

16 April 2025

OBJECTION TO DEVELOPMENT APPLICATION DA2025/0279 – 237 McCarrs Creek Road, Church Point

Dear Mr Lane,

I write to object to DA2025/0279 for the proposed dwelling at 237 McCarrs Creek Road, Church Point.

The application is fundamentally inconsistent with key planning controls and principles, and approval would set a dangerous precedent in an ecologically sensitive and constrained part of the Northern Beaches.

1. Non-compliance with Pittwater LEP 2014 Core Planning Controls

The development proposal does not satisfy several core provisions of PLEP 2014, including:

- **Clause 7.6 – Biodiversity Protection:** The proposed removal of 21 native trees, including mature *Allocasuarinas littoralis* vital to the endangered Black Glossy Cockatoo, undermines the biodiversity structure and ecological function of the site. The site sits within a mapped Terrestrial Biodiversity zone, yet the application disregards the required avoidance and minimisation hierarchy and fails to deliver credible offsetting or habitat restoration measures.
 - **Clause 4.3 – Height of Buildings:** The proposed structure reaches a height of 8.5m on a steep site, but due to the slope and excavation requirements, the perceived height from the public domain and McCarrs Creek far exceeds acceptable character limits. This contravenes the clause's intent to minimise visual impact and maintain the bushland character of the escarpment.
 - **Clause 6.2 – Earthworks:** The development proposes excavation exceeding 4.8m depth, significantly altering the landform. There is no satisfactory justification for this level of modification on a site constrained by slope, bushfire, and ecological value.
 - **Zone C4 – Environmental Living Objectives:** The C4 zone is intended to provide for low-impact residential development that conserves natural landscapes and biodiversity. This proposal requires near-total vegetation clearing, deep excavation, and introduces a visually prominent three-level building inconsistent with the low-impact intent.
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2. Environmentally Sensitive Virgin Bushland Adjacent to Ku-ring-gai Chase National Park

The site is a virgin bushland block, part of an ecological corridor connecting Ku-ring-gai Chase National Park and Pittwater's foreshore. It has Central Coast Escarpment Moist Forest (PCT 3230), a high-value native plant community confirmed in the Flora and Fauna Report as being of "high ecological quality."

This development would require the full clearing of vegetation across the block to accommodate the structure, bushfire APZ, and driveway. This scale of clearing in a mapped biodiversity zone contravenes Clause C1.1 (Landscaping Principles) of the P21 DCP, which mandates retention of natural landform and vegetation, and integration of built form into the bushland landscape.

The scale, footprint, and invasive nature of the development are simply incompatible with both C4 zoning and the site's proximity to one of NSW's most important national parks.

3. Impact on Endangered and Iconic Species – Black Glossy Cockatoos and Cabbage Tree Palms

The site contains mature *Allocasuarina littoralis*, **critical** to the Glossy Black Cockatoo (*Calyptorhynchus lathami lathami*), listed as **Vulnerable** under the BC Act and EPBC Act. Yet the Arborist report classifies these trees as low-value and proposes their removal without proper ecological assessment.

This misclassification directly **violates Clause 7.6 of PLEP 2014**, which requires protection of fauna habitat, and is at odds with the findings in the Council's Natural Environment Biodiversity Referral Response, which raises concern over misidentification and ecological downplaying.

Further, Cabbage Tree Palms (*Livistona australis*) located near the frontage have been overlooked in terms of their maturity and ecological value. These are slow-growing, protected species that offer unique habitat features. Their removal without adequate justification contradicts Clause B4.2 (Flora and Fauna Habitat Enhancement) of the P21 DCP, which requires prioritisation of habitat retention over removal.

4. Flawed and Incomplete Environmental Reports

Both the Arborist and Flora and Fauna Reports are incomplete, inconsistent, and appear tailored to justify development rather than to assess impacts. Key failings include:

- Inconsistent species classifications (noted by Council officers)
- Failure to address connectivity, corridor values, or seasonal species behaviour
- No Biodiversity Development Assessment Report (BDAR), despite mapped sensitivity and the likelihood of threatened species usage

This undermines the validity of the ecological assessment, and again breaches Clause 7.6 of PLEP 2014 and Clause B4.2 of the DCP

5. Bushfire Constraints Do Not Justify Overdevelopment

The Bushfire Report confirms a BAL-FZ rating from most boundaries and recommends complete vegetation clearing to accommodate defensible space. Instead of prompting reconsideration of site suitability, the proposal adapts by expanding its clearing zone — effectively using the bushfire constraint to justify environmental destruction.

This approach contradicts Clause D4.1 (Land Suitability) of the DCP, which requires development to respond to environmental hazards without creating further impacts. If the only way to meet bushfire safety requirements is to remove all ecological value, the site is clearly not suitable for the proposed use. If a site cannot be safely accessed or defended without full ecological destruction, it fails the test for responsible development.

6. Unsafe and Inadequate Access – Blind Spot Risk

The Engineering Referral Response states the application is unsupported due to lack of compliance with AS2890.1 and inadequate sightline and access documentation. The proposed driveway exits onto a bend of McCarrs Creek Road with proven visibility constraints.

This fails to comply with Clause D4.5 (Vehicular Access and Driveways) of the P21 DCP, which requires safe, practical, and environmentally sensitive road access — especially on steep or constrained sites.

The TfNSW referral defers entirely to Council, providing no resolution to these concerns. It is unacceptable for access safety to be overlooked when the site location presents known risks to road users and emergency services.

7. Precedent Risk – Overdevelopment Next Door Is Not a Justification

The adjacent four-storey concrete dwelling, which stripped its site bare, must not be accepted as precedent. That development is widely regarded as incompatible with the planning intent for this area and has contributed to visual scarring and habitat loss.

To approve this DA on the basis of proximity to that overdevelopment would be to compound an existing planning failure, in direct opposition to the C4 zone objectives, the P21 DCP Clauses D2.1 (Character) and D2.5 (Building Line and Setback), which aim to retain a vegetated, low-scale built character along McCarrs Creek.

Using one planning failure to justify another undermines the integrity of the planning system and community trust. These non-compliances mirror the grounds on which the Northern Beaches Local Planning Panel (LPP) refused the DA for 203 McCarrs Creek Road

(DA2023/1853)—namely, inappropriate bulk and scale, failure to respond to landscape and ecological character, and impact on scenic values.

8. Inappropriate Bulk, Scale, and Visual Impact

The proposed three-storey structure, built into a slope with deep excavation and no screening vegetation, will dominate views from both McCarrs Creek Road and the water.

It is inconsistent with:

- Clause D2.1 (Character from Public Places): The development is unsympathetic to the bushland streetscape and visually intrusive.
- Clause C5.4 (Visual Impact): The structure fails to blend with natural landform and is visible from key viewpoints, including waterways and nearby public access points.

The lack of natural screening (due to complete vegetation removal) worsens the impact. Landscaping plans do not offset the built massing or restore privacy or habitat.

Conclusion

DA2025/0279 is in clear conflict with the Pittwater LEP 2014, the Pittwater 21 DCP, and the fundamental purpose of the C4 Environmental Living zone, which is to protect areas of ecological, scenic, and scientific value from high-impact development. This DA proposes a high-impact, visually dominant, environmentally destructive dwelling on a site that should never have been identified for this level of residential intensification.

Multiple independent concerns have been raised within Council's own documentation — including biodiversity, engineering, and bushfire constraints — with some referrals outright opposing the DA. The proposal's reliance on large-scale clearing, flawed environmental assessments, dangerous access, and visual intrusion places the community, native habitat, and Ku-ring-gai Chase National Park at irreversible risk.

The site is ecologically vital, geotechnically, and visually sensitive, bushfire prone, and road-access constrained — all of which are reasons for refusal. To allow this development would signal a failure to uphold the very planning controls designed to protect Pittwater's most vulnerable landscapes and further erode public trust in the development assessment process.

The site at 237 McCarrs Creek Road remains one of the last untouched parcels of old growth bushland in the area, and it deserves the highest level of protection—not further degradation through cumulative overdevelopment.

For these reasons, I respectfully and strongly urge Northern Beaches Council to refuse DA2025/0279 in its entirety.

Yours sincerely,

