
Sent: 12/04/2024 12:31:52 PM

Subject: Objection to 1102 Barrenjoey Road Palm Beach modifications - original DA2022/0469 - Dibbs

Dear Sir/Madam

I write to lodge my objections to yet another gross overdevelopment submission for modifications to the original DA for this site, which is next to the iconic historical Barrenjoey House, and at the gateway to main Palm Beach for all visitors and the local community. It exhibits a blatant disregard of existing planning regulations and plans.

HEIGHT, BULK AND SCALE

1. The developer is trying to incorporate too much into the development; as a result, the height, bulk and scale are not appropriate in this location.
2. The height breaches the height control set out in the Pittwater Local Environment Plan (PLEP) of 8.5 metres and no substantive justification for this breach is provided. The whole of the third floor breaches the height control and it should be removed.
3. The breach, from Drawing No. DA10 is 2.59 metres from ground level AHD2.66 to ridge AHD13.75 which equals a breach of 30.47%. This is not a minor breach and therefore it does not qualify for Clause 4.6 Request to accept non-compliance.
4. The development breaches the Pittwater Development Control Plan (DCP) (still currently in force) in relation to setback from adjoining properties and the roadway. Because the development adjoins E4 a low-density residential zoning on part of its north side (against Barrenjoey House), its whole east side (rear) and its whole south side, setback is required to be 9 metres, instead of 0-3 metres on the north, 0-5.5 metres at the rear and 0-2 or 3 metres on the south.
5. Excavation for the car park on the Barrenjoey Road frontage goes right to the boundary so that no landscaping is possible; the ground floor setback is 2 metres but Clause D12.5 of the DCP requires a setback at the ground floor level of 3.5 metres.
6. The height of the roof is 4 metres which is out of scale with the rest of the proposed building and with surrounding developments and results in an unbalanced design which does not meet the objectives of the LEP, DCP and Australian Apartment Design Guide.
7. These breaches demonstrate why the height, bulk and scale of the proposed development are unacceptable.

INTERFERENCE WITH VIEWS

8. The development will interfere with the prime views from the adjoining immediate residential neighbours at 1100 Barrenjoey Road, 1110A, 1110B and 1110C Barrenjoey Road and other properties on the eastern side of the proposed site.
9. The damage to views is exacerbated by the failure to relocate plant from the top of the roof of the development, despite requests to do so.

DENSITY

10. The bulk and scale of the proposal breaches the DCP density control for a block of this size.

SHADOWING

11. The development will cause substantial and completely unacceptable shadowing of the adjoining property at 1100 Barrenjoey Road.

SCALE

12. The scale of the building is too large it is too high and it is too wide and it is too deep. If allowed, it will block views from the neighbouring houses behind it, some of which were built with knowledge only of the original

D/A. These changes from the original D/A are excessive and should not be approved.

AMENITY

13. For all these reasons, the development will cause damage to the amenity of the surrounding neighbourhood by totally changing its character.

LANDSCAPING

14. The DCP requires planting of vegetation to minimise bulk and scale of the built form. It also requires canopy trees between the building and its front boundaries where the property faces a waterfront reserve as this does. The modifications do not comply with the DCP in these respects.

15. The breaches of the setback requirements mean also that the development cannot meet the landscaping requirements of the DCP.

COMPATIBILITY WITH NEIGHBOURHOOD

16. The design of the building is not compatible with the design of the immediate surrounding area. It is located between Barrenjoey House, a heritage listed building, and 1100 Barrenjoey Road, a classic Palm Beach weekender, and opposite a number of classic houses. It should be rejected.

17. The DCP requires new developments to respond to, reinforce and sensitively relate to the spatial characteristics of the existing urban environment. The modifications do none of these.

PARKING

18. The provision of parking within the building does not comply with the requirements of the DCP, partly because the building is too big. The developer cannot use Pittwater Park South to make up the short fall. Redesign of the building to make it smaller would fix this problem.

COMMERCIAL SPACE

19. The commercial space provided in the building fails to reach the required 25% of the total floor space, partly because the low ceiling heights in part of the "commercial" space are below the statutory minimum and cannot be counted.

CLAUSE 4.6 REQUEST

20. The Clause 4.6 Request does not demonstrate why compliance with the planning controls is unnecessary or unreasonable. It has to show that the development meets the objectives of the relevant planning act and regulations and it fails to do so.

HERITAGE

21. The building is in the conservation precinct of Pittwater Park South and it is not in keeping with the conservation principles or the precinct generally.

22. The building is beside the 100-year-old Barrenjoey House. Because of its increase in height and width, it overwhelms Barrenjoey House which is an historic building. It should not be approved.

23. This part of Palm Beach is the central and historic heart of Palm Beach. It has a special character of low-scale buildings and informal design. The proposed building at 1102 Barrenjoey Road would seriously and forever damage this special character.

GEOTECHNOLOGY

24. Given that the proposed excavation is to a depth of 12.5 metres, well below any of the test drilling at 9 metres, and the nature of the underlying geology, sand, clay, extremely weathered sandstone and the underlying water flows, the risks of disturbance of the hillside to the east of the site is real and appears to be under-played in the JK Geotechnics report. The position regarding the rock shelf underlying the proposed driveway and the presence of the boulders (floaters?) on the boundary between 1100 and 1102 Barrenjoey

Road appears also not fully resolved. These dangers need to be much more fully resolved before the Modifications can be approved.

COMMUNITY INTEREST

25. The amended proposal is not in the community interest.

I encourage Council and the Land & Environment Court to reject and refuse this modification on all the grounds noted above, to preserve the special character and amenity of this historical area of the Northern Beaches.

Sincerely