
Sent: 3/06/2019 9:06:28 AM
Subject: Objection to DA2019/0393 - Lot 1 DP202857, 7 Trentwood Park, Subdivision of one lot into two - Late Submission
Attachments: Objection to DA2019-393 for subdivision of Lot 2.pdf;

Dear Claire,

Reference is made to your email. Attached is our late submission objecting to the above subdivision under DA2019/0393.

Thank you for your consideration,
Kind regards,
Elizabeth and Inge

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
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Notification: **DA 2019/0393**

Address: Lot 1 DP 202857, 7 Trentwood Park, Avalon Beach

Description: Subdivision of approved Lot 2 into 2

Attention: Ms. Claire Ryan

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 DA for further additional subdivision. Our side boundary directly adjoins Lot 3 and proposed Lot 4 (and proposed future dwelling). Due to the narrow lot width of Proposed Lot 4, any dwelling on this lot would be close up against our side boundary).

We appreciate that Council did not previously support the subdivision of this land for reasons including:

- The removal of a large number of trees, extent unknown, adverse impact on numerous significant native trees, biodiversity, flora and fauna and result in an adverse visual and character impact. Contrary to the provisions of clauses 5.9 and 7.6 of Pittwater LEP 2014 and controls B4.2, B4.4 and B4.22 of Pittwater 21 DCP.
- The extent of tree removal required to facilitate future development and bushfire requirements would have an adverse impact on Ruskin Rowe Heritage Conservation Area. Contrary to provisions of clauses 5.10 of Pittwater LEP 2014 and control B1.2 of Pittwater 21 DCP.
- Insufficient detail in relation to bushfire hazard, access and creation of inner protection area. Contrary to provisions of controls 4.5 and B3.2 of Pittwater 21 DCP.
- The proposed development and extent of tree and habitat removal was considered inconsistent with the desired future character of Avalon Beach locality. Contrary to control A4.1, D1.1 and D1.4 of Pittwater 21 DCP.
- The proposed development was not designed to provide adequate access for waste, recycling, delivery and emergency vehicles which is likely to result in a reduction in amenity and safety to the subject site and surrounding sites. Contrary to controls B6.2, B6.7 and C4.6 of Pittwater 21 DCP.
- The application did not provide dwelling designs to enable an adequate consideration of the environmental constraints of the land.

These issues are considered to remain valid and consequently, the provision of an additional lot is not considered acceptable or in line with Council's adopted values which seek to protect the area, the environment and other existing residents.

We note that the application for further subdivision is being carried out in an incremental manner (in the context of significant other changes to approved driveway, tree removal and footprints) and appears to not respect the Land and Environment Court Consent which allowed a 3 lot subdivision which was to be carefully managed with strict conditions relating to dwelling footprints, density and a finite amount of tree removal. The Court issued Development Consent did not consider that the applicant would pursue further subdivision of Lot 2.

Given the previous refusal/issues and given the following submissions and inconsistencies with conditions and policies relating to this land, the additional subdivision is not consistent with the environmental capacity of the land or the area character. The further subdivision will further remove the ecology, create an overly dense development and will impact on surrounding homes in a range of ways. The further subdivision is not considered to be within the environmental capacity of the land and is not in the environmental or public interest.

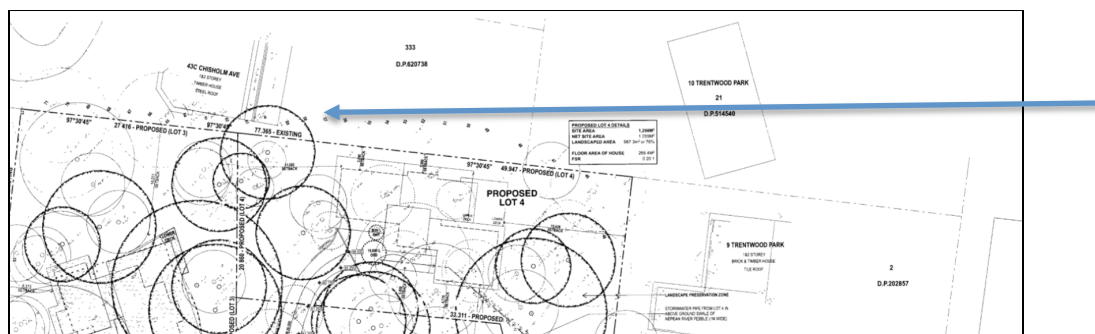
The comparatively small size and irregular shape of Lot 4 is not appropriate for this setting, where there is slope, access issues (need for additional driveways/excavation etc) and where significant additional tree removal and landform modification is required to support an additional house. This will mean further landscape clearing which will impact on biodiversity as well as the landscaped screening enjoyed and valued by existing residents.

Further, the additional subdivision DA is also not respectful of the policies and controls of E4 Environmental Living and Pittwater 21 DCP as outlined below.

The proposed subdivision for Lot 4 is located within an environmentally sensitive area within No. 7 Trentwood Park. It forms part of a beautiful bushland oasis that is surrounded by the private rear areas of adjoining properties that support the native habitat. The proposed subdivision is currently not accessible by road. This bushland oasis can be seen as contributing to the unique character of this area that is strongly recognized and supported by the E4 Environmental Living zoning and DCP controls.

The side boundary of the proposed subdivision for Lot 4 runs the entire depth adjacent of our side and is contiguous with our private open space. A house in this location will be right next to our currently private rear facing decks.

Therefore, the proposed change to the original subdivision to create this additional lot and house hard up against our side boundary will have a drastic impact on our boundary and private open space areas and will visually impact the enjoyment of our home. We currently view over space, trees, landscaping and water views. Instead, we would have instead the indicative 2 storey house located for a suggested significant length of our boundary. It would be overbearing and visible. Without a finite view of the actual house outcome, it is likely to be even larger and to potentially look straight into our external and internal living areas.



Plan extract – DA 2019/393 showing the footprint close to our open space for a significant depth, the blue arrow showing our open space and deck areas.

We request Council's continued support for the area and existing residents, and we request Council's attention to the following summary points which are expanded further in our submission:

- The Consent by the Land and Environment Court when application N0530/15 was approved on the basis of the impact that the Court assessed - for 3 lots and finite number of trees to be removed. The Court also addressed and assessed the geotechnical, fire and ecological issues on the basis of 3 lots that it considered acceptable subject to strict conditions to manage impact of built form on the landscape. Carving out an additional lot completely changes the intention of the Court's approval and completely alters/exacerbates the environmental impact upon which it was considered. This is an entirely different density.
- The proposed dwelling for the subdivision on Lot 4 is hard up against our boundary and our private open space. In addition, the lot appears to be considered too narrow to support such a large dwelling. The narrow land is an unusually shaped lot and not consistent with the prevailing and established lot patterns and is incongruous with the area. The result will be undue scale and privacy impacts on neighbours and uncharacteristic limitation of physical and landscape screening to properly mitigate impacts or blend with the surrounds.
- Given the constraints with slope, the trees supported by this land, bushfire, removal of trees/fragmentation/ecological issues, creating this additional lot is not considered consistent with Council's biodiversity imperatives, or density and character controls. This lot is not conducive to support a reasonably spaced dwelling which would be in character with the area and would not result in unacceptable impacts environmentally and in terms of loss of amenity, private space and views for adjoining properties.

- A proposed large bulk form will overlook our private rear yard area. A potential dwelling's north/east facing side and rear setback would be fully visible from our living area, dining area, kitchen, from both our upper and lower decks. It and its driveway would be fully visible from my art studio on the lower level instead of the lovely outlook it now enjoys – a drastic and impacting change.
- It is submitted that due to the impacts and constraints, a dwelling should not be considered at this time given that the proposed dwelling footprints for the other lots appear larger and more visible than the footprints approved and originally considered. Incrementally larger scale at a later date would unreasonably and detrimentally impact on our reasonably expected shared amenity. A 2+ storey dwelling in this location could look directly into our areas.
- The addition of this lot is not consistent with the Conditions of Consent by LEC and is not considered to represent substantially the same development or density as was approved. We submit that this much larger scope (proposed under these applications), warrants a completely revised environmental impact assessment, particularly given the incremental expansion of the approved development, the E4 zoning and the sensitivity of the land. There are key issues of slope, bushfire, ecology and tree removal, which require re-consideration with the new density. There is a question as to how this altered lot pattern and impact would be carried out given that the consent for a 3 lot subdivision would need to be modified to reflect this change. All the conditions would be changed and the original consent would be impacted.
- It is noted from the Arboricultural Impact Assessment Addendum dated 30 January 2019 that nine (9) additional trees would need to be removed. This addendum does not address the full extent of tree removal. The Court was clear and strong in allowing a set and finite number of trees to be effected. The Bush Fire report shows another ten (10) trees would need to be removed. These are completely inconsistent with the Courts Conditions of Consent for subdivision. A full document review should be undertaken in respect of tree removal and consistency with consent conditions (including the tree replenishment condition - No.B22). The court approval required replenishment trees to be provided to offset the civil works (ratio of 3:1). The application is unclear as to the extent of the tree damage. The proposed additional house on proposed Lot 4 would result in a widespread loss of additional trees which provide screening and amenity for the site and the area.
- The addition of this lot is not consistent with the Conditions of Consent by LEC and is not considered to represent substantially the same development or density as was approved.
- Looking at the whole context and the review of development on this site proposed under this DA, the Mod and the house DAs (entirely different to that approved), we and other neighbours are gravely concerned about the additional extent of impacts.
- Given the wholesale changes and additional impacts, it is considered that a complete revisit of all aspects is appropriate for this ecologically unique landscaped setting. The result of the currently proposed development will likely be a completely different landscape to what has been approved by the LEC. The tree canopy will be different. Proposed Lot 4 currently supports a significant grove of trees. No one knows or can verify the ultimate impact of tree removal and in that regard what the impact on the character of the area, privacy, and landscape appeal from other properties, the flora and fauna, shading and ecosystem will be.
- The intention for further subdivision and the construction of a varied/more extensive access road is an outcome neither complimentary nor sympathetic to 43C Chisholm Avenue, or to the surrounds and character or the locality of the area.

Conflict of the proposals with planning Provisions

Section 4.15 of the Environmental Planning and Assessment Act 1979 - Evaluation

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

For the reasons provided within this submission, the proposed intensification of development on this site (considering the combination of DA's and modification) is considered inconsistent with the provisions of relevant environmental planning instruments and DCP (discussed below).

The impacts are far reaching and have not been comprehensively re-considered given the further potential damage to the environment, the area character and residential amenity. A comprehensive review is appropriate given the extent of changes proposed from the original 3 lot subdivision approval, which envisaged a finite amount of tree removal, tree replenishment and restriction on title for fixed/smaller dwelling footprints. This was to protect the environment and the public interest. The current applications conflict with the basis for the approval.

Given the slope, the bushfire constraint, the ecology, the tree canopy which contributes to this part of the locality, and the impacts on existing homes, the proposed unreasonable and inappropriate intensification of residential development and density involved with these combined proposals is not within the environmental capacity of the site.

Numerous submissions have been received from neighbours throughout this process outlining the impacts involved. For these reasons and the points provided within this submission and given the impacts, the development, which is proposed, is not in the public interest.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal for further subdivision, to create an additional lot involves further clearing of native vegetation and is not considered consistent with the State policy. Trees are intended to be protected and trees were required to be protected in the original development consent.

The proposed additional density involves a new and more widespread, unsustainable and destructive impact that will impact unreasonably on existing biodiversity, trees or vegetation. The impact of the more extensive development for this site departs from the 'managed' impact approved under the Court consent. The whole impact of the re-development should be comprehensively reviewed to address the provisions of the SEPP. The proposed additional driveway extension, larger house footprints, further removal of trees to allow and additional lot and dwelling and additional inner

protection area bushfire requirements should be re-evaluated in the context of managing vegetation and the local ecology.

This should be evaluated in context of the consent conditions that required tree replenishment, establishment of nest boxes etc. Without a comprehensive review of the whole development, the real impact on vegetation cannot be accurately confirmed.

Pittwater LEP 2014, Section 7.6 - Biodiversity

The proposed re-subdivision will not be able to maintain terrestrial diversity due to further removal of the tree canopy. It will not protect the 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. It 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.

The proposed development, and 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. As noted, 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.

The access to, and future building on Lot 4 will:

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

A fully elevated concrete access road branching out from the very long steep road to Lot 3 to proposed Lot 4 does not provide for minimal design constraints. Associated retaining walls and safety rails and will traverse the land at the rear of Lot 2, within a few meters of that house close to their living areas and bedrooms will exacerbate impact. The removal of more trees to accommodate this additional built/engineered infrastructure impacts birdlife as well as the natural habitat.

Vehicles, delivery vans, tradesmen, will have to use the shared driveway. During construction, cement trucks and machinery will use the long, steep narrow access. There would be a heightened degree of risk, not to mention the range of problems experienced in trying to negotiate this driveway. It will impact on all our private living areas. It will impact neighbouring properties. This does not achieve or retain an acceptable level of amenity for existing residents who enjoy current separation.

The subdivision will disrupt the very quiet living of the low density E4 Environmental Living area. The area is currently a peaceful oasis without roads, traffic, noise and pollution. The insertion of road in the middle of this area will cause visual harm from our private living spaces since it will be visible from our study, kitchen, decks and small sitting/art room. Our decks look out onto a natural bush land that supports birds and wildlife. It does not meet the objectives and outcomes specified under E4 Environmental Living nor Pittwater 22 DCP.

Pittwater LEP 2014, Part 4 - Principal development standards aims, inter alia,

For the above reasons, the proposal is inconsistent with the aims of the development standards relating to lot size:

- To protect residential character and amenity by providing subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality;
- To provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or amenity of the neighbouring properties;
- To maintain the existing function and character of the area, and minimize fragmentation.

The subdivision does not avoid fragmentation and does not ensure that lot sizes and dimensions are able to accommodate development types which are consistent with relevant development controls. It is noted that the dwelling proposals seek variations to setback and separation controls, further detracting from the existing character and much enjoyed spatial separation between homes.

Residential Areas under E4 Environmental Living in regard to Outcomes and Controls:

The subdivision does not reflect the aspirations of E4 living. It will create a significant adverse impact environmentally, loss of tree canopy, loss of harmony and amenity for surrounding properties of Chisholm Avenue and Trentwood Park. Buildings will be visible within the landscape due to the reduced tree coverage, the narrow block widths and small sizes and shape/incongruous density and the scale of the buildings. This conflicts with the area character controls and does not meet the key objectives of Pittwater 21 DCP and Pittwater Local Environment Plan 2014, Zone E4 Environmental Living 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 proposed houses, modification and additional lot/increased density fail to meet Low Density outcomes and controls in the following ways:

Achieve the desired future character of the locality: It will result in the continued significant decimation of natural landscape and environment. It will impact negatively on the desired future character, amenity of the locality, especially to adjoining properties. It negates the elements that inspire those of us to choose to live in this quiet, peaceful, haven amongst the trees and it will see the future character of the locality changed into a busy, noisy, area with increased traffic on a daily and nightly basis to and from this difficult to get to inner subdivision.

Maintenance of the existing environment: The proposed subdivision and proposed dwellings will provide unwelcome disturbance, noise and pollution from vehicles, it will necessitate the removal of additional trees and further loss of natural habitat, flora and fauna. It infringes on our enjoyment of the quiet and peaceful enclave that our rear yards allow from our decks and our gardens and impacts the views from our private living spaces and decks.

Equitable preservation of views and vistas to and from private places. There will be no equitable preservation of views and vistas from the private living areas and decks of 43C Chisholm and neighbours due to the bulk associated with proposed roadway extension and placement of a large dwelling on such a narrow and constrained new lot. The indicative dwelling's bulk and height is overbearingly large in scale and form. At low density there is a reasonable expectation that a dwelling and some of its private open space (which is our major open space) will remain private. Given the potential impacts, this lot should not be supported.

Pittwater 21 Development Control Plans: Subdivision Design Considerations

Visual Impact, Privacy and Viewlines from adjoining properties:

- To access the proposed subdivision, additional lengths of fully elevated concrete driveway with safety rails and retaining walls needs to be constructed. This involves excavation, landfill and elevation to achieve the desired road entrance and driveway into the new subdivision (proposed under Mod2019/0169 – N0530/15). This is inconsistent with the original Court approval for subdivision.
- Loss of private and open space: Our east facing open plan kitchen living/dining and rear deck are our main living areas. We look onto trees, bushland and distant views to Avalon. Our viewline would fully encompass the side and rear of any proposed dwelling on Lot 4 from both our private inside areas and from our decks and rear yard. The proposed indicative

two storey built form is to be set within a few meters of our boundary, very close to our outdoor decks and it will look over and down on our private rear yard, adversely impacting our views and on use of our deck and rear yard.

- Built form does not dominate the setting: A fully elevated concrete roadway extension with safety rails, supported by retaining walls, proposed under Mod2019/0169 – N0530/15 (inconsistent with original Court approved subdivision) would traverse within meters from the top boundary of Lot 2 to access proposed Lot 4. Scale and built form will dominate the landscape. Built form and access roads or driveways, parking/passing bays will dominate the natural setting and will be easily visible from private living areas, including study and lounge and art room and the entertaining decks of our house and that of 43D Chisholm Avenue.
- The visual impact of proposed indicative dwelling at a height of 8.5 meters, even if was reduced, would still reflects bulk and scale and overly large compared to neighbouring houses. Equally disturbing is that it is positioned on the boundary overlooking our private rear space, resulting in loss of amenity and character, invasion of privacy and a built form that will dominate our view from our inside and outside living spaces. Site plan or site analysis does not clearly show the actual relationship impact on neighbouring houses.
- The side setback of the proposed indicative large dwelling is situated hard on our boundary. Our main deck extends out from our kitchen and living room. The privacy loss from inappropriate close sitting on our boundary and view of the access road is not reasonable or acceptable. It lacks sensitivity and is unsympathetic and would adversely impact the amenity of our property.
- The side setback of the proposed indicative dwelling leaves little space or practically no space for landscaping or any other visually acceptable screening measures of the proposed build to mitigate against the significant impact onto our private rear deck and rear backyard area.
- The rear setback of the proposed indicative dwelling: The rear set back and access roadway is situated adjacent to our living areas and our two decks and will create an unwanted visual impact.
- The removal of trees and loss of tree canopy and smaller vegetation and replacement by overwhelming built form is not design sensitive, and impacts on views from our private living areas, decks and rear garden. This additional subdivision changes the criteria of how the original Land and Environment Consent was originally viewed and approved. The proposed tree removal is significantly different to what the Court approved for removal of trees under DA N0530/15.
- The slope and topography will be altered and the natural dry creek bed will not be preserved. Further decimation of natural habitat, loss of further tree canopy, vegetation and displacement of fauna will occur. Given the incremental impacts to result from the range of separate applications and the potential resultant impacts, a comprehensive and integrated review should be undertaken to ensure consideration of ecological issues.
- Provision of emergency services would find it difficult to access. There is no turning point for larger vehicles or passing bay proposed for Lot 4.
- Visual Harm of vehicles at night: Loss of privacy and amenity at night when the vehicles using the extension road, veer/shine their headlights into private living areas and decks creating a visual disturbance and an unacceptable invasion of privacy. Rear yards are home to an array of nocturnal animals. Bright lights from vehicles and the proposed dwelling will impact on the native habitat as well as on our amenity.

Environmental Impact: No. 7 Trentwood is a parcel of land that has been dominated by remnant forest, 130 mature trees have been noted, woodland vegetation, ferns and dense undergrowth and a habitat similar to Angophora Reserve, one of the most significant natural reserves in the area.

The elimination of trees and bushland, destruction of the eco-system, ruination of the native habitat, which supports the Powerful Owl, considered vulnerable in NSW, and heard most nights would indeed, be a great loss. It is well known that vegetation and fauna habitats are under threat in this area. It is clear that further subdivision will harm and not preserve the existing environment.

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.

- Protecting native fauna and flora, and
- Protecting the ecological processes necessary for their continued existence, and
- Encouraging the conservation and recovery of native fauna and flora and their habitats

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 the limits to urban development in regard to impact on the natural environment.

Residents and community concerns: The proposed additional subdivision of Lot 2 at 7 Trentwood Park represents development at the expense this unique area since it does not reflect the desired or character of Pittwater and of E4 Environmental Living and is not in accordance with DCP Controls and Outcomes for subdivision.

The vision enjoyed under Pittwater 21 DCP and LEP E4 Living, which the vast majority of residents in this area share, 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 Lot 2 into 2 will destroy this inner oasis of bushland, the natural habitat and the quiet and peaceful existence we now enjoy.

The approved subdivision of 7 Trentwood Park into three lots has had a major impact on the environment, character and harmony of the locality, on the amenity of all adjoining and neighbouring properties. Further subdivision will have a lasting detrimental effect for neighbouring properties on Trentwood Park, 22 Ruskin Rowe, 43D and 43C Chisholm Avenue and expressions of concern have also been made by 43A and 43B Chisholm Avenue. The proposed DA cannot be viewed as being in the public interest.

Conclusion:

The proposed subdivision to create an additional lot, its development and its access road extension does not respond sensitively to the natural topography. It will disturb the natural landform, displace flora and fauna and ensure tree removal. The subdivision is unsuitable as is the access road.

Pittwater 21 DCP under A3.2 requires that for the desired character of Pittwater, any future growth must conserve, protect and enhance the natural environment and beauty of the area. The proposed

subdivision does not meet the environmental objectives of Pittwater 21 DCP. Development needs to be ecologically sustainable and considered of the natural hazards of the area that have helped shape the region, which will ensure a safe and good quality of life for the community and future generations.

We strongly object to this proposed additional subdivision. It is neither sympathetic nor enhances the natural surrounds. It does not meet the objectives of Pittwater Local Environmental Plan and Development Control Plan for subdivision of low density residential areas under E4 Environmental living nor does it meet the Pittwater 21 DCP design controls or objectives.

This proposed subdivision of Lot 2 into two with an additional dwelling and access roadway fails to achieve or retain a level of amenity commensurate with the locality and the desired character of the area and has an unacceptable impact on the environment. It impacts on the current established spatial separation of dwellings in the area and the loss of tree canopy will create unreasonable scale and privacy issues. The additional lot is not considered to be within the environmental capacity of the land and is in conflict with density, character and environmental planning objectives.

To conclude, the proposed additional lot, indicative large dwelling and amendment for road extension is inconsistent with the Land and Environment Court's Consent for the 3 lot subdivision which contains conditions to manage/limit tree removal assessment and manage development and impact for this land. The cumulative impact of the proposed developments is far reaching and should not be supported. The scope is inconsistent with the Court approval and the effect is likely to be even more far more reaching than the impacts determined to be acceptable under the plans decided by Land and Environment Court and the basis of the consent given.

For the reasons herein, we strongly believe that the Northern Beaches Council should refuse this application for further subdivision.

Thank you for considering our points. We request a detailed inspection of the impacts from inside our home and our affected open space areas. We would be happy to allow access to our property by the Council's Planning Officer(s) to enable a site inspection or to further discuss any of these matters.

Yours sincerely,

Elizabeth and Inge Sodahl
43C Chisholm Avalon



From deck looking at proposed Lot 4 dwelling site



View from deck of proposed subdivision of Lot 4 dwelling



View from kitchen to proposed Lot 4 site



View from living room of proposed site and its driveway



View from deck shows extension road would run across this block towards our deck and down to proposed Lot 4 dwelling.



