



The General Manager
c/c Gareth David (Assessment Officer)
Northern Beaches Council
Village Park, 1 Park Street
MONA VALE NSW 2103

cc: [Redacted]

23 Nov 2022

Dear Mr. David,

SUBMISSION TO DA2022/1732 RE: NOTIFICATION OF APPLICATION

RE: DA: 2022/1732
Address: 1015 Barrenjoey Road, PALM BEACH
Officer: Gareth David

I act on behalf of the adjoining landowners to the proposed development at 1015 Barrenjoey Road, Palm Beach (DA2022-1732):

- 1. Mr M Cannon-Brookes, Owner of 1013 Barrenjoey Road, Palm Beach; and
- 2. Mr M and Mrs H Cannon-Brookes, Owner of Unit 2, The Boatshed, 1017 Barrenjoey Road, Palm Beach.

Further to our original submission, we wish to raise concerns regarding the notification area of the application, as indicated at **Figure 1** below:

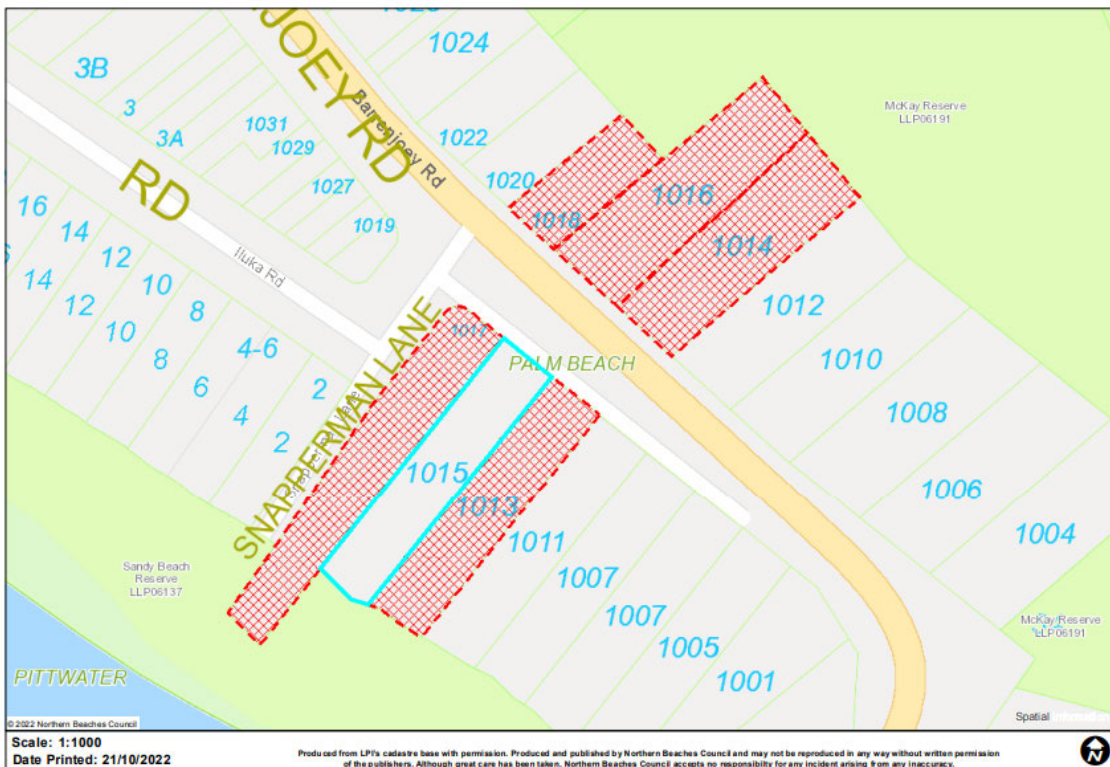


Figure 1. Notification Map for DA2022/1732

The proposal affects an environmentally sensitive and public foreshore area of great significance and is of particular concern to properties along Barrenjoey Road and Iluka Avenue with rear yards abutting the reserve.

To only notify the immediate surrounding properties (noting three out of five of those property owners have objected) is grossly inadequate and contrary to the objectives of Council's Community Participation Plan which seeks to notify members of the community who are affected by a proposal.

- *The community has a right to be informed about planning matters that affect it.*
- *Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.*
- *Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.*

Council's Notification Policy states that the notification catchment may be amended if Council deems that more properties will be impacted.

It is therefore requested that the application is re-notified to include affected properties, in accordance with Council's Community Participation Plan:

- Properties along Barrenjoey Road and Iluka Road whose properties adjoin the public reserve.
- Properties surrounding the site to the rear of southern side of Iluka Road who are users of the public reserve adjoining the development site.

Figure 2 shows the recommended notification area



Figure 2. Recommended notification area

Should you wish to discuss any of the matters raised, please do not hesitate to contact me on 0418 451 822 or via email at [REDACTED].

Thank you for your time in considering this submission.

Kind regards,

[REDACTED]

Philippa Frecklington BTP (Hons 1), MPIA
Managing Partner | Sydney Planning

[REDACTED]

Attachments:

1. **Original submission** prepared on behalf of Mr. Mr M Cannon-Brookes, Owner of 1013 Barrenjoey Road, Palm Beach, and Mr M and Mrs H Cannon-Brookes, Owner of Unit 2, The Boatshed, 1017 Barrenjoey Road, Palm Beach.

The General Manager
c/c Gareth David (Assessment Officer)
Northern Beaches Council
Village Park, 1 Park Street
MONA VALE NSW 2103

[REDACTED]

16 Nov 2022

Dear Mr. David,

CONFIDENTIAL SUBMISSION

RE: DA: 2022/1732
Address: 1015 Barrenjoey Road, PALM BEACH
Officer: Gareth David

I act on behalf of the adjoining landowners to the proposed development at 1015 Barrenjoey Road, Palm Beach (DA2022-1732):

1. Mr M Cannon-Brookes, Owner of 1013 Barrenjoey Road, Palm Beach; and
2. Mr M and Mrs H Cannon-Brookes, Owner of Unit 2, The Boatshed, 1017 Barrenjoey Road, Palm Beach.

As my clients reside in two (2) separate properties, this submission is to be counted as two (2) separate unresolved submissions to the development application (DA).

The purpose of this letter of strong objection to DA2022-1732 seeks to outline the devastating impacts that the proposal would have on the amenity of my clients properties and why the proposed swimming pool and associated works should be refused.

My clients concerns pertain to the proposed ancillary works to the rear of the dwelling house involving:

- construction of a new in-ground swimming pool within the foreshore building line;
- new glass pool fence;
- decking to the north of the pool; and
- new landscape stair connecting to an existing outdoor beach pavilion.

The principal concerns are summarised and outlined below:

- 1. Loss of privacy amenity (visual and acoustic)**
- 2. Visual impact**
- 3. Inconsistency with foreshore character**
- 4. Undesirable precedent**
- 5. Non-compliant landscaped area**
- 6. Suitability of the site**
- 7. Potential view loss**

- 1. Loss of privacy amenity (visual and acoustic)**

- a) The location of the proposed swimming pool would give rise to unreasonable overlooking and significant loss of acoustic amenity to the rear principal living areas and adjoining private open space of the adjoining properties at Unit 2, The Boatshed, 1017 Barrenjoey Road, Palm Beach to the west (Figures 1 & 2), and No. 1013 Barrenjoey Road, Palm Beach to the east (Figure 3).



Figure 1. *Rear living area and private open space of the adjoining property to the west at Unit 2, The Boatshed, 1017 Barrenjoey Road, Palm Beach.*



Figure 2. *Private open space of the adjoining property to the west at Unit 2, The Boatshed, 1017 Barrenjoey Road, Palm Beach.*



Figure 3. *Location of the proposed swimming pool and rear private open space and deck of the adjoining property to the east at 1013 Barrenjoey Road, Palm Beach.*

- b) The proposal does not achieve the required 9m setback to the private open space of No. 1013 Barrenjoey Road, contrary to Clause C1.5 *Visual Privacy* of Pittwater 21 DCP. The resultant loss of privacy and acoustic amenity would severely compromise the usability of this space.
- c) The swimming pool would give rise to unacceptable acoustic impacts on the public foreshore area and have a devastating impact on the tranquillity and quiet amenity of the area.

2. Visual impact

- a) The proposed swimming pool and fencing would have a detrimental impact on the visual amenity of the foreshore area when viewed from the public foreshore, Pittwater Waterways, and the adjoining properties. This is contrary to objective (a) for development in the foreshore area (Clause 7.8[1], Pittwater LEP 2014), which seeks to preserve the amenity of the area.
- b) The proposal is contrary to the following objectives for *Scenic Protection Category One Areas* under Clause of Pittwater 21 DCP:
 - *To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component;*

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- *Development shall minimise any visual impact on the natural environment when viewed from any waterway, road, or public reserve.*
- c) The proposed works would detract from the visual amenity and scenic quality of the foreshore and waterway. A more skilful design by locating the swimming pool within the front setback would mitigate any adverse impacts on the foreshore area.

In this regard, development consent cannot be granted because the consent authority cannot be satisfied of the required matters under Division 4, Clause 2.11(1)(b)(i)(ii) of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

- d) The proposal is contrary to Clause D12.1 *Character as viewed from a public place* of Pittwater 21 DCP in the following manner:
- The proposal is inconsistent with the following intended outcomes of Clause D12.1:
 - o *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.*
 - o *The visual impact of the built form is secondary to landscaping and vegetation.*
 - o *To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land.*

3. Inconsistency with foreshore character

- a) Clause 7.8(4)(e) under Pittwater LEP 2014 requires the consent authority in deciding whether to grant consent for development in the foreshore area, to consider to what extent the development would encourage the reinforcing of the foreshore character.

The proposed rear ancillary works would be grossly inconsistent with the established character of rear south-facing yards to the east and west of the subject dwelling abutting the public foreshore to Sandy Beach and Pittwater waterways. This includes:

- extensive grassed areas with minimal tree canopy provision;
- no rear fencing;
- landscaped side fencing with minimal height to preserve view corridors;
- no swimming pools; and
- no works beyond the foreshore building line.

This is demonstrated in **Figure 3**.

In this regard, the proposed rear works are considered to be unacceptable, as the works would not reinforce the prevailing or desired character for development in the foreshore area.



Figure 4. Existing foreshore character and location of the proposed swimming pool. The proposed swimming pool would be completely out of character with the existing and desired future character.

4. Undesirable precedent

- a) The proposed swimming pool and associated fencing would establish an undesirable precedent for development in the foreshore area.
- b) The cumulative impact of the construction of swimming pools and associated fencing within the foreshore building area, albeit permitted by virtue of Clause 7.8(2)(b) of the Pittwater LEP 2014, would have a detrimental impact on the visual and acoustic amenity of the foreshore area, contrary to objective (a) under Clause 7.8(1) *limited development on foreshore area* which seeks to ensure that development in the foreshore area will not impact on the amenity of the area.

5. Non-compliant landscaped area

- a) Section D12.10 *Landscaped Area – Environmentally Sensitive Land* prescribes a minimum 60% (671m²) of the site area (1119m²) as landscaped area. The application proposes a total landscape area of 40.8% (457m²). It is noted that the submitted plans include hard landscaped area in their calculation, which is inconsistent with the definition of landscaped area.

6. Suitability of the site

- a) The siting of the swimming pool is unsuitable to the foreshore area on account of:
 - the prevailing foreshore character; and
 - adverse visual and acoustic impact on the public foreshore area and Pittwater waterways.

- b) The swimming pool would be more suitably located in close proximity to the dwelling house to the north of the existing outdoor beach pavilion deck.

7. Potential view loss

- a) Details of the height at maturity of new plantings along the shared boundary with No. 1-3 Snapperman Lane, and No. 1013 Barrenjoey Road have not been provided. Concerns are raised regarding potential loss of highly valued water views currently enjoyed from the rear principal living areas and adjoining outdoor spaces across the shared side boundaries with the subject site (**Figure 5**).



Figure 5. *View from the rear deck at 1013 Barrenjoey Road across the subject site. Proposed plantings to screen the proposed pool have the potential to obstruct highly valuable water views of Pittwater waterway and the land/water interface.*



2 Landscape Plan
1 : 200

Figure 6. Landscape plan depicting new plantings on the shared boundary with 1013 Barrenjoey Road. No details of the height at maturity of new plantings have not been provided.

Should you wish to discuss any of the matters raised, please do not hesitate to contact me on 0418 451 822 or via email at sydneyplanning@hotmail.com.

Thank you for your time in considering this submission.

Kind regards,

[Redacted signature]

Philippa Frecklington BTP (Hons 1), MPIA
Managing Partner | Sydney Planning
www.sydneyplanning.net.au