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31/07/2024

MRS Sarah Sholl
- 48A Sunrise RD
Palm Beach NSW 2108
[REDACTED]

RE: DA2024/0868 - 1158 Barrenjoey Road PALM BEACH NSW 2108

Submission regarding Proposed Development

Application No. DA2024/0868

Address: Lot 14 DP 6746 and Lot 1 DP 795517 1158 Barrenjoey Road, PALM BEACH

Description: Construction of a swimming pool

Issues of Concern

1. Visual Intrusion

The Pre-lodgment meeting notes of 18 January 2024 in part D12 (Page 5) states that, "The swimming pool will need to be designed and positioned to not be visible from the water, street and surrounding properties."

Our property is the neighbouring property at 48A Sunrise Rd. About 1m of the pool and the balustrade of the proposed staircase will be visible from our front verandah.

I'm also concerned that the pool, which will be elevated 5m above the ground below, will be visible from Pittwater and Barrenjoey. Although it will be level with the existing deck at the southern end, the 6m protrusion into open air is likely to be visible.

Section D12.5 of the Pre-planning notes states that a 10m setback from the front boundary is required. Although the present plan is further from the boundary than the original proposal, it is still only 7.4m from the boundary, and not meeting the requirements.

The Watermark Planning report states that "The proposed swimming pool is visually screened from neighbouring dwellings by existing vegetation and the elevated location of the subject site." Watermark, June 2024, p26

This is not true for our property as we are above the proposed pool. I also have concerns that if the owner continues with their plan (that is discussed in the Planning notes) of building a driveway, turning and parking on Council land, the vegetation which currently would mostly screen the proposed pool from being seen from the north, would be removed. As such, the pool would not be adequately screened to meet the requirements of not being visible from the water (and Barrenjoey).

2. Overdevelopment of the site

D12.10 (page 5) in the Pre-lodgement meeting notes states: "The site currently is deficient in

landscaped area with a Landscaped Open Space (LOS) of 29.3%. The proposed swimming pool would reduce this even further to 23.05%. The site is located in C4 Environmental Living Zone and Council is unlikely to support a further reduction of the existing LOS non-compliance to accommodate a swimming pool."

As a neighbour, we are reluctant to have increased non-compliant development next door.

3. Impact of construction on the site

The Geotech report by AscentGeo (27 June 2024) includes a description of numerous floating sandstone boulders on the site. "There are several sandstone boulders on the northern slope that may be destabilised during demolition works or present an unacceptable risk following the completion of works." (Page 9) The conclusion: "Due to the steep landslip prone slope, and the presence of large trees and large, detached sandstone boulders/joint blocks, the Site is classified as "P" in accordance with AS 2870-2011" (Page 7).

Although the report describes measures to be taken so that the risk is "acceptable", I have no confidence that the present owner will ensure these measures are taken. Our history with the owner has demonstrated a disregard for both council regulations and agreements with us.

Currently they have a Building Information Certificate Application (No. BC2024/0098) for unauthorised works on our boundary that do not meet the required 1m setback.

I have concerns that building a 6m long overhanging swimming pool on this site will destabilise the site and be dangerous.

An additional concern about the size of the pool is that it exceeds the size on the BASIX certificate. The Ground Plan on page 4 of the master plans states it as Volume: 11.6m³. The BASIX certificate states that it must not exceed 11.3 kilolitres.

The Watermark report states that "Minimal earthworks are proposed to prepare the site for construction." Watermark, June 2024, p17. With the construction of a 5.8m high swimming pool on a steep block with associated foundations, retaining walls and a new staircase, it would seem that "minimal earthworks" is an under-estimation and no suitable recommendations have been made to account for the difficulty of the site.

4. Construction Access

As noted in the 'Statement of Environment Effects' prepared by Watermark Planning (June 2024) "The site slopes steeply to the north (towards the Barrenjoey Road frontage). It has no vehicular access or onsite carparking." Watermark, June 2024, p4

The complexity of the site access is emphasised in Figure 6 of the Watermark report where a public bus can be seen rounding the curve on which the steep access steps are located. Watermark, June 2024, p7.

It also should be noted that the image of the access steps Figure 7 is access to the neighbouring property, 48A Sunrise Rd, Palm Beach, not the property where the construction is proposed. Watermark, June 2024, p7

The only comment regarding the complexity of the delivery of materials, access for construction machinery and personnel, parking for construction workers and other associated requirements is "Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction." Watermark, June 2024, p33.

This flippant summary is wholly inadequate. The period of construction and the required use of heavy machinery, storage of materials and workers will have a significant impact on traffic flow, parking, pedestrian access and public transport facilities, and no plan for the amelioration of these impacts is presented.

5. Construction Control

It is noted in the associated Natural Environment Referral Response (Northern Beaches

Council 18/7/24) that "During construction, all materials associated with works is to be contained at source, covered and must be within the construction area." (Response, p2)
The construction area is steep, accessible only by foot and is serviced by one car space located on the bend of a busy road. No plan is provided as to how this material requirement will be met.

6. Construction of a new stairway

The construction plan contains a new stairway, additional to the existing inclinator. With reference to Section C - Development Type Controls, there is no mention of this new construction. The only mention is "The subject site contains an existing inclinator which will be retained.' Watermark, June 2024, p24.

The visual impact, both for the public view and the private view from the neighbouring property needs to be sufficiently evaluated. Possibly, a design that only requires a handrail and not a full balustrade would be less visually intrusive.

Conclusion

Council should reject this application. It does not adequately take into account the local conditions where the development is proposed, the complications that will occur during the construction, nor the impact of the development on the local environment.