances to the refusal. We ask for consideration that amenity loss caused by the non-compliant **Rear Building Line, Building Envelope, and the Setback** also be added to the reasons for refusal.

#### **Conclusion**

We ask for a **REFUSAL** to be issued by DDP based upon the recommendations within the Assessment Report, adding the matter relating to **non-compliance to Building Height** and the **absence of a Clause 4.6 Variation Request on Building Height**, and to the amenity loss caused by non-compliant **Rear Building Line, Building Envelope, and Setback controls**.

Yours faithfully,

David Andrew Thomas & Elizabeth Helen Thomas  
5 Mitchell Road  
Palm Beach  
NSW 2108