
Sent: 29/09/2023 2:36:21 PM

Subject: Objection to DA 2023/1289 at 1112-1116 Barrenjoey Road Palm Beach

To Council,

The proposed DA at 1112-1116 Barrenjoey Rd is quite frankly, laughable. It is unattractive, too tall, big and bulky and represents overdevelopment of the site. At 5 Stories next to 2x 2 Storey buildings it: 1) grossly exceeds height restrictions and setbacks, 2) raises significant Heritage concerns, and 3) doesn't adhere to the Palm Beach Locality Statement. The traffic impact is significantly underestimated, there's also a 20% parking shortfall and the landscaping coverage seems non compliant and results in view loss for neighbouring properties. Looks like it isn't compliant with the flood prone land requirements either. All of this suggests 7 apartments is far too many for the site, and the developer should propose fewer apartments to achieve compliance.

This is yet another DA proposal with multiple non compliances, so many that it is challenging to find any compliance at all. But, the degree of non compliance around height, bulk and scale is staggering. I do not think it is much to demand a compliant development next to a Heritage building, on an uncomplicated piece of land, in a key coastal hamlet that leads to one of Australia's most beautiful places.

Council needs to draw a line in the sand now at submission stage and properly assess this DA on its merits as a NEW DA against ALL relevant controls and legislation. We believe this non compliant development should be REFUSED.

1. Bulk, scale and height are excessive and not compliant with controls.

This is an interesting interpretation of the 8.5m height limit. The site is pretty flat after they excavate all the rock. The height limit is 8.5m, not following the height "plane" up the hill behind.

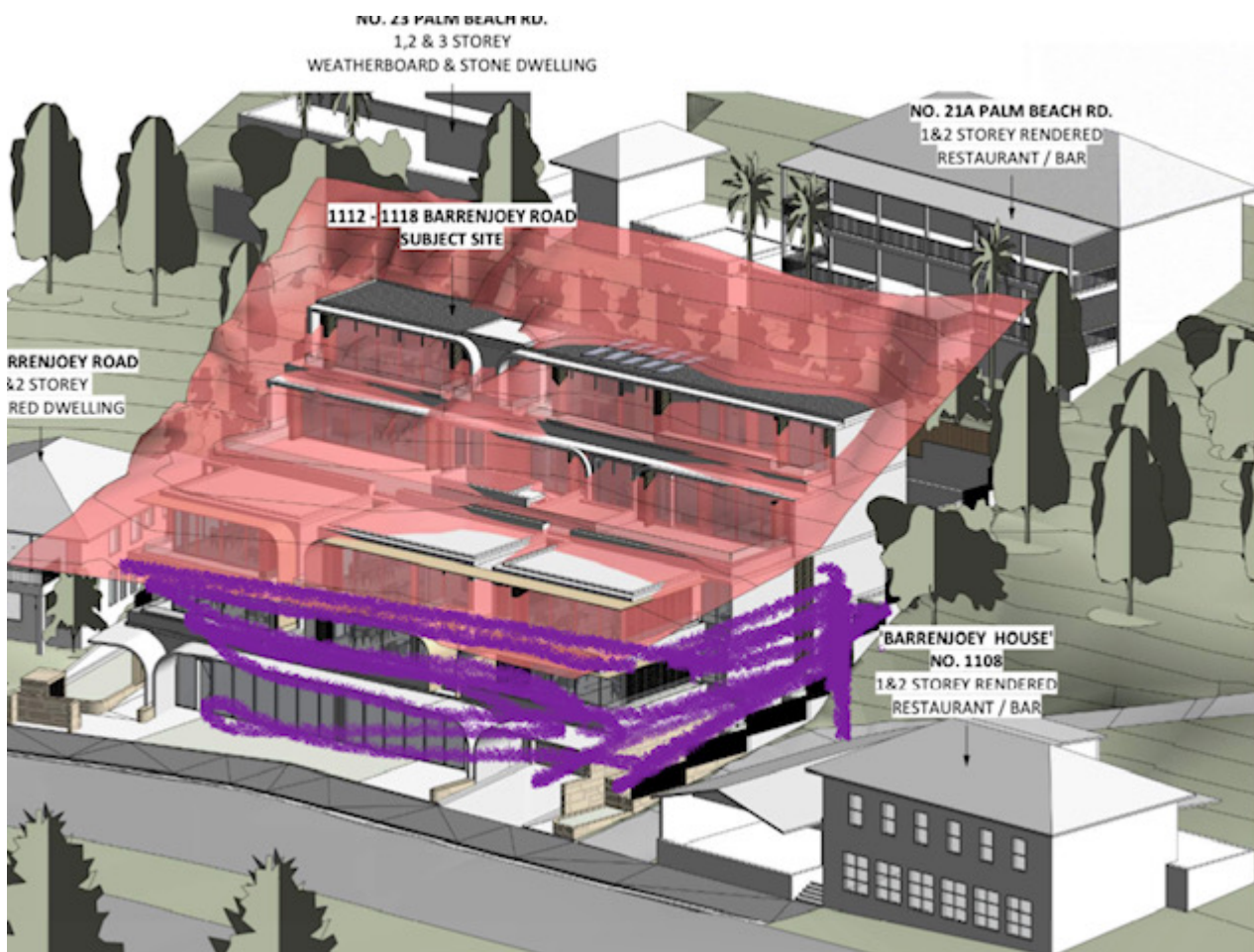
Further, comparing this proposal vs Barrenjoey House shows it's about 2x the height? How can the Heritage report possibly state no impact? Winten House is also Heritage listed. And the site behind where the trees are has an approved DA for a house on it? The whole area will be massively overdeveloped. Why should members of the community even have to point this out. Where is the side by side direct montage/comparison to Barrenjoey house? Exhibit B is one we found hidden.... What a shock the scale is.

Purple denotes c. 8.5m height limit as applied on the flat site. There is no sloping natural ground at the back in exhibit a).

Exhibit A)



Exhibit B)



It appears as though the developer has taken the height restriction to apply to the first 3 storeys. Those 3 storeys still appear to breach the 8.5m height control and are significantly higher than Barrenjoey House, without even considering the additional levels behind.

We note the LEC recently refused the proposed 3 storey mixed use development at 1105 Barrenjoey road - *Forest Apartments Pty Ltd vs Northern Beaches Council*. It proposed a height breach of far less at 28.3%. That site sits beside 3 storey buildings and it was still determined that **“the scale of the height contravention was well in excess of those buildings resulting in an Inappropriate and jarring height massing in the streetscape.”** This 5 storey proposal sits between 2x 2 storey buildings, so would seem extremely jarring by comparison. It is clearly out of place among neighbouring properties, AND importantly, one of the 2 storey buildings is Heritage listed.

Further, this development will be viewed from the waterway - I believe there is a control to ensure a DA cannot be overly imposing when viewed from the waterway? At 5 stories of bulk and an unattractive visual impact, I am certain it will be seen clearly from the waterway. It will affect the view from the water and beyond the Norfolk Pines of Pittwater park, which are also Heritage listed.

2.Does not adhere to Palm Beach Locality Statement

The Palm Beach Locality statement has a clear preference for 2 storey buildings. This is a huge 5 storey building AND is next to a heritage item.

The DA isn't in keeping with the seaside village feel that is required by the PB Locality statement. It is unattractive and box-like. The slightly curved architecture and hanging plants are not aligned with the "seaside village" theme. Hamptons style architecture is more appropriate (as the NBPP suggested when it refused 1102 Barrenjoey Road), to augment the design of Barrenjoey House and surrounding homes, and reference the wharf features etc.

3. Traffic, parking issues and shortfalls

Traffic report is incorrect on a few grounds. Just 2 extra trips from 5 apartments to 7 apartments? What about the larger commercial space? It's a joke. Other documentation in the submission suggests 100 car movements a day in total once developed.

There is also a 20% parking shortfall of 6 spots, with 29 required and just 23 proposed. A "small shortfall at 1102" was NOT approved by Council. This statement is factually incorrect. This area is highly trafficked at the best of times and suggesting the people frequenting these 2 retail tenancies will park in the carpark across the road is not practical, especially during the high season. You can look up the number of complaints I've made to Council of cars parking directly in front of my driveway so I cannot get in and out, and that's without 1102 site, or this site in operation! Not to mention the issues with people catching the Ferry and leaving their cars in untimed parking on Barrenjoey Road for weeks. It is a huge concern and problem.

I also point out comparisons between the number of spaces approved prior are not permitted. In any case, the approved development is for a small retail kiosk and a commercial space, this DA asks for 2x retail spaces and a 50sqm larger floor plate - which would attract even more visitors.

We are opposed to moving the bus shelter, it is ideally located across the road from the Ferry, at the bottom of the hill for less able bodied and away from the heritage listed Barrenjoey house and should remain in situ. It doesn't seem in the best interest of the community to move that in a key tourist hotspot and transportation hub, just so the developer can change the entry configuration for its non compliant car park.

We also object to the works zone, all work should be undertaken within the site itself. This works zone will further impact the traffic, particularly on weekends. If the works zone is permitted, no work should be allowed to be undertaken on weekends, traffic is at a standstill during peak season and extremely busy in off season as it is. The poor state of the road entry to PB via Whale Beach Road has exacerbated the traffic issues on Barrenjoey Road too.

4.Landscaping seems highly non compliant.

A couple of hanging plants on the facade does not pass muster. Plantings around the site also don't seem to adhere to the 60%? landscape requirement due to overdevelopment of the site. This is in a zone with sensitive environmental concerns and the shortfall contributes to the massive overdevelopment.

We remind Council that this is a NEW DA, so references to the previous approval in submission documentation and subsequent council assessment/comparisons to that DA are NOT permissible. The consent authority must consider whether the proposed development on its own merits can demonstrate sufficient environmental planning grounds. The task of the

consent authority is to consider “the merits of the application before it and to make an assessment based on the evidence in respect of the relevant issues. The case law that supports this is *Rocla Pty Ltd v The Minister for Planning and Sutherland Shire Council* [2007] NSWLEC 55 at [60] – [62] and *Milne v Minister for Planning & Anor (No 2)* [2007] NSWLEC 66 at [114].

We note 1102 BJ Road is subject to an LEC hearing after Northern Beaches Planning Panel overturned Council’s recommendation to approve the development. Many issues we raised very early in that development were ignored by Council, but ultimately accepted by NBPP (after 2 years) and are relevant/applicable for this proposal. We urge Council to assess this DA against ALL relevant DCP and LEP controls NOW, at submission stage, to avoid a potential repeat of 1102 BJ Rd. It is a waste of Council/ rate payers’ money and time not to do so, and will ultimately drag out this process for years like the 1102 Barrenjoey Road DA. Many stakeholders and their advisers are watching closely. After all, this site has neighbourhood zoning, and a decent building can be developed here for all to enjoy.

In summary, we believe this DA contravenes the following legislation;

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 4.3 Building Height of the Pittwater Local Environmental Plan 2014 as it is not considered to be compatible with the height and scale of surrounding development and does not minimise the adverse visual impact of development on the natural environment and heritage items.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 5.10 Heritage Conservation of the Pittwater Local Environmental Plan 2014.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Part D12 (Palm Beach locality) of the Pittwater 21 DCP.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to satisfactorily meet the relevant Design Quality Principles of SEPP 65.
5. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

And on this basis, should be REFUSED NOW instead of later.

The community is very passionate and involved with every proposed development in this little gateway along Barrenjoey road to Palm Beach. We/they are not anti development, but do ask for compliant! and thoughtful outcomes that respect the surroundings and beauty this area has to offer locals and tourists alike. It shouldn’t be much to ask, and it is Council’s role to ensure rules are properly enforced when there is lack of adequate justification to suggest otherwise.

Thanks for your time and consideration.
Prue Rydstrand - neighbour
1100 Barrenjoey Road Palm Beach

Sent from my iPhone