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**From:** Christina Kirsch [REDACTED]  
**Sent:** Thursday, 21 September 2023 7:10 PM  
**To:** Planning Panels - Northern Beaches; ceekirsch@gmail.com  
**Subject:** Northern Beaches Local Planning Panel Notice DA 2021/1612  
**Attachments:** letter.pdf

**Categories:** NBLPP

Dear members of the planning panel,

My apologies for having to send my annotated report pages and my comments in two separate emails. We are on the South coast with patchy internet reception and have struggled with getting our emails through.

The assessment report has too many issues to cover in one email. I assume that other residents have made submissions to point out the many flaws and have focused on one key point.

If the protective work is being considered for approval, despite all the negative impacts on the key neighbouring property, the public asset of our beach, then this will need to be addressed in earnest. The assessment report has created some spurious and non-sensical arguments to justify why the development should be allowed an exemption from the 6 m rear setback requirement. The underlying assumption and the argument are inaccurate and I have sent you the annotated pages in a previous email (submitted prior to the 5:00 PM deadline).

As a former councillor on Warringah Council (2008-2012) and member of the Coastal Management Committee, I was shocked to see the degree to which council staff have supported a development that clearly privatises profits (the inflated property values because of council sacrificing the public amenity - the beach - to protect private properties) and socialise the costs (in terms of loss of beach amenity and negative visual impacts).

At the very least, council staff and the planning panel should attempt to find a compromise that protects as much of the beach as possible whilst allowing some minor and indispensable protective work that minimises negative impacts.

Without the rear setback, the DA would effectively create artificial property areas by backfilling the area behind the Seawall up to a level that does not reflect the sloping nature of a natural beach.

I would have preferred to address the panel in person, but my work commitment sadly prevent me from doing so. I do hope to see some reason and a fair compromise between the needs of the public, which would prefer to have no protective Seawall on our beach, and the property owners need to protect their home, without unduly prioritising the demands of property owners.

Kind regards

Christina Kirsch  
[REDACTED]

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- *To create a sense of openness in rear yards.*

Comment:

The vertical wall takes up a minimal amount of area on the site and will leave the rear yards of the site open.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment: Significant negative impact on beach amenity, due to 2 meter wall facing the beach

The proposed works will not result in any significant privacy, amenity or solar access impacts to adjoining properties due to the works sitting close to natural ground level at the rear of the subject site.

Incorrect statement - the proposed work will have significant negative impact on beach amenity; the wall will sit 2 meters above the beach, reminiscent of a war bunker, not a beach sand dune

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The existing 'visual continuity and pattern' is a naturally sloping beach; current pattern is a dune landscape, not a concrete wall

The subject, surrounding and nearby sites contain detached dwellings, residential flat buildings and a surf club. These properties have mostly turf rear gardens with minimal substantial vegetation (the large pine tree on No. 1204 Pittwater Road being a notable exception). All beachfront properties in the vicinity contain some form of coastal protection works (either recently built vertical walls or historic rock revetment style structures). These sites form the existing visual continuity and pattern of buildings, rear gardens and landscape elements.

The works must link up with the adjoining rocks (and the Council's protective works, which will be constructed in the future), otherwise outflanking would occur defeating the purpose of the

There are alternative ways in which the protective work can link up with adjoining work; a more natural pattern - instead of a straight concrete wall would be a curved, undulating form with gentle slopes and natural shapes; therefore the minimum 6 m rear setback should be preserved and designed to gently, in an undulating, natural curved shape link up to the (badly designed) previous protective work; a more attractive and natural shape for beach users needs to be achieved, even if that needs to come at the expense of the private property owners

## B9 Rear Boundary Setbacks

### Description of non-compliance

Rear boundary setback is non-compliant

The control requires a minimum rear setback of 6.0m.

The coastal protection works have a 0.5m setback to both the pile wall and the concrete wall, and a nil setback to the top of the wall (the wave return).

### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

*To ensure opportunities for deep soil landscape areas are maintained.*

### Comment:

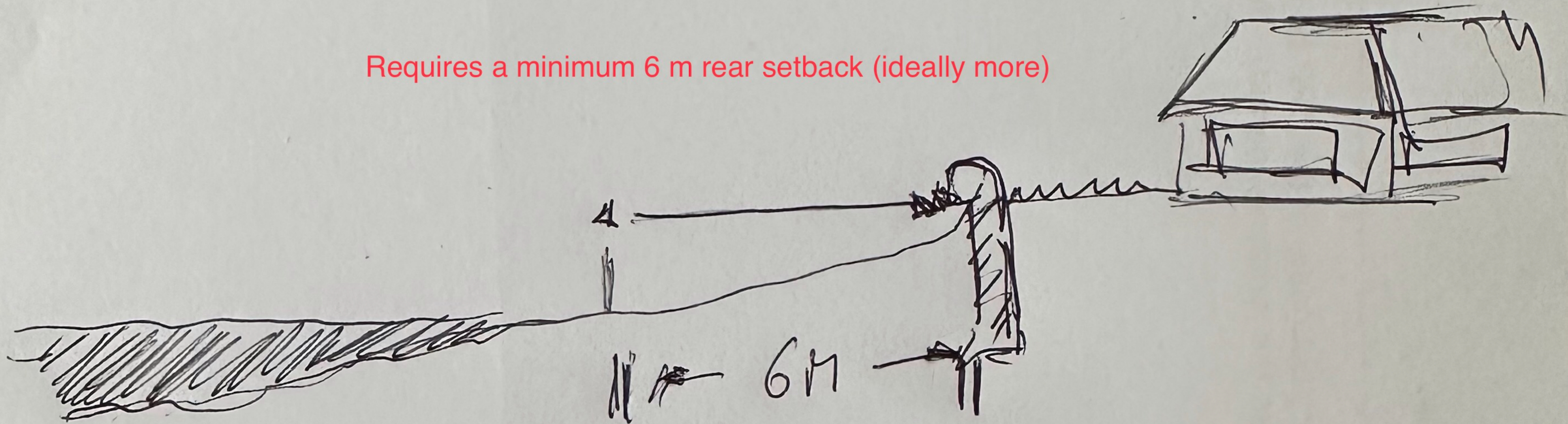
Inappropriate - landscape not really in the visual field of the impacted public / beach user

The proposal will include the removal of the existing rock located on both the subject site and the public beach, and occupy a significant footprint compared to the proposed vertical wall. Backfilling the area, approximately 7.5m in depth for the length of the site, to allow for future landscape works has the potential to allow for an increase in the area of landscape open space to some properties, particularly the properties along the southern section of the wall, refer to image below. In summary, the proposal has the potential to provide enhanced opportunities for landscaping.

The 'deep soil landscape' and 'landscaping' is on private property and 2 meters above anyone walking along the beach. Therefore the landscaping does NOT add to the visual amenity of the beach, does not make up for the loss in beach amenity and the negative visual impact. No beach visitor would ever prefer to look at a concrete wall, even if there are some shrubs and 'landscaping' on top of it.

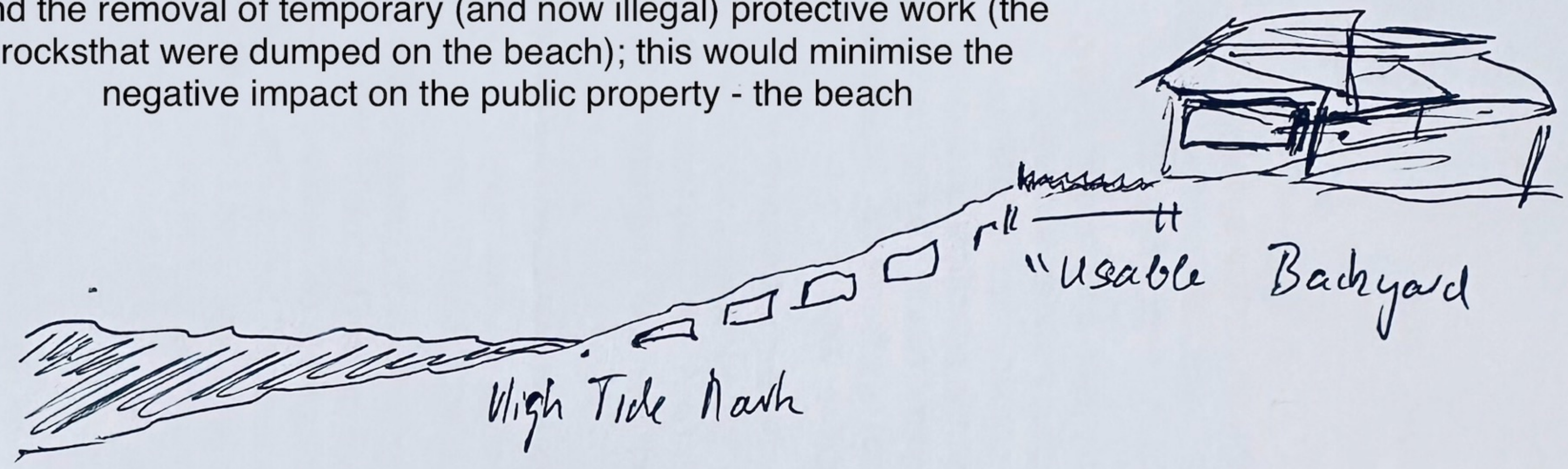
Therefore the rear-setback needs to be preserved to minimise the negative impact on the aesthetics and available beach area. The owner of the beach is the Crown, or rather their Australian public and there needs to be a compromise that acknowledges the negative impact on the public asset (the beach). The preference of any beach goer would be to have NO protective work (or managed retreat); therefore the protective work needs to be as far set back as possible, but at the very least the required 6 meters

Requires a minimum 6 m rear setback (ideally more)



Rear Setback

The preferred option would be a revetment on the private property, and the removal of temporary (and now illegal) protective work (the rocks that were dumped on the beach); this would minimise the negative impact on the public property - the beach



The proposed design - with non-compliant rear-setback is an unacceptable grab for increased property (assuming 12 m width and on average a 3 m height at the Seawall, the increase in cubic meters would be 108 cubic meters of added property); the backfill would result in an increase in size of the usable 'rear backyard', rob beach goers of a visually attractive beach; create overshadowing on the public beach; the maximum height of any fence would be 1.8 meters and no property owner would be allowed to build a 2-7 m wall directly adjacent to a neighbour - this should not be allowed on a publicly owned beach

