

25 May 2020

The general Manager
Northern Beach Council
Att: Mr Jordan Davies
Via Email:
council@northernbeaches.nsw.gov.au
Jordan.Davies@northernbeaches.nsw.gov.au

Dear Mr Davies,

RE: Mod 2020/0146 - 13 A Ocean Road, Palm Beach
Subject: Response to neighbour objections

We act on behalf of the applicant, Mrs Michele Matthews. We have reviewed the objection letters sent to Council with regards to the Section 4.55 proposed modifications to the approved DA 2019/0619 and make the following submission in reply.

Objection letter from 13 Ocean Road Palm Beach – Mr Hugh Cooke.

Acoustic requirements

We understand Mr Cooke's requests and confirm we have no objection to the retention of the condition 9 of the DA approval which addresses acoustic attenuation requirements for the approved inclinator.

We confirm that the inclinator rail is set back 2.5m from the boundary and that the carriage will not encroach closer than 2m from the boundary.

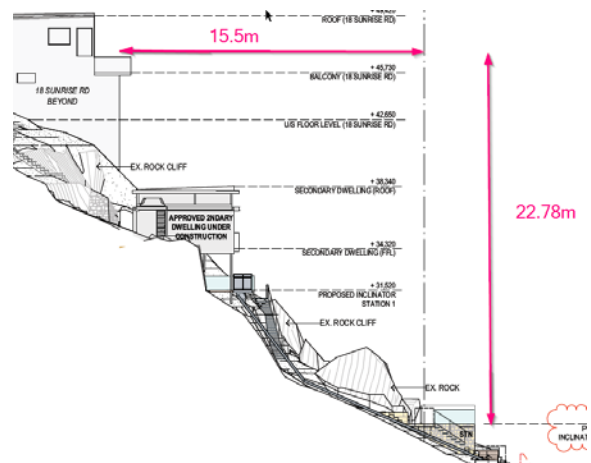
Landscape screening

To ensure mutual privacy, we suggest that the plants along the boundary should be allowed to grow to approximately 2.4 above the ground plane.

Objection letter from 18 Sunrise Road, Palm Beach – Pikes Verekers Lawyers on behalf of Mrs Shirley Hughes

We are unsure as to why the neighbour at 18 Sunrise choose to object to the changes given their removed location to the proposed works. The closest standing location at 18 Sunrise Road to the proposed changes (spa coping) is 15.5m in plan and 22.78m in elevation, over 7-storeys below the balcony. (Refer to DA4.01_D.) Given this very significant separation to the proposed changes, there is no foreseeable impact to these neighbours arising out of the proposed modification.

We respond however, to their stated issues as follows:



Raising terrace and spa relocation

The soft landscape that was posed for the spa location is replaced in the middle of the site, arguably providing a more landscaped appearance, to the street, not less, as the built form is more broken down across the site. There is greater space around the rock boulder now, allowing this natural feature of the site to 'breathe'.

Any change to light spillage or noise is negligible, if at all, and would be dealt with by the 7-storey height difference between the proposed works and the lowest deck at 18 Sunrise Road, or, by Council's standard condition with regards to light spillage.

A closer review of the drawings will show that the retaining walls adjacent to 18 Sunrise Road are actually lower than the approved works, not higher. One of the reasons for the modification proposal, as stated in the SOEE, is to reduce the height of these walls so that there is less excavation on the site, and so the built-form can relate better to the existing ground plane. Any change to retaining wall heights on the Ocean Road side of the proposal will be easily screened by the previously proposed landscaping. Contrary to the assertion in the letter, the change to the proposed levels will be beneficial for both the subject site and 18 Sunrise Road.

Inclinor extension

We confirm that the extension of the inclinor is to assist with better connection between the primary and secondary dwelling so that they can be better used in conjunction with each other. This is supported by the modification to the primary dwelling allowing for a door to access the base of the inclinor. It will also help with better access to Ocean Road in comparison to the approved stairwell which makes sense. We struggle to understand the reasoning set out in the objection letter.

The inclinor replaces a proposed stairwell which would be larger and more prevalent on the site. We can only see the modification proposal as an improvement and see no reason why the neighbour objects to this change.

Contrary to the neighbour's assertion of less landscape as a result of the inclinor, there is scope for more landscape due to the inclinor's narrow footprint in comparison to the stairwell. Accordingly, it is a 'win-win' solution for both the applicant and public visual amenity.

Summary

We trust that this reply demonstrates how there is negligible impact from the proposed changes and in fact mutual benefit, and that the concerns raised by 13 Ocean Road are already dealt with in the current conditions or via amended conditions on the landscape screening height.

Should you wish to make contact to discuss the proposed works, please give our office a call.



Michael MacCormick

Nominated Architects:
M. MacCormick 6702