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**Sent:** 14/06/2021 5:48:46 PM  
**Subject:** Modification of Development Consent N0119/14  
**Attachments:** 1082 Barrenjoey Road.docx;

## **11 Sunrise Road, Palm Beach NSW 2108**

14th June 2021

The General Manager  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Dear Sir

### **Re: Section 455 (2) Environmental Impact - Modification of Development Consent N0119/14**

I am writing to express my concern with the modification to Development Consent N0119/14. The requested modification appears to be a classic case of getting a building development approved and then submitting a modification request to significantly expand the scope of the development – in this case a 50% increase in the number of apartments, from 4 x 3 bedroom to 6 x 3 bedroom apartments.

I oppose the proposed modification on the following grounds:

#### **1. The development is out of character with the Palm Beach locality.**

The development guidelines state:

*“The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.”*

*“ The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design.”*

The proposed development cannot be considered a ‘seaside-village’ character, but more in character with a Pittwater Road Dee Why shopping strip development. It is a 3-storey concrete and glass structure with only token landscaping – narrow gardens along each side with small planters at the front.

A more appropriate style of development can be found in the Ocean Place development on Blueberry Ash development on Ocean Road, Palm Beach where commercial properties and residential town houses are well integrated with a village character.

Allowing a 3-storey development alongside the heritage listed Barrenjoey House will irrevocably change the character of this section of Barrenjoey Road. As the photos in the Modification Request show, the view from the Snapperman Beach Reserve is of the iconic Barrenjoey House with the low-rise dining area on the northern side and the low-rise Fish and Chips shop on the southern side. While the Fish and Chips shop is not the most architecturally stunning of buildings, it at least offers a low visual impact building and provides views of the green hedge and gum trees behind it.

If a 3-storey glass and concrete building is built on the site then it will not be long before there will be plans for a comparable development on the 3-shop site on the northern side of Barrenjoey House, providing unsympathetic book ends to the heritage building.

## 2. The proposed modification is non-compliant in setbacks and height

The documents supporting the modification advise the setbacks are non-complaint.

*The front street setback DCP D12.5 require front setback to be 3.5 or established building line, whichever is the greater.*

- *Approved DA provides 0.6m front setback of colonnade and 4.1m for shop glazing line.*
- *Our proposed scheme provides 2.24m front setback of colonnade and 6m for shop glazing line.*
- *North side setback DCP D12.6 require 3.0m along that adjoining side or rear boundary.*
- *Approved DA provides 0m setback to north on ground level and level 1. 1.5m on level 2.*
- *Our proposed scheme provides 1.0m to north for all three levels.*
- *Approved DA provides 6m and 10.6m to south on ground level, 4.2m and 6.3m on level 1 and 5.1m and 5.76m on level 2.*

The modifications improves the setbacks but remains in breach of Council regulations. It appears the footprint of the building is simply too large for the site.

The modified building also breaches Council's height regulation; "Pursuant to clause 4.3 PLEP 2014 the height of any building on the land shall not exceed 8.5 metres above ground level (existing)". The proposed modification has the building exceeding this height.

The modification notes "The proposed increase in building height is to achieve ADG compliant floor to floor heights and sufficient structural depth to accommodate an appropriately designed, detailed and constructed roof form."

I suggest that if the proposed building can't achieve ADG compliant floor to floor heights and remain below Council's height restriction, then the building needs to be reduced in height. Perhaps it is more appropriate to put a two-storey building on the site.

## 3. Impact on adjacent buildings

The proposed development will have a significant impact on adjoining buildings with increased noise from retail patrons; increased foot traffic, and increased cars visiting the site. Houses on the southern side of the development will also be affected by over-shadowing.

I note the Geotechnical Report expresses concern at the potential impact of excavation activities on adjacent properties requiring "*Dilapidation surveys must be carried out on the neighbouring buildings and structures to the north and south.*" The recent experiences with excavations at 9 Ocean Road demonstrate the unexpected conditions that can be encountered when carrying out deep excavations on the Palm Beach peninsular. Council will be very familiar with these issues and must include adequate provision in any approval to protect adjacent properties from damage.

The Geotechnical Report also highlights the amount of water that runs from the site. Temporary dewatering during construction will be necessary following installation of the shoring system. There is an estimate that once complete the building will need to pump out 11,700 litres of water a day (1.6 average swimming pools per week) into the stormwater system to keep the basement dry ; this water will presumably flow into Pittwater.

I suggest that the impact of this volume of water flowing into the stormwater system should be

considered.

I am very concerned that a development of this scale has been already been approved and trust the Council will not agree to further expand the use of this site.

Yours sincerely

Stuart Broad

Phone: 0411 255 012

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