



The Palm Beach & Whale Beach Association Inc.

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**L & E COURT PROCEEDINGS 2023/00465007  
DA 2023/1289 - 1112-1116 BARRENJOEY RD PALM BEACH 2108  
SHOP TOP HOUSING**

Good morning Commissioner.

Thank you for the opportunity to provide a further submission to the ones we have previously lodged regarding this DA.

The Palm Beach & Whale Beach Association is Pittwater's oldest Community organisation established in 1918. We currently have over 450 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."

Importantly the Pittwater DCP21 contains Locality Statements which describe the current and expected future characteristics of each suburb. We understand that the Council should protect the agreed present and future character of that locality as set out in the DCP and ensure that all developments are in accordance with the agreed character.

To quote the NSW Government Architect, Abbie Galvin, "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".

Only by ensuring that the Pittwater LEP2014 and DCP21 controls are enforced can we retain our 'seaside-village' feel and curb the push for over-large, overbearing and bulky developments which are destroying the streetscapes and amenity we treasure.

We consider this proposal to be inappropriate within the streetscape and locality, the bulk, scale and height of the proposed development is still excessive and inconsistent with the established and desired future character of the locality and in particular to the heritage listed neighbour Barrenjoey House. There are still adverse acoustic and visual privacy impacts on neighbouring dwellings. It does not make a positive contribution

to, or enhance, the residential amenity, natural or built environment of this Palm Beach Wharf precinct.

There is confusion and great concern in the Community regarding the proposed relocation - both temporary and permanent - of the existing bus stop and bus shelter.

One minute the bus stop is to be moved to the north in front of several private residences between 1124 and 1132 Barrenjoey Rd as per Condition 5 and Condition 27 pg 18 & 19 of the Agreed Court Conditions Annexure A and then, the day before this conference, we were advised by Council that TfNSW would not approve that particular location and the bus stop is now to be relocated to the south at 1102 Barrenjoey Rd, a distance of some eighty to ninety metres south of the existing pedestrian crossing.

We note that under TfNSW guidelines that requirements of the elderly; the mobility, vision and hearing impaired; people with young children, strollers and prams; people with large or heavy luggage or shopping are a priority when locating a bus stop. With this in mind we believe an 80 to 90 metre walk from the pedestrian crossing to the proposed relocated bus stop to be unacceptable. The southbound bus stop has always been located outside 1112 - 1116 Barrenjoey Rd close to the driveway beside Barrenjoey House and close to the Wharf.

The bus stop and shelter are both very well used by visitors, locals, school children and commuters. It is the "hub " for the Palm Beach Wharf with ferry passengers arriving from the Western Foreshores communities, The Basin camping ground, Currawong Cottages and from The Central Coast.

We are at a complete loss to understand why the bus stop has to be moved permanently at all. There is nowhere better than its current location and we are assured that TfNSW had no thought of moving it without the request of this developer. That is the sole reason for the proposal.

The developer bought the site with an approved DA and a construction certificate knowing full well that it is a prime location in the heart of the very busy Wharf precinct with a pedestrian crossing and a bus zone and bus shelter at its door. In the original DA approved in 2010 the driveway was located on the northern side of the property which did not impact the bus stop at all.

It appears to the Community that the Developer is calling the shots to suit their project with no consideration of the impact on the Community. We cannot understand why Council has supported this. We understand that a temporary location may be required during construction for safety reasons but we firmly believe that the bus stop and shelter should be located permanently in its current location after construction is completed. This precinct was designated a high pedestrian activity zone in 2018 and a 40km speed limit was introduced.

Pedestrian safety and ease of accessibility is of the utmost importance and the bus stop should not be relocated to satisfy the whim of the developer.

We support the location of the driveway in the original approved DA NO102/10 (2010) which is located at the northern end of the development. We refer the Court to the submission dated 27-11-24 from Adam Rytenskild, a neighbour at the rear of the site, which presents an alternative layout to the basement parking level which would mean that the bus stop and shelter could remain exactly where they are, required parking controls satisfied, the required 25% retail space would be achieved and the extent and depth of the excavation would be substantially reduced minimising the risk to surrounding properties and would have less impact on the environment.

We also note and support the Council Engineer's report dated 10th January 2024 which states that "the relocated bus shelter should be sited as near as possible to the existing location potentially just north of the proposed driveway but it shall remain on the frontage of the development site."

We ask that Condition 5 and Condition 27 be removed and that a new Condition be inserted that the bus stop and shelter are to be permanently located in their current position at 1112 - 1116 Barrenjoey Rd after construction is completed.

It appears to us that Council has largely ignored the Community's concerns and has used opaque processes to support a DA that flouts critical LEP and DCP controls. Council has engaged unnamed experts whose qualifications we don't know, who work at unnamed firms, to approve this contentious DA.

We believe that the Council has an obligation to listen to the Community and to deal with matters in a transparent fashion.

We respectfully ask the Court to take the strongly held views of our Community into consideration when making a decision regarding this shop top housing development.

Associate Professor Richard West AM  
President

19 February 2025