
Sent: 2/06/2019 11:56:29 AM
Subject: Late Submission for Mod2019/0169 amendment to extension of existing roadway
Attachments: Mod2019 0169 extension of existing roadway .pdf;

Dear Claire,

Reference your email, attached please find our late submission for the above Mod2019/0169 amendment to extension of existing roadway.

Thank you and kind regards,
Elizabeth and Inge Sodahl

From: Claire Ryan <claire.ryan@northernbeaches.nsw.gov.au>
Date: 15 May 2019 at 09:46:24 AEST
To: Elizabeth Sodahl <lizeverson1@hotmail.com>
Subject: RE: Request for extension of time for objections in response to four (4) DA's submitted for 7 Trentwood Avenue, Avalon

Dear Elizabeth,

Thank you for your email regarding the development applications at 7 Trentwood Park, Avalon Beach.

General practice is that Council does not extend formal notification periods. However, Council accepts late submissions up until the finalisation of the Assessment Report, which has not yet occurred. I anticipate my assessment of the applications will occur in early June, so you still have some weeks to lodge a submission.

Thanks and kind regards,

Claire Ryan
Principal Planner

Development Assessment
t 02 9970 1267
claire.ryan@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au

Northern Beaches Council

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Application No. **Mod2019/0169**

Address: 7 Trentwood Park, Avalon

Description: Amendment for extension of existing roadway

Attention: Ms. Claire Ryan:

Introduction

We are the owners of 43C Chisholm Avenue, Avalon, a timber, split level house on a 1250 m2 sloping block situated towards the eastern end of the bushland corridor of Angophora Reserve. We wish to object to the above Modification of Development Consent Mod2019/0169 for alterations to the roadway.

Our south side boundary directly adjoins Lot 3 and Lot 2 and our visual amenity and privacy is affected by additional changes to the unsympathetic driveway. Changes will result in increased visual impact and additional impacts on the natural environment.

The Land and Environment Court consent for the 3 lot subdivision involved specific conditions to carefully and specifically manage tree and landscape impacts and built scale.

The proposed modification departs from this and requires a renewed consideration. This should be undertaken in conjunction with the proposed subdivision/creation of a proposed additional- Lot 4 (DA 2019/0393) with dwelling footprint plus the large houses proposed under (DA's 2019/0394 and 2019/0395). Cumulatively, these proposals create significant adverse impacts.

The original consent did not envisage that the applicant would pursue a modification of consent for roadway extension within the context of an additional subdivision, to potentially further impact on trees, further constrain spatial separation between buildings and further adversely impact upon the landscape, topography and biodiversity.

Summary Concerns:

- As noted, the modification of the driveway under Mod2019/0169 is not consistent with the original conditions of consent in terms of the assessed environmental and tree impacts and the scale of the development. This modification has been submitted at the same time as additionally proposed DAs for larger houses and the DA to create an additional lot. Consequently, with a view of the original LEC approval and the careful/specific conditions which were attached in order to manage impacts, this modification it is not considered to represent substantially the same development or impacts as approved.
- It is considered that all the modifications currently proposed (under 4 current applications) should be considered in conjunction to fully and effectively address all impacts. Not with each application in isolation given the ranging impacts and overall significant departures proposed from the LEC approval. The combined variations have the effect of worsening impacts for existing neighbours and the natural environment. These impacts are not consistent with the approval.
- The proposed driveway modification plans do not show or reflect additional branches/connections to this driveway which are proposed under DA's 2019/393 and 2019/395. These applications show a branching of this driveway further into the site which is not detailed in the section 4.55. This is considered to be a significant change and intensification to the scale of civil works and built form on the site.
- Looking at the whole picture for subdivision, road and dwellings, we and other neighbours are gravely concerned about the additional extent of impacts on our amenity, the

environment and the area. In order to assess all impacts a complete revisit of all aspects is appropriate given the incremental uplift in scale and density. We are concerned that the result is likely to be a completely different landscape to what has been approved by the LEC, particularly in respect of visual impacts, tree coverage and impact on biodiversity.

- We maintain that the proposed driveway contributes to inappropriate density and bulk and is out of character. This conflicts with the area character controls and does not meet the key objectives of Pittwater 21 DCP and Pittwater Local Environment Plan 2014, for the Zone E4 Environmental Living Zone which include to:
 - Provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;
 - Ensure that residential development does not have an adverse effect on those values;
 - Provide for residential development of a low density and scale integrated with the landform and landscape;
 - Encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

The changes involved are not considered low impact either visually or in terms of the natural environment. The access driveway is considered to adversely impact on the scenic and natural ecological values and does not integrate a built scale which is consistent with the character of development in this particularly low density, bushland/'treed' location.

Impact on Biodiversity

Clause 7.6 of Pittwater LEP 2014 requires consideration as to impacts on, and the protection of, biodiversity and requires detailed consideration as to ranging impacts on biodiversity, ecological processes and fragmentation of habitat.

As noted, further incremental development will further erode natural and ecological processes necessary for the native flora and faunas continued existence and it does not encourage conservation and recovery of native fauna and flora and their habitats.

Additional and modified structures will have an adverse impact on flora and fauna, on vegetation on the land, the habitat for survival of native fauna and it will have the potential to fragment, disturb and diminish the biodiversity structure, function and composition of the connectivity of wildlife corridor. We consider that the extent of development currently proposed for this site (and departure from the original consent) requires a reviewed comprehensive ecological assessment.

The extent of tree and habitat removal required is inconsistent with the desired future character of the Avalon Beach Locality. This is contrary to outcomes and controls stated in Pittwater 21 DCP under B4.6 Wildlife Corridor. A comprehensive review of the ecology in the context of the additional structures, excavation, tree removal and bushfire requirements should be undertaken to understand the extent of the impacts involved with this now intensified subdivision.

No. 7 Trentwood is a parcel of land that has been dominated by remnant forest, consisting of more than 130 mature trees, woodland vegetation, ferns and dense undergrowth and a habitat similar to Angophora Reserve, one of the most significant natural reserves in the area. Further and incremental elimination of trees and bushland, destruction of the eco-system, ruination of the native habitat, including that of the Powerful Owl, considered vulnerable in NSW, and heard most nights would indeed be a great loss. No. 7 Trentwood is recognized as contributing to the unique and valuable heritage and environment of Avalon. It shares a long boundary with a heritage and conservation area of Ruskin Rowe.

To place a roadway across the middle of block through a wildlife corridor, impacts the habitat, flora and fauna, will create significant long-term disruption and change to the existing environment. We

note that the development currently proposed (across 4 applications) involves the removal of 10 additional trees. We request assessment of how this further impact remains compliant with the Court's requirement that a ratio of 3:1 replacement trees be provided in association with the proposed civil works (Condition B22 – which is to be maintained over the life of the development). A comprehensive review of the site is required to ensure compliance with the consent and to understand the impact/outcome on the trees and ecology.

Environmental objectives of the DCP seek to conserve and enhance ecological integrity, biodiversity, wildlife corridors, environmental heritage and significance of Pittwater; maintain the natural beauty of the area by minimizing land excavation and fill; and prescribe limits to urban development in regard to impact on the natural environment. The proposal is in conflict, as it does not maintain the natural beauty, it involves landform modification and civil works to detract from the landscape. The impacts were considered unacceptable previously by Council.

Inconsistency with DCP Planning/Environmental Protection Planning Provisions

As discussed, the roadway to the proposed subdivision will alter and diminish the harmony, amenity and environmental character of this area and is clearly incongruous with the natural setting of the area.

The subdivision does not maintain the natural landscape. The impact of additional vehicular traffic, noise, loss of privacy, loss of harmony is significant and will impact on 43c and 43d Chisholm Avenue, neighbours in 22 Ruskin Rowe and Trentwood Park.

The vision enjoyed under Pittwater 21 DCP and LEP E4 Living, which the vast majority of residents in this area share and greatly enjoy, is for an environment where trees and vegetation continue to dominate, where wildlife corridors continue to exist and where residents have the unique opportunity to live in a quiet and peaceful bushland setting. Further subdivision of this inner oasis of bushland of Lot 2 will destroy the natural habitat, cause removal of trees, cause acoustical harm, and replace the current view with concrete and impact on the quiet and peaceful existence we now enjoy.

As suggested, we request that carefully consider the consistency of this application with the original consent and whether the modification represents substantially the same development in accordance with Section 4.55 of the *Environmental Planning and Assessment Act, 1979*. Also checks in relation to consistency against all provisions of the *Pittwater LEP* and *DCP, SEPP Vegetation in Non-Rural Areas*. The land is not considered suitable for the scale of development proposed under the combined applications and additional development will create adverse residential and environmental impacts such as to conflict with public interest objectives.

The modification of the uncharacteristic roadway within the site will disrupt the very quiet living of the low density E4 Environmental Living area. We submit that it will:

- Result in further clearing of tree canopy and natural landscape;
- Infringe on visual privacy;
- Scale and built form is overwhelmingly large and will dominate
- Impact on harmony, specifically with regards to noise from traffic;

Further, it is not considered to meet the objectives and outcomes specified under E4 Environmental Living to:

- Achieve the desired future character of the locality.
- Maintain the existing environment; The driveway will (a) impact the peaceful environment (b) impact the flora and fauna (c) not ensure the preservation of the wildlife corridor (d) not ensure preservation of views and (e) cause removal of trees.
- Equitably preservation of views and vistas to and from private places.

- Avoid the built form dominating the natural setting; The driveway will be visible from our two decks and all south-facing rooms and any changes will further impact upon us as an unwelcome intrusion, and eyesore resulting in visual disturbance.
- We face the worsening of widespread impacts to the current vista from both inside and outside our home, amenity and harmony and intrinsic value of E4 environment living will be lost. We do not want to sit on our deck or in our study or in other rooms viewing an elevated concrete driveway and listening to vehicular traffic coming, going, reversing in and out of car spaces and the driveway. The elevated concrete driveway lacks sensitivity to the surroundings in design and built form and as well is unsympathetic to the amenity of both adjoining and surrounding properties.

Consideration is also required in relation to accessibility for emergency service vehicles.

We also note that the Council Engineer is not in support of the proposal due to the impact on approved lot lines/compliance with lot sizes, which has not been demonstrated with survey plans.

We put forward that this modification to the driveway is inconsistent with and does not reflect changes to the driveway proposed under DA's 2019/393 and 2019/395. These applications show a branching of this driveway further into the site which is not detailed in the section 4.55 plan change. We refer to Site Plan DA01 for Lots 3 and 4 which detail this expanded driveway.

Conclusion:

We are concerned that the proposed modification of the driveway approved under the Land and Environment Court development consent is incongruent and inconsistent with the original consent and conditions for the 3 lot subdivision, driveway and dwelling footprints.

We request consideration in relation to the further environmental and visual impacts of the modified driveway and the modified access in conjunction with the additionally proposed new lot/additional subdivision (now 4 lots) and larger houses.

Concern is raised in relation to the consistency and detail of information provided, consistency of the intentions of the density of the consent, and the additional substantial adverse cumulative adverse impacts on trees, density, views, privacy, visual/scale impact and biodiversity involved.

Given the departure from the consent proposed in the current DA's and Mod, we submit that a comprehensive assessment of the impacts is required. As noted, the plans for the driveway changes in the Mod are not reflective of changes to the driveway/driveway additions also proposed under the DA's.

Thank you for considering our points. We would be happy to allow access to our property by the Council's Planning Officer(s). We request a detailed site inspection of our property in evaluating the impacts associated with the Mod and DAs. We are happy to discuss any of these matters at any time.

Elizabeth and Inge Sodahl
43c Chisholm Avenue
Avalon
M 0419466082