



The Palm Beach & Whale Beach Association Inc.

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

Palm Beach Whale Beach Association

Submission on

Draft Local Study and Development Control Plan Character Statements

There are two words in the title which are sadly lacking definition and substance in the draft statements: *Local* and *Character*.

We believe that the concept behind the Local Character Statements (LCSs) is to preserve the many uniquenesses within the LGA and allow suitable development. In a number of meetings with council, as part of the development of the Conservation Zone program, we were advised that the LCSs were “our protection from unsuitable development”. A broad based and vague set of statements not only does not give protection, in fact it could be seen to encourage unsuitable development.

To ensure this preservation does have strength, LCSs must be as part of the stronger LEP and not the DCP.

The current control mechanism (Pittwater 21 Development Control Plan) in Section A4 lists definition of localities. Palm Beach is listed as a unique locality, under A4.12 [PittwaterDCP \(nsw.gov.au\)](http://www.pittwater.nsw.gov.au)

The DCP includes these headings:

- Context
- Desired character
- Hazards, Natural Environment and Heritage
- Locality map

It confirms the Palm Beach area is a UNIQUE locality and that it is to be protected. It designates the uniqueness of Palm Beach (and about half of Whale Beach). This has led to the area’s continued attraction for residents and visitors alike along with its valued preservation.

If the LCSs were complied with and enforced, it would strongly assist in the retention of individual area’s uniqueness – without restricting suitable development.

Please see Appendix A following for its detailed definition of the Palm Beach Locality, as listed in the Pittwater 21 DCP.

The Draft defines Local Character as *“The combination of built and natural, public and private environments which give a place its unique feel It is distinctive, differentiates one area from another and is often highly valued by the community”*.

It has three principles definers of Local Character:

- Environment
- Economic
- Social

These are then sub divided into 23 sections.

The selection criteria are detailed and specific yet the recommendations are broad based and vague – which does not do justice to the process nor the areas.

Our major issues are:

- It is a regional not local rationalisation
- The only justification for the split seems to be topography – nothing to do with character
- The Palm Beach and Whale Beach region should be investigated to see if they should be treated as 2 separate localities or if there is strong homogeneous aspects so they should be treated as one locality
- Both Palm Beach and Whale Beach share several common attributes
 - o Beach side atmosphere
 - o Scenic streets – as listed in the Pittwater Most Scenic Streets Register
 - o Open to visitors
 - o Has a continuing holiday vibe
 - o Steep nature of the peninsula
 - o Narrow roads
 - o Little or no footpaths
 - o Difficulty of access
 - o Limited infrastructure
 - o Low density housing
 - o Relative instability of base rock
 - o High fire hazard
- Palm Beach is a unique locality:
 - o Has a specific history
 - o Has natural beauty and unspoilt nature
 - o It has ocean front, beaches and “inland” waterways and residences
 - o It has ferry links to other destinations
 - o It does have a sense of “place”
- Whale Beach is potentially a unique locality
 - o Very limited commercial / business facilities
 - o Very limited infrastructure
 - o All low density housing

We see no character similarity between localities within each of the two draft zones. It splits Palm Beach and Whale Beach and then combines them into two large areas:

- the Eastern Pittwater Foreshore where the eastern side of our suburbs is classified as congruent with places like:
 - o Mona Vale business area
 - o Newport shopping stretch
 - o Avalon Village
- the Western Pittwater Foreshore where the western side of our suburbs is classified as congruent with places like:
 - o Church Point
 - o Newport western shore, around the sailing clubs
 - o Mona Vale western shore

The creation of the two recommended zones do not comply with the draft LCS's own definition (as quoted earlier, with regard to uniqueness and preservation).

As the draft currents stands, the Palm Beach beachfront business area (and the Whale Beach business stretch) could develop similar to the Mona Vale business area (3 – 4 stories with mid level commercialisation)? Also, our western foreshore could become a club and business zone like either Church Point or Price Alfred Pde Newport?

There is no reference at all to Palm Beach in the supplied draft 2 Character Statements. They do not describe the Palm Beach area in any reasonable manner.

There are strong justifications (and needs) to define PB and WB as either a unique locality or two unique localities with its / their own character – which needs to be protected.

In a number of discussions with NBC staff, as part of the development of the Conservation Zone Program, we have been regularly advised that the DCP and the LCSs will be where the “local controls” will be placed. We have no confidence the draft LCSs will offer any control.

The proposed new LCSs are, unfortunately, a misnomer. And if implemented, could cause the destruction of the very thing the residents and visitors appreciate – the uniqueness.

In summary:

- All Local Character Statements must be part of the LEP and not the DCP
- The Local Character Statements need to include:
 - o strong locality and character identifiers
 - o clear regulations which can force compliance and be able to be enforced
- There must be a commitment to comply with and enforce the specifications of the Local Character Statements.
- The Character Statements must be designed to preserve the uniqueness of the many different parts of the LGA – not homogenise the region
- Either Palm Beach and Whale Beach must be defined as one unique zone or as separate zones, subject to their potential uniqueness
- The Current Local Character Statements as defined in the Pittwater 21 Development Control Plan should be reviewed in consultation with the PBWBA and the community for currency and relevance
- The reviewed and revised Pittwater 21 DCP Local Character Statements must be included in the new LEP

Prof Richard West AM

President

July 2023

Appendix A

Pittwater 21 Development Control Plan Locality Statement Palm Beach

A4.12 Palm Beach Locality

Land within the Locality

Land within the Palm Beach Locality is identified on the Palm Beach Locality Map.

Context

Until the early 1900s, the locality remained a tiny settlement of isolated farms and fishermen's cottages. In 1912, land was subdivided and Palm Beach became a popular holiday destination, its popularity increasing with the development of the Palm Beach Golf Course in 1920. The Barrenjoey peninsula remained a popular camping area until it was closed in the 1960s. Residential development and permanent occupation of dwellings increased from the 1960s, although the area still remains a secluded peninsula at the northern point of Pittwater. Barrenjoey Headland at the northernmost point of Pittwater was host to a Customs House from 1843, and Barrenjoey Lighthouse from 1881, which remains today.

Since that time, the locality has developed into a predominantly low-density residential area, with dwellings built along the ridges, slopes and lowlands. The locality is characterised mainly by two-storey dwelling houses on 750-1,400 square metre allotments, with allotments of 550-650 square metres (some smaller blocks may exist) adjoining the waterfront to the west. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. In the vicinity of Ocean Rd, the informal and casual nature of the parking carriageway and pedestrian pathway adds to the relaxed beach character of the locality and should be retained. Medium density housing concentrates around the Palm Beach neighbourhood retail centre on Barrenjoey Road.

Residents and visitors are attracted to the Palm Beach Locality by its natural beauty, by the relatively unspoilt nature of the region and by the relaxed seaside atmosphere of the locality. To the west is the Pittwater waterway, to the east the ocean beaches and headlands, with a spur running north south ending in a bluff at the sand isthmus that ties Barrenjoey Headland to the mainland. Here it is an easy walk over the sand dunes from the protected water of Pittwater to the ocean beach. Due to the topography, significant views can be obtained through all points of the compass. Conversely, the slopes and ridge tops of the locality are visually prominent.

The locality is serviced by two neighbourhood retail centres at the intersect of Barrenjoey Road and Iluka Avenue, opposite the public wharf, Ocean Road; and the intersection of Whale Beach Road and Surf Road, where the bus service terminates. The public wharf provides a vital link for the Upper Western Foreshore communities, as well as a regular ferry service to these communities and further afield including Patonga and Gosford. The locality also contains Barrenjoey Lighthouse, Palm Beach RSL, Palm Beach SLSC, and recreational facilities including Palm Beach Golf Course, rock baths, beaches, Governor Phillip Park, McKay Reserve and other reserves.

Barrenjoey Lighthouse, remnants of Customs House, houses, vegetation, and other structures in the vicinity of Barrenjoey Headland, Barrenjoey Road, Bynya Road, Florida Road, Ocean Road, Northview Road, Palm Beach Road, Pacific Road, Sunrise Road, and beach and waterfront reserves, indicative of early settlement in the locality, have been identified as heritage items. Land in Florida Road, Ocean Road, and Sunrise Road, indicative of early subdivision patterns and built form, have been identified as heritage conservation areas.

The Palm Beach locality gives the impression that much of the native vegetation has been retained. Bushland reserves predominate. Native plants proliferate in private gardens. The natural fall of the land has been preserved in most cases with retaining walls and terracing kept to a minimum. A few poor exceptions to this are located at the northern end of Ocean Road. The retention of the natural features and native plants within private gardens should be encouraged, and help to reinforce the natural beauty of the area the main characteristic of the locality.

The natural features of the locality result in a high risk of bushfire, landslip, flood, coastal (bluff)

hazard, and estuary wave action and tidal inundation.

The major roads within the locality are Barrenjoey Road, Florida Road, Ocean Road, and Whale Beach Road. Barrenjoey Road is the primary access road from the south. Several pedestrian links and pathways exist within the locality.

Desired Character

The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the lowlands and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Palm Beach will remain an important link to the offshore communities.

Hazards, Natural Environment and Heritage

Hazards

The Palm Beach Locality is affected by various hazards. Land affected in the Palm Beach Locality is shown on the hazard maps held in the offices of Council.

Natural Environment

The Palm Beach Locality includes vegetation areas, threatened species, or areas of natural

environmental significance. Land affected in the Palm Beach Locality is shown on the natural environment maps held in the offices of Council.

Heritage

The Palm Beach Locality may include Heritage items and/or conservation areas. Land affected in the Palm Beach Locality is shown on the Heritage Map held in the offices of Council.

Palm Beach Locality Map

