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**From:** ElectorateOffice Pittwater  
**Sent:** 15/11/2024 1:28:49 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** DA2024/1091 submission - Attn: Anne-Marie Young  
**Attachments:** DA2024\_1091 - 5 \_ 1 Careel Head Road AVALON BEACH NSW 2107.pdf;

Good afternoon,

Please find attached a submission from Jacqui Scruby MP on DA2024/1091.

Kind regards,  
Matt

**Matt Haran**

Electorate Officer

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**JACQUI SCRUBY**   
**MP**  
INDEPENDENT MEMBER for PITTWATER



## **DA2024/1091 - 5/1 Careel Head Road AVALON BEACH NSW 2107**

Submission by Jacqui Scruby, Independent Member for Pittwater

I am writing in my capacity as the State MP of Pittwater and resident of Avalon Beach.

I do not support the proposed development for 5/1 Careel Head Road, Avalon Beach (DA2024/1091) in its current form.

As currently proposed, there are not enough benefits to the local community. The feedback I consistently hear from local constituents is that they are supportive of developments that comply with planning laws and controls, meet the needs of the community and reflect community values. These values include supporting existing local businesses and protecting the community from a high density of liquor shops and inappropriate co-locations with childcare centres.

### **The community welcomes well designed development**

The Pittwater community values our heritage, appreciates aesthetic design and preservation of tree canopy. We welcome developments that are consistent with existing buildings that are within height controls. Buildings nestled in trees is a defining feature of Pittwater's built environment.

From a style point of view, this development does represent the type of design and aesthetic that the community welcomes. However, to be supported by the community the concerns outlined below need to be addressed, including the need to ensure that the Pittwater Local Environment Plan (LEP) and Pittwater 21 Development Control Plan (DCP) regulations are met and reject the Dan Murphy's tenancy.

### **The development must comply with planning laws**

Whilst the current height of the proposed building (8.5 metres) is within the parameters of the Local Environmental Plan, [it has been noted by planning staff at the Northern Beaches Council](#) that under the Pittwater 21 Development Control Plan (specifically A4.1 Avalon Beach Locality), *“the excessive bulk and scale of the development and its transition to the adjoining low density residential zone is inconsistent with the desired character of the locality and the scenic quality of the area.”*

This is also the feedback of many local residents, who feel very strongly that new developments must fit appropriately into what is currently there, particularly given this mixed-use development will increase traffic in an area of Avalon Beach that already struggles with traffic issues.

The current building sits below the palm tree line which is consistent with the character of the area.

### **A new liquor store should not be in the vicinity of a childcare centre**

The current development application proposes to co-locate a Dan Murphy’s liquor shop with a childcare centre. [The Northern Sydney Health District submission](#) on this proposed development raises objections to this – I agree with those objections.

Specifically, under Guideline 6 of the *Liquor Act 2007* “Consideration of social impact under section 48(5) of the Liquor Act 2007” notes that ‘location’ must be considered in regard to the impact upon community well-being, specifically proximity of proposed licensed premises to ‘schools, universities, TAFE colleges or other educational facilities.

Additionally, the ‘State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Schedule 4, Principal 4 – health and safety states that *“good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.”*

[The Guidelines for Planning and Development for Childcare Facilities](#) from the Department of Education and Social Services, although outdated, provides that holistic considerations of master planning must be considered, including appropriate co-location.

My reading of these guidelines means a childcare center should not be co-located with a liquor store as currently proposed. It is clear that the current proposal would also increase young children attending the proposed centre being exposed to alcohol and

alcohol marketing on an all too regular basis. There is a significant body of evidence showing a link between exposure to alcohol marketing and increased youth drinking. Many in the local community also feel it is unethical to co-locate a liquor store next in the same building as a childcare centre – I agree with this sentiment.

Whilst mixed use buildings have their place, they must be appropriate – this one is not. At a time when many in the community are concerned about advertising effects on children and adolescents for alcohol and gambling, it is incumbent on local and state officials to not send mixed or even wrong signal about alcohol consumption.

### **A negative impact on local small businesses**

There is real upset amongst the local community about the inclusion of a Dan Murphy's liquor store in the current development proposal. According to Liquor and Gaming NSW Licenced Premises data, Avalon Beach already has four liquor stores, including only a few hundred metres away at North Avalon Shops. I note some of these stores have been in the community for many years and are well supported by locals. Such businesses are a key part of the local economy and many locals in the area far prefer to support small, local businesses, rather than a major chain or brand. At a time when many small businesses are already feeling the ongoing effect of COVID and the recent inflation surge and cost-of-living crisis, it is imperative that local and state officials are mindful of these dynamics when examining local developments. We must protect local businesses, particularly small and medium sized businesses run by locals.

There is currently another licence under consideration (Winona Wines) according to Liquor and Gaming NSW Licenced Premises data. Should the Winona Wines licence application be approved, this will increase the density of packaged liquor licences in the Avalon Beach area to five which is inappropriate. This density is also not supported by the Local Health District as being excessive for the area for health reasons.

I am also aware that many businesses are currently struggling to afford commercial rents within Avalon Beach and surrounding communities. There are currently many empty shop spaces. In addition to current rental prices, the cost of insurance is also a major impediment. With this development these costs are likely to be higher than average particularly in relation to high insurance prices as the location is subject to flooding and the development fails to adequately manage potential flood heights.

### **The current proposal would make traffic worse and put pedestrian safety at risk**

As currently proposed, this development would make traffic in an already congested area of Avalon even worse. It will add more pressure to an already busy intersection, with greater safety risks for both drivers and pedestrians, particularly younger children.

The location on a corner, with increased turning into Careel Head Road will cause traffic to bank up along Barrenjoey Road. This presents a pedestrian risk as cars will block the ability to see traffic when crossing the road which has no safe crossing area despite Hitchcock Park being opposite and a high level of pedestrian traffic.

**The proposed development is in a known flood zone and will have negative impacts on the surrounding environment**

According to the Northern Beaches Council's Flood Hazard Map, the proposed development predominantly sits on a medium risk precinct and is adjacent to high risk precinct on Barrenjoey Road. A proposed underground car park is a peculiar inclusion in this development proposal, given the hazard it could create in a flooding event.

Given the increased risk of flooding due to the worsening effects of climate change in the coming years, the proposed development means the probable maximum flood level of 4.91m is higher than the entry to the car park. This is not only inappropriate but also risks the building being unable to be insured.

[Planning officers at the council note](#) that the proposed development does not comply with Section B3.11 of the Pittwater 21 Development Control Plan (Flood Prone Land) and Clause 5.21 of the Pittwater Local Environmental Plan (Flood Planning). It is also worth noting that the removal of all canopy trees within the proposed site does not comply with council regulations and is unsupported for this reason.

**This development should not be supported**

It is my belief, along with many local residents in Avalon Beach, that this proposed development should not go ahead. Local developments such as this must fit within the wider community expectations and needs. I urge those in favour and pushing the current proposal to take on board the feedback of the community and for a new proposal to be developed more in line with the expectations of so many locals, including myself.

Sincerely,



Jacqueline Scruby MP  
Independent Member for Pittwater