



The Palm Beach & Whale Beach Association Inc.

www.pbwba.org.au | PO Box 2 Palm Beach NSW 2108

Northern Beaches Panel

SUBMISSION

OBJECTION TO DA2021/2362

Demolition works and construction of a shop top housing development
at 1105 Barrenjoey Rd & 43 Iluka Rd Palm Beach.

Thank you for the opportunity to provide a further submission to the one we previously lodged regarding the above DA and for taking the strongly held views of our Community into consideration.

The Palm Beach & Whale Beach Association Inc (PBWBA) is Pittwater's oldest Community organisation established in 1918.

PBWBA is a not-for-profit, non-political organisation of residents, ratepayers and other interested parties who are passionate about keeping our area unique. We have over 300 members.

Our objective (from our Constitution) is "to preserve and enhance the natural beauty of the area and to protect the local amenity by promoting proper planning of all developments and by expressing positively, in appropriate quarters, the views of residents."

We recently conducted a survey of our members asking for their views and experiences on a wide range of issues. **OVERDEVELOPMENT** was the major concern. This has also been confirmed by a recent Northern Beaches Council survey which reported the same result.

We note that at least 75 submissions from the Community have been lodged with Council regarding this DA. Again, the majority of these are outraged by the **GROSS OVERDEVELOPMENT** of the site - as well as the multiple breaches of controls.

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, particularly landscaping, preservation of tree canopy, building height, bulk, scale, privacy and design which enhances the streetscape and complements the Palm Beach seaside village feel.

We fully support Council's goal to protect and enhance our natural and developed environment and to preserve our quality of life for future generations by using appropriate development and planning controls.

In this submission we are mindful of the statements above and guided by the following -

1. The **LEP** is a State Government document, approved by the State Government and agreed to by the Council on behalf of the ratepayers/residents/business owners and other interested parties of (then) Pittwater, now Northern Beaches. It contains provisions designed to regulate developments in the LGA and to preserve a balance between various competing interests – the developers, the residents/ratepayers, the environment and other interested parties. It is part of the law of the State and needs to be treated as such – i.e. enforced.
2. The **DCP** is a policy statement of the Council, outlining the detailed requirements for development in the LGA. It is legally binding.

3. Importantly the DCP contains the **Locality Statements** which describe the current and expected future characteristics of each suburb. These have been finalised in each case with the input of the ratepayers/residents/business owners and other interested parties of each of those suburbs and they represent the only public statement of the desired characteristics of each suburb – they represent an agreement or compact with the ratepayers/residents/business owners and other interested parties and they are contained in a legal document. The terms of the compact require the Council to protect the agreed present and future character and to ensure that all developments are in accordance with the agreed character.

4. The purpose of **Section 4.6** as set out in the Planning Act is to provide an appropriate degree of flexibility. The requirement for flexibility **does not mean** that it should be used to override the development standards of the LEP or DCP. For the Section to apply at all, the developer must produce a written justification for the proposed contravention of the development standards, demonstrating that (a) the compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and (b) there are sufficient environmental planning grounds to justify contravening the development standard.

Given the above guidelines, The PBWBA **objects** to the Development Application submitted to NBC on multiple grounds of non compliance with the PLEP2014 and DCP controls.

HEIGHT, BULK, SCALE & CHARACTER

We believe the design, scale and treatment of future development particularly within the B1 & B2 commercial centres of Palm Beach should reflect a 'seaside-village' character but we find this proposed development's bulk and scale jarring, overbearing and unsympathetic in the existing streetscape context, having no regard to the built form characteristics of development within the site's visual catchment. The bulk and scale of the proposed development is overwhelming and overbearing as it dominates the site.

This proposal **blatantly breaches** the PLEP2014 height control of 8.5m. As stated in the PLEP14 building height must **not** exceed 8.5 metres.

The subject site is completely flat. We do not believe that there are any environmental planning grounds to justify the height variation sought. The clause 4.6 variation requested in the SEE is **NOT** well founded.

LANDSCAPING & TREE CANOPY

We are very concerned to note that ALL existing trees within the site will be removed. The loss of the well established robinias, which soften the current built form and provide delightful leafy amenity, shade and privacy is unacceptable. The proposed development only achieves 11% or 150 sqm of landscaping and is therefore non compliant.

SETBACK

The 3.5m setback control required on the Barrenjoey Road boundary is not achieved. The pleasantly treed plaza which exists at present and is highly valued by the Community as it benefits retail and community interaction will be lost.

PARKING & TRAFFIC

We note that the oversized one (?) bedroom serviced apartments unusually include two bathrooms and a separate "media" room with window/external door. There is one car space required and provided for a one bedroom dwelling. However a two bedroom dwelling requires two car spaces. We believe the provision of this "media" room is an obvious attempt to circumvent the DCP parking requirements.

We question the traffic and parking modelling as we believe it underestimates the real parking and traffic impacts particularly during the summer months at holiday periods.

SERVICED APARTMENTS & SHOP TOP HOUSING

This proposal is for a "shop top" housing development. We understand this to mean provision of retail and business premises on the ground floor level with residential dwellings on the floor/floors above. The

proposed serviced apartments are residential dwellings. They should not be located on the same level as the retail/business premises.

Further, the proposed 11 residential apartments (8 plus 3) breaches the 150 sq m per apartment control for the site.

EARTHWORKS

We share the neighbours' (in the Iluka Apartments) concerns re earthworks and possible detrimental effects to their property. It is a great deal more than the statement in the SEE suggests "*some excavation is required to provide a basement level carparking area*".

OTHER IMPACTS

We share the concerns of the owners of The Iluka Apartments and neighbouring residents in Iluka Rd and Barrenjoey Rd regarding loss of sunlight, privacy, views, overshadowing and noise impacts.

We are concerned to note that one of the eight apartments in the proposed development is not compliant with solar access requirements.

CONCLUSION

With multiple breaches of planning controls proposed, the PBWBA believes that the DA plans represent a gross overdevelopment of the site with unacceptable amenity impacts on the Community and should be refused.

Further, should this DA be supported in its current form it would make a mockery of the Pittwater LEP and DCPs and pave the way for further non-compliant development particularly in other B1 and B2 zones in Palm Beach.

To quote the NSW Government Architect, Abbie Galvin, in the foreword of the new Design and Place State Environmental Planning Policy (DP SEPP) 2022 "our places and buildings are for the long term. Their impacts are far-ranging and our joint responsibility to make a positive contribution to these places is more significant than ever before".

In our opinion we believe the development proposed in this DA is completely inappropriate and certainly does **not** make a positive contribution to or enhance the residential amenity, natural or built environment of Palm Beach.

We respectfully request the Panel to consider the strongly held views of our Community when making a decision on this Development Application.

Prof Richard West AM
President

17 Jul7 2022