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28/09/2025

MR Morgan Roche
24 - 24 Dendrobium Crescent CRES
Elanora Heights NSW 2101
[REDACTED]

RE: PEX2025/0001 - 13 Wilga Street INGLESIDE NSW 2101

Objection to Wilga Wilson Preceint (PEX2025/0001)
To: Northern Beaches Council / Planning Panel
From: Morgan Roche & Amanda Roche-Brown
24 Dendrobium Crescent,
Elanora Heights

Date: 28/09/2025

1. Introduction & statutory context

This submission objects to the development proposal on the grounds that it fails to satisfy key statutory objectives, policies, and guidelines governing development, in particular those relating to bushfire safety, zoning consistency, infrastructure capacity, and orderly planning. Under Section 4.14 of the Environmental Planning and Assessment Act 1979 (EP&A Act), a consent authority must not grant consent for development on land identified as bush fire prone unless it is satisfied that the development conforms with the specifications and requirements of Planning for Bush Fire Protection 2019 (PBP 2019).

Planning Circulars (e.g. PS 21-010) and the NSW Bush Fire Policy for Land Use Planning require that developments on bush fire prone land:

- Adopt a risk-based approach to bushfire resilience
- Provide adequate evacuation capacity for both existing and future communities
- Ensure consultation with the NSW Rural Fire Service (RFS)
- Demonstrate compliance with key bush fire protection measures including access, egress, water supply, landscaping, and emergency management.

The State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant for any development proposals in hazard-prone zones. Further, the objectives of the R2 Low Density Residential zone under the Standard Instrument LEP require that development maintains and protects the existing character of the area. The proposed upzoning to R3 conflicts with these objectives.

Recent reforms under the State Environmental Planning Policy (Housing) Amendment (Low and Mid-Rise Housing) 2025 introduce standards for lot size, height (9.5m), and floor space controls, alongside the Low Rise Medium Density Design Guide which requires new development to respond to existing context, landscape, and community character.

2. Detailed objections

2.1 Bushfire evacuation & safety

The proposal does not provide sufficient evacuation routes for existing residents. Statutory requirements demand that evacuation capacity considers both existing and future populations. The proposal appears to ignore the coroner's report after the 1994 bushfires in

Ingleside. A credible BAL (Bushfire Attack Level) assessment, asset protection zones, and firefighting water supply are absent. The current proposal repeats failings of earlier rejected proposals and places residents at risk.

2.2 Zoning, density and character

The proposed rezoning from R2 to R3 and introduction of 300-400 m² lots is inconsistent with the R2 objectives. Case law confirms that development antipathetic to zone objectives should not be approved. Six-storey elements exceed the new Housing Policy standards and conflict with the requirement for context-sensitive development under the Low Rise Medium Density Design Guide.

2.3 Traffic, access and infrastructure burden

Traffic generation of 500-1000 vehicles funnelled onto Powderworks Road through limited exits poses safety and congestion risks. No integrated plan exists for Garden Street or Pittwater Road access. Local schools, drainage, and utilities are already at or near capacity. The development documents also incorrectly assume flat topography, ignoring Wilga Street's steep fall and associated hazards.

3. Alternative (policy-compliant) proposal

A feasible, policy-consistent alternative would include:

- Retaining R2 zoning
- Enforcing minimum lot sizes of 600 m² (800 m² for attached/dual occupancy)
- Limiting building height to 8 m or maximum 9.5 m consistent with non-discretionary standards
- Delivering approximately 130 dwellings only, to fit existing infrastructure capacity.
- Providing at least three safe evacuation exits to Powderworks Road
- Ensuring compliance with PBP 2019 requirements for BAL ratings, asset protection zones, water supply, and access
- Demonstrating compatibility with surrounding character as per the Low Rise Medium Density Design Guide.

4. Conclusion and request

Given the significant shortfalls in bushfire safety, inconsistency with zoning objectives and new housing standards, traffic risk, and infrastructure burden, the proposed development as submitted fails to meet the required standard under both law and policy.

I respectfully request Council to:

1. Refuse the current proposal, or
2. Require a revised scheme consistent with the statutory, policy and design controls outlined above.

Kind regards,

Morgan Roche