

Memo

Development Assessment

To: Northern Beaches Local Planning Panel

From: David Auster
Planner

Date: 4 May 2021

Subject: Additional submissions to DA2020/1136 - 13 Pacific Road, Palm Beach

Record Number: DA2020/1136

Council is in receipt of two additional submissions since the assessment report was finalised. These submissions are addressed below.

Submission 1 – Received from the owners/representatives of 11 Pacific Road, the adjacent neighbour to the south.

This submission raised various concerns, all of which have been previously addressed in the assessment report. The submission requested a further ten (10) reasons for refusal, over and above the eight (8) reasons recommended by the report. These reasons are as follows:

1. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause B6.1 Access Driveways**

Comment: The impacts caused by the driveway were assessed in the report, and are not considered to be unreasonable given the topography of the site. Council's Engineers are satisfied that the proposal complies with the requirement of clause B6.1. Refusal is not recommended on the basis of this control.

2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause B6.2 Internal Driveways**

Comment: The impacts caused by the driveway were assessed in the report, and are not considered to be unreasonable given the topography of the site. Council's Engineers are satisfied that the proposal complies with the requirement of clause B6.2. Refusal is not recommended on the basis of this control.

3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause B6.3 Off-Street Vehicle Parking Requirements**

Comment: The proposal provides for two off street parking spaces in accordance with the control. Refusal is not recommended on this basis.

4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause **C1.4 Solar Access**

Comment: This issue has been discussed extensively in the report. In summary, on balance the proposal is considered to maintain a reasonable level of solar access. The objection relates mainly to small north facing bedroom and bathroom windows, which are louvered with opaque glazing, and generally vulnerable to overshadowing given their proximity to the northern side boundary. Refusal is not recommended on this basis

5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **C1.5 Visual Privacy**

Comment: This issue has been discussed in the report. In summary, the proposal is considered to maintain a reasonable level of visual privacy, and refusal is not recommended on this basis.

6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause **C1.6 Acoustic Privacy**

Comment: This issue has been discussed in the report. In summary, the proposal is considered to maintain a reasonable level of acoustic privacy, and refusal is not recommended on this basis.

7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause **C1.1 Landscaping**

Comment: This issue has been discussed in the report. The proposal complies with minimum landscape requirements, and Council's Landscape Officer has also assessed the proposal and was generally satisfied in relation to landscaping. Refusal is not recommended on this basis.

8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause **D12.1 Character as viewed from a public place**

Comment: This issue has been assessed in the report. The proposal generally achieves the requirements of the clause, and as such, refusal was not recommended on this basis.

9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause **D12.5 Front Building Line**

Comment: This issue has been discussed in the report. In summary, the proposal is non-compliant, but this is considered acceptable in the circumstances of the site. Refusal is not recommended on this basis.

10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause **D12.14 Scenic Protection Category One Areas**

Comment: This issue has been assessed in the report. The proposal generally achieves the requirements of the clause, and as such, refusal was not recommended on this basis.

In summary, all issues raised in the new submission were raised in previous submissions from number 11, and all were considered as part of the assessment. No extra reasons for refusal are recommended.

Submission 2 – Received from the owners of number 9 to the south of the subject site.

The submission raised concerns with impacts on streetscape, extent of non-compliance with relevant built form controls, and inconsistency with regard to established rear setback created by existing dwellings to the north and south, impacting on views from number 9. Particular concern was raised with the proposed upper level, and rear setback.

These issues have all been assessed within the report, and refusal is recommended based partly on the issues with height, bulk and scale, and view loss. With regard to view loss from number 9, a site inspection has been carried out, and the view loss as a result of the proposal is considered to be negligible in the context of the tenacity principles. The view impacted is obtained across multiple side boundaries, and from the main living area of the dwelling at number 9 the impact will be minimal based on the height poles erected on site (see photos on page below).

The proposal complies with rear setback requirements, and the amended plans are not considered to significantly break the established rear building line created by existing development.

No further reasons for refusal are recommended based on this submission.

Figure 1 View from number nine living room rear deck - white height pole to the right of the subject dwelling



Figure 2 View from open plan kitchen / living area at number 9

