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Sent: 14/04/2024 11:42:37 AM
To: DA Submission Mailbox
Subject: Online Submission

14/04/2024

DR Robert Woog
946 Barrenjoey RD
Palm Beach, Sydney NSW 2108
[REDACTED]

RE: DA2023/1658 - 948 Barrenjoey Road PALM BEACH NSW 2108

Resending again, with minor corrections from yesterday:
I wish to reiterate my strongest possible objection to the so-called amended plans for DA2023/1658 at 948 Barrenjoey Road Palm Beach. My reasons are as follows:

1. There is no material difference whatsoever in these re-submitted plans in relation to the objections raised previously in regard to two two key issues, namely the proximity to the boundary line and the impact for accessing the rear of my property.
2. Regarding C1.19 which requires a distance of 2m for any construction from the boundary line, the proposed Landing 3 and associated carriage, according to my calculations, would be some 65-85cm from the boundary line - if not even closer (because the plans do not clearly indicate the precise width of the new proposed trench or above ground track extension, platform or carriage which would be required at that point). Furthermore, all of this part of the proposed extension to L3 would largely be above ground, not entrenched like the current inclinator track. The developer Blackwattle Planning has clearly agreed that "the setback of the proposed inclinator car from the southern side boundary is less than 2m as provided by the DCP control. Given the developed nature of the site and the location of the existing inclinator, compliance with this control is not possible and would require major alteration to the existing dwelling". There can be no mitigating circumstances for any exemption from this Council regulation: if it is not possible to comply with Council regulations, then construction of a track and landing which is even less than ONE metre from the boundary line would clearly be unacceptable, unauthorisable and illegal.
3. The proposed extension to Landing 3 takes no account of the particular local issues in relation to these two properties 946 and 948 which were at one time joined together - hence the situation of shared steps at the street level and shared steps at the upper proposed Landing 3 level. This proposal to extend the current inclinator track seeks to significantly compromise access to the rear of my property at the proposed L3 landing site, leaving, for example, barely 65cm width of passage from the rear of my property to gain access to my side pathway. This is clear, as shown in the surveyor plan, where the proposed track and carriage can be seen to cut across all of the three steps in question (the second of which is approximately 130cm wide and can be seen to be essentially bisected), steps which I need to access the rear of my property. The impact of that would be very significant: any repairs or renovations at the back of my property, or any tree lopping or fire mitigation would be almost impossible if the access from rear to front of my property is limited to a width of around 65-70cm at this point. That would also have a very major impact on the re-sale value of my

property.

4. As already noted, the plans submitted seek to extend the current inclinator track to Landing 3, in order to access a construction (a so-called storage shed and nearby decking) made at the rear of 948 some years ago by the new owners, which was built without Council approval or any DA being submitted (I enquired of Council about this at the time, and nothing was submitted in relation to that construction). This construction to 948, which extends the footprint of the house significantly eastwards (backwards) must therefore be considered unapproved and illegal. The current DA2023/1658 therefore is based on a proposal to build an illegal extension of the current inclinator track (because it contravenes 2m proximity to the boundary, as already noted) in order to access another illegal construction which was built without Council approval. That is unacceptable by any standard of common sense.

5. There is constant reference to the current situation of there being only Landing 1 (at street level) and Landing 2 (at mid-point to the front door level), but no mention is made of an already existing third landing point higher up (approximately MIDWAY between L2 and the proposed L3) at the very end of the CURRENT inclinator track, where there is also a small landing platform and controller. On the site map, this can be seen as a small white square or rectangular marking, which is in fact a perfectly usable landing point (adjacent to an upper controller which is on my side of the boundary), and which is where the pre-existing inclinator track contained within its current below-ground trench terminates. From this usable exit point (with its small landing), higher access to the rear of 948 is easily possible, and is higher up than provided by Landing 2 (near the front door of 948), so perfectly usable for those rare occasions when it might be required to gain access to the back of the property. From there, there are a mere FIVE wide, shallow and easily negotiated stone steps to access the doorway-entrance to the (illegal) construction which Landing 3 is proposed to access. And please note: there are not 8 steps, as claimed in the owner's letter to reach that point, but only 5 - because 3 timber steps are already part of the unapproved storage shed entranceway and were constructed by the owners themselves when they built this extension. What this means is that if the current inclinator track were to be renovated for its entire current length BUT WITHOUT FURTHER EXTENSION TO PROPOSED LANDING 3 (I have no objection whatsoever to renovating the current track for its current pre-existing length in full) there would still be perfectly acceptable and easy access to the rear construction they may on occasion wish to get to at 948, without any need for an extension to L3. That would mean no contravention of the 2m rule, and no compromise to my access to the rear of my property. I fail to see why that isn't a perfectly acceptable solution: just FIVE steps to go from the current endpoint of the pre-existing track to the doorway at the back they wish to enter - and every problem would be avoided! During the time of the previous owners, they allowed me once or twice to use that current higher exit point and its landing when I had a visitor in a wheelchair. It was perfectly usable, and easily allowed access to the shared steps at the rear of both properties.

6. Certain anecdotes about ankle injuries by the owner, although regrettable, are not relevant to the legality or adverse impact of this proposal nor to any other issues raised by me. In any case, none of those injuries occurred in relation to any of the shared stairs mentioned - neither those at Landing 1 street level nor those at Landing 2 level.

In summary, I strongly object to these "resubmitted" plans, materially identical to those submitted previously, plans which propose to build an inclinator extension to Landing 3 which would be illegally close to the boundary line and which would serve to access yet another construction which was never approved by Council in the first place; a proposal which limits

access within my property from front to back, would significantly affect my property's re-sale value, and where there is already in place a perfectly reasonable alternative in the form of a higher access point (with platform and controller) which uses only the pre-existing inclinator below-ground track to its current end-point and which would still allow easy access by the owners to the rear of their property requiring the negotiation of a MERE FIVE, WIDE, SHALLOW, EASILY NEGOTIATED SANDSTONE STEPS, thereby avoiding all the hugely negative impacts on my property which I have attempted to outline.

Thank you for consideration of this matter.
Sincerely,

Robert Woog

A solid black rectangular box used to redact the signature of Robert Woog.