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RE: DA2021/1164 - 521 Barrenjoey Road BILGOLA BEACH NSW 2107

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Thank you for the opportunity to make this submission, however I would first like to request the submission process for the above D/A be extended for the below reasons.

The owner posted the notification of the D/A at the front of his property on 9 August. This proposed development will affect tens of thousands of people who live along the Northern Beaches. The community need time to know this D/A has been submitted, time to assess it and respond. Two weeks is not enough.

The application clearly states that the construction will not obstruct views when this is patently false. It is 31 metres in built-form height. It will adversely affect a number houses to the north and north-west of this application. In this regard they require the owner to have coloured posts erected so they can see the height and volume of the top story, include the swimming pool fences, which will be directly in their line of sight to the beach.

I have significant concerns I would like the Council to consider when this application is being assessed.

Not only does the development have serious compliance issues and fails to meet Sydney Development Control Plans, but the scale and manner of the development on a steep and narrow block of land in such a prominent position, is not only bulky and oppressive, but intrusive. There are also serious environmental concerns, together with concerns for the excessive and prolonged disruption to traffic in an already congested and troublesome stretch of road.

As noted in the substantive and comprehensive Gorich submission there are serious issues that need to be address:

1. LEP Non-compliance - Objectives of Zone E4 Environmental Living
2. LEP Non-compliance - Objectives of Zone SP2 Infrastructure
3. LEP Non-compliance - Failure to comply with Clause 4.3 Height of Buildings
4. LEP Non-compliance - Failure to comply with Clause 4.6 Exception to Development Standard
5. LEP Non-compliance - Failure to comply with Clause 5.1A - Development on land intended

to be acquired for public purposes

6. LEP Non-compliance - Failure to comply with Clause 7.2 - Earthworks
7. LEP Non-compliance - Failure to comply with Clause 7.7 - Earthworks
8. LEP Non-compliance - Failure to comply with Clause 7.10 - Essential Services
9. LEP Non-compliance - Failure to comply with Schedule 1 - Clause 24 - Use of certain land in Zone SP2 Infrastructure intended to be acquired for public purposes
10. DCP Non-compliance - Failure to comply with Clause A4.3 - Bilgola Locality Statement 11. DCP Non-compliance - Failure to comply with Clause B3.1 - Landslip Hazard
12. DCP Non-compliance - Failure to comply with Clause B4.22 - Preservation of Trees and Bushland Vegetation
13. DCP Non-compliance - Failure to comply with Clause B6.1 - Access driveways and Works on the Public Road Reserve
14. DCP Non-compliance - Failure to comply with Clause B8.6 - Construction and Demolition - Traffic Management Plan
15. DCP Non-compliance - Failure to comply with Clause C1.1 - Landscaping
16. DCP Non-compliance - Failure to comply with Clause C1.3 - View Sharing
17. DCP Non-compliance - Failure to comply with Clause D3.1 - Character as viewed from a public place
18. DCP Non-compliance - Failure to comply with Clause D3.6 - Front Building Line
19. DCP Non-compliance - Failure to comply with Clause D3.7 - Side and rear building line 20. DCP Non-compliance - Failure to comply with Clause D3.9 - Building Envelope
21. DCP Non-compliance - Failure to comply with Clause D3.11 - Landscaped Area - Environmentally Sensitive Land
22. DCP Non-compliance - Failure to comply with Clause D3.14 - Construction, Retaining walls, terracing and undercroft areas

- Height/Bulk/Scale

LEP Non-compliance Clause 4.3 Height of Buildings

Excavation to depths of approx. 20 metres; tunnel excavation for a length of approx. 20 metres into rock at a depth of up to 20 metres; installation of a car turntable; installation of two internal lifts (height of 13 and 20 metres); construction of a tiered dwelling comprising 7 separate levels over the entire site cannot be a small scale and bulk.

This is a tiered dwelling comprising 7 separate levels over the entire site. The building is 31 metres in built-form height, while the back section of the building is not only four stories high, but it has a swimming pool and fence sitting above that. The D/A notes a 4 metre high frangipani tree will be placed on this top level and it is probably safe to assume that umbrellas will be erected around the pool. The proposal has given no consideration to the sharing of views. At 10 metres high, plus umbrellas and trees, this area of the development exceeds the building height restriction.

Given the scale and height of the building, together with the fact that vegetation has not been retained to enhance or visually reduce the build form from the streetscape (as per Sydney's Development Control Plans), the claim by the applicant that the 'there will be no overshadowing, privacy, streetscape or view loss issues resulting from the variation' is patently false.

The claim that the building 'admirably disguises its' bulk and scale, 'and is in character with the adjoining dwellings and others in the immediate vicinity,' is strange.

This is an exceptionally large house by any standards. The building will be intrusive from all vantage points, including the streetscape. (See below). From Barrenjoey Road the proposal would resemble a 6 - 7 story building with basement parking. This is

There is no reason for this excessive height to be approved under the variation allowance or for this D/A, which chauvinistically ignores or fails to address compliance issues should be approved.

- Setback Controls

Side setback - this does not comply with the private open space directive.

Northern setback - this does not comply with the private open space directive.

The garage does not comply with the 10 m front setback.

The argument that Council should overlook these breeches because of the steepness of the land is not a relevant argument considering the excessive development coverage of the site. (see below). If anything, it should be cut back.

- Building Envelope Controls

The proposed development does not comply with the building envelope control.

According to the Flora and Fauna and Biodiversity Impact Study by ACS Environmental Pty Ltd submitted in the D/A the total area of the subject land proposed for development is estimated at about 689m.

Approximately 500m² of which will be subject to development, which means 72.5% of the land will be subject to development.

This is unacceptable for such a highly visible construction in a highly visible and sensitive area.

- Land Slip

In the D/A the Douglas Partners geotechnical report (5.6) states there is no evidence of rock fall or landslip.

The geotechnical engineering report also has not address if there is any detrimental effect on, drainage patters and soil stability.

They have not done their homework. In the 70s there was landslip in front of 517 & 519 Barrenjoey Road (the land next door), and also in front of Bilgola Terrace.

Such excessive excavation and movement of soil from the area is of great concern given this history.

In 2019 RMS repaired landslip on Barrenjoey Road and have installed a new guardrail, retaining wall and barrier to presumably protect the area from further landslips, erosion etc. There must be concerns that this proposal excavation may have a similar impact and could lead to further landslips.

It is more concerning that they have failed to identify, and address the fact that the site is located in an area identified as 'Geotechnical Hazard H1'.

There is also concern by the lack of investigation completed to allow the quality of the material to be excavated to be assessed, particularly where highly fractured sandstone has been expected - yet no borehole have been drilled to confirm this somewhat flippant assumption - particularly where there is evidence of landslip nearby. There is reason for concern based on a lack of subsurface knowledge and investigation.

- Delivery of Services

There is no water supply available or located in the vicinity. The nearest water connection point is in Plateau Road and there is no consideration of how this can be connected.

There is sewer available to the West however there is no investigation as to whether a suitable maintenance-free gravity connection can be made

"Ausgrid Assets Not Recorded in the Vicinity". The ability for the dwelling to have a suitable connection should be established prior to any development consent.

- Obstruction of views

The proposal does not consider the sharing of views and has failed to provide landscaping plans including elevations of the development when viewed from public spaces and surrounding properties.

In the 'Plans - Notification' section of the D/A it is claimed the houses on Plateau Road (behind 521 Barrenjoey Road), will not have their view of the beach impeded.

'The proposed development will not result in any view loss issues. The adjoining northern dwellings are all elevated in relation to the proposed new dwelling, and their views of Bilgola pool and the headland are angled towards to south east.' (Plans - Notification)

To support this claim the D/A uses red arrows to show the views from the house behind the development and the houses to the East. It is generous to say this is disingenuous.

The Line of site view to Bilgola Pool and Headland in the D/A reflects only the houses directly behind and to the east that will not be impacted. It does not reflect the houses who's view of the ocean and the beach (north-west) will actually be obstructed by this construction. These would be the houses west of 17 Plateau Road to at least 25 Plateau Road.

Misleading sections and failure to provide elevations as required in the landscape plan, it is clear that the proposal's approach to maximising views, at the expense of others has been the only consideration. Particularly when a 4m tree is proposed to be planted some 31 metres above the foundation of the actual building.

- Concern over tunnel construction and maintenance

With such a enormous excavation and construction the D/A is missing and controls over dust, noise and vibration from excavation.

The Geotech report in the D/A describes the tunnel and shafts as:

...the tunnel is proposed to be approximately 3 m by 3 m in cross section and will extend from approximately RL41.7 AHD at the rear of the garage for a distance of approximately 25 m to the base of a 23 m high and 2.5 m square, vertical lift-shaft located below the rear (northern end) of the proposed residence. A shorter, combined lift-shaft and stairway will also be located off the tunnel, below the southern end of the residence.

It further states:

Groundwater Some groundwater seepage from along bedding planes and joints will likely be encountered by both the tunnels and the shaft. This seepage will increase after periods of rain and, again, will likely contain soluble iron within the water which will precipitate to form a red-brown iron oxide/hydroxide sludge, once the water comes into contact with the air. Such sludge will require removal periodically to prevent blockage of the drains. Seepage water can be directed into a spoon drain and run out of the tunnel portals for disposal.

Has accommodation been made for this in the plans?

- Privacy

The D/A incorrectly and misleadingly states that, 'There are no privacy issues created by the proposed new dwelling on the east, south and west side as these are all vacant sites. On the northern side, the existing and proposed vegetation, and the significant spatial separation will ensure no privacy issues on this side.'

I understand that the owner of 521 Barrenjoey Road approached the owner of the property to his north at 17 Plateau Road, requesting he take down the Norfolk pine (and offering to pay for its removal) because it would shade his pool an unacceptable amount. This is the only vegetation that gives the northern property a degree of privacy from the proposed dwelling and the swimming pool on top.

It is hard to imagine the owner of 521 being enthusiastic in planting trees behind his pool to maintain privacy. Even if he would plant trees they would need to grow well over 10 metres high with a large canopy to maintain privacy. There will not be privacy on the north side.

- Unacceptable exacerbation of existing parking issues in surrounding streets.

According to the Construction Environmental Management Plan prepared by Peter Madew (2.1.1) Limited car parking will be available on the site and parking on Plateau Road and further down Barrenjoey road will be utilized for construction teams.

Parking is already at a premium and a continuing issue along those streets. Currently there is not enough parking for the residents and their visitors. Trying to accommodate the volume of workers that will be on this site on a daily basis will create an added and unacceptable pressure to an already inadequate parking situation.

- Dangerous pedestrian use of Barrenjoey Road

It is stated that the tradesmen and visitors to the site will access from Plateau Road and Old Barrenjoey Road along Barrenjoey Road

There is no pedestrian crossing or footpath access along Barrenjoey Road from the nearby roads. This is a dangerous and unrealistic option.

We have all seen the family that must walk along that treacherous stretch of road to get to their home. It is unacceptable for them as it is unacceptable for the people working on, or visiting, the work site.

- Objectives of Zone SP2 Infrastructure and future problems

Works outside the site boundary are proposed to provide access to the site in an area Zoned SP2 Infrastructure. The proponent does not own this land. It is unclear if there is permission to build frontage over the sight AND the two neighbouring sites where works will include excavation, services reticulation, retaining walls, landscaping, handrails and concrete.

These works outside the site boundary will severely hamper access to the two adjoining properties should D/As be submitted for them. Moreover, if the landowner (RMS) should need to remove them in the future for road expansion the costs will be enormous. It will also mean the turning circle will be removed and the cars will need to exit the garage directly into the oncoming traffic

Why is there no identification of the SP2 zone are shown on the survey plan or the development plans? Without dimensions shown an accurate assessment is not possible. Why would Council, as stated in the application, give the owner any indication that there would be no problem with using this land? Is this correct?

- Traffic issues

Section 2.1.1 of Construction Environmental Management Plan states that 'impact on local traffic will be kept to a minimum.

What is a minimum? Compared to what? Whose minimum? You may as well ask, 'how long is a piece of string?'. This statement has no context.

Approved working hours on this project are standard working hours from 7:00 am to 18:00 pm Monday to Friday and 7:00 am to 13:00 pm Saturday.

The problem with a construction along this road, and especially one of this magnitude in terms of both size and excavation, are obvious and self-explanatory to anyone who is familiar with the continual and frustrating traffic hold ups associated with 'the bends'. It would seem superfluous to have to explain, but for the terms of this submission I will.

The planned working hours include what are already times of significant congestion along this stretch of Barrenjoey Road. It is stated that the construction will take at least 1.25 years. Given the size of the excavation and construction it is an exceptionally conservative estimate, which means traffic will be disrupted significantly for much more than a year.

Moreover, if there are delays and traffic jams cars will try to divert down The Serpentine and over the Plateau at the first opportunity. This will result in traffic jams along The Serpentine and in the narrow streets of the Plateau. Both areas are unable to take such traffic.

This construction is on a blind spot in the road. It will be highly dangerous for traffic along that blind spot when large trucks and vehicles are entering and exiting the site, and will probably mean the permanent use of stop/go signs. For how long? Possibly more than two years given the size and scale of the construction. The application states that any vehicle leaving will exit south, but this will not be possible for the larger vehicles who cannot turn on the circle in front of the garage.

The D/A states that 'No Construction/Works Zone will be required. All trucks will load/unload within the site". This is patently another false and misleading statement. Why does the designer/owner believe Council will blindly and unquestioningly accept obviously false statements? The above claim is not physically possible until the area off the road is completed, including excavation, and retaining wall.

However, even then it is complete it still will not take large trucks, cranes etc. Those who submitted this application know this.

The traffic management plan is somewhat basic and highly inadequate for the degree of disruption.

The disruption to traffic throughout the day, and especially during already peak periods is, and will be remain, unacceptable to the residents and visitors to the Peninsula. If for no other reason this alone is why this application should be rejected, including any future development along that strip of land.

This application has served to highlight this reality.

Environmental Issues

There is nothing in this D/A which responds sensitively to the topography. Any claim of such is false.

- Tree Removal in Remnant bushland

According to the Pittwater Local Environmental Plan 2014, the property is zoned as E4 Environmental Living, being land identified as holding biodiversity and ecological significance. The prominent tree species found growing on the site ... (hold) a high landscape significance rating (in accordance with Appendix 2) and are indicative of the original vegetation found in the area (4.2).

This D/A will remove 66% of the trees on the land, many are mature trees of high landscape significance, endemic to that area of original vegetation, and all of which are protected species.

The arborist examined 53 trees, 17 of which are on adjacent blocks (no. 9, 13, 14, 15, 16, 17, 18, 19a, 19b, 20a, 20b, 21, 29, 30, 51, 52, 53) and 8 are on Council land. In total there are 30 trees on the land in question, not the 53 examined.

Of these 30 trees 20 (maybe 21) will be taken down. Of the 10 (9) trees remaining, 3 (No. 43, 44, 45) will have their canopies cut back.

The D/A is also proposing to trim the canopy of a tree (No. 53), which is on adjacent land and some distance from the house. There can be no need for this other than to open up the view. Further, the D/A lauds its environment credentials for not taking down 17 trees that are not on its land but on adjacent blocks.

Seven or maybe 6 trees out of a total of 30 trees will remain unscathed on the land (this includes the trees to have their canopies lopped).

The removal of these trees, together with the disruption to the ground with the excavation and building will create a significant gap in an otherwise contiguous vegetation in what is identified as an Endangered Ecological Community, and the visual welcome to the top of the Northern Beaches.

It also impacts the landscape quality, the view corridor, and importantly, the ecological network of plant and animal species that are becoming increasingly isolated in ever-diminishing islands of natural habitat along the peninsula. The removal of 28 trees and the excavation and the construction of this dwelling, will have a negative impact on the amenity, character, and biodiversity of the area together with the ever-decreasing viability and natural habitat for our local wildlife. It is unacceptable.

- Fauna

The Bilgola bends are important coastal eucalyptus forest, which includes critically endangered littoral rainforest and a great diversity of fauna species, including and not limited to:

Kookaburras
Wallabies
Bush turkeys
Blue tongue lizards
Green tree snakes
Pythons
Australian water dragons
Bearded dragons

Lace monitors (goannas)
Koalas
Pygmy possums
Squirrel gliders
Powerful owls
Wattle birds
Butcher birds
Cockatoos
Rosellas
Rainbow lorikeets
King parrots
Hawks
Bent Wing bats
Long neck turtles
Frogs
Long nose bandicoots

Their habits are dwindling and if development is allowed and continues along this strip of land we will lose so many of them forever.

- The Future

The D/A's environment section concludes that, the proposed development complies with the intent of all Council's policies, enhances the natural and built environments...'. .

That statement beggar's belief. Few things could be further from the truth.

The proposal clearly and unapologetically breaches multiple Development Standards without consideration for the environment or the effect it will have on the whole Northern Beaches community. I wonder why he believes he this application will be approved.

The bulk and scale of the proposed development is out of character with the area and would severely impact the landscape continuity as seen throughout the considerable view catchment, i.e. the visual corridor afforded to travellers along the Bilgola Bends; and from Bilgola Beach. This impact affects a considerable proportion of the local and visiting population, effectively blighting the highly valued natural bushland "entrance" to Bilgola and the upper Northern Beaches.

Approving this development will set a disturbing and dangerous precedent, encouraging more development along this beautiful and unique piece of remnant land on the Peninsular, while destroying the environment for some of our most precious indigenous species.

It will also potentially cause years of disruptions and congestion as more and more applications are lodged, and houses built.

Approving this application will set a precedent, making it impossible to reject similar future applications. It will be opening a Pandora's Box. Surely, to all who understand the extraordinary privilege of living here, and those who want to maintain the beauty of this part of the world for all future generations, this development cannot be acceptable. A stand needs to be taken and for the Northern Beaches this is the time to take it.

Visually and practically 'the bends' is the beautiful gateway to the upper Northern Beaches. It is unique and it is worth preserving.

As noted at the beginning of this submission, the community needs more time to examine and make submissions regarding this development, but the obvious and logical solution to this is for the Council or some other government authority to protect this land for all future generations to enjoy by acquiring the land along Barrenjoey Road, as it did with the land in the 'Hamilton Estate' and the land above Porter's Reserve in Newport.