
Sent: 10/08/2021 4:47:36 PM
Subject: Mod2021/0203
Attachments: ingham submission 1102 Barrenjoey Road.pdf;

Re. Mod2021/0203, 1102 Barranjoey Rd, Palm Beach

The version I sent you was incomplete sorry. Please find the full version attached (3 pages).

Can you lodge online.

Thanks

Adam Rytenskild



Our ref 20145
9 July 2021

General Manager
Northern Beaches Council
by email

Dear Sir/Madam

RE: 1102 Barrenjoey Road Palm Beach (Modification of DA2021/0203)

We act on behalf of the owners of the land to the east Mr Adam Rytenskild and Amanda Lee at 1110 Barrenjoey Road. This property is subject to a current DA assessment (DA2021/200) and we are concerned about the impact of the proposed modifications on the proposed development of No 1110 and the locality in general. Our concerns are outlined below.

The proposal is not substantially the same as the approved development

The submitted details make it difficult to fully assess this issue as details of the approved plans have not been submitted and there is no comparison of the various components of the approved and proposed developments. In any event we disagree with the conclusion of the submitted SEE that the proposal is 'substantially the same' as the approved development.

As noted in the SEE, the LEC has indicated that both 'qualitative' and 'quantitative' considerations need to be undertaken. As can be seen on the submitted plans, the building is considerably larger at every level. The number of apartments is increased from 4 to 6 but the increase in GFA has not been detailed. It is likely to be substantial.

The only image of the approved development provided appears to be at Figure 12 of the Heritage Impact Statement. This indicates that the approved development is significantly different in appearance than the proposed development. That it may be an improvement is not the test. Also, the improvement in amenity by designing to achieve compliance with the ADG is not the test. In fact, the changes required to achieve this compliance are significant and contribute to the building being substantially different.

Non-compliance with ADG

Despite the justification of the proposal partly relating to achieving ADG compliance, there are a number of areas of non-compliance. These include building setbacks (visual privacy), room depth, parking, communal open space and solar access.

Urban and Regional Planning, Environmental Planning and Statutory Planning
PO Box 251 Artarmon NSW 1570
Telephone: (02) 9416 9111 Email: admin@inghamplanning.com.au
A.C.N 106 713 768
www.inghamplanning.com.au

The rear facing apartments will have poor amenity compared to the approved apartments due to the significantly reduced rear setback. The proposal now seeks to excavate right to the rear boundary and result in some apartments being more than 3m below existing ground level.

The submitted Design Verification Statement (DVS) does not achieve the requirements of Clause 50(1AB) of the Environmental Planning and Assessment Regulation in that:

- a) the person who signed the DVS is not the same as the person noted as being the designer;
- b) the DVS does not demonstrate, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.

Non-compliance with LEP and DCP requirements

The proposal exceeds a number of the relevant controls including building height, is 3 storeys rather than 2 (conflicting with the Palm Beach Locality Statement) and does not provide a rear boundary setback of 3m. Due to the excessive height and overall bulk and scale, will fail to meet the visual and scenic quality objectives in these plans. The proposal is not in keeping with the existing and desired future character of the area.

In relation to the rear setback the DCP requirement relates to ‘built structures’ and the proposal includes a very high retaining wall on the western boundary, necessitating removal of a tall existing hedge. This means that the desired outcomes for this control will not be met including:

To achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

Substantial landscaping, a mature tree canopy and an attractive streetscape.

Vegetation is retained and enhanced to visually reduce the built form.

To ensure a landscaped buffer between commercial and residential zones is established.

Heritage impacts

The proposal is significantly larger and higher than the approved development and will result in an unacceptable relationship with the adjoining heritage item – Barrenjoey House.

Direct impacts on No 1110 Barrenjoey Road

Visual impacts - the visual impact of the existing development on the site is limited due to the existing tall hedge along the boundary of the subject site. The proposed modification significantly reduces the rear setback and proposed excavation right to the eastern boundary, necessitating the removal of the existing hedge. The proposed planting at the bottom of the ‘hole’ created by the building and proposed retaining is unlikely to achieve the outcome depicted on the plans and therefore will not assist in limiting views of the siter from No 1110. This will not achieve the desired outcomes for the rear setback

control. At a minimum the 3m setback needs to be maintained at existing levels to ensure that the hedge can be maintained, and that the proposal better achieves the desired outcomes of the rear setback control.

The removal of the hedge will open up views down onto the proposal from No 1110. This is of concern as the roofscape of the proposal is unsightly and strewn with various protrusions including lift overrun, plant enclosures and solar panels that have not been sufficiently documented in the submitted drawings. At the very least, the roof should be a 'green roof' that ensures an appearance that is more in keeping with the character of the area (at least when viewed from the numerous properties that look down onto the site).

Acoustic impacts – the submission does not include an acoustic report and so the potential impacts of the noise from the proposal cannot be assessed. As rooftop plant is indicated and this is in close proximity to No 1110, the noise implications need to be properly assessed.

Geotechnical impacts – the submitted documentation indicates that retaining greater than 3m will require rock anchors. As the retaining to the east is on the boundary and is greater than 3m, the consent of No 1110 will be required to allow anchoring of this wall. No such consent has been granted.

Conclusion

Due to the increase in the size and scale of the development in both a quantitative and qualitative sense, it cannot be considered substantially the same development to that originally approved and as such consent cannot be granted.

In any event, the proposal is unacceptable in relation to merit issues as noted above. In particular, the proposed excavation to the rear boundary will remove existing significant vegetation and create adverse visual impacts on No 1110. To mitigate visual impacts the 3m setback needs to be maintained at existing levels to ensure that the hedge can be maintained, and the roof be required to provide low level planting.

Please do not hesitate to contact Brett Brown, Director if you wish to discuss this matter further.

Yours faithfully



INGHAM PLANNING PTY LTD