
Sent: 23/06/2023 10:46:32 AM
Subject: DA 173-175 Whale Beach Rd
Attachments: PBWBA DA 2023-0607 173-175 Whale Beach Rd WB 19-6-23.pdf;

Richard West



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Northern Beaches Council
Planning and Development
Att: Alex Keller

19th June 2023

SUBMISSION - OBJECTION

We refer to **DA2023/0607** at **173-175 Whale Beach Rd Whale Beach** and submit our concerns regarding the Development Application lodged for this property which is for the subdivision of two lots into three and construction of three dwelling houses each with a swimming pool.

The Community relies on the legislated planning instruments and Northern Beaches Council (NBC) to ensure that DAs comply with the current Pittwater LEP2014 and DCPs. We note this property is zoned C4 Environmental Living.

We are concerned that this proposed DA appears to breach the LEP and DCP controls for the site in several categories particularly Clause 4.3 of the Pittwater LEP2014 which requires the proposed dwelling

- to fit with the desired character of the locality
- to respond sensitively to the natural topography and
- to minimise the adverse visual impact on the natural environment.

Additionally, non compliance includes

- significant height breaches for 2 of the proposed new houses, one of 5.8% and the other of 20% and the claim is made but not substantiated that these breaches occur because of previous excavations.
- All three proposed buildings are 4 stories high with three stories stacked over significant parts of the new buildings.
- The carport/garage setbacks do not comply and there is no way for cars to enter Whale Beach Road in a forward direction. Whale Beach Rd is a narrow, winding and difficult road for vehicles to negotiate safely - especially when exiting driveways.
- Blocks B and C do not comply with the 2.5 m side setback.
- There is some doubt about the areas of the 3 blocks. Block A is a long narrow tapering block and difficult to measure. Block B is quoted in the SEE as being 59.2 m x 12.5 m (which is 740 sq m and complies) but Block C is quoted as 52.8 m x 12.5 m which is 660 sq m and does not comply. The minimum required is 700 sq m.
- At 12.5m – 15.3m in width, the proposed lots are less than the 16m wide minimum lot width prescribed by clause B2.2 of P21 DCP.
- each of the lots has a slope in excess of 30%, being the maximum gradient for new lots and this breaches this control B2.2 of P21 DCP.
- the garages do not comply with the building envelope requirement. They are the dominant feature on the streetscape and will block views of the ocean from the street.
- proposed landscaping on the road reserve.

We have several concerns after reading the Statement of Environmental Effects prepared by Northern Beaches Planning dated May 2023 -

- The SofEE is full of statements such as “The consent authority can be satisfied that the proposed development will be managed to avoid adverse impacts on the relevant matters set out in Section 2.10 of the Coastal Development policy”. There is no evidence produced to justify the statements and no plan discussed as to how the adverse impacts will be avoided. “The proposed development is consistent with the requirements and objectives of the SEPP (Biodiversity and Construction).” How?
- There is no mention in the SEE of compliance or not with the 60:40 landscaping rule. There is no detail provided for each individual block. The proposed planting of 23 cabbage tree palms is not appropriate where indicated on the landscaping plan as they may in time greatly impact view sharing due to their height. Endemic canopy trees of a lower maximum height would be preferable.
- The Horton Coastal Report says (p.8) that “the proposed development has been designed and sited to avoid any potential adverse effect”. How? Excavation is an adverse impact and is a feature of this development although there is no quantification of the amount and much of the material excavated will be used as fill.
- The geotechnical report (prepared by Ben White) states that the underlying rock base is Extremely Low to Low Strength Narrabeen sandstone overlain by fill, sandy soil and clay. The report recommends additional piling and retaining wall development to compensate which raises doubts about the current proposals. The inclusion of pools in all three houses increases the pressure on these slopes.

We believe the subdivision of two blocks into three should not be approved and that only two compliant dwellings should be approved on the original two blocks.

The proposed DA in its current form

- is an overdevelopment of a sensitive foreshore site,
- breaches several controls
- adversely impacts the amenity and character of the area
- does not enhance the streetscape nor complement the seaside village feel
- does not maintain and enhance the natural environment of Pittwater as the proposed dwellings dominate the landscape and are not secondary components.
- is not designed in scale with Pittwater's bushland setting nor does it encourage visual integration and connectivity to the natural environment.
- does not minimise any visual impact on the natural environment when viewed from a waterway which, in this case, is the ocean.

Prof Richard West AM
President