
From: Emma Doyle
Sent: 18/08/2022 3:17:47 PM
To: Council Northernbeaches Mailbox
Cc: 'david southall'
Subject: Submission to Application No: DA2022/1129 123 Bynya Road Palm Beach
Attachments: Submission re 123 Bynya Rd DA20221129_17 Aug 2022.pdf;

Ms Claire Ryan

Planner, Northern Beaches Council

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

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

125 Bynya Rd
Palm Beach, 2108

17 August 2022

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

Dear Claire,

Submission to Application No: DA2022/1129

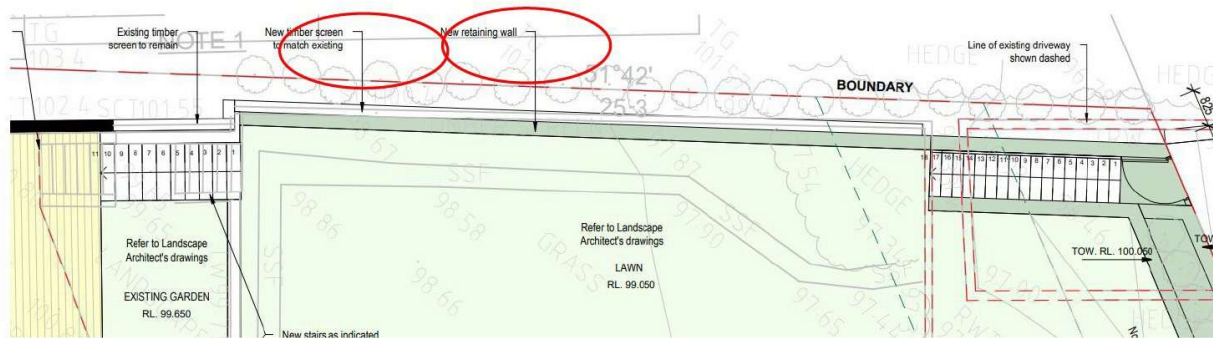
123 Bynya Road Palm Beach

We are the owners of No 125 Bynya Road Palm Beach Street, located to the north of No 123 Bynya Road. Our property enjoys a north easterly outlook with privacy to our home achieved by the relative natural ground fall levels of nearby and adjoining residential properties and existing vegetation. The current application threatens the amenity of our home and amounts to development along our entire side boundary. The proposed development suggests the additions are minor but fails to provide sufficient detail to appropriately assess the likely impacts. In addition, elements of the proposed development are not warranted in the circumstances and will set an undesirable precedent in the locality and particularly along Pacific Road through large-scale infill to create a new ground elevation and garaging on the property boundary. In preparing this submission, we have sought the advice of an independent town planning consultant. Our objections can be summarised as follows:

1. Insufficient information

The application provides for a new double garage and in association with those works it is proposed to effectively level the rear yard through large-scale use of fill. This will, if approved, result in a ground level higher than the existing fence line and will enable direct overlooking of our rear yard where the natural land fall line is consistent with that currently also existing in the adjoining garden of 123 Bynya Road. Our home and the subject property have frontage to both Bynya and Pacific road, with both homes having their principal road entrance and car parking on Bynya Road. The addition of garaging on Pacific Road changes the natural slope of the land and the visual streetscape. Building up to the boundary line in this manner is unjustified by any reasonable use of the property. The proposed levelling of the rear yard of 123 Bynya Road and the likely impacts upon our dwelling have not been addressed in the Statement of Environmental Effect (SEE) lodged with the Development Application.

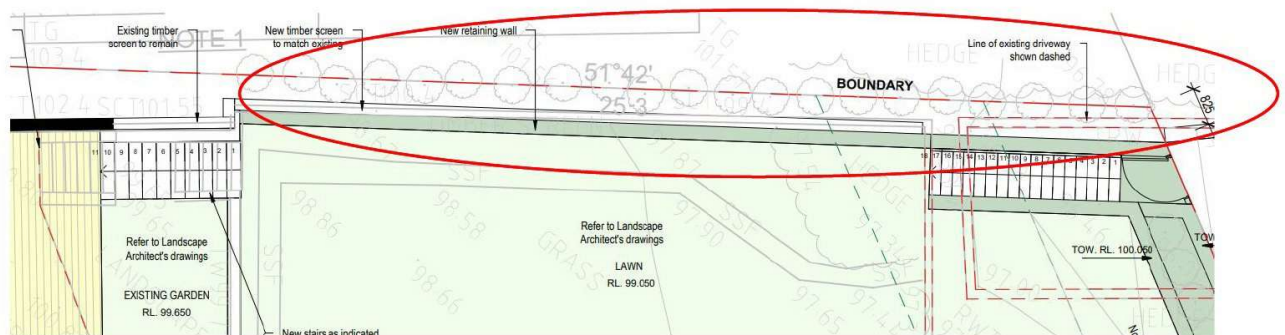
The extract of the lower ground floor plan below indicates a new timber screen and new retaining wall (circled red). Whilst the overall height of the wall can be determined by comparison with the survey plan, no elevations or RL's are provided to determine the overall height of the proposal relative to the natural ground levels.

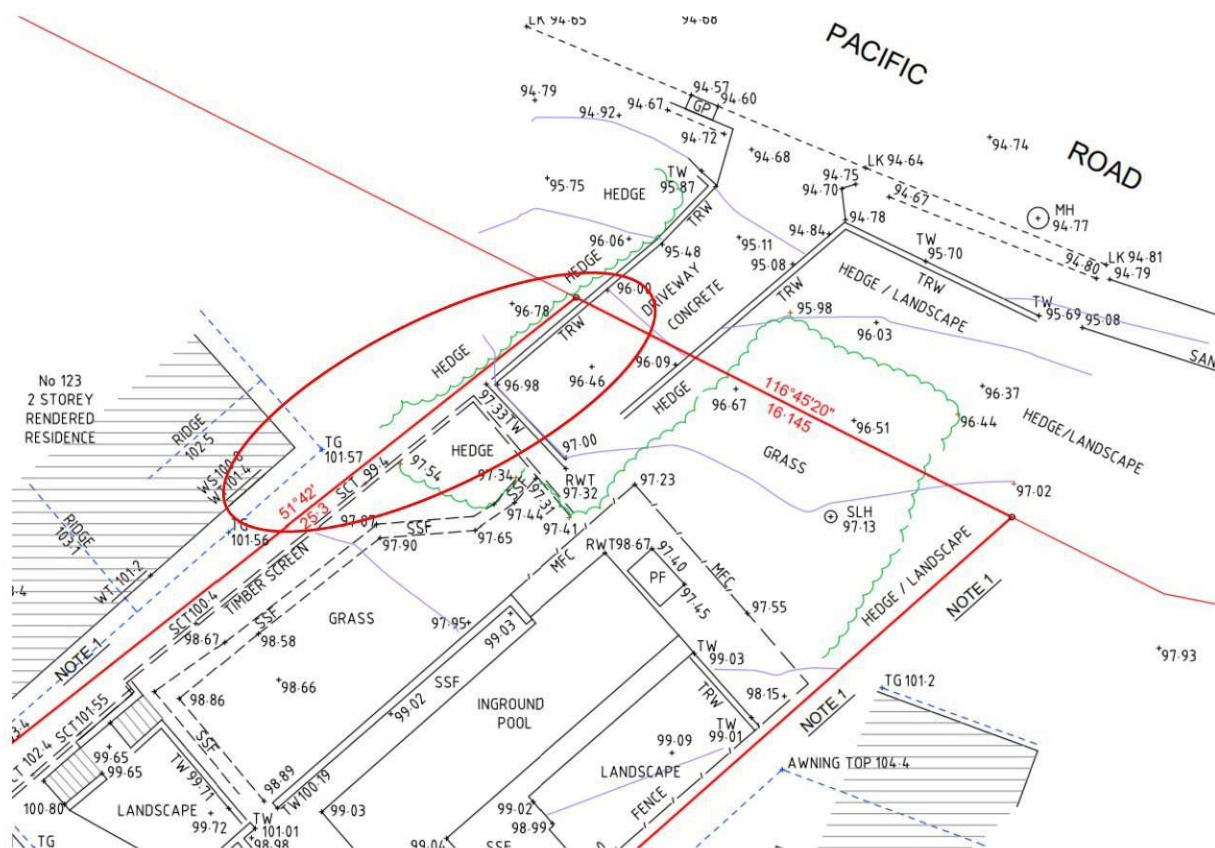


The proposed retaining wall and stair access is shown to be constructed proximate to the existing hedge along the common boundary with No 123 Bynya Road. The application is not supported by an Arborist's report nor the relationship of the proposed retaining wall relative to the proposed drainage. It is unclear as to whether Council's landscape officer in their comments has assessed the potential impact of the proposed development upon the existing hedge as neither the Statement of Environmental Effects, Architectural or Landscape Plans detail the proposed retaining wall adjacent to our common boundary with No 123 Bynya Road.

2. Inconsistency in the material submitted

The extract of the lower ground floor plan below indicates the existing hedge plantings (circled red) along the boundary. The source of the plantings shown on the architectural plans is not specified as the plantings are inconsistent with the submitted survey plan.





The submitted plans do not indicate the relationship of the existing hedge and fence relative to the proposed works.

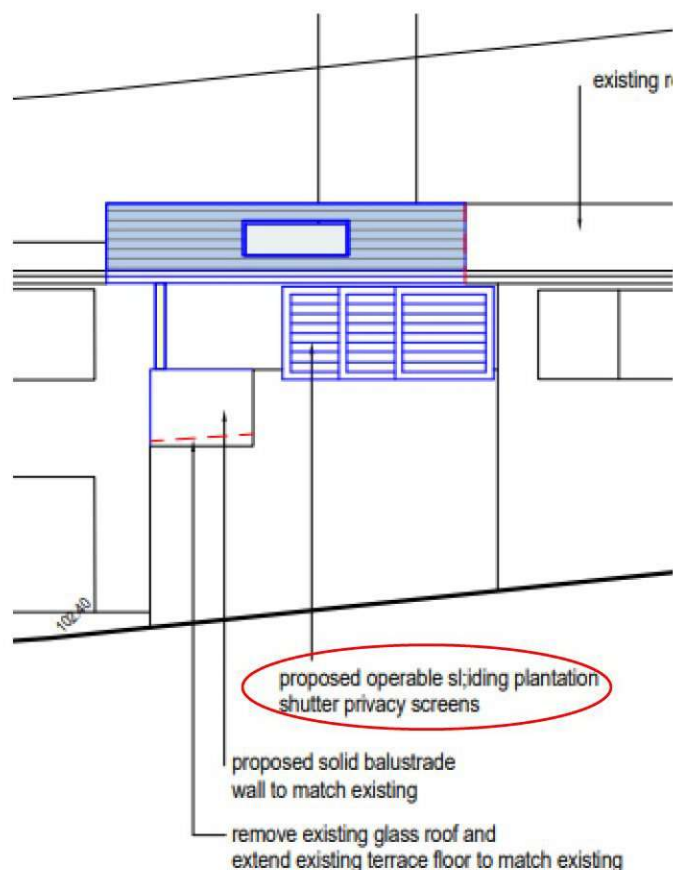
3. Proposed Garage

The proposed garage located off Pacific Road formalises and dramatically expands on the impacts of an existing open car space at the rear of the property. This will have the impact of introducing a structure on a nil building line to Pacific Road. No.s 123, 125 and 127 Bynya Road all enjoy dual frontages with vehicular access obtained from Bynya Road. The approval of what is a second vehicular access and parking for two vehicles on Pacific Road will set an undesirable precedent for development along Pacific Road, which is not dominated by built form on a nil building line, especially for properties that already have an alternative and existing primary driveway access. Retention but not expansion of the existing driveway, rather than construction of the new garages, would eliminate the desire to create a flat rear yard and allow the existing natural ground levels of No 123 Bynya Road to be maintained.

4. Privacy

The proposed alterations to the existing ground floor rear terrace are described as:

“Alterations to the existing ground floor rear terrace, including new access doors, privacy screens and a new roof over” in the Statement of Environmental Effects.



The extract of the north west elevation indicates the screen to the terrace is to be operable. We consider it necessary for the screen to be fixed across the length of the terrace to ensure privacy to our property is protected from the elevated outlook afforded from the terrace which is anticipated to operate as an extension to the living area and capable of greater use by the introduction of stacked doors to the dwelling, BBQ facilities and roof.

We welcome the opportunity for Council staff to view the existing hedge and fence from our property, the maintenance of which is essential to maintain appropriate visual privacy to our home and private open space especially given that this is adjacent to our master bedroom constructed at the rear of the property. The proposal for development of 123 Bynya Road in effect adjusts this current rear of both 123 and 125 Bynya Road properties to create a second major and unnecessary car access at the former rear of 123 Bynya Road. The outcome of the proposed development of the rear yard as proposed, will, at the least, be the introduction of a retaining wall enabling direct overlooking of our property in what we assume to be a desire to see new north easterly views which are currently unavailable from 123 Bynya Road as a result of the existing natural topography and vegetation. The proposed modification of the natural slope of the land through extensive infilling will result

in a lawn at 123 Bynya Road that directly overlooks our property, and with unknown impacts on our property through changes to drainage and existing plantings.

5. Non-compliance with Building Lines

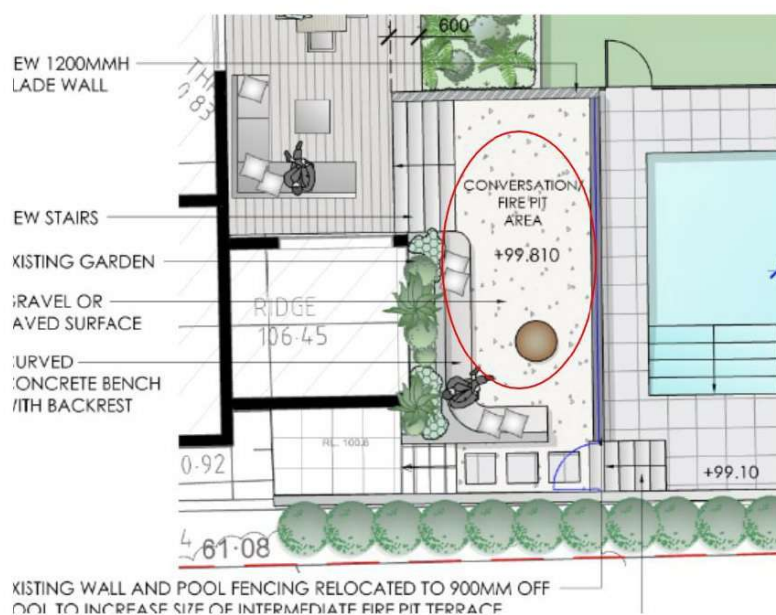
The proposed development will result in non-compliances to the applicable building lines to both Bynya Road and Pacific Road. This will result in a built form along our entire common side boundary with No 123 Bynya Road. We are of the opinion that there is insufficient detail provided within the application to support the proposed development. In addition, the proposed rear garage and retaining wall are unnecessary to meet the needs of the existing dwelling whilst remaining consistent with the provisions of Council's Local Environmental Plan and Development Control Plan.

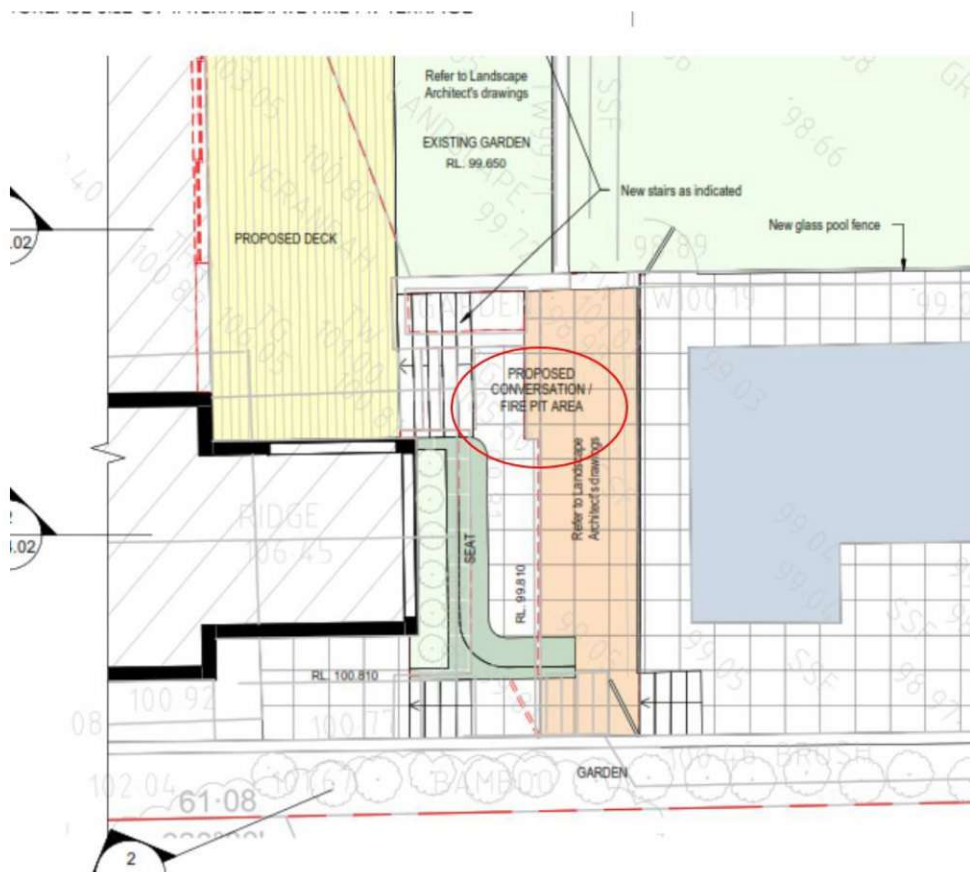
The proposed development is inconsistent with the Palm Beach Character Statement particularly (our underlining provided for clarity of our concerns with the proposed development):

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.

6. Proposed Fire pit

The development application seeks approval for a firepit as shown in the landscape plan and architectural plans as extracted below:





This area is further elevated than the existing pool surround, located 710mm above. The use of the fire pit area is not described or addressed within the Statement of Environmental Effects and we are concerned by both the potential air pollution and acoustic impact on our home, and particularly bedrooms, by use of a firepit area into the evenings on a regular basis. No 123 Bynya Road is occupied as a holiday home and is potentially used for entertainment or larger and variable groups of family and friends than a permanent family home. We note that Council's website indicates that *"lighting fires in backyards is prohibited, and can incur fines. It's okay to light a fire for cooking or warming at home as long as you use dry seasoned wood, LPG, natural gas or barbecue coals"*.

The application provides no details as to the use of the fire pit nor an acoustic assessment of the likely impacts upon the residential amenity of the adjoining homes particularly, and should be refused or deleted from the application. The firepit is not required for cooking or warming of the home and should be considered in the same manner as backyard burning which is prohibited.

Conclusion

We particularly object to the proposed rear garage, retaining wall and fill proposed on the basis of impacts upon our home and the precedent set in the immediate locality. The application as submitted does not provide suitable or sufficient detail as to the construction/appearance of the retaining wall, impact on the existing hedge plantings and visual impact of the development, nor impacts on our privacy.

A feasible alternative development form exists providing the dwelling alterations and additions with a fixed privacy screen and deletion of the garage, retaining wall and filling of the rear yard which could equally address the desired residential outcome for the owners and residents of No 123 Bynya with a reduced and more acceptable outcome for the adjoining and nearby residents. We believe the proposed development as submitted would represent 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 is already available. We welcome the opportunity for Council Officers to attend our property prior to determination of the application.

Yours faithfully,

Emma Doyle & David Southall

