
Sent: 15/11/2017 2:58:49 PM
Subject: DA 373/17
Attachments: img-171115132108.pdf;

d\plainPlease replace the attachment sent in my last email on November 15th, 2017 at 1.42pm with the copy of letter attached to this email. I did request a recall of the email sent at 1.42 pm.

d\plain

d\plainRegards,

d\plain

d\plainJames Slack

d\plain

d\plainThe Hunter River Company

d\plain20, St Johns Avenue, Gordon NSW, 2070

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d\plainTelephone: (02) 9499 7370 Mobile: 0409 240461

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November 15th, 2017

Mr Nick Armstrong
Northern Beaches Council
1 Park Avenue,
Mona Vale, NSW, 2103

Dear Nick,

RE: DA NO373/17

We refer to the responses from McCormick & Associates and Vaughn Milligan Development Consulting relating to objections to the proposed development at 13A Ocean Road (Sunrise Road) Palm Beach. While some of the points made seem valid (although not necessarily correct), we would like to point out that the following issues were not addressed adequately, if at all.

Site suitability

We agree there are many existing houses on the escarpment, but none are built so close to what is an unstable and extreme drop from the escarpment.

Trees and landscape

The land has already been extensively cleared (without approval), so we don't place any credence in the consultants response. Past behavior is a good indication of future behavior as far as we are concerned.

Existing house configuration – page 4

McCormick & Associates states:

*"The existing house is not being used as 2 dwellings. The dwelling has an internal connection between both levels and is being used as single family residence. **The existing house is not set up to allow the house to be broken into 2 separate self-contained dwellings.** There is one front door only. Accordingly, there is no existing secondary dwelling on the site and council can be assured that there will only be 2 dwellings on the site should the approval be granted. The kitchenette down stairs is not suitable for use as a kitchen to cook in. It is more like 'bar'."*

The owner's rental website states:

Swell The Ultimate Beach Lover's Location

If your idea of a beach house involves being able to walk out your door and onto the golden sands of Palm Beach – then look no further

- *A1 position – wide uninterrupted outlook across arguably the best beach in Sydney*
- ***Versatile floor plan allows for one large residence or 2 self contained levels***
- *Ocean and beach panoramas from all living areas and bedrooms*
- *Private, sunny entertaining terrace overlooking the beach*
- *Spacious main living room with lounge, dining and family areas*

14 Sunrise Road, Palm Beach, NSW, 2108

- Second living area, contemporary bathrooms, and two kitchens - Perfect for one or two families
- Completely rebuilt, stylish finishes, polished timber floors
- Nespresso coffee machine so bring along your favourite pods.
- Simply perfect for holiday rental needs

McCormick & Associates response seems to be very misleading. The house at 13A Ocean Road is large and it is available for rental. It is not a permanent residence and it has two self-contained levels, so we can see no reason, other than for additional income purposes, that a separate second dwelling is being proposed.

Secondary Dwelling

This is clearly a secondary dwelling that isn't "established in conjunction with another dwelling". Vaughn Milligan Development Consultants even quote Pittwater Local Environment Plan 2014 in their response:

secondary dwelling means a self-contained dwelling that:

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
- (b) *is on the same lot of land as the principal dwelling, and*
- (c) *is located within, or is attached to, or is separate from, the principal dwelling*

Car Parking

McCormack and Associates, under the heading "Carparking Sunrise Road", make the statement "Refer above for comments on car parking". We are not sure what this reference is to, as we couldn't find any relevant comment.

The response from Milligan Development Consultants is alarming to us:

"Concern was raised with regard to the availability of car parking for the proposed secondary dwelling. Council's DCP suggests an additional off street car space should be provided for a secondary dwelling and is generally applied where site conditions facilitate the provision of further off street parking.

In this instance, the challenging topography (long and steep climb/descent) and limited opportunity for level car parking space within the site restricts the ability to provide for additional off-street parking.

As additional parking is available within Sunrise Road and will suitably cater for the parking requirements of the proposed single bedroom secondary dwelling, the existing parking is considered acceptable in this instance."

There is no challenging topography where the existing house at 13A Ocean Road is built and where additional car-parking could be provided for. The issue is that the 'secondary dwelling' has no relationship with the primary dwelling. I can only surmise that Milligan Development Consultants accept that this is a completely separate development that should be treated as a sub-division. Additionally, the fact is that there is no ability for Sunrise Road to safely provide additional parking for the proposed development. It is a narrow road with no street parking, or street parking on only one side of the road, and the proposed development is on a very dangerous blind corner.

Privacy

McCormick and Associates state that the properties are separated by existing dense landscape. As previously highlighted, the site has been cleared of vegetation and is now more like a moonscape. In fact there is a large bare rock shelf between our home and the proposed new dwelling. It will not be possible to successfully plant screening vegetation on this rock shelf or the shallow and infertile soil around it.

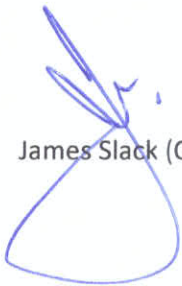
Future Development

Our understanding is that the floor area restriction of 60m² only applies to floor space and not external patios, verandas etc., so this is a moot point. Any addition to the building could impact views, shading, privacy and have geotechnical consequences.

Summary

In summary, we were un-concerned by the original development proposal (NO328/16) that was rejected by council last year as we believe the objections to that proposal could have been addressed with some design changes. In our case, we did not object, and we are now confronted with what we believe is an illegal sub-division which will provide for additional luxury rental accommodation. This is not in the spirit of the planning changes that allow for 'granny flats' that provide no-cost/low-cost accommodation. We do respect the right of the landowner to develop their land, but it must comply with applicable laws, regulations and standards. The current proposal provides for a separate residence with access from a separate road with no provision for parking, and no relationship with the existing large residence in 13A Ocean Road, Palm Beach. We continue to object strongly to the proposal and believe other options are available to the owner to provide for additional accommodation that is attached to the existing dwelling at 13A Ocean Road, Palm Beach.

Yours sincerely,



James Slack (Owners representative)