
From: Emma Doyle
Sent: 13/09/2022 12:47:34 PM
To: Council Northernbeaches Mailbox
Cc: 'David Southall'
Subject: TRIMMED: Further Submission to Application No: DA2022/1129 123 Bynya Road Palm Beach
Attachments: Submission 2 re 123 Bynya Rd DA20221129_13 Sep 2022.pdf;

Ms Claire Ryan

Planner, Northern Beaches Council

Please find attached: **Further Submission to Application No: DA2022/1129 123 Bynya Road Palm Beach**

From: Emma Doyle/David Southall, 125 Bynya Road Palm Beach [REDACTED]

125 Bynya Rd
Palm Beach, 2108

12 September, 2022

Ms Claire Ryan
Planner, Northern Beaches Council
council@northernbeaches.nsw.gov.au

Dear Claire,

Submission to Application No: DA2022/1129

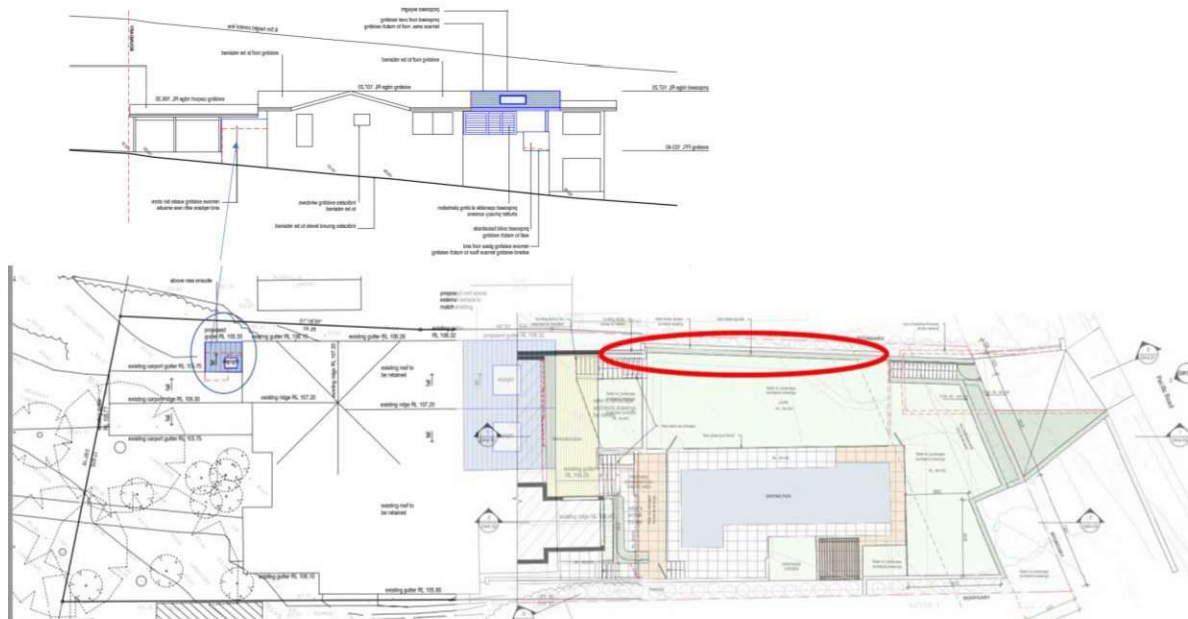
123 Bynya Road Palm Beach

Further to our submission dated August 17, 2022, and in light of new documents added regarding **No: DA2022/1129**, as the owners of No 125 Bynya Road Palm Beach we maintain our objections to the proposed development, the additional information has not provided sufficient clarity. In preparing this submission, we have sought the advice of an independent town planning consultant. Our objections focus on the amended plans and photomontages which introduce confusion regarding the planned works. Our objections can be summarised as follows:

1. Lack of information on elevations of proposed development

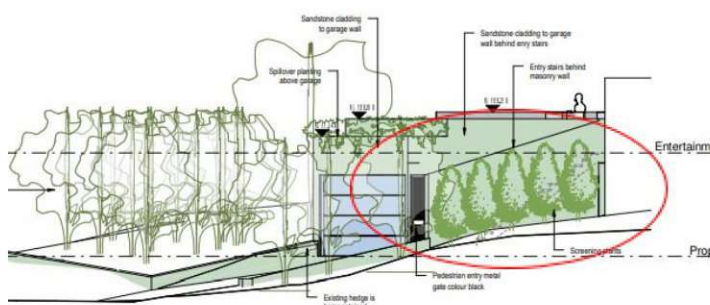
The application provides for raising the level of the rear yard, addition of a new terrace, addition of new screening and various levels of new wall/fencing structures. The actual elevations of these are unclear.

In seeking to understand the proposal, we attempted to view a composite drawing of the elevations and the plans, but the elevations have not been coloured to show the new work. Without clarity on the intended development we and Council are disadvantaged in being able to adequately evaluate the impact of the development on our property, vegetation and privacy. The area red circled does not have elevations provided within the architectural plans.



2. Screening vegetation on adjoining land

The north-west elevation shows screening vegetation that needs to be located on our property at 125 Bynya Road. If the architect is of the opinion that the design warrants screen planting, then this needs to be provided on the site of 123 Bynya Road and not on our land. Equally, screen landscaping should not be relied upon to overcome an unsatisfactory built form outcome. We maintain our earlier objections to the proposed garage structure on a nil setback to Pacific Road which will establish an adverse streetscape outcome and set an undesirable precedent where vehicular access is available from the primary frontage.

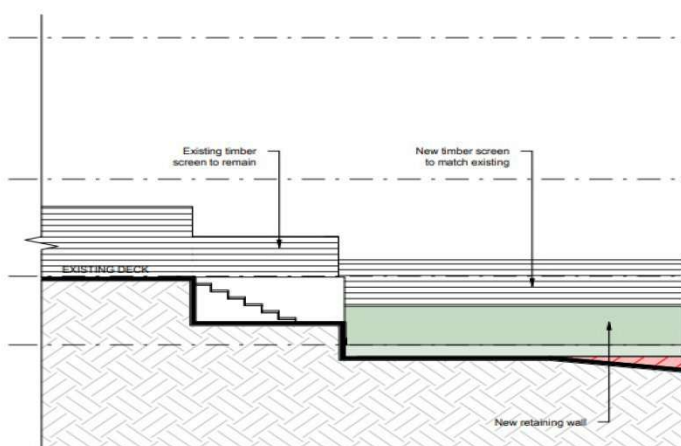


AGE ELEVATION - NORTH WEST

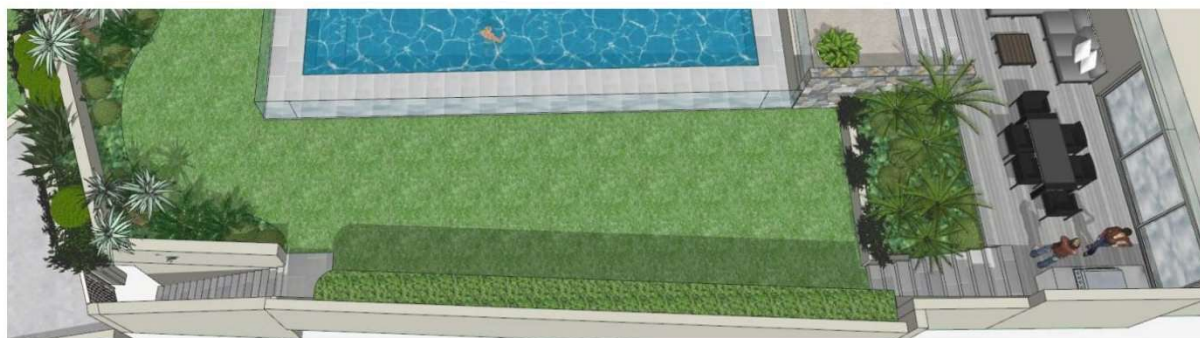
3. Uncertainty raised by photomontages

The photomontages do not indicate how the proposal fits into the streetscape, nor the relationship to adjoining properties which are not included. They have been prepared to indicate the landscape outcome visually but they do not provide clarity as to the resolution of the boundary plantings or materials.

In particular, the area fence is shown as a block type but this is not what the plans indicate as per below. The existing fence is not block type but battens of horizontal timber with spacing between allowing for light and airflow to accessways and vegetation on our property.



Extract of Proposed Section CC – first two portions at existing deck and the stairs shown as existing, which currently is not a block wall, compare with photomontage below.



The photomontages do not accurately reflect the proposal the plans do not include the additions to the house – the BBQ is shown at the lower ground level and the new ground level terrace is not shown at all. The photomontages are misleading as to the form of the development proposed.

4. Failure to address concerns

The amended proposal fails to address the likely impacts of the proposed changes to the natural slope of the land. The proposed levelling of the rear yard of 123 Bynya Road and the likely impacts upon our dwelling at 125 Bynya Road have not been addressed. The amended

plans still enable direct overlooking of our property and unknown impacts on our property through changes to drainage and existing plantings.

The application is still not supported by an Arborist's report nor the relationship of the proposed retaining wall relative to the proposed drainage. It is unclear as to whether Council's landscape officer in their comments has assessed the potential impact of the proposed development upon the existing hedging.

The amended plans still include a proposed garage located off Pacific Road which introduces a structure on a nil building line which is unjustified by any reasonable use of the property and sets an undesirable precedent for development along Pacific Road.

The proposed development remains inconsistent with the Palm Beach Character Statement particularly (our underlining provided for clarity of our concerns with the proposed development):

The Palm Beach locality gives the impression that much of the native vegetation has been retained. Bushland reserves predominate. Native plants proliferate in private gardens. The natural fall of the land has been preserved in most cases with retaining walls and terracing kept to a minimum. A few poor exceptions to this are located at the northern end of Ocean Road. The retention of the natural features and native plants within private gardens should be encouraged, and help to reinforce the natural beauty of the area the main characteristic of the locality.

Conclusion

We are of the opinion that there is a lack of clarity in the amended plans and photomontages to support the proposed development. We particularly highlight the lack of information on proposed elevations, the confusion regarding screening plants and the uncertainty regarding materials for the construction/appearance of retaining walls, fencing and screening.

We believe the proposed development represents a detrimental impact upon our home and the wider locality, setting an undesirable precedent for development along Pacific Road where a feasible alternative for vehicular access to No 123 Bynya Road is already available.

The deletion of the garage, deletion of retaining wall and no filling of the rear yard could equally address the desired residential outcome for the owners and residents of No 123 Bynya Road with a reduced and more acceptable outcome for the adjoining and nearby residents.

Yours faithfully,

Emma Doyle & David Southall

[REDACTED]