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**From:** dfsuper39@gmail.com  
**Sent:** 7/02/2022 9:02:43 AM  
**To:** Council Northernbeaches Mailbox  
**Subject:** Ref DA2021/2362 1105 Barrenjoey Rd Palm Beach  
**Attachments:** DA Submission Final Apt 3 69534.pdf;

Attention Adam Mitchell

Please find attached our submission re Development DA2021/2362 for 1105 Barrenjoey Rd Palm Beach. Can you please confirm receipt and submission of our attached document as owners of Lot 3 1107-1101 Barrenjoey Rd Palm Beach 2108 also known as Iluka Resort 39 Iluka Rd Palm Beach 2108.

Thanks

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**SUBMISSION TO DA2021/2362 – DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT AT 1105 BARRENJOEY ROAD PALM BEACH**

**1 INTRODUCTION**

1.1 We are the owners of Unit 3 at 1097-1101 Barrenjoey Road Palm Beach (39 Iluka Road Palm Beach - Iluka Resort). Our unit is on the ground floor north side of Iluka and would therefore directly about the proposed development.

This submission is centred around three main themes: firstly, the overall impacts of what is proposed; secondly, the DA process itself to date; and thirdly, what we believe will be numerous deleterious effects and impacts on our individual property.

1.2 At the outset we should state we are in total opposition to the development as proposed, on the basis it represents an unwarranted and an unwanted gross overdevelopment for the site. It is of such scale and bulk to totally dominate what is currently a very desirable village-like precinct with unique characteristics.

1.3 As proposed, the development seeks to maximise use of the available site to optimise yield and ultimately profit for the developer. This can be demonstrated by the following examples:

- the proponent seeks to exceed the Local Environment Plan (LEP) height limit by up to 2.46m; and
- the proponent seeks to include “media rooms” in several of the proposed units, which would be very likely to be utilised by future owners as bedrooms. The additional infrastructure demand of these habitable spaces has not been taken into account in any of the supporting documentation and reports e.g., traffic and parking analyses.

1.4 We would also like to draw your attention to Council’s advice to Iluka Strata Plan 69534 in response to Application No PLM2020/0110, Meeting Date 16/06/2020 9.30am, wherein it is stated that for shop-top housing it is necessary to have 100% retail or commercial uses on the ground floor. The meeting was attended by Lance Doyle, Planner with Robyn Davies (Lloyd), Strata Representative.

In addition, I would like to draw council’s attention to the following paragraph in the document.

**PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21 DCP)**

**Section A: Shaping Development in Pittwater**

**A4 Localities Palm Beach**

**Comment:**

*“Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment.*

*The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged."*

We do not feel that DA2021/2362 incorporates any of these provisions in fact the current premise does reflect more accurately the provisions as outlined.

## **2 DA PROCESS**

- 2.1 The DA public exhibition period is currently 24/12/21 to 8/2/22 which obviously spans the Christmas – New Year period and associated holiday season. Given what is proposed, this timing is extremely inconvenient for those wishing to make a submission on such a large-scale development with numerous elements, many requiring careful consideration and assessment. The exhibition period is self-evidently more convenient for the proponent.
- 2.2 The initial list of the proponent's documents uploaded to Council's website has since been added to, requiring anybody wishing to make a submission having to revisit and potentially modify their initial assessments. We note that the amended plans master set became available on 19/1/22, only some 19 days before submissions close. It is clear from the title blocks on the additional drawings that their issue dates are similar to those previously uploaded. Why were these drawings missing from the initial content on Council's website? Standard drawing practice normally provides additional information with the overall drawing list, including their issue dates and any revision history. This very basic form of document control enables the reader to be sure they are looking at the correct version of a particular drawing.
- 2.3 We therefore believe the current exhibition period is manifestly inadequate to provide Council with the necessary feedback it is seeking to make the most appropriate and informed decision in considering the proposal. We also note, for example, that Water NSW has requested Council to invoke the stop the clock provisions for their assessment, and we strongly support this being acceded to by Council.
- 2.4 The total cost of the proposal is stated as \$6.147M. The total area associated with the retail and housing units is some 1,890m<sup>2</sup> (based on the sum of the stated floor areas on the design plans). Ignoring costs associated with demolition, civil works, structural works associated with the underground car park, engineering services and the provision of common areas, and adopting a conservative building unit cost of say \$2,500/m<sup>2</sup>, indicates a ballpark cost of around \$4.7M for just the habitable areas. When the other costs are factored in, it is difficult to see how the \$6.147M figure would be realistic. We are therefore concerned that the costs may have been underestimated. Has a quantity surveyor and building cost estimator provided the proponent, and subsequently Council, with the advice which led to the \$6.147M figure?
- 2.5 There is no information provided as to the proposed program of work to deliver the proposed development. It would be standard project management practice to have developed a comprehensive GANTT chart or equivalent at this stage of the process. Can this be made available showing proposed duration of the various work packages (not necessarily with specific

dates)? An understanding of the program is essential to be able to gauge short, medium and longer-term impacts, as they might affect individual unit owners and those of Iluka Resort as a whole.

### **3 DIRECT IMPACTS TO UNIT 3 ILUKA RESORT**

- 3.1 Demolition. The proposal seeks to demolish the existing building and other elements on the site. The only information provided to date in relation to demolition appears to be Drawing No. DA002 Issue A and a general statement in the Statement of Environmental Effects (SEE) that appropriate measures are to be undertaken to address demolition impacts in line with Part 8B of the Development Control Plan (DCP).

These do not provide any level of detail or confidence upon which it is possible to credibly assess the likely impacts on our property. Why is there no information as to timing, duration, days/hours of work, dust, noise and vibration levels, etc? These issues have the real potential to negatively influence quality of life on our tenants and our ability to continue to achieve commensurate rental returns.

- 3.2 Basement Carpark. The proposal to excavate a significant area below ground to provide carparking gives us major concerns. The geotechnical investigation report provided as part of the DA identifies:

“The main geotechnical issues associated with the proposed development as the high water table and the weak soil and bedrock profile which provide somewhat limited support potential for footing systems.”

Additionally, the investigation recommends that:

“Prior to demolition, a dilapidation report should be completed, both externally and internally, on the adjoining property located to the south of the site as well as the surrounding roads. The owners should be asked to confirm that the dilapidation reports represent a fair record of actual conditions. The dilapidation reports may then be used as a benchmark against which to assess possible future claims for damage resulting from the works.”

It is this latter acknowledgement of possible future claims that is of particular concern, as our unit virtually abuts what will be the southern wall of the development and its projection below ground level into the carpark. People in Sydney are very familiar with the “Mascot Towers” situation which also involved underground excavation adjacent to an existing building. If the development is approved, what steps does Council intend to take in relation to ensuring that the proponent will have sufficient financial resources quarantined to enable it to expeditiously respond to any such future claims? It should not simply be left as a problem for the future owners in the development to deal with, long after the developer has disappeared.

- 3.3 View Losses. The SEE states that:

“Pursuant to clause C1.3 all new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.”

The SEE only addresses views associated from the public reserve area to the east of the site and notes that:

“Due to the flat nature of the surrounding topography the proposed development will not give rise to adverse scenic view impacts.”

However, there does not seem to have been any assessment of the specific view impacts from the existing units in Iluka, particularly those located on the northern side. Why has this not been undertaken by the proponent? Without such assessment it is not possible to test the “...reasonable sharing of views...” criterion as stated in the DCP.

All units on the northern side of Iluka will be impacted by the development. For our unit this is difficult to quantify, but Drawing DA600 depicts some retaining walls near the southern boundary and fire stairs in the area where the driveway ramp meets the entry point. We would like to be supplied with the RLs of these walls to enable an estimation of view losses.

3.4 Solar Access. The SEE states that:

“Windows ... to the principal living area of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.”

The shadow diagram shown on Drawing DA601 includes a solar compliance check table for the units in the proposed development. Where is a similar check table for the units potentially affected in Iluka that would substantiate the statement made in the SEE that:

“The application is accompanied by shadow diagrams prepared by PDB Architects which demonstrate that surrounding development will continue to receive compliant levels of solar access between 9 am and 3pm on 21st June.”

3.5 Noise. One of our concerns here is the proximity of the proposed roller shutter which will be adjacent to our bedroom. This will obviously be in operation 24 hour/day and will generate its own noise footprint. Assuming the roller shutter falls into the definition of mechanical plant, what conditions can Council stipulate for the specific equipment that would meet the recommended noise control measures outlined in Section 5.2 of the Acoustic Consultant’s report?

We also have concerns about the levels of vehicle noise more generally, entering and exiting the carpark. Vehicles exiting the carpark will be using a ramp with a maximum upslope of 20%. This compliant slope will nevertheless require drivers to apply heavier throttle settings to leave the development. Our bedroom is approximately 4m across open space to the nearest point of the proposed roller shutter line.

Additionally, why was the noise consultant not tasked by the proponent with assessing noise and vibration aspects associated with the demolition and construction phase of the proposal?

3.6 Economic and Financial Impacts. All of the issues outlined above have the potential to impact negatively on the economic and financial aspects of our unit. We have noted examples of where we believe the proponent’s level of documentation is lacking, and this unfortunately gives rise to uncertainty in estimating the likely economic and financial consequences of the development.

Our unit is an investment which provides income from short term rentals, predominately serving the tourism and hospitality markets. A significant proportion of our clients are repeat visitors. Anything which interrupts this market, such as the demolition and construction components of the proposal, will lead to a loss of income for an unknown (at this stage) period of time. Longer term, the impacts of the development when completed will certainly not enhance the re-sale value of our unit, as would have applied in the absence of the proposed development.

#### **4 CONCLUSION**

- 4.1 We strongly urge Council not to approve, nor approve with conditions, the proposed development in its current form, for the reasons outlined above, and thank you for the opportunity to provide our feedback at this time. We may provide additional feedback in response to any further documentation from the proponent, should it be provided.

Robyn Davies (Lloyd) & Jane Forsyth

Jefral Pty Ltd

Dated 7/02/2022