



CURRAWONG BEACH DEVELOPMENT DA NO 548/10

The proponent has submitted a new development application for the Currawong Beach site. This application is essentially an amended version of the previous one.

The main difference in applications is that the current proposal no longer seeks to rezone land currently zoned County Open Space. It has also removed 5 proposed lots previously located on the valley floor. The proposed building development is in other aspects similar to the original proposal. The fact that each house has now been developed as part of this new DA is irrelevant in view of the main issues raised at the extensive IHAP and Heritage Council hearings convened to consider the original proposal. The Instrument of Determination regarding the original application has provided reasons for refusal which remain valid with regard to this application.

The application is seriously flawed as it consistently refers to existing development adjoining the National Park along the Western Foreshores and also on Scotland Island as being a suitable benchmark in support of it. These extremely early land grants are an accident of history, not the result of appropriate contemporary planning decisions! They are a reminder of a time when sailing boats were the fastest mode of transport and so Pittwater was accessible to the boats sailing between farms on the Hawkesbury River and Sydney Cove. Scotland Island was granted in 1809 and settlers were also found on the Western foreshores, with land grants from the 1820's on. Currawong itself was granted in 1836, but had already been promised from the 1820's. Produce and salt from the foreshores of Pittwater added to the colony's food supply, while the ship building and repair facilities on Pittwater's shores were a vital link in the essential Hawkesbury trade.

These areas were later developed as humble holiday houses and it was certainly never appreciated at the time that land adjoining the National Park would be subject of this kind of exclusive permanent suburban development. Demographic changes to these areas have already resulted in massive pressures on onshore infrastructure to support increasing numbers of private vehicles, more and larger commuter boats, more intensive construction methods with resultant demands on infrastructure which either doesn't exist (there is no cargo wharf facility at Palm Beach) or is inadequate for the purpose (a site inspection of the Church Point cargo wharf would put paid to any suggestion that construction, not to mention associated parking, can be accommodated on McCarrs Creek Road). The Church Point masterplan resulted from decades of frustration and loss of amenity due to these sorts of pressures. There is still significant disagreement on the way forward to what is intrinsically an insoluble problem.

Development of these areas is widely acknowledged to be a product of early 19th century planning. By the early 20th century there were proposals put forward for development of the entire Lambert Peninsula which, being already in private ownership, had not been included in the area designated as Ku-ring-gai Chase National Park. It was in 1894 following decades of work by the farsighted Eccleston Du Faur this area was finally protected and encompassed within the National Park.

Friends of Currawong seek similar leadership be demonstrated in assessment of this inappropriate development.

"In 1911 the owner of the 640 acres at Commodore Heights, now known as West Head, offered it unsuccessfully to the government at one pound per acre. Instead, in 1929 there was a proposal to develop West Head "along the most up-to-date lines as a model community". Thankfully this familiar-sounding scheme was foiled by the Depression, but the government of the day again said they had no funds to purchase it. With hindsight, would anyone today suggest that West Head should have been subdivided?"



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Yet, today in 2010, it is your responsibility to advise on a very similar proposal. It is remarkable good fortune that the Currawong site is still a single parcel of land, indeed, with its original 1836 boundaries. This means we have the historic opportunity to return Currawong to public ownership and the adjacent National Park of which it is obviously an integral part. To you falls this challenge: alienation forever of this spectacular site for the private benefit of a few wealthy owners, or preservation in perpetuity for present and future generations to enjoy? How would you today view a panel who had recommended the subdivision of West Head?" Scotland Island resident

Proposals to purchase Currawong for public use have consistently been raised, in the past by Neville Wran and more recently by the Department Of Lands. Friends of Currawong believe there is no other moral or ethical future for Currawong than its purchase for public benefit – consistent with its use to date as affordable holiday rental accommodation. The fact that rates have not been levied on Currawong recognises its long term community benefit.

This is a development proposal which rides roughshod over significant planning policies with the ultimate aim of achieving private profit while resulting in significant and perpetual public losses. In particular we raise the following matters which should again result in refusal of this application.

- 1 – NON COMPLIANCE WITH THE PLANNING PROVISIONS PROHIBITING SUBDIVISION**
- 2 – NON COMPLIANCE WITH THE IHAP RECOMMENDATIONS FOR BUILDING ON SITE WITHIN THE HERITAGE CURTILAGE**
- 3 – NON COMPLIANCE WITH THE IHAP RECOMMENDATIONS FOR PUBLIC ACCESS**
- 4 – INADEQUATE PROVISION FOR CAR PARKING AND ONSHORE INFRASTRUCTURE**
- 5 – ESTABLISHMENT OF POOR (dangerous) PRECEDENTS**

We attach all written submissions from the original Part 3A submission and include them for consideration as part of this submission. We express our gratitude to the premier Kristina Kenneally for refusing the development as a part 3A application as not being in the public interest. This is a unique site with a long history supporting retention for public benefit. We implore all those who will be assessing this application to similarly address it in view of the broader public benefit.

1 – NON COMPLIANCE WITH PLANNING PROVISIONS PROHIBITING SUBDIVISION

Why Prohibit subdivision?

The reasons are numerous and uncontestable. No doubt this is why the proponent chooses to ignore them.

The Currawong Site is partially zoned 2a residential – the intent of this zoning was to legitimize the existing development, not to provide carte blanche to future development and subdivision.

Damage to native vegetation:

All development involves removal of native vegetation on the block and exotic plants are generally introduced. However, the impacts extend beyond the block and in the case of the western foreshores, this means that exotic weeds spread into the National Park. The proponent already states that views from the cabins are likely to be improved due to removal of vegetation. It is also highly likely that construction activities including reticulation of services and excavation for foundations will impact on trees nominated to be retained. Typically these impacts won't be apparent till several years after development as that is the period of time during which decline from such activities becomes manifest.

Damage to Native Flora:

Several years ago Council introduced restrictions on cat ownership in Western foreshores, allowing existing cats to remain but forbidding any new ones. Dogs are a real problem in existing settlements, menacing and sometimes killing wallabies and other wildlife. Restrictions on ownership of companion



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animals are difficult to enforce. Any Community agreement will be subject to future change by owners' agreement.

Damage to Natural Landscape:

Historically, small timber houses were built offshore, initially as holiday homes and as low cost housing. In line with current fashion, these houses are now much larger and increasingly excavate and change the landscape through earthworks. The development includes substantial high cost housing with sandstone foundation walls.

Bushfire Risk

Despite all the proponent's provisions for fire fighting, reliance will remain on adjoining volunteer and professional bushfire brigades to come to the assistance of residents during a bushfire emergency. This is an unacceptable imposition on these resources, reducing the protection available for other existing offshore properties.

Apart from threat to property, there is a real potential for bushfires initiated by residents to threaten the National Park and adjoining developed areas. Fires have in the past been initiated by uncontrolled burn offs and individual residents' attempts at fuel reduction.

Likelihood of Later Request for Road for Emergency Access

The existing western foreshores areas all have emergency access through the National Park. No doubt at some stage residents of this new development will want similar access. These roads are narrow dirt access roads.

As a result of the need to address bushfire and potential landslip emergencies there will no doubt be pressure to build an access road through the National Park. The impact on the park, would be immense as the escarpment would require intensified construction. Current construction standards would likely result in more intrusive roads than those that currently exist. Are more roads through the park in the public interest?

Water / Wastewater

During long term drought where will the residents source fresh water from when their tanks are empty? How will water shortages impact on fire fighting during a fire emergency? Droughts have a tendency to result in increasing fuel flammability.

Seagrass beds

The seagrass beds at Currawong Beach are in the best condition of any in Pittwater, still free of the rapidly spreading weed Caulerpa, because they have not had the destructive impacts of regular moorings. What real impact will there be on seagrasses during construction and beyond? Are we seriously to take the proponent at their word and assume that there will be controlled barge access only and no other vessels involved during construction? The proponent has proposed construction of all houses concurrently – the movement of construction vehicles, building materials and contractors with their associated equipment will likely require more than a few barges. If more vessels are involved where will they be moored so that seagrasses aren't damaged? What controls will be in place to ensure compliance?

Access at Currawong for Heavy Machinery, Building Materials

See Item 4

"During construction, Eco Villages Australia Pty Ltd will be responsible for providing guidance to builders in determining the specific environmental requirements for the site."

The developer is motivated by profit. This is a clear conflict of interest.

Car Parking:

See Item 4



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Boat parking on mainland and offshore:

See Item 3

Services: garbage Who pays? All of the above services cost far more offshore, is that price being put upon new residents or shared by the whole community? **Public Access**

See Item 3

Why retain in single ownership?

Should Currawong be allowed to be carved up for private gain the public will have forever lost the opportunity to acquire the site in future. It cannot be argued that this is in the public interest.

2 – NON COMPLIANCE WITH THE IHAP RECOMMENDATIONS FOR BUILDING ON SITE

Notice of Determination

PART C – REASONS FOR REFUSAL

1.2 The development proposed is unacceptable as the proposal is incompatible with the overall state heritage significance of the site.

The IHAP recommendation as reiterated by the Heritage assessment and endorsed by the Department of Planning is that development be restricted to the North west part of the site past Midholme and the cabin group. The previous reports have established that there should be no housing in that area currently indicated as Lots 1,2,3,4,and 5 as these would have an adverse impact on the context and setting of the cabins and Midholme.

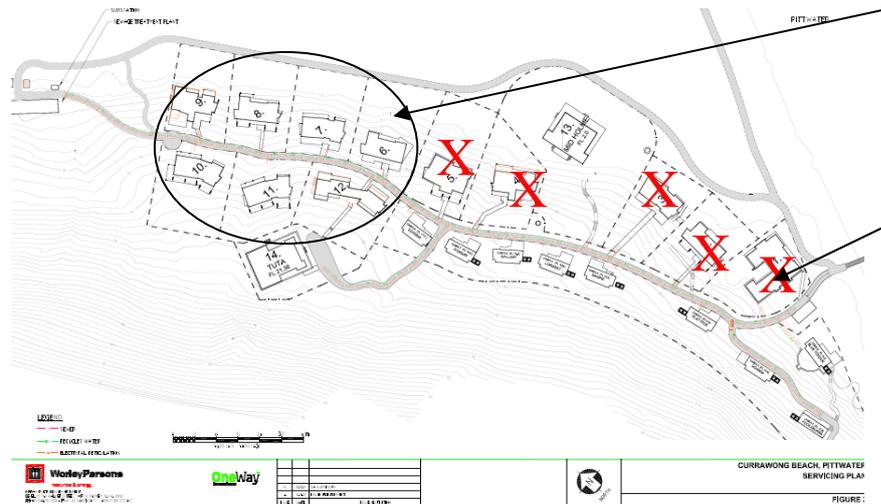
Recommendation 1:

The Panel recommends having regard to the potential heritage impacts of the proposal:

- 1. No new development should be allowed in the area of proposed Lots 1-3, 5, 21 – 25 and the valley floor and foreshore;***
- 2. Any future development be contained to the area of lower heritage constraint located to the north west of the cabin group on the lower slopes (generally in the area of proposed Lots 6-20) provided that any development in this area not conflict with the holiday camp use on the site and respects the Statement of Significance for the site;***
- 3. Any new development or alterations and additions to existing cabins should be single storey, low in height, bulk and scale and be of a size befitting holiday accommodation rather than permanent residential development; and***
- 4. Any proposal for development in the area to the north west of the existing cabin group should have regard to the findings of the AHMS report (August 2008) in relation to Aboriginal Archaeology.***



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Area identified by IHAP and Planning as being suitable for low scale development

Areas identified by IHAP and Planning as unsuitable for development due to impact on contextual curtilage of the cabins and Midholme

The accepted heritage curtilage has been determined as the entire site, not just the building groups. The report has suggested that some associated development may occur within the curtilage, however it is clearly intended to allow small scale works associated with the recreational rental of the cabins, not provision for individual housing development.

1.3 The development proposed is unacceptable as the proposed dwellings would be of excessive scale in the context of the historic cabins and would result in adverse impacts on the amenity of the area.

Recommendation 5:

The Panel recommends that:

- ***in the context of separate recommendations contained in this report, additional development on the subject site outside of upgrading and refurbishment of the existing cabins and Midholme, be confined to the area to the north west of the existing cabins as identified on Figure 2 above.***
- ***any such development should be low in scale, require minimal tree removal, touch the ground lightly and be compatible in size and character to the existing cabins;***
- ***site specific built form principles be developed to guide any future development having regard to the site's Statement of Significance to ensure an appropriate form of development consistent with the recommendations contained above.***

While the current proposed housing is slightly reduced in scale from the first application, the house footprints and massing remain excessive in comparison with the cabins and Midholme. The proposal to "paint out" the housing by use of dark colours is noted, however in the long term this is largely unenforceable and subject to change if the community association so wishes. Pittwater Council has had a similar policy for many years and despite this, residents continue to want to express their individuality through their housing.

1.5 The development proposed is unacceptable as it is inconsistent with the objectives of SEPP 71 – Coastal Protection and the NSW Coastal Design Guidelines.



3 – NON COMPLIANCE WITH THE IHAP RECOMMENDATIONS FOR PUBLIC ACCESS AND THE PUBLIC INTEREST

1.7 Approving the development would not be in the public interest.

Recommendation 8: As provided in separate recommendation, the Panel considers that the current development proposal should not proceed and that any future proposal for the subject site should provide for public access to the cabin precinct, the foreshore and the valley floor.

"Conserve in public ownership

Instead of creating a nightmare of overdevelopment, visual blight, ecological degradation, parking chaos and chronic difficulties, this unique site should be conserved in public ownership. The landscape is an integral part of Ku-ring-gai Chase National Park and it could be managed to conserve its natural and cultural heritage while also adding to the recreational opportunities for citizens. The Basin camping and picnic areas are packed to capacity at weekends and holidays. Since Currawong already has cleared land, this could be maintained for day use. Perhaps, the cabins could continue as rental accommodation if issues such as wastewater disposal were satisfactorily addressed. Midholme could remain as a caretaker's home, as occurs at Currawong. With an ever-increasing population, Sydney will soon stretch from Newcastle to Wollongong and out to the dividing range. There are no more Currawongs being created. Unions NSW had a noble vision to provide affordable holidays for workers. Let's honour their vision by preserving this area for ecologically sustainable public recreation."

Currawong has been a defacto low cost recreational facility since its inception in the 1940s. The quasi public nature of Currawong has been recognised during this time by the fact that rates have not been applied to the land as it has been viewed as serving a community benefit. The current application is for privatisation of the entire site including private ownership of the cabins. This will result in a significant and perpetual loss of public access.

The IHAP'S Department of Planning endorsed recommendation is that public access be formalised to the cabin group, the valley floor and the waterfront. This has not been addressed in the current application other than statements that the cabins will be available for rental. There is no detail regarding the nature of rental or how it will be addressed other than by the Community Agreement. As already mentioned, Community Agreements are subject to change so there is no surety that the cabins will be available for public rental. The public cannot walk around the foreshores of Scotland Island, or the Western or the bays with residential development due to the jetties, retained "private" areas and boatsheds. The proponent has offered no public access other than that which exists in the tidal zone.

Any proposal to allow private ownership and development at Currawong is a case of Tragedy of the Commons, where at an environmental, recreational and economic level, the benefits are gained by a few and the costs are shared by many.

1.8 The development proposed is generally contrary to the public interest since the proposal is inconsistent with planning objectives for the site, is beyond the community's expectations for the site and will result in adverse impacts on historic heritage and environmental values.



4 – INADEQUATE PROVISION FOR CAR PARKING AND ONSHORE INFRASTRUCTURE

Recommendation 9: The Panel considers that the proposed development is inappropriate in terms of car parking and access arrangements and that further development of the site should be contingent upon satisfactory arrangements existing to provide for parking generated by the development.

The proponent continues to expect the public to provide/fund parking and infrastructure on crown land to support a private development. There is no further capacity onshore for more carparking – this is fully appreciated by all who are familiar with the long term dialogue between offshore residents who seek more spaces and onshore residents who see the amenity of the waterfront being eroded by more and more carparking.

Private residential parking on Crown land is not an option for any other private residential development so should not be an option for this one. The situation at Church Point and Palm Beach attempts to address the consequences of past planning mistakes, they are not benchmarks for desired practice. Given current demographic changes to the western foreshores it is entirely appropriate that 2 car spaces plus visitor parking be factored into this assessment. This includes the cabins as there is no detail regarding the type of private rental initially proposed for them.

Where else in Sydney do we tolerate permanent private parking on recreational crown land? The Botanic Gardens? Centennial Park?

Boat parking on mainland and offshore:

The proponent states that residents will use a community vessel. This may be the current intent however realistically residents will push for use of private commuter boats. The Community Agreement can be altered to accommodate this if there is support to do so.

The experience at Church Point is that offshore residents are using larger boats and rely on several per household. It is also a reasonable assumption that residents of this new development will eventually require commuter vessels and that these will be vessels sized to provide a reasonable ride in the choppy waters which occur here. They will also likely wish to enjoy the recreational amenity of Pittwater which will mean more watercraft, not less.

Where will these be moored on the site and on the eastern shore? What will be the impact on seagrasses? What will be the visual impact on Pittwater of a private marina off Currawong?

With reference to the Proponent's Construction Management Plan:

"During all construction phases, personnel will assemble at one of the following locations on the eastern shores of Pittwater, including:

- Church Point,*
- Sandy Point,*
- Bayview,*
- Palm Beach, or*
- Barrenjoey Boat Service (located within Governor Phillip Park)"*

"Barges (Refer to Figure 3) may be loaded/unloaded at any of the following locations in order to avoid concentration of loading/unloading of barges, minimising impacts to surrounding residents and users of the wharfs;

- Bayview,*



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- Church Point, and
- Barrenjoey Boat Service (located within Governor Phillip Park)"

This report, and the associated traffic report contain the same critical flaws which the original submission put forward.

Church Point is not suited to loading/unloading of anything other than incidental items as there is no lay by for delivery vehicles. Currently vehicles need to overtake delivery trucks by crossing onto the oncoming vehicle lane, a dangerous practice sometimes involving passing up to three articulated vehicles. Furthermore there is no spare capacity for parking at church Point.

Both Bayview and Church Point are remote from the site.

Barrenjoey Boat service is a private operation.

In all cases where will materials be stored onshore? Construction movements are entirely tide dependant and will need to allow for landing at high tide to minimise damage to seagrasses. There is no onshore infrastructure for material storage for a one hit suburban development of this kind.

Further to this the waterway between Palm Beach and Currawong is subject to choppy swells as it is near the mouth of broken Bay.

In the words of a long standing offshore resident's submission regarding the original development proposal:

"Several decades of prolonged, regular meetings of many intelligent, committed people have failed to provide any resolution of the problem of parking at Church Point. The simple problem is too many cars on a small amount of land which is also sought for recreation. In round figures, there are about 500 blocks on Scotland Island and the Western Foreshore settlements from Towlers Bay to McCarrs Creek. These residents own roughly 700 cars and there are about 400 carspaces at Church Point. Consequently, every evening, from as early as 6.30 p.m. and on weekends and holidays, the carpark is full. We reluctantly impose ourselves on the few nearby streets up the hill, understandably to their chagrin. We sometimes risk fines in the hope we'll be back at our car before the ranger. We walk further and further. We cruise, hoping someone will leave. Visitors don't come because it is too hard to park. We decide not to go out, because it is so hard to come home again. To avoid all this unpredictability and stress, those who can afford to do so, often buy a place for their commuter boat and car at a marina. This costs several hundred dollars per month.

To add to this conundrum, the mainland residents have lobbied that 50% of Church Point carpark should be returned to recreational park, and that extra short-term visitors' parking should be available. I agree that car parking is a very inappropriate use of premium public waterfront land. But where are we to go? Obviously, around 300 offshore cars are already parked at marinas or in streets further afield. Astonishingly, Eco Villages suggests that Church Point has spare car spots ready for their new residents!!! I believe that the situation at Pittwater Park is similarly crowded. The general public should be able to park in order to visit places such as The Basin and Patonga. Existing residents surely should be able to park in order to Space needs to go....ccess their homes. When we already have major, unresolvable problems at both Church Point and Palm Beach, how can any planner recommend adding extra cars to the problem."

5 – ESTABLISHING PRECEDENCE

"In terms of the wider environment, the extent of impact is of such a minor nature that approval of other similar development would not have any unreasonable impacts on the environment" Proponents Consideration of Planning Provisions.



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The application not only inappropriately uses existing water access only development as a benchmark but also suggests that it will establish a suitable precedent for similar development. Does this mean we throw out all planning controls for environmentally sensitive land to meet the needs of a handful of venal developers?

This DA if approved will open up a slew of developments along the Pittwater foreshore adjoining the National Park. Is this in the long term Public interest?

6 – ENVIRONMENTAL ISSUES

Water quality

The proposed subdivision will likely have a cumulative impact on water quality in the area through time. The “Conceptual On-site Wastewater Management Strategy” by Martens Consulting dated September 2010 report has deficiencies as it is only a concept report and does not adequately address the real future impacts of the subdivision. After assessment of the report, it is our opinion that the disposal of wastewater by the future residents will increase nitrogen levels and that the effect of groundwater quality and its interaction with the estuary is not adequately understood or assessed. The following points from the report are to be noted to support this view:

- Their results show the current water quality in Currawong Creek is quite good, showing current impacts are low. Increased development will reduce this condition by adding impervious surfaces and increasing connectivity to the creek and estuary. Further more, the proposed development will have greatly increased water storage, leading to increased amounts of wastewater and consequently increased impacts.
- On page 17 paragraph 1 the consultants disagree with Pittwater Councils DCP 21 B4 16 regarding required nitrogen levels from onsite treatment systems. Previous ANZECC Guidelines have set total nitrogen levels in receiving waters such as estuaries at 0.1 mg/L. It is known that discharges to receiving waters can have a cumulative impact and that Council is well within scales of magnitude when setting their discharge targets. ANZECC Guidelines require local authorities to develop local targets. This lack of knowledge throws doubt on this consultant's entire proposal.
- In paragraph 1 & 2 on the same page the consultants talk about their experience and how healthy the seagrass is in Pittwater. No data is presented and their assertions can only be considered uninformed rhetoric as many of Pittwater's seagrass beds are severely damaged by Caulerpa invasion and disturbance by anchors. On page 27 a Total Nitrogen level of 5 mg/L from a proposed wastewater treatment facility is quoted. No quantitative data is presented on how much of this will reach the estuary/seagrass. This is an unacceptable concentration of nitrogen.
- Page 28 last 2 paragraphs states there is “no effect of the current on site treatment systems across Pittwater”. No data presented and this can only be considered as uninformed opinion. This is in direct contradiction to the two volume (200 page) reports prepared by Daniel Martens in 1997: Scotland Island Wastewater Impact Study: Scotland Island, Sydney, NSW and Water and Sewage Options Study: Scotland Island, Sydney, NSW. This detailed study, undertaken for the Scotland Island Landcare Group, involved many water and soil samples which showed extensive environmental problems from the on-site disposal systems. Just one example discussing the extremely high contamination of run-off: “Monitoring identified elevated nutrient, sediment and bacterial concentrations in ephemeral streams in each study area. Bacterial



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levels were several orders of magnitude higher than ANZECC (1992) recommendations for primary and secondary contact indicating a potential health risk to Island residents during wet weather." (Impact study, p8). "

- On page 30, paragraph 1; the consultants compare the nitrogen discharge from the wastewater treatment plant to a 50kg bag of lawn fertiliser. The EPA would fine you many thousands of dollars if you were a company who poured 50kg of fertiliser into the estuary!
- Finally the consultants are recommending a membrane bioreactor be utilised in this development. There is no guarantee that this is what will be installed. And in light of the uncertainty of the scale and type of wastewater treatment plant and bioreactor, the associated conclusions and analysis are not relevant.

As the site is in a relatively remote location, if the wastewater treatment plant fails at any given time, the resultant pollution event would be unacceptable to a sensitive marine environment.

There is evidence that development on Scotland Island and the Western foreshores causes pollution, especially during wet weather events in the Pittwater estuary. There is no justification to add more impacts to Pittwater by allowing more unsewered development directly along its shores.

Flora and Fauna

The Fauna Assessment by Ambrose dated September 2010 demonstrates that the large block at Currawong is home to many native fauna species and has good habitat values. He concludes that if his recommendations are met, there will be no impact on fauna. However it is important to note that one of the recommendations namely *that there be no domestic pets allowed within the subdivision or by visitors to the homes and holiday cabins* is unrealistic and very difficult to enforce through time.

This is evidenced by existing settlements currently on the western foreshores bordering Ku-ring-gai National Park. Domestic pets have a significant impact on native fauna and restrictions such as these placed on communities in the past have not worked. Even if there was a policed rule to this effect in the Community title rules and charter, it could easily be voted out and changed by future residents. The placing of 12 new permanent residences at Currawong is likely to have an impact on fauna through time not only by domestic pets but also by a permanently changing landscape.

The flora assessment by Anne Clements concludes that there will be tree loss but points out that many trees are in poor health. These trees do contribute to the canopy and are likely to have hollows and habitat value for fauna. The loss of these will significantly impact on the visual amenity of the site's landscape and the character of the cabins which are nestled along the slope and are unobtrusive from the waterway. Removing this canopy and replacing it with two storey structures will be an impact.

What the flora assessment does not address is that as people move into their homes they will likely want more trees removed and they will want to introduce lawns, gardens, exotic species, paved BBQ areas, pergolas and cleared passive open space. The placement of a subdivision in a high fire risk area will also mean that native vegetation around the buildings will not be permissible. The clearing for APZ's and the reduction in mid storey vegetation has not been addressed as loss of native vegetation. As the *Lantana* is removed, there will be natural regeneration of natives which will have to be removed for bushfire safety and it is likely that large grassed areas will be introduced. While conditions of consent can reduce native vegetation in the short term, in the long term allowing permanent residences on the site will change the natural character and the landscape forever.



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The planning objectives all support no "offshore " subdivision and no residential development of this site. See comments below.

PLANNING CONSIDERATIONS FOC RESPONSE	
PROVISION	COMMENT
SEPP 71 – COASTAL PROTECTION	
Clause 2 Aims	
(a) To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales Coast, and	<ul style="list-style-type: none"> • The recreational amenity of the site will be totally extinguished with this development as the proposal is for an exclusive private enclave, contrary to current and long term use of the site for low cost holiday access to the bushland and waterway of Pittwater. • The cultural attributes will be severely compromised by any new buildings located in the proposed areas of lots 1 to 5 as they prevent a full contextual understanding of the cabins and Midholme. • Despite the best intentions, the reality of construction in treed areas is that the natural attributes of the site will be damaged. It is wish fulfilment to expect all the nominated trees to survive construction activities within the root zone which extends well beyond the canopy dripline. It is also a reality that the care required in this matter is subject to the commitment of contractors and subcontractors as well as dedicated onsite supervision and control of all activities. The likely consequential tree loss will be apparent up to 10 years after construction activities have ceased as this is typically the amount of time for tree decline to manifest itself.
(b) To protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and	<p>The application does not comply with IHAP/Planning recommendations for formalised public access to cabins, Midholme ,valley floor and waterfront.</p> <p>No improved public access</p>
(c) To ensure that the new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	– see above
(e) to ensure that the visual amenity of the coast is protected	Does not comply – by the proponent 's own admission vegetation will be removed in front of the cabins improving their views out. Clearly views into the site will be degraded due to new dwellings and loss of vegetation.
(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding	Does not comply The provision of 12 new houses will compete with the natural and cultural quality of the surrounding area and will degrade the scenic quality of the surrounding area.



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area	
Clause 8 matters for consideration	
(c) The suitability of the development given its type, location and design and its relationship to the surrounding area	The development is unsuitable on many grounds – see discussion under Subdivision.
(d) Any detrimental impact that development may have on the amenity of the coastal foreshore	The development will reduce public amenity on the site and also on the eastern foreshore which will be impacted by carparking, boat mooring and construction infrastructure.
(k) measures to reduce the potential for conflict between land based and water based coastal activities	<i>"There is not potential conflict in this regard."</i> The proponent has failed to convincingly address the significant impact this development will have on onshore communities in term parking and required infrastructure.
(n) the conservation and preservation of items of heritage, archaeological or historic significance	IHAP and Planning recommendations have been bypassed and largely ignored.
(p)only in cases in which a development application in relation to proposed development is determined (l) the cumulative impacts of the proposed development on the environment	<i>"In terms of the wider environment, the extent of impact is of such a minor nature that approval of other similar development would not have any unreasonable impacts on the environment."</i> This is a misrepresentation of the facts and represents the thin end of the wedge permitting future inappropriate development on water access only fringes of the National Park.
Pittwater LEP 1993	
Clause 32 Protection of heritage items and heritage conservation areas	The application does not comply – lots 1,2,3,4,and 5, remain located in the determined heritage curtilage.
Pittwater 21 DCP	
Part A4.13 Upper Western Foreshores Locality	
B2.2 Land Subdivision – Residential Zoned Land Subdivision is prohibited Area 1 of the Dual Occupancy map – 1200m ²	The application does not comply regarding subdivision prohibition or minimum Lot size.The minimum lot size in the dual occupancy map Zone 1 is 1200m ² . The proponent suggests smaller lot sizes are acceptable as they have factored in the total site area. This is a manipulation of the intent of the minimum lot sizes which among other matters is to protect environmentally sensitive land and all that that entails.
D13.14 Currawong	
Development must not exceed the existing building footprints	Does not comply
The appearance of Currawong from Pittwater must be maintained with no additional buildings visible from the waterway	Does not comply Lots 1,2,3 will be highly visible from the waterway. By the proponent's own admission views out will be enhanced due to reduced vegetation.
A proponent for future development of Currawong should have regard for the proponent's report and the Minister's Part 3A decision	Does not comply IHAP/Planning recommendations for suitable building areas, heritage curtilage, public access have all been ignored/disputed.