
From: Oriana Garcia [REDACTED]
Sent: Monday, 13 February 2023 8:36 PM
To: Planning Panels - Northern Beaches
Cc: Adam Rytenskild
Subject: DA 2022/0469 NBPP Submission Adam Rytenskild
Attachments: Submission Letter re 1102 Barrenjoey Road.pdf

Categories: NBLPP

Hi Planning Panel,

Please find attached submission letter from Adam Rytenskild regarding DA 2022/0469 1102 Barrenjoey Road.

Please contact the office should you have any queries.

Kind Regards,

Oriana Garcia

JORGE HRDINA
A R C H I T E C T S

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NOMINATED ARCHITECT JORGE HRDINA 6014

13 February 2023

Mr Adam Rytenskild

Palm Bach 2108

Northern Beaches Local Planning Panel
C/- Northern Beaches Council
Mona Vale Office
Mona Vale NSW 2103

Attention Panel Members

**SUBMISSION TO DA 2022/0469
NO. 1102 BARRENJOEY ROAD, PALM BEACH
CONSTRUCTION OF SHOP TOP HOUSING**

Dear Panel Members,

We are the owners of No. [REDACTED], Palm Beach. We submitted three prior submissions to the updated DA(2022/0469) at 1102 Barrenjoey Road on 8 May 2022, 10 October 2022, 8 February 2023.

Our property directly adjoins to the east of the subject site and we consider we are one of the most affected neighbours by the proposal.

Our future residence, approved (DA 2021/0200) on 18 February 2022 and due to commence construction in the upcoming months, was carefully designed by Jorge Hrdina Architects as a series of pavilions and half levels around the existing boulders and protected gum trees to ensure that vegetation remains the dominant visual feature of the site, at the same time avoiding a large building form detracting from the existing character of the area.

1. The Proposal's Impacts

We have grave concerns regarding the potential impacts of the proposal on our privacy, amenity and safety of our property, including the Bungalow which sits 1m away from eastern boundary adjoining 1102 Barrenjoey Road.

Our concerns stem from the impacts of the proposal's non-compliance regarding building height. The significant points from my previous responses are listed below. They include:

- The proposed building height significantly exceeds the permitted development standards of the Pittwater LEP.
- Dominant multi-storey façade and roof form is inconsistent with the desired character of the locality.
- Overlooking and privacy concerns as a result of the bedrooms on the second story.
- Potential noise and smells as a result of exhaust riser located in close proximity to eastern boundary and centralised mechanical equipment in roof.

In addition to these concerns, I would like to raise further important matters for Council's consideration.

- Lack of information detailing the proposed methodology for the excavation and subsequent retaining wall along the eastern boundary.
- Discrepancy in drawings regarding height of screening to plant room in roof.
- Material and height for fence along eastern boundary.
- Removal of views to Pittwater and Ku-ring-gai Chase National Park from approved Bungalow.

1.1 Issues relating to Building Height non-compliance

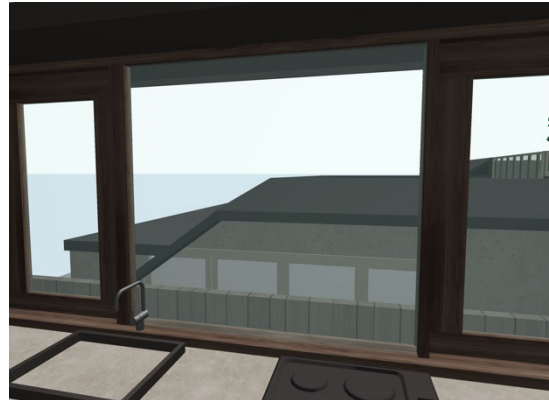
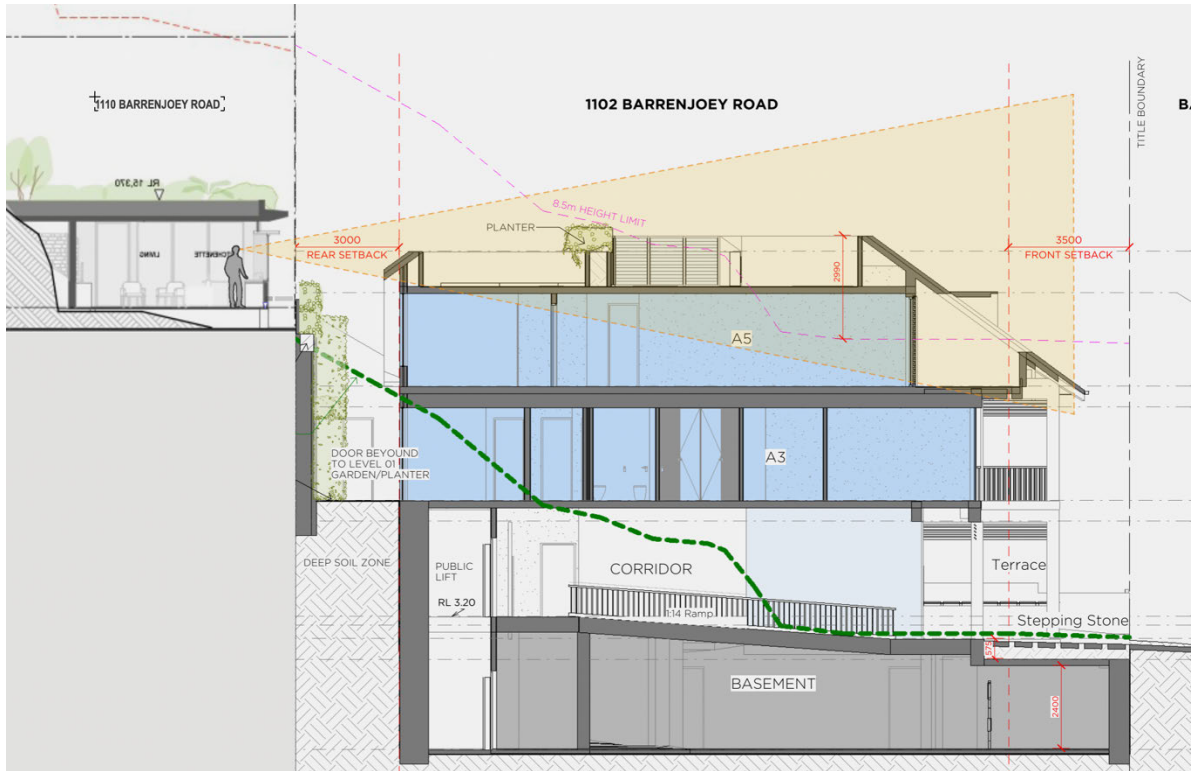
The permissible height of the building application the site is 8.5m as referenced in LEP clause 4.3, which the proposal exceeds by approximately 3 metres. This is a substantial variation in the order of 35%. This means that most of the second storey and roof level is almost entirely above the LEP height limit. This additional height is a breach of a development standard. The proposal is also materially higher than the previously approved development application and hence this cannot be used as a reason to provide such a gross exception to the LEP.

The additional height is not consistent with the objectives for Height of Buildings which include 'to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,' 'to ensure that buildings are compatible with the height and scale of surrounding and nearby development,' and 'to minimise the adverse visual impact of the development of the natural environment, heritage conservation areas and heritage items'. We would contend the proposal is not compatible with the desired future character of the area and surrounding buildings, as the proposal has not minimised the adverse effects of bulk and scale. Instead, it will be overbearing bulk adjacent to Barrenjoey House, a heritage item. When compared to Barrenjoey House, the proposed roof is almost double in size and height making it its most dominant visual feature.



Due to the additional height, the proposal is also not consistent with the objective 'to allow for reasonable sharing of views.' Specifically, the proposed roof impinges on private views from our approved Bungalow towards Pittwater and Ku-ring-gai Chase National Park. Please refer to superimposed section below.

Additionally, due to the proximity to our bungalow, residents on the upper level will have view towards the bedroom, living/kitchen areas and vice-versa, specially from bedrooms 2, 3 4 and main bedroom of unit A5. This is an important loss of privacy and amenity for our property. The images on the next page demonstrate the proximity of the proposed building to our bungalow.



1.2 Geotechnical concerns

The geotechnical report primarily addressed the concerns of No. 1100 and fails to provide any detail regarding how the common boundary to No. 1110 will be supported. Noting that an excavation of approximately 13m depth will likely be required, we would expect a detailed description of methodology and risk assessment be provided before any approval is granted. We consider this request to be quite reasonable specially since the construction of our Bungalow will likely be underway well before earthworks commence on No. 1102.

Please find attached email from Troy Crozier from Crozier Geotechnical Consultants highlighting points of concerns regarding bulk excavation adjacent to eastern boundary.

1.3 Plantroom Screen

There is a clear discrepancy in the drawings regarding the height of the screen surrounding the mechanical plant room on the roof level. Note on drawing DA.04.1 Revision B calls for a '1.7 screening for plant', however, drawing DA.15 Rev B shows the screen stopping at 1460mm from the roof finished floor level (FFL). If screen is 1.7m from FFL, it would be 240mm higher than the top of roof at the highest point (RL 14.21) which is already about 3m higher than the maximum permissible height. If screen is only 1460mm from roof FFL, our concern is that the mechanical equipment will surpass the height of the screen and therefore the height of the roof.

The planter box proposed attempts to mitigate the visual impact the mechanical equipment will have from the property above. However, the screen is only limited to the eastern side of the plant and will be insufficient in providing coverage when viewing from an angle. It would seem logical to return the planter boxed along either side of the centralised plant and an increased width will accommodate more dense planting. A green roof would be more appropriate for this development given the unsightly nature of the proposed rooftop.

1.4 Eastern Boundary Fence

Council assessment reports mentions that a 1.6m boundary fence is proposed along the rear (east) boundary, however architectural drawings fail to show any dimensions, RLs to top of fence and/or top of boundary retaining wall as well as details on materiality. As this will be a common fence shared with our property, we ask that height, materials and colours be negotiated between both parties under the Diving Fences Act. We would also request for planting in the top planter box, above retaining wall, is maintained to be no higher than the fence height in the location of the Bungalow in order to maintain views towards Pittwater and Ku-ring-gai Chase National Park.


2. Conclusion

In conclusion, we consider the application is not acceptable and should be refused for the following reasons:

- The proposal significantly exceeds the building height development standards in the Pittwater LEP, which results in unreasonable bulk and scale;
- The proposal is not consistent with the prevailing character of the area;
- The proposal adversely affects the significance of heritage listed Barrenjoey House;
- The application lacks critical supporting information regarding the deep excavation required at the rear of the site and possible impacts on our property and future construction at 1110 Barrenjoey Road;
- Overlooking, loss of privacy and removal of views to Pittwater and Ku-ring-gai Chase National Park are a result of the excess height and bulk.

Yours sincerely,

Adam Rytenskild and Amanda Lee

From: Troy Crozier [REDACTED] 
Subject: RE: 1110 Barrenjoey Road LPP meeting for 1102 Barrenjoey
Date: 13 February 2023 at 5:10 pm
To: Oriana Garcia [REDACTED]
Cc: Info [REDACTED] Jorge Hrd na [REDACTED] Vincent Hrd na [REDACTED]

TC

Hi Oriana,

In submission for the proposed Development Application at No. 1102 Barrenjoey Road, Palm Beach with respect to No. 1110 Barrenjoey Rd (located directly upslope and to the east) the following is supplied for submission

We have reviewed the supplied geotechnical reports by JK Geotechnics and provide the following concerns:

- It is understood that the report Reference: 33618YJrptrev3, Dated 16 September 2022 has been supplied and will be utilised for the determination of the DA, however a more recent report (Dated: 31 January) appears to cover the issues related to several boulders on the south boundary).
- Whilst interbedded low to medium strength bedrock is seen in the base of the current eastern excavation there is no investigation data upslope regarding the depth of soils adjacent to the eastern boundary with only limited assessment indicating a reinforced soil embankment exists.
- Excavation to RL-1.0 is proposed in No. 1102, extending to the eastern (common) boundary with No. 1110 where ground surface levels are currently at RL12.0. As such, bulk excavation to 13m depth appears required adjacent to No. 1110.
- The geotechnical reports indicate a soldier pile support wall or a soil nail wall could be utilised along the eastern boundary.
- Both propped or anchored systems are recommended in the geotechnical report. Propping will impede the construction sequence and is rarely a preferred option, therefore it is expected that an anchored design will be proposed. Due to the separation distances, anchoring will need to extend a significant distance across into No. 1110. This has the potential to impact approved works within that property.
- Anchored pile walls to 13.0m depth will be expected to deflect, especially where deeper soils exist or there is surcharging. This deflection will invoke movement in the soils to the rear of the wall, across the boundary into No. 1102 which then has the potential to impact the recently approved development located within 1.0m of the common boundary.
- Soldier piles will involve an unsupported excavation between each pile, therefore if deep soils exist at the eastern boundary there is potential for collapse between piles before shotcrete infill. The loss of soils between the piles due to collapse or from over-excavation during the piling process could impact the condition/settlement of the structure in No. 1102.
- Without support design completed at this stage there is no way to assess the full impacts that could occur to No. 1102

Regards
Troy Crozier

Principal

MEng.Sc. (Eng. Geol), BSc. (Geol), Dip. (Civ.Eng)
MIEAust; MAIG, RPGeo – Geotechnical and Engineering
Registered Professional Engineer (NSW D&BP)
Registered Design Practitioner (NSW D&RP)