

From:
Sent: Monday, 13 December 2021 12:01 PM
To: Planning Panels - Northern Beaches
Subject: Submission re DA2021/1164 - 521 Barrenjoey Road BILGOLA BEACH NSW 2107

Categories: NBLPP

RE: DA2021/1164 - 521 Barrenjoey Road BILGOLA BEACH NSW 2107

Dear Sir/Madam,

Thank you for the opportunity to comment on the DA2021/1164, regarding a proposed development at 521 Barrenjoey Road. I make this submission as a Pittwater resident, candidate at the recent Northern Beaches Council election and frequent user of Bilgola Bends.

First of all I note that the DA does not appear to match the Recommendation of the Manager Development Assessment, ie:

*“That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, refuses Application No. DA2021/2340 for demolition works and **construction of a seniors living development at Lot 15 DP 212195 & Lot 1 DP 28219, 521 Barrenjoey Road, Bilgola Beach subject to the conditions set out in the Assessment Report.**”*

However, I remain strongly opposed to the DA as proposed because it is completely inconsistent with the current Pittwater Local Environment Plan that aims to “Protect and enhance Pittwater’s natural environment”.

I agree with the council’s assessment that the proposed seven-storey building, with an additional level for car parking and a swimming pool, would have a significant impact on the environment, removing 28 mature canopy trees, destroying the natural contours of the land with extensive excavation, and causing massive traffic problems during construction.

As per my previous submission, I believe the proposed development does not meet the criteria laid out for residential development in an E4 zoned area in the Pittwater LEP - under which the DA has been submitted. The objectives of that zoning include:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

As described in the Arborist’s report by Joanne Willis, the plant species at the site are representative of the **Endangered Ecological Community** known as the Pittwater and Wagstaffe Spotted Gum Forest of the Sydney Basin Bioregion. Most of the trees are Angophora costata (Sydney Red Gum) and the remainder described as Eucalyptus umbra (Bastard Mahogany).

However, Ms Willis notes that for the development to go ahead, 28 trees would be removed, eight of these on council land - ie land owned by the public - and 20 on the site.

“The identified trees for removal are protected species that hold ecological significance,” she says.

The proposed seven terraced storeys plus garage on this site, requiring a 25 metre long tunnel measuring 3 metres by 3 metres, **cannot be described as a “low-impact residential development”**, with the massive amount of rock and soil removal that will be required as well as volume of concrete that will be introduced. **The removal of trees from an Endangered Ecological Community will have an adverse**

effect on that community - with the resulting loss and disruption to the generally intact bushland of the Bilgola Bends. Opening gaps in the forest, which is a living community, will undermine the ecological processes at work - where plants and animals are interdependent.

The surrounding forests of Bilgola, Avalon and Newport are becoming increasingly fragmented with creeping development and the increasing size of homes and granny flats - meaning that habitat and wildlife that were once common in the area are now threatened - or like the koala have disappeared. Further, if the building went ahead, the site would also be subject to the NSW government's **10/50 clearing laws**, which could mean further loss of vegetation.

Additionally, the proposed development would **destroy the aesthetic value of the bushland** around the Bilgola Bends, currently a heavily forested gully that many locals regard as the gateway to Avalon. The building, **whose bulk and scale would be out of character for the area**, would extend down the length of the site, be highly visible from around the bends, and could set a precedent for other developments in the area.

Building design

DA2021/1164 disregards planning controls.

The "Architect's Statement of Environmental Effects" by Peter Downes, the building designer (who lists qualifications that do not include an architecture degree), acknowledges that the **proposal disregards planning controls on multiple fronts**.

These include that:

- parts of the building would exceed the 8.5 metre height limit (claiming it satisfies the exceptions to allow a 10 metre development. However, a roof terrace that includes a swimming pool and fencing is not "minor".
- the maximum height of new dwellings should not exceed two storeys in any one place. However, the building has a total of seven storeys, plus another for a garage, which creates a much larger footprint than a two storey building built vertically. Even at the rear, it's three storeys high - with an additional terrace and swimming pool above. This is a clear abuse of the specification of two storeys - even if the slope of the hill is taken into account.
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- the proposed dwelling does not comply with the 2.5 metre setback for private open space.
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- the garage does not comply with the 10 metre front setback.
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- the private open space does not comply with the rear setback.
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- the proposed (sic) does not comply with the building envelope control.

However, there are additional problems with the design as mentioned above under "Environmental Effects".

With so many contraventions of the planning rules, the statement that: *“The proposed development complies with the intent of all Council’s policies”*, is baseless. As discussed earlier, neither is it true that it: *“enhances the natural and built environments”*. Therefore it should **not** *“receive favourable consideration during the approval process”*, as Mr Downes requests.

Impact on traffic

The Construction Traffic Management Plan, prepared by Solution Traffic Engineers, in its Impact of Works section, **fails to address the most serious traffic issue - that of interruption to vehicles using Bilgola Bends**. Under the heading, Public Car Parking, the claim that: “The impact on local traffic will be kept to a minimum” is wishful thinking.

Barrenjoey Road, including the section through Bilgola Bends, is the major artery for traffic heading north of Newport and south from Palm Beach.

The proposed hours of demolition and excavation set at 8am to 5pm (Mon – Fri), as well as of construction and delivery of materials set at 7am to 5pm (Mon – Fri) and 8am to 1pm (Sat) coincide with periods during which there is heavy traffic - often at a standstill - on the Bends. During normal times (outside Covid lockdowns), these include the morning peak hours and afternoons from at least 3pm onwards, as well as traffic due to Saturday morning shopping and family travel for sporting fixtures.

Furthermore, any blockages on The Bends could lead to a loss of life if an ambulance or other emergency vehicle was forced to take a long detour around the hilly, narrow and winding streets of Bilgola and/or Newport to reach a patient or accident.

Therefore, traffic disruption due to trucks transporting spoil from the site and other vehicles accessing it would be an unacceptable impost on local residents - for any period of time, let alone more than a year.

The plan also shows a lack of familiarity with the area in its discussion of **Public Car Parking**. The walk from surrounding streets, where the plan suggests workers would park, is **around a narrow and hazardous section of road, without a footpath, on a blind corner**. They would have to travel first by car and then back on foot through the very busy roundabout known locally as “Kamikaze Corner” - where **traffic already banks up during peak periods** in the morning and afternoon/evening. They would be at risk - and place drivers and passengers in cars at risk - of a collision.

Conclusion

I believe Northern Beaches Council should reject DA2021/1164 because it does not comply with specifications for a development in an E4 zone under the currently applicable Pittwater LEP. Amongst other issues, it fails to meet the requirement to provide for low-impact residential development in an area of special ecological and aesthetic values. Its bulk and scale would be out of character for the area; it violates multiple planning controls - and hence their intent; and traffic disruption caused by its construction would inconvenience the whole community between Newport and Palm Beach because of its siting on the Bilgola Bends.

In fact, I was shocked when I first heard about this proposal because I had always assumed the forest in this gully was owned by the public. The scale of the proposed building and precedent it could set for others in this area are a danger to the beautiful forest that is loved by the community.

For these reasons, I would like the council to also work with the state government to protect from any building - and if necessary buy - this and all other remaining undeveloped blocks of land on Bilgola Bends.

Yours faithfully,

Miranda Korzy
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Clareville NSW 2107

