
Sent: 14/07/2021 2:17:03 PM
Subject: Submission in response to DA 2021/0886, 106 Bynya Road Palm Beach
Attachments: LETTER TO COUNCIL RE 106 BYNYA RD PALM BAECH.pdf;

Please see attached letter for Thomas Prosser, Planner for consideration.

Kind regards

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Re-DA 2021/0886, 106 Bynya Road Palm Beach

Attention Mr Thomas Prosser,

Dear Sir,

I am writing to you in response to the notification of the above development application being for alterations and additions to the existing dwelling house at 106 Bynya Road Palm Beach. This submission to Council sets out concerns over the proposal and the material impacts of the proposal when completed, upon the amenity of the adjacent property 2 Ralston Road.

The owner of 2 Ralston Road, Ms Wendy Quinn is very concerned over the proposal due to the history of disturbances, primarily excessive noise at inappropriate hours due to the fact that the subject site is constantly occupied on a temporary basis for short term rentals.

I am advised that the owners of the subject site do not permanently reside at 106 Bynya Road and may not be personally aware of the level of disturbance caused by the unneighbourly activities taking place. However, the owners of 106 Bynya Rd are acutely aware of the history of complaints to Council and New South Wales Police as is evidenced in correspondence shown to me which leads me to conclude that the proposed alterations and additions and the use of structures may exacerbate the degree of disturbance currently occurring due to the lack of any meaningful supervision.

Firstly, in order to enable the assessing officer to understand the history of the subject site, I have been provided with copies of letters from Council requesting that my client keep a diary of unacceptable levels of disturbance and I am also advised that NSW Police have attended the subject site on more than one occasion to respond to complaints over noise disturbance from activities on the site.

The excessive noise is impacting upon the amenity of 2 Ralston Road as this is the permanent residence of the owner and also for temporary accommodation for short term rentals. The master bedroom and downstairs studio are the two closest structures to 106 Bynya Road thereby resulting in a significant impact from the activities on that site.

My client is well aware of the provisions of the relevant legislation limiting noise levels to no more than 5dB above the background noise level however the difficulty arises in compelling the short-term users of 106 Bynya Road to abide by the relevant legislation.

In order to reduce the potential impacts of these activities upon the amenity my clients dwelling and the inability of the property owner at 106 Bynya Road to satisfactorily and responsibly manage the activities on the site we request the following –

The erection of a full height solid wall along the westernmost end of the structure identified as the Existing Terrace on the north side of the dwelling in order to ameliorate the potential impacts that will occur due to the intensification of potential uses of this area and the potential noise impacts from these uses.

The erection of a similar noise attenuation structure along the western periphery of the Existing Terrace located on the south side of the existing dwelling.

Although it is accepted that the use of areas of open space in residential dwellings is a normal everyday occurrence, it is disappointing to note that the subject site due to its use as short-term accommodation by groups typified by outdoor celebrations, it is readily apparent that these activities are not conducive to a satisfactory level of amenity for residents in close proximity to the subject site.

In order for you to fully comprehend the request and to understand the juxtaposition of my clients property with the subject site, I would request that you attend my clients site at a mutually convenient time to provide you with a fuller understanding of the concerns.

Thank you for the opportunity to provide this submission on behalf of Ms Quinn and I look forward to your attendance at 2 Ralston Road Palm Beach. Please contact myself on 0414 747 395 to arrange a mutually convenient time.

LANCE DOYLE

B.AppSc (UWS), M.Plan (UTS), RPIA, EPLA

REGISTERED PLANNER

14 JULY 2021