
From: Prue Rydstrand
Sent: 14/10/2022 12:55:16 PM
To: Council Northernbeaches Mailbox
Cc: Jordan Davies; Nicholas Sproats
Subject: TRIMMED: DA2022/0469 - Rydstrand submission 1102 Barrenjoey Road
Attachments: 1100 - Submission for 1102 DA October.pdf;

Hi Jordan,

Please see our submission attached (can you pls confirm receipt). There is an interim submission coming today from BBC Planners (we will submit the full one once Bob has time to properly review) and another from Stephanie at Dentons.

Please let me know if you need anything on my end, or need to come out again for any reason.

Cheers and thanks,
Prue

Dear Officers,

We are the neighbours of the proposed development, on the Southern Boundary - 1100 Barrenjoey Road. These new proposed plans are once again a flagrant disregard of the rules and would be an eyesore for both residents and the tourist community for decades to come. There are perfectly acceptable building/s that can be built within the rules, that pay homage to the beautiful and heritage-rich nature of the area.

We are unsure why the architect is not listening to the Council and the Community.

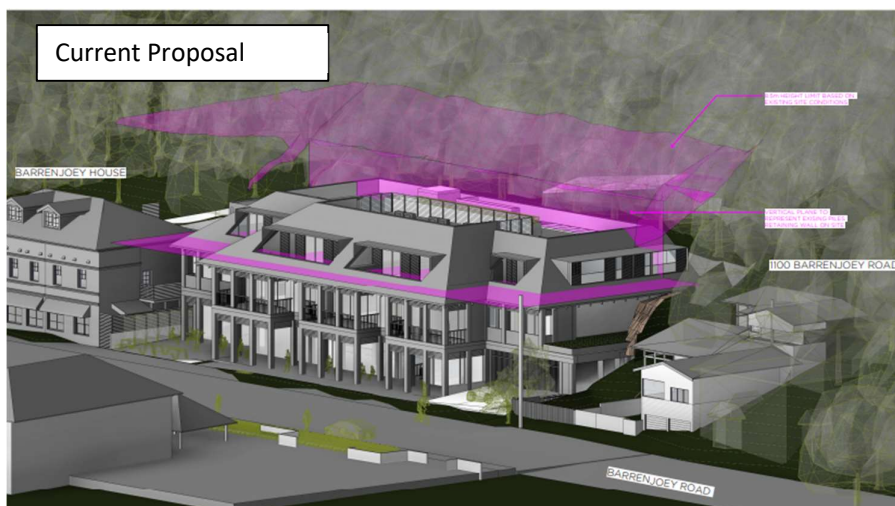
More specifically, the most recently proposed plans should not be approved due the following reasons:

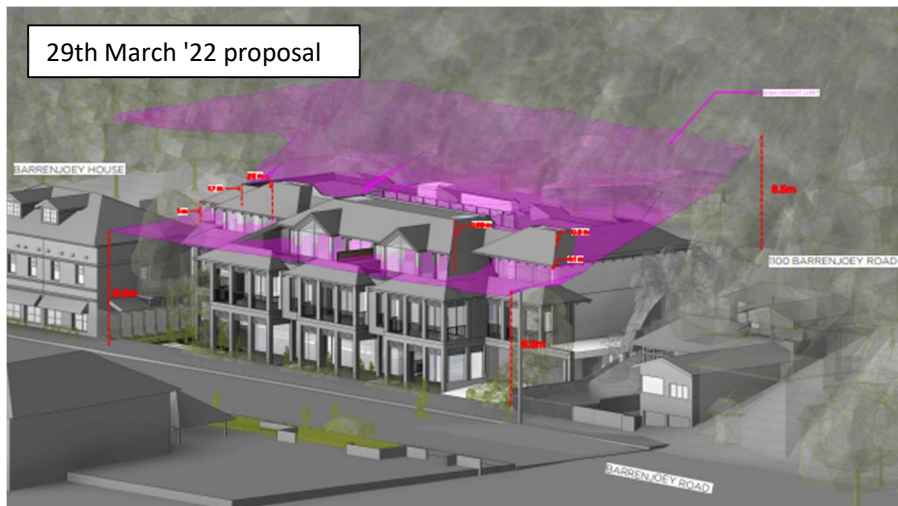
1. **THE LATEST ITERATION OF PLANS DO LITTLE TO NOTHING TO ADDRESS THE HERITAGE OFFICER'S CONCERNS AND SUGGESTIONS, AS PER THE HERITAGE REFERRAL RESPONSE POSTED ON THE 23RD JUNE 2022**

- **This proposed building remains too large.**
- Its "scale, bulk, and in particular height and length" remain inappropriate and breach the rules on many of these measures.

2. **THE PROPOSAL IS STILL NON-COMPLIANT**

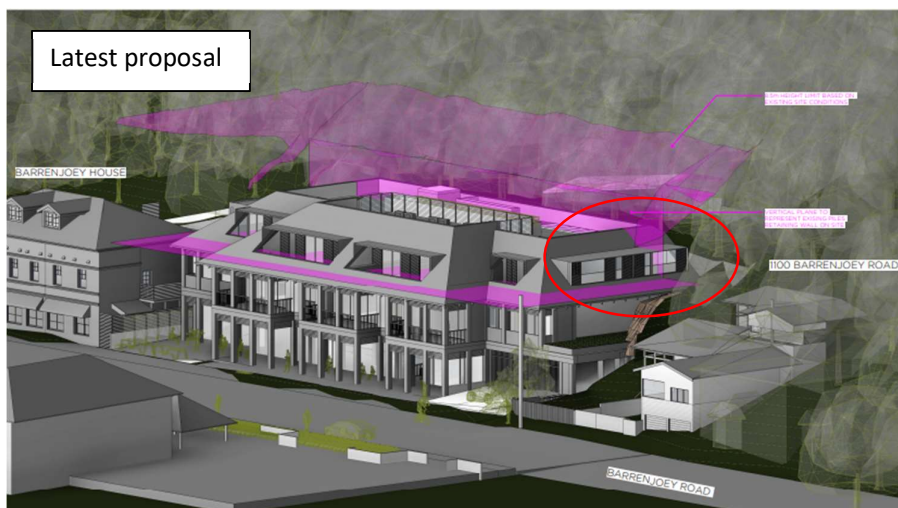
- **It is too high, which means it is too bulky; and it is also too long.**
- You can see from the photos below (the first being the current proposal, the second being the old proposal submitted on 29/03/2022) that **little has been done between the two iterations.**
- The Palm Beach locality statement clearly stipulates developments **of 2 levels and a height limit of 8.5m.**

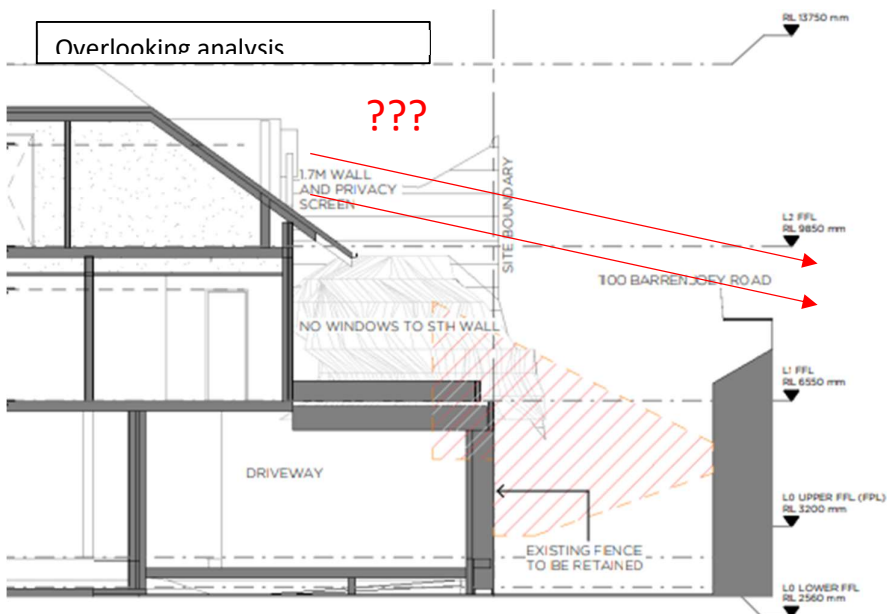
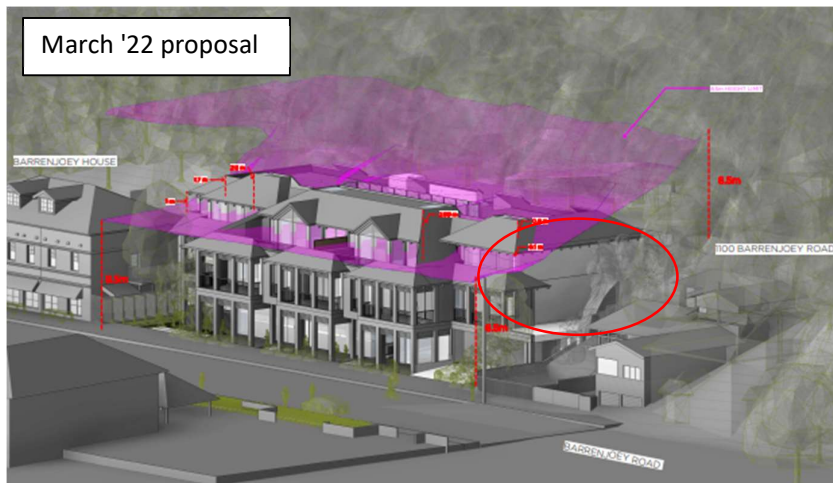




3. THE NON-COMPLIANT 3RD LEVEL

- The 3rd level should just be eliminated.
- If the 3rd level is not eliminated, it should be reduced to one apartment, set well back, with its Western edge approximately in line with Eastern edge of Barrenjoey House's roofing over their rear terrace.
- Under the currently submitted proposed plans, the top floor has an **internal GFA of 470.8 m²** (not to mention the external terraces that are not included in this GFA).
- If the developer is desperate for 2 apartments on the 3rd level, they could still achieve 2 very well proportioned 2 or 3 bedroom apartments in half this space or even less.
- The previously submitted designs all had practically no windows on the Southern side. Now there are long and numerous windows proposed on the Southern side that are only partially opaque to 1.5m above floor level (most people are taller than 1.5m). **These windows look directly into our master bedroom and our living room. The DA submitter has conveniently failed to conduct/submit overlooking analysis from this non-compliant 3rd level into our house.**

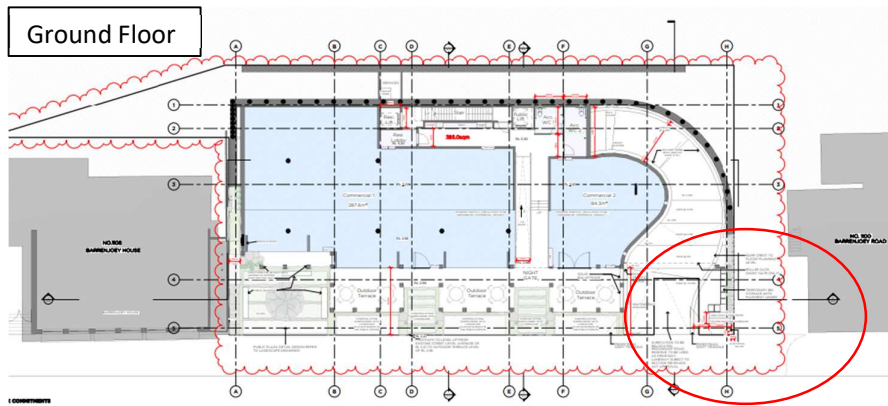




4. MISLEADING AND DECEPTIVE IMAGERY

- Once again, the submitting party has **shown flagrant disregard for Council's request for some accurate imagery regarding how the building will look versus its neighbours (predominantly Barrenjoey House)**
- The imagery on the front page of the "Plans – Master Set – Amended" (submitted 26/09/2022) is completely misleading (and thus deceptive). Choosing this aspect (North and without sufficient depth from the proposed structure) is misleading.
- Similarly the "Plan CGI" (submitted 28/09/2022) is equally misleading as its aspect is significantly from the South of the centre of the proposed building.
- The **architect/submitting party should be honest with the community** and produce some imagery taken as if directly in front on the proposed building (and include, at a minimum, accurate imagery of Barrenjoey house within the image) to allow the public to see what it would really look like versus its neighbours.
- Also in the CGI document the fire booster box is shown on council/crown land thus deceptively trying to depict that the landscaping on the Southern boundary will be greater in length and depth than the reality. Additionally, if you reference back to the plans, there is actually very little landscaping here (if any) as the area is planned to be temporary bin storage, an electrical pillar, fire booster cupboard and cold water meter.
- The public shouldn't have to play 'spot the difference'. It's the developer's responsibility to ensure the sub-contractors are doing their job before submitting to council.
- We suggest that **temporary bin storage should go in the dead grey zone** to the North of the driveway gate.





5. INSUFFICIENT GEOTECHNICAL INFORMATION – SIGNIFICANT RISK OF LANDSLIDE AND BOULDERS TOPPLING DOWN

- We refer to previous submissions from Dentons and Davies Geotech. **The detail is still grossly insufficient and we have repeatedly asked for detailed drawings and methodology** around how the deep excavation will be achieved on the boundary and back wall. Per our prior submission, the rock/s on the boundary continue along our property, under the footings of our home. Detail is crucial to assessing and ensuring the stability of our house and land. The composition of the rock/s structure is not well understood by the developer's Geotech as they have not inspected our property. It is a **basic requirement to submit a complete set of geo drawings and plans**, and we haven't received any to date. I refer to the letter from **Dentons in a previous submission that stipulates there is insufficient information on adverse effects to our property and the DA should be refused on that issue alone.**
- While the proposed developer has finally agreed not to cut, jack, move or disturb the boulders on the site the Geotechnical information provided as part of the **documentation is grossly inadequate in terms of methodology and likely failings of excavation and retaining.**
- We don't see how the developer is going to achieve status quo with the boulders and excavate a driveway and basement for 20+ cars and services and make a cut in the rear wall that will see a drop of 12m. Our house will be irreparably damaged if the excavation is poorly undertaken and/or a boulder topples and moves. We need detailed methodology and plans that adequately acknowledge and address these risks.

6. DESIGN

- While the architect's latest attempt is arguably better than the 'gravel-crete' they first proposed, their efforts seem to be **lacking in understanding or living experience in seaside villages.**
- We'd suggest some **woods and some whites** somewhere within the design to replace or complement the proposed and out-of-place aluminium louvres, steel balustrades and rendered walls that all face the public.
- The proposed design style **pays no homage to the design styles of Barrenjoey House, 1100 Barrenjoey Road, Courtland House (21A Palm Beach Road), 23 Palm Beach Road (also heritage listed), the ferry wharf, Gonsalves Boatshed and the Norfolk Pines (also heritage listed).**

First gravel-crete attempt



Courtland House
example



7. NON COMPLIANT PARKING PROVISION

- The developer seems to have come back regarding the non-compliant parking with a 'she'll be right' in their "Supplementary statement of environmental effects" statement.
- The suggestion that **tourists come from the ferry is insufficient justification** for providing 3 spots below requirements.
- Per our numerous submissions to Council (cars blocking our driveway even in winter), **parking is a significant issue around this area**. Parking would likely be compliant if the developer adhered to the rules governing size.

8. DEVELOPER CONDUCTING WORKS ONCE AGAIN WITHOUT AUTHORITY (THIS TIME REPLACING POWER POLES, LAST TIME DEMOLISHING BUILDINGS WITHOUT A CONSTRUCTION CERTIFICATE) SEE LETTER FROM DENTONS

- “Plans - Substation relocation & overhead line undergrounding” appeared the week before last with a date on the Northern Beaches Council website of 22nd September 2022. This work appears to be part of the development application for this site.
- As the neighbour I know and have time stamped photos that this work was done in late July and completed in the first week of August 2022.
- There was no consultation with us on this and where is the approval for this work to be done (and the consultation with affected parties)? And it matters because now we, and Barrenjoey House, have new terminating poles in front of our properties that are 50% larger in diameter than the replaced poles and the wires (both mains and service lines) are now strung 3 metres higher they were previously which now severely impacts our views.
- **As a result of the works, the developer has been allowed to shift the negative visual impact of the overhead lines to our property and our master bedroom views are severely impacted. We find this completely unacceptable as it greatly affects our amenity and devalues our home.**
- This visual impact goes **beyond a normal pole upgrade situation**, the need for a termination pole (vs a normal pole) to enable the developer to mitigate view impacts on their building has directly resulted in a detrimental outcome to our views/property. **The lines are slung very differently, we are furious, it is unacceptable and needs to be rectified. Please see a letter from our lawyer to this effect. See next page.** Have other pics, and am happy for someone to come and see it directly through our windows!

Figure 1 AFTER



Figure 2 BEFORE



- **Overall, the movement of the box has been done poorly,** 1) mulching around the perimeter instead of replacing it with grass, and 2) ripping up tiles out the front of the property has resulted in a mud pit that runs into the drain. 3) People have taken to parking illegally (horizontally) across the walkway. This is extremely dangerous, and we cannot see whether cars are coming when we leave our home. We request council do something about this too.



9. NEW DAS SHOULD NOT REFERENCE ANY PRIOR DAS, TO BE ASSESSED ON THEIR MERITS

- There has been some conjecture around past approvals and what this means for a current DA proposal.
- According to the law, new DAs have no link to previous DAs (approved or not) and owners cannot use what may have been approved or rejected in the past to justify any aspect of a new DA. Council should also consider new DA on its merit vs the prior approved DA.

- This was laid out by Stephanie Vatala (Partner, Dentons) in a previous submission that can be found here:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoc.aspx?id=ris%252biaOAGpUV0A60ki4OEg%253d%253d>

10. GIVE THE COMMUNITY AND RESIDENTS A FAIR GO

- We don't see how this developer can continue to submit plans that do not address any of the concerns of the community, residents, Council or Heritage.
- Worryingly, every submission seems to provides less detail than the last?
- Council should not accept or consider submissions that do not include basic requirements.

We note a separate submission from: 1) Dentons, and 2) an interim submission from BBC Planners has been submitted to Council on 14/10/2022. We are still seeking advice and a finalised submission from BBC is pending and possibly a Geotech one – we await the provision of extensive further detail from the developer's Geo as part of the basic application requirement.

Thanks for your time and consideration,

Prue Rydstrand, Southern Neighbour - 1100 Barrenjoey Road Palm Beach

Call me anytime