

THE COMMISSIONER NSWLEC

LAND & ENVIRONMENT COURT PROCEEDINGS NO. 2023/00242901 PROPERTY: 1102 BARRENJOEY ROAD, PALM BEACH
DA NUMBER: NBC DA2022/0469
APPLICANT: ASIA DIGITAL INVESTMENTS PTY LTD

RESPONDENT: NORTHERN BEACHES COUNCIL
PROPOSAL: DEMOLITION & CONSTRUCTION OF A SHOP TOP HOUSING AT 1102 BARRENJOEY ROAD, PALM BEACH

Dear Commissioner

We wish to make a further submission in response to the latest proposed plans dated 19/7/2024.

Please note that our Geotechnical engineer (Troy Crozier) has also submitted a report on our behalf dated 31/7/2024 and Bill Tulloch has made a recent submission on behalf of the immediate neighbours, of which we are one.

Unfortunately the latest proposal doesn't adequately address the issues we have raised in our previous submission and we hence ask that it be amended or rejected.

1. There should be a 3 metre setback on our boundary to the proposed pile wall.

- This would reduce the risks outlined in Troy Crozier's Geotechnical report due to:
 - a. Lack of Geotech Investigation to Eastern & Northern Boundary
 - b. Piling Mat Risks
 - c. Clarity on the Types of Piles
 - d. Incomplete Monitoring Programme

- The lack of rear setback also fails to achieve the outcomes identified within the DCP Clause D12.6 as follows:
 - a. To achieve the desired future character of the Locality.
 - b. The bulk and scale of the built form is minimised.
 - c. To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties
 - d. Vegetation is retained and enhanced to visually reduce the built form.
 - e. To ensure a landscaped buffer between commercial and residential zones is established.

- A rear setback of 3 metres would also enable a landscaped buffer between commercial and residential zones be established (DCP control). There should be a rear setback of the Piled Wall Zone to allow for deep soil planting, with suitable landscape species at a height of 3m. We note that the applicant's own montage (photo below) includes the existing green hedge at the rear of the property. An outcome like this can only be achieved if there is a suitable rear setback.



2. Reduce the height by 1 metre to the height of the previously approved DA (12.75RL).

- This is still higher than Barrenjoey House but would improve the visual impact from all aspects, including the streetscape.
- There have been numerous suggestions for how this can be easily achieved whilst maintaining the proposed 3 levels.

3. Soften the visual impact from the residential zone above by *greenifying* the rooftop. This can be easily achieved by:

- Relocating the air-conditioning and hot-water units to the basement.
- Installing a planted green roof.

We are trying to be reasonable and believe that these requests can be easily accommodated and will help reduce the environmental impact as well the impact on our property. We also note that the side setbacks (to the south especially) is non-compliant and inadequate, which has been strongly raised by the adjoining neighbour.

Thanks and we're available to discuss at any time.

Adam and Amanda Rytenskild