
Sent: 25/09/2021 2:11:30 PM
Subject: Submission of Objection to DA 2021/0545
Attachments: Objection to DA 2021 0545.pdf;

Attention: Mayor & Councillors

Dear Mr Mayor and Councillors,

Please find attached our submission for the 'Objection to the Approval of DA 2021/0545'. We are asking you to consider our objection as the DA in its present form, if approved, will dramatically impact on our, and many other residents in the village lifestyle, health and general well being. Should anyone at council wish to discuss our objection with us, we will be only too happy to assist.

Regards,

Barry and Karel Smith
0411223237

Barry & Karel Smith
21/8 Lady Penrhyn Drive
Beacon Hill, NSW, 2100

24th September, 2021

Mayor & Councillors
Norther Beaches Council
PO Box 82
Manly, NSW, 1655

OBJECTION TO DA 2021/0545

Dear Mr Mayor & Councillors,

General

We hope you are all well and safe in these very trying times. We are writing this letter to submit our objections to DA 2021/0545 as residents of the Marston Retirement Living Village, Unit 21, at 8 Lady Penrhyn Drive, Beacon Hill, NSW.

We purchased Unit 21 in the village on the 24th of January, 2020. Before buying, we asked if there was anymore development of the village and we were advised that a further building, No. 8 with four units, was yet to be built, and that would be all. We checked with our solicitor to confirm our position, during the signing of the lease, and she pointed out that hidden away under Clause 36 ADMINISTRATION of the Lease was-

36.3 The Operator has the right to further develop, improve, extend, vary, enhance, amend or reduce the Village (by way of subdivision, consolidation or otherwise) and in such circumstance the Operator shall use its best endeavours to minimise inconvenience to residents of the Village.

However, under the DISCLOSURE STATEMENT part of the Lease, it should detail any future construction/development. This is all that was there-

3. VILLAGE DEVELOPMENT

Is the village fully or partially completed, or still to be built? Partially constructed

If the village is only partially completed or still to be built give particulars of all proposed stages, including the estimated date of completion, the number of premises and whether development consent has been obtained:

Stage 2 is constructed, with occupation certificates issued.

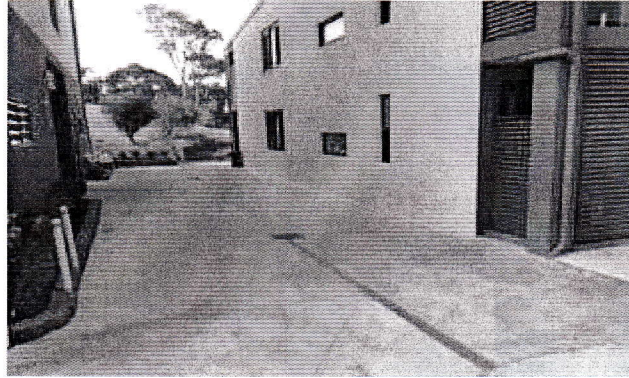
We were also shown a model of the village (in the Community Centre) that showed eight buildings each with four units.

Our solicitor advised us that we would be consulted with should Marston change their mind here and want to add more.

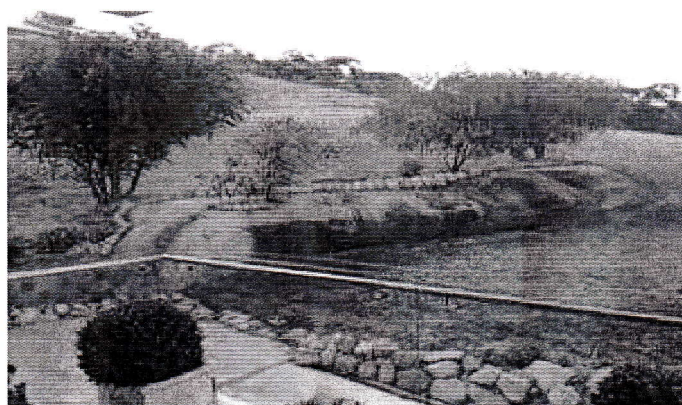
We have now found out about DA 2021/0545 which adds a further 12 Units to the four originally proposed in Block 8. These are Buildings A1 and D on the DA 2021/0545. Building A1 is a modified version of Building 8 which has gone from four to six apartments. D is a totally new development, of 10 Units, which will be constructed on the Western aspect of the road running past Buildings 4 and 5. We have not been consulted by Marston on these changes nor have we received any advice from council notifying us of the myriad of DAs and changes.

Our Objections

1. Under the original plans, Building 8 (A1) would have a vehicle access road that ran parallel with the road for Buildings 4 and 5 (on the western side). The new proposal is for an access road to be cut from the road that services Building 7 and runs past Buildings 4, 5 and 6, to the north and then swings off to run west and parallel with Building 7. This has now become a major access road right past our unit to service Building 8 (A1). The existing road is a little over four metres at the corner of Buildings 6 and 7 and has been a major choke point from the start. A truck and a car can't pass here and there are problems turning around due to the confined space. We have no protection (Building 6 is on the right) from vehicle impact.



2. Our unit, No. 21, butts right onto this drive so our privacy will now be impacted on. If this DA is approved, we will now have to black out all of our west facing windows to stop passers-by looking in. Not to mention the increased noise and dust from the added vehicular traffic which will not only include residents but visitors, delivery vans, tradies, postal workers etc. We chose this unit because there was no through traffic. If the DA is approved, it will become a major thoroughfare for vehicles to Building 8.
3. Our privacy will also be compromised, not only from vehicles but also from people walking up the road. And then there is the issue of residents (and others) trafficking through our building. The way it is presently structured, the residents from Building 7 have to access the Community Centre via the lift in Building 6. This is noisy enough, however with the proposed buildings occupied (A1 & D), an extra 20 odd people could be coming through Building 6. This is mainly due to elderly residents having to use lifts due to mobility problems. Installing new stairs down the sides of the buildings won't help here.
4. The new Northern access road will require significant excavation and we will lose the beautiful outlook that we presently have. One of the main reasons we bought this unit was to be able to sit on our balcony and enjoy the lovely view and soak up the peace and quiet. A beautiful rocky outcrop with trees and plants will be destroyed and substituted with an ugly road. The road will have to be dug into the existing hill with a resulting fairly steep incline. The DA also proposes visitor parking bays in front of the balconies of Building 7. Which we will now be looking at. This is what we will lose-



5. A safety issue here is that if a car etc. coming down that road loses control it could run straight into/onto our balcony. The only thing between us and the road/vehicle would be the support column running up to the second-floor units.
6. There have been major drainage issues in the estate, especially for Buildings 6 and 7. This is due to the runoff from the very steep hill to the west and northwest. Our balcony has been flooded twice in the past year. Looking at the proposed road design, there is a good chance that water will be channelled down the road and directly into our unit.
7. If the construction of Building D goes ahead first, then the area to our north and west will become a major construction site with all vehicles, workers, materials etc. being channelled past our unit (21), on the narrow road to the building site for A1 at the top of the hill. This would not happen under the original plan as all vehicles etc would access the building site for A1 from the Western Road, which already exists.
8. On a personal point – I (Barry) am a War Veteran. I served in Malaysia (during Confrontation) for three years, a tour of duty in the Vietnam War and a tour with the British Army on the Rhine, facing off against the East Germans and Russians during the cold war. I suffer from PTSD, OCD, Social Anxiety, Depression, Anger, Polyphasic Sleeping Disorder and a mix of other issues. We chose this unit, on this estate, because of the peace and quiet and the fact that I could hopefully relax and deal with my issues by taking in the ambient environment and peaceful surroundings. This now looks like being ripped away from me.

Conclusion

We are lodging this objection as we believe that the DA, in its present form, will impact significantly on our lifestyle and wellbeing. We entered into the lease with Marston in good faith believing that what we got and what we were told would be ideal for the remaining years of our life.

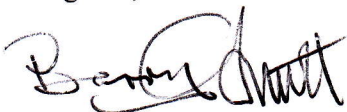
We now find that Marston has been conspiring behind our backs to change significantly what we signed up for. Marston has never consulted with us on what they were proposing to change. When asked, their representatives pleaded ignorance or blatantly lied to our faces.

We were never advised by Council that a plethora of DAs had been submitted by Marston that would dramatically change our lifestyle and environment. This is something that we thought would happen if the village was to be dramatically changed – but we now see we were wrong.

We are asking you to consider our objections, reject the new DA, and force Marston back to the original eight building, 32-unit proposal that we signed up for.

We again wish you all the very best and look forward to your response.

Regards,



Barry C Smith



Karel M Smith