
From: Prue Rydstrand [REDACTED]
Sent: Thursday, 6 April 2023 3:32 PM
To: Planning Panels - Northern Beaches
Subject: TRIMMED: DA2022/0469 objection
Attachments: Dentons 1102.pdf; BBC Planners - Case Law.pdf; El Australia 1102.pdf

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Dear Panel,

Our ongoing and unsatisfied concerns are as follows.

Bulk, height and scale unchanged and still too imposing - blatant disregard for Panel requests from Feb 15th meeting

We continue to believe the height, bulk and scale is out of place with the surrounding 2 storey buildings, including our home. It is disappointing to see the developer merely removed columns and reduced the height by a paltry 40cm and resubmitted the DA. There is current case law on this! The Design is still 30% non compliant on my calcs, and 1105 Barrenjoey Road was knocked back by the Land and Environment court at 29% due to size/scale, even after taking into account the 3 storey building next door! See BBC submission attached.

We see this resubmission as a waste of time and a mockery of your earlier deferral and the requests therein:

You asked for:

a) Amended plans that reduce the overall height, bulk and scale including removal of the mansard roof to reduce the massing created by the proposed roof form. Consideration should be given to materiality, upper level set back and the form of the roof to achieve a upper level which is more recessive and an overall compatible development with surrounding development particularly Barrenjoey House.

In no way satisfied: There is no reduction in the bulk or scale whatsoever, no regard for materiality and no set back of the upper level to make it more recessive. Flagrant disregard for the Panel's requests, just as has occurred throughout the entire process and how we ended up here. Height adjustments of just 40cm are laughable. The developer needs to set the top level back significantly and reduce the bulk. Are we missing something or did closed door discussions ensue whereby you allowed the developer to ignore these requests?

New Plans

now be discussing basically the same DA with a mere 40cm height adjustment. It simply needs to be knocked back and a) at least fully satisfied before you should consider approval. A significant reduction in bulk, scale and height needs to occur - another 60mm can be cut from the ceiling heights alone. We still don't understand why the developer cannot adhere to the front setbacks, which would reduce the bulk and scale - why should they be allowed to breach setback controls to make way for 2x oversized apartments with 4 bedrooms and 4 bathrooms each on the top level! Cut a bedroom and bathroom, or 2 bathrooms even - not that difficult.

Lack of Geotechnical details;

I also note lack of request by the Panel for sufficient geotechnical information as we have asked for repeatedly. See EI submission attached. Our Geotech will make another presentation to the Panel, but we were disappointed to hear JK Geotech's protestation in the last Panel meeting that the site would be secure once the building is built! How ridiculous. That is far from providing sufficient comfort around the design and controls for the excavation, a basic DA requirement. We still maintain that clause 7.7 cannot be satisfied and therefore Council has no authority to actually approve the current DA. Please refer to our Dentons letter attached.

Overall, we are highly disappointed this DA has come to this, with valid concerns by council raised at every turn, only to be overlooked because the developer has pushed back, threatened to build the initial DA and tried to wear everyone down. Closed door discussions between the Panel and the developer after the 15th Feb meeting smack of lack of due process and a flawed system.

Interesting that a subsequent Panel meeting occurred on 8th March, yet we only received news of it last week and were only given 7 days to make submissions, including a 4 day holiday weekend, and a submission closing date of a public holiday. I also suppose we can look forward to the developer's team going over the 3 minute limit to tell us once again, of all the support they have received from the "senior leaders and community of Palm Beach" when the PBWBA has never given such support, the owners of Barrenjoey House don't support the plan and the developer hasn't even spoken to the rear neighbours or found anyone other than 1 submission who will support this design.

To conclude: The entire community is saying they don't like the size, bulk, scale and design (not 1 submission is supportive), multiple LEP and DCP controls are breached at every turn, there are significant question marks around stabilising the land around the development, and there is comparable case law from the LEC knocking back a similar development at 1105 from just a month ago. All of this next to an iconic heritage item, with neighbourhood zoning and in an important tourist spot! We fail to understand on what basis the Panel can possibly consider this DA as appropriate for the area, if not for wanting to avoid going to court or some other covert reason.

Approval of this DA will change the landscape of this little gateway to Palm Beach forever, threatening its seaside village feel and coastal charm. We implore you to force the developer to reduce the height, and set back the top level significantly to help reduce bulk and scale. Design tastes can be objective but the DA can be improved.

Please enforce the LEP and DCP controls, our lawyer continues to argue there are not sufficient environmental planning grounds to justify clause 4.6. A better building can and should be built in this location.

Thanks for your consideration,
Prue Rydstrand
1100 Barrenjoey Rd Palm Beach

Sent from my iPhone