

---

**From:** [REDACTED]  
**Sent:** 10/02/2025 4:37:26 PM  
**To:** Council Northernbeaches Mailbox; [REDACTED]; Therese Edwell  
**Cc:** [REDACTED] Adam Rytenskild; VC; Brendon Barry  
**Subject:** TRIMMED: DA2023/1289; 1112 - 1116 Barrenjoey Road PALM BEACH NSW 2108  
**Attachments:** CONSENT ORDERS 1112-1116 WS DEC 24.pdf;

**LAND & ENVIRONMENT COURT PROCEEDINGS NO. 2023/00465007**

**PROPERTY:** [1112 - 1116 BARRENJOEY ROAD PALM BEACH NSW 2108](#)

**APPLICANT:** PALMDEV PTY LTD

**RESPONDENT:** NORTHERN BEACHES COUNCIL

**PROPOSAL:** CONSTRUCTION OF A SHOP TOP HOUSING AT 1112-1116 BARRENJOEY ROAD, PALM BEACH  
[DA 2023/1289](#)

Could this Submission be posted on [DA 2023/1289](#)

Could this Submission be forwarded to STEVEN FINDLAY and the Court.

Kind regards,

Bill Tulloch BSc[Arch]BArch[Hons1]UNSW RIBA Assoc RAIA  
DA Objection Pty Ltd  
Director  
[REDACTED]

# SUBMISSION

a written submission by way of objection  
Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA Assoc RAIA  
prepared for

TED CAMPBELL, 21A PALM BEACH ROAD PALM BEACH  
BRENDON BARRY, BARRENJOEY HOUSE, 1108 BARRENJOEY ROAD PALM BEACH  
ADAM RYTENSKILD, 1110 BARRENJOEY ROAD PALM BEACH  
TONY MATTOX, 1110B BARRENJOEY ROAD PALM BEACH

10 FEBRUARY 2025

NORTHERN BEACHES COUNCIL  
725 PITTWATER ROAD,  
DEE WHY  
NSW 2099

[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Att: NBC DEVELOPMENT ASSESSMENT: STEVEN FINDLAY

LAND & ENVIRONMENT COURT PROCEEDINGS NO. 2023/00465007  
PROPERTY: 1112 - 1116 BARRENJOEY ROAD PALM BEACH NSW 2108  
APPLICANT: PALMDEV PTY LTD  
RESPONDENT: NORTHERN BEACHES COUNCIL  
PROPOSAL: CONSTRUCTION OF A SHOP TOP HOUSING AT 1112-1116 BARRENJOEY  
ROAD, PALM BEACH  
DA 2023/1289

Dear Steven,

I have been instructed by my clients to prepare a submission on this LEC Appeal,  
relating to the re-notification as outlined within NBC's lawyer's letter.

I refer the Court to my submission dated 6 November 2024.

I make the following requests for further conditions of consent be imposed.

## **BULK & SCALE: RELATIONSHIP TO BARRENJOEY HOUSE**

Concerns are expressed that the proposed wall heights to the proposed  
development at RL 12.7m facing the street grossly exceed the existing wall heights to  
Barrenjoey House that are at RL 9.7m. This outcome presents a very poor relationship  
to the heritage item. The outcome of the LEC Appeal at the neighbouring site, at  
1102 Barrenjoey Road, Palm Beach, ensured that the consented wall height on that

Appeal was equal to Barrenjoey House. The Commissioner will note that the proposed wall height on this Appeal to the LO2 floorplate is at RL 9.65. I contend that the proposed wall height facing the street should match Barrenjoey House in height. To achieve that outcome, I contend that the floorplate of LO2 should be setback to the 8.5m HOB alignment to achieve a better visual bulk outcome. The floorplate of LO3 should also be setback to the 8.5m HOB alignment to achieve a better visual bulk outcome to the heritage item. LO2 & LO3 should be heavily recessive to the floors below – the proposals do not achieve that outcome to the heritage items.

I contend that the proposed development exceeds the LEP 8.5m HOB standard, and fails to accord with the provisions of LEP cl4.6 (2D) in that:

- *the portion of the building above the maximum height is not minor;*
- *the objectives of this clause are not achieved;*
- *the buildings are not sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

#### PROPOSED CONDITION A:

LEVEL LO2 to be setback a further 5.5m to the east & LO3 to be setback a further 1.8m to the east, with eaves projection to the west at both levels to a maximum of 600mm

#### VIEW SHARING

Two minor amendments to 9 ii and 9 iii, and an addition condition vii.

Additions stuck out, with new amendment **in red**, to resolve potential view loss from tree canopy, and ensure semi mature landscape outcome facing the heritage item:

#### PROPOSED AMENDMENT TO CONDITION 9:

##### 9. Amended Landscape Plan

a) amended Landscape Plan(s) shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

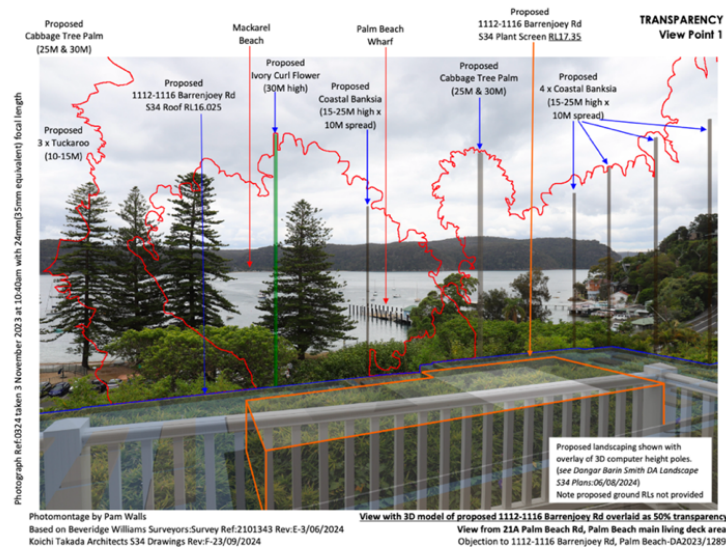
- i) substitute all *Cupaniopsis anacardioides* with a suitable native tree alternative of a similar size, and in accordance with iii),
- ii) all proposed trees and vegetation in the rear setback shall not exceed a mature height greater than ~~5 metres~~ **the approved parapet height of RL 15.85**, substitute the proposed species with smaller native tree or shrub alternatives where appropriate, **Maintain trees and vegetation below the approved parapet height of RL 15.85 for the life of the development;**
- iii) all proposed trees in the side **and front** setbacks shall not exceed a mature height greater than the immediately adjacent built form height; substitute the proposed species with smaller native tree alternatives where appropriate, **Maintain trees and vegetation below the approved parapet heights for the life of the development;**
- iv) all supplementary vegetation in the side setbacks (i.e. not trees) shall not exceed a mature height greater than the immediately adjacent built form height; substitute the proposed species with smaller alternatives where appropriate,

v) substitute Lomandra 'Tanika' and Ficinia nodosa in the raised planters in the front setback with a suitable groundcover species with a mature height less than 300mm,  
vi) delete the proposed street tree Banksia integrifolia.

vii) All landscape species, along the southern boundary, facing Barrenjoey House, to be planted in minimum 200 or 400 litre bags to ensure semi-mature landscape outcome

b) certification shall be submitted to the Certifier that these amendments have been documented.

Reason: Landscape amenity.



## PRIVACY

There are poor privacy outcomes with direct overlooking to neighbours.

## PROPOSED CONDITION B:

- Level 3: East Facing Rear Terraces – Provide 3m high fixed privacy screens to terrace edges.;
- Levels 1&2: Windows facing South & North – Provide fixed full height, full width privacy devices at 75 deg

My clients request that these additional conditions are added to any consent.

Yours faithfully,

*Bill Tulloch*

Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA Assoc RAIA