

This DA Submission Form must be completed and attached to your submission.

DA No: N0328/16

The Interim General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

(Fax No: 9970 1200)



Name MRS SHIRLEY WALSH

Address 18 SUNRISE ROAD

PALM BEACH NSW 2108

Phone 0412231125 (MELISSA SLATTERY

DAUGHTER)
Date 25th AUGUST, 2016

Proposed Development: Alterations and additions to an existing dwelling house and construction of a detached secondary dwelling

At: 13A OCEAN ROAD PALM BEACH NSW 2108

I have inspected the DA plans and related documents. I have considered them in the context of the relevant planning instruments or policies.

☒ Yes ☐ No

I am willing to provide expert reports to supplement my comments should a conflict in opinion arise.

☒ Yes ☐ No

I am willing to provide evidence to the Land and Environment Court if the application is appealed.

☒ Yes ☐ No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's internet site through Council's transparent Development Application Tracking process. You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern.

COMMENTS: (You may use the space provided or attach a separate document).

I ATTACH MY COMMENTS WHICH ARE CONTAINED

IN MY FOUR PAGE LETTER DATED 25 AUGUST, 2016

Name: SHIRLEY WALSH Signature: Shirley J. Walsh Date: 25-8-2016

Disclosure of Political Donations and Gifts (sec 147 EP&A Act 1979):

Please read the information concerning political donations and gifts disclosure available at www.pittwater.nsw.gov.au/political and, if relevant, tick the box below and provide details of the donation or gift on the disclosure statement available on Council's website:

I have made a political gift or donation

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18 Sunrise Road
PALM BEACH NSW 2108

25 August, 2016

Northern Beaches Council
1 Park Street
MONA VALE NSW 2103

Attn: Nick Armstrong

Dear Sir

Re: DA No: N0328/16

I am writing to object to the Development Application at Lot 1 DP 121833, 13A Ocean Road, Palm Beach, 2108 (**the proposed development**). I am an immediate neighbour. I live to the north of the property at 18 Sunrise Road which runs down to Ocean Road.

This Development Application has been presented to Council as *alterations and additions to an existing dwelling, including new rumpus room and swimming pool and a detached secondary dwelling and passenger lift*. All proposed new works will be unified by their location on a physically separate building platform, 15.725m above the existing dwelling. I believe the nature of this submission presents a dangerous precedent for development on the Palm Beach escarpment and should not be approved.

The proposed development is oversized and the scale and bulk are unsuitable for this *low density* location. In addition, the proximity of the development to the beach means that the large propped concrete building platform will be highly visible from a public place and will impact on the amenity and natural scenic quality of the surrounding area. I also believe the proposal fails to meet the planning regulations set out by Pittwater Council.

I have structured my objection to the proposed development in three sections. Firstly, those issues relating to the Pittwater Local Environmental Plan, secondly those relating to the Pittwater Development Control Plan and thirdly, additional impacts of the work.

A. Pittwater Local Environmental Plan 2014

1. Land Zoning Maps (14 & 15) for this area show that it is zoned E4 Environmental Living. The Land Use Table states that the objectives of the E4 zone are "*to provide for low impact residential development in areas with special ecological, scientific or aesthetic values*" and "*to provide for residential development of a low density and scale integrated with the landform and landscape*".

Sectional drawings *DA04.02_A Secondary Dwelling Section* and *DA04.03_A Rumpus Room Section* show that the proposed development has no integration with the landform or landscape. The insertion of the bedroom and living room will require substantial excavation below the existing ground line.

The deck, swimming pool and planter are all suspended above the existing landform. The proposed rumpus room will be located on a new building platform, supported by large concrete piers anchored into the natural rock form and highly visible from Ocean Road and Palm Beach.

The scale, bulk and overall building footprint are not consistent with “*residential development of a low density and scale, integrated with the landform and landscape*”. The total ridge height is to be doubled from RL 14.090 to RL 28.640. *DA03.03_A North Elevation* and *DA03.05_A South Elevation* show that the proposed development doubles the sectional profile of the existing building. *DA01.02_A Landscape Area Calculation* shows that the total hard surface footprint of the residence will also be approximately doubled.

In addition, I believe the amenity of the proposed development exceeds reasonable development expectations within the low density residential environment of the E4 zone. *DA05.03_A Existing Plans* show that the existing dwelling already contains six bedrooms, five bathrooms, two kitchens and three living spaces (living, dining and family rooms).

The proposal includes a new bedroom, two bathrooms, one kitchen, two living spaces and a swimming pool. In particular, given the adverse aesthetic impact of the proposed development on the coastal foreshore, I do not believe this is a necessary addition to the dwelling.

2. Clause 5.4.9 of the LEP states that “*If development for the purposes of a secondary dwelling is permitted under this Plan the total floor area of the dwelling (excluding any areas used for parking) must not exceed whichever of the following is greater (a) 60sqm or (b) 25% of the total floor area of the principal dwelling*”.

The proposed development has been described as *alterations and additions to an existing dwelling* (rumpus room, toilet, storage) and a *detached secondary dwelling* (kitchen, bathroom, bedroom and kitchen), swimming pool and passenger lift.

The utility of the rumpus room as an extension to the existing dwelling is limited. *DA02.02_A Entry Plan* shows that the new building platform is only accessible by a passenger lift which is completely separate from the existing dwelling. The proposed rumpus room is located 15.725m above the connection at the ground level (RL 6.775).

The rumpus room in fact functions as a de facto extension to the secondary dwelling. Considering the total floor area of the rumpus room and granny flat together they will now exceed the maximum *25% of the total floor area of the principal dwelling*.

This development is much larger than the allowable size for a secondary dwelling and dual occupancy has been banned in the E4 zone according to the LEP.

3. Clause 5.5.2(b) states that *“Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered... the suitability of the proposed development, its relationship with the surrounding area and its impact on the scenic quality”*.

DA04.02_A Secondary Dwelling Section and DA04.03_A Rumpus Room Section show that the building platform and large supporting concrete piers will be highly visible from Ocean Road and the coastal foreshore. This development will compromise *the visual amenity and scenic quality of the coast*. The *bulk, scale and size of the development* are not appropriate for the location.

I believe the Council should also consider the *cumulative impacts of the proposed development on the coastal catchment*. The approval of this development will set a dangerous precedent for future development on the Palm Beach escarpment.

4. The proposal breaches the maximum building height prescribed by clause 4.3 of the LEP and the request to vary that requirement does not demonstrate that the requirement is unreasonable or unnecessary, that there are proper environmental planning grounds to depart from the requirement or that the proposal is consistent with the objectives of clause 4.3 or the E4 zone.

B. Pittwater Development Control Plan 2014

5. The proposed development fails to meet the requirements of Section C 1.3 View Sharing. Drawings DA05.01_A View Diagram (Plan) and DA05.02_A View Diagram (Section) do not provide sufficient information about the potential view loss to neighbouring homes.
6. Section D 12.2 Scenic Protection states that development shall minimize any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The scale and bulk of this development will significantly reduce the public view of the naturally vegetated escarpment from Ocean Road and the public beachfront. The proportion of built form on this section of the escarpment will become greater than the proportion of natural vegetation.

I suggest it would be appropriate that height poles with fluorescent tapes and flags indicating the building outlines should be erected to demonstrate the impact of the finished development on both neighboring view lines and the visual amenity of Palm Beach coastal foreshore.

7. The proposal is inconsistent with the desired future character of the Palm Beach locality in that:
 - (a) it fails to provide an appropriate landscape setting – resorting to large planters and screens for climbers in an area characterised by natural bushland
 - (b) it is not integrated with the landform and landscape
 - (c) the secondary dwelling is not sited in an appropriate location with minimal environmental impacts

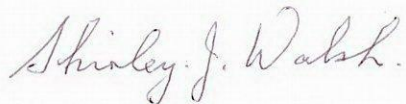
(d) it does not respect the horizontal massing of the existing built form

C. Additional Impacts

8. The proposed development is situated below the foundations of my house. Given the location of our properties in an H1 Hazard Zone, I request that as a condition of any approval Council require that a dilapidation report for my home by an independent and appropriately qualified specialist be provided to Council and to me before any future construction work commences and that vibration monitoring be conducted throughout the excavation and construction period.
9. Sunrise Road has been identified on *Pittwater's Most Scenic Streets Register* (page 73). It is recognized for its vegetation, "*locally native species, gardens*" and described as "*a narrow, torturous and hilly road with magnificent views*". In order to maintain this scenic quality, I request that as a condition of any approval Council prohibit future pedestrian or vehicular access to the subject property from Sunrise Road.

I ask that Council will consider these matters carefully when reviewing the Development Application at Lot 1 DP 121833, 13A Ocean Road, Palm Beach, 2108.

Yours sincerely



Shirley Walsh

Resident at 18 Sunrise Road, Palm Beach