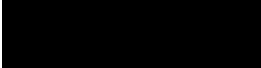

From: Robert Mackinnon
Sent: 11/04/2024 5:37:16 PM
To: Therese Edwell
Cc: Council Northernbeaches Mailbox
Subject: TRIMMED: 1102 Barrenjoey Road, Palm Beach - amended plans
Attachments: 2024_04_11_1102Bjoey_Mackinnon_p1of2.pdf;
2024_04_11_1102Bjoey_Mackinnon_p2of2.pdf;

Attached herewith please find my letter re the above topic.

Kind regards,

Robert

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To Whom It May Concern

Re: Proposed shop top housing development at 1102 Barrenjoey Rd, Palm Beach

I am writing to express my concerns about the amended plans for the above, which I understand are the subject of an ongoing s34 conference with Commissioner Dixon with a hearing set for 17 April.

Firstly, I'm dismayed that yet again a set of plans have been submitted that breach so many of the DCP and LEP controls that we expect Northern Beaches Council to uphold, albeit with some flexibility where warranted. In this case, the breaches are manifold and if condoned will not only forever change the character of this historic precinct of Palm Beach, but set an undesirable precedent with future commercial developments in the area.

May I also point out that an earlier version of these plans were refused by Northern Beaches Council Local Planning Panel (LPP) on 20 April 2023 on many grounds including:

- The variations called for under clause 4.6 were not considered reasonable nor necessary;
- The same applied with regard to environmental planning controls;
- The development was not in the public interest.

The most recent iteration of these plans are even more extreme than those for which the LPP made its refusal.

I am also extremely concerned that the council has in effect caved in to the developer's demands under the guise of hired "experts" and would invoke the Commissioner to reject these latest plans and seek a compromise solution that more closely observes the spirit and intention of the building controls that we the public rely upon being upheld by all relevant authorities.

My specific concerns are as follows:

1. Bulk, size and scale

Simply put, the proposed building is too high, seriously breaching height controls, too wide and too deep and is completely out of place in this historic precinct of Palm Beach where the majority of buildings, if of two storeys, have dormer windows and present themselves to the street in a fairly modest way. The proposed building is monolithic in form and the photomontage images appear to have been distorted to reduce the building's scale. Also, from a design perspective, little if any attempt has been made to use architectural techniques to soften the façade to make the building appear smaller. Quite the opposite;

2. The excavation goes back too far into the hill behind

It is of great concern to see how far back into the hill the planned excavation will go, thereby putting adjoining properties at risk. I particularly note a new development immediately behind upon which work is underway now and observe what appears to be a "rock floater" that is at risk of toppling down the hill endangering the public and potentially undermining neighbouring buildings;

3. Density

The DCP density control as I understand it allows up to 7.6 dwelling units on a site of this size but the proposal provides 14.7 dwelling units as calculated using the control;

4. Heritage considerations

Two heritage buildings are in the immediate vicinity – the 101 year old (1923 built) Barrenjoey Hose and "Winten" which is listed in the council's heritage register, as is

Barrenjoey House. Indeed, Barrenjoey House is the most affected, and is completely overwhelmed by the size and form of the proposed development;

5. Character of the locality

The intention with this historic precinct of Palm Beach, which has been used in one form or another from the early to mid 1800s, is to project its "seaside village" atmosphere. The proposed development, if allowed to proceed will change that forever. It is patently out of character with the area;

6. Commercial areas cannot be used for food and beverage selling

It is understood that the proposed commercial space does not meet the required 25% of gross floor space needed in accordance with the E1 zoning. Further, the low ceilings, included no doubt to make more space available for the luxury apartments above, prevents them from being used as food and beverage outlets, something that is in demand in a holiday destination like Palm Beach. Restricting their use in that way is likely to result in unlet space whilst robbing visitors, and indeed the community, of something that would be of value to them;

7. Insufficient provision for parking

Due to the size of the building, 14 car spaces are required under the DCP yet only 10 have been allowed for. To say that Pittwater Park South can deal with the shortfall shows a complete lack of understanding of the parking demands in Palm Beach. The situation is exacerbated during holiday periods to the point that Northern Beaches Council puts up electronic display boards south of Palm Beach (at Careel Bay) advising that Palm Beach is full and for motorists to consider other options. The alternate display implores visitors to park at the Careel Bay sporting fields and catch a 199 bus to Palm Beach;

8. Landscaping

Insufficient deep soil planting space is provided that will allow trees to mature to soften the bulk of the proposed building and provide much-needed tree canopy protection in a building whose façade faces west;

9. Geotechnical issues

I believe test drilling has taken place only to 9 metres yet the proposed excavation will go to a depth of 12.5 metres and well below the water table. An independent geotechnical report should be called for and, given the sandy soil in the area, protection provided for the historic Barrenjoey House that adjoins this property.

In closing, I appreciate the opportunity to make this submission, adding that I am fully in favour of this site being developed but in a way that is sympathetic to its neighbours, the local community and the many visitors that come to Palm Beach all year around.



Robert Mackinnon