
Sent: 16/08/2021 9:36:48 AM
Subject: Submission: DA2021/1200 FAO Mr Phil Lane
Attachments: DA20211200 submission 16.08.21 FAO Mr Lane.pdf;

Dear Mr Lane

Please find attached our submission relating to the proposed development: DA2021/1200

Best regards,

Tim and Nicola Garrett
(3 Kanimbla Cres, adjoining property to the proposed development).

Nicola Garrett
Co-founder and editorial director of [the limbic](#)

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Tim and Nicola Garrett
3 Kanimbla Crescent
Bilgola
NSW 2107

16th August 2021

For the attention of: Mr Phil Lane

Re: Submission for DA2021/1200

Dear Mr Lane,

Thank you for the opportunity to provide feedback on the development application DA2021/1200 which has not previously been brought to our attention.

Our comments relate to the proposed 'South bedroom wing' within DA2021/1200 which is: non-compliant with a number of northern beaches council planning regulations relating to boundary setbacks and building envelope; contravenes planning rules for its E4 zoning as set out in the NSW Government's Pittwater Local Environmental Plan 2014; is out of keeping with the building requirements for environmentally sensitive land as set by the Council; and is not in keeping with the Council's stated objectives for the future character of the Bilgola locality.

Specifically, the bulk and scale of the proposed 'South bedroom wing' has a significant and detrimental impact to the adjoining property of 3 Kanimbla Cr, with a devastatingly high impact to the landscape and environment within which it sits.

We detail our main concerns below and request that when assessing DA2021/1200 the Council consider:

- *The irregularly shaped plots and the positioning of the houses on No. 1 and No. 3 Kanimbla Crescent; that the western boundary intersects the plots at an angle*
- *That the dominant outlook for all properties along Kanimbla Crescent are to the South and therefore should be considered as important as the streetscape;*
- *That the DA plot and its neighbours are: zoned E4 low impact living; categorised as environmentally sensitive land (D3.11).*
- *The plot is within C1 of the wildlife corridor map and adjoins a major habitat area and littoral rainforest.*

1. Development plan and Statement of Environmental Effects do not acknowledge or address significant impacts to No. 3 Kanimbla Cres

We strongly refute Part 4b of the Statement of Environmental Effects (SEE): "The proposed South bedroom wing does not obstruct or impinge upon the neighbour to the West (No. 3 Kanimbla Cres). Nor does it reduce or obstruct their view".

The proposed bulk and scale of the 'South bedroom wing' significantly obstructs and impinges on No. 3 Kanimbla Cres and reduces and obstructs views to the East [please refer to point 2 and 3 below for details].

According to Pittwater 21 DCP, development plans are required to “clearly show the view lines from...adjoining properties...on floor plans and elevations” as well as provide an assessment / analysis of any view loss. We note that these requirements are omitted from the master plan of the DA and the SEE (which we note is written by the applicant’s company).

2. Significant obstruction to master bedroom and lower ground bathroom windows of No. 3 Kanimbla Cres

The proposed ‘South bedroom wing seeks significant non-compliance with the western boundary, southern boundary setbacks and the building envelope. This results in an imposing building which crosses directly in front of our master bedroom window at the western boundary resulting in a ~40% loss in visual field and a significant obstruction of views to the East across Attunga Reserve. This can be seen in Figure 1 and Illustration A.

The proposed ‘South bedroom wing’ also results in a greater loss of views and light to the lower ground bathroom picture window which frames the bush outlook as can be seen in Illustration A.

The applicant appears to justify non-compliance to the west and south boundaries based on an incorrect statement within the SEE of “no impact” to No. 3 Kanimbla Cres. and a slight slope to the land, which at an average land gradient of 19% (noted in the geotech report), is only 2.5% above the point where council consider variance (based on merit) and certainly does not justify the suggested 117% variance to the building envelope.

The suggested non-compliance with boundary setbacks and the building envelope results in a building of a bulk and scale that, in and of itself, has a significant and negative high impact on No. 3 Kanimbla Cres and the surrounding environment. However, it should also be noted that this impact is further exacerbated by the irregular plot shapes and angle of the boundary lines between No. 1 and No. 3 Kanimbla Cres, resulting in the proposed development cutting across in front of No. 3.

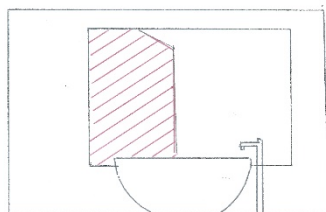
Proposed boundary incursions:

	Existing	Proposed	Council requirement	Non-compliance (m)	Non-compliance (%)
South	15.5m	5.0m	6.5m	1.5	23%
West	2.2m	1.1m	2.5m	1.4	56%
Envelope*	Nil	7.6m	3.5m	4.1m	117%

	Gradient	Planning value for ‘merit’ consideration	Variation (%)
*Slope gradient	19%	16.5%	2.5

* Building envelope – to illustrate this point, in order for the proposed height (7.6m) to meet the building envelope regulations it would need to be at least 4.1m away the from West boundary. Noting the slope of the land is marginal at only 19% average (above 16.5% standard). A 2.5% above standard slope gradient should not justify a 117% breach of building envelope.

Illustration A: Outline of potential impact from affected master bedroom and bathroom ‘picture window’



We consider the Land and Environment Court's planning principles on view sharing (step four) on the 'assessment of the reasonableness of the proposal that is causing the impact' as particularly relevant to the proposed 'South bedroom wing', it states: *"A development that complies with all planning controls would be considered more reasonable than one that breaches them. **Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable**".*

We acknowledge that we enjoy expansive views from other areas of our house and are certainly not opposed to view sharing. Our objections relate more to having an imposing and dominant building at such an oppressive proximity in direct line of sight that is of such bulk and scale it is not possible to screen.

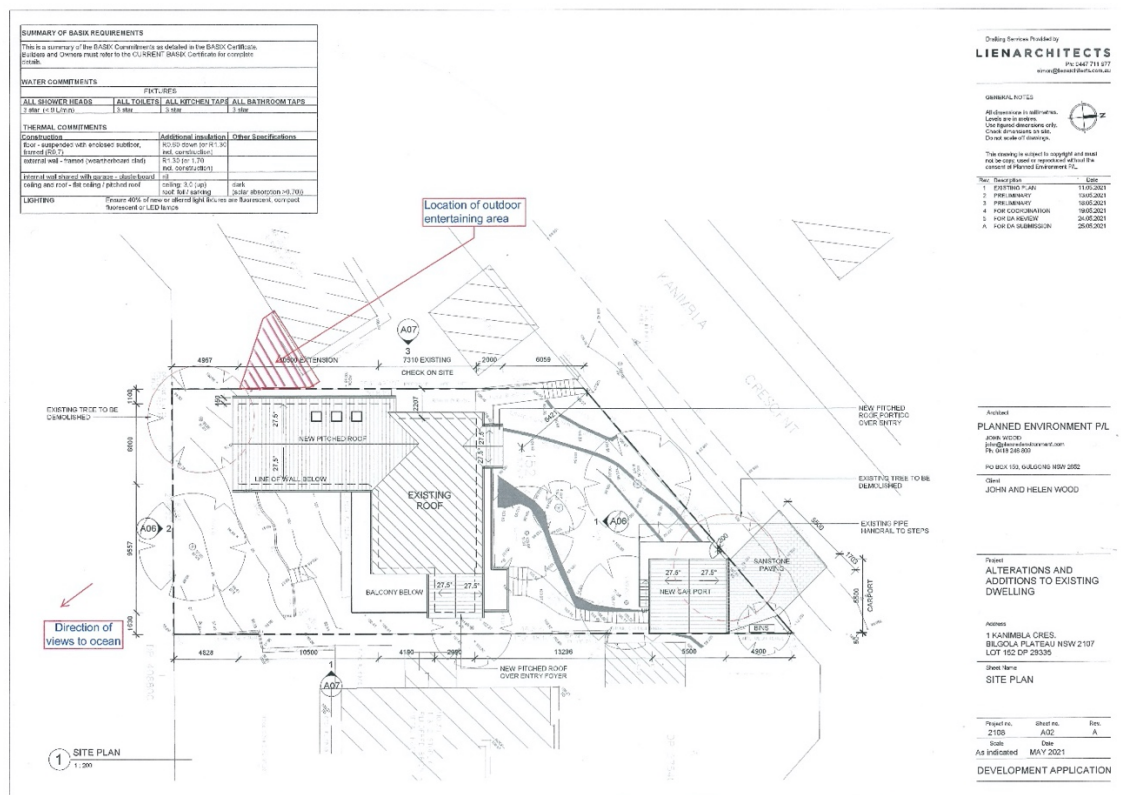
3. Impact from private garden space on the western and southern boundary

Consistent with the failure to illustrate the significant adverse impact to the views of 3 Kanimbla Cres as set out in point 2 above, DA2021/1200 also omits to illustrate or address the impact the proposed 'south bedroom wing' would have on our private terraced garden area that sits on the west boundary (illustrated in Figure 2 and photos below).

The bulk and scale of the proposed 'South bedroom wing' will be visually and spatially imposing, destroying the character of this private space which joins the nature reserve. [see photos below]



Noting – the application also proposes to remove remaining protected tree seen in the right hand side of the picture



4. The DA does not meet the objectives of E4 zoning, its classification as environmentally sensitive land (D3.11) or the future character of the Bilgola locality

The proposed development fails to consider the unique position of Kanimbla Crescent and its amphitheatre 'crescent scape' to the South and the impact the proposed 'South bedroom wing' will have on this outlook. Typically, properties along Kanimbla Crescent are set back 'side by side' in a gentle crescent shape, integrating within the natural landscape and the reserve beyond.

The plots are zoned E4 in the NSW Government's Pittwater Local Environmental Plan 2014, the objectives of which require **"all residential developments to be low-impact, and of low density and scale."** Furthermore, developments should be **"integrated within its landscape and not have an adverse effect on the areas with special ecological, scientific or aesthetic values."**

By seeking significant non-compliance on the western and southern boundaries and exceeding the building envelope [as detailed in points 1 to 3] the proposed 'South bedroom wing' achieves a bulk and scale that cannot in anyway be described as of "low impact, density and scale", instead resulting in an imposing building that dominates the landscape within which it sits rather than integrating with it.

Not only is it vastly at odds with both the objectives contained in E4 zoning requirements, it also does not meet the objectives of environmentally sensitive land as set out in D3.11 of the Pittwater 21 DCP which also requires the bulk and scale of the built form to be 'minimised'.

Furthermore, the proposed 'South bedroom wing' is not in keeping with the Council's vision of the future character of the Bilgola locality which is described in Pittwater 21 DCP as remaining: "primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in **a landscaped setting, integrated with the landform and landscape.**"

Snapshot: Proposed 'South bedroom wing' matched to E4 and Environmentally Sensitive objectives and outcomes

Zone E4 Environmental living objectives

X	To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
X	To ensure that residential development does not have an adverse effect on those values.
X	To provide for residential development of a low density and scale integrated with the landform and landscape.
X	To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

D3.11 landscaped Area – Environmentally Sensitive Land (Outcomes)

X	Achieve the desired future character of the locality
X	The bulk and scale of the built form is minimised
X	Vegetation is retained and enhanced to visually reduce the built form
X	Conservation of natural vegetation and biodiversity
X	Preserve and enhance the rural and bush land character of the area

5. Suggested removal of a protected tree species #1 at odds with environmental zoning and proximity to wildlife corridor

The suggested removal of the healthy protected tree #1 within the DA site is not in keeping with the values or the objectives set out in D3.11 environmentally sensitive land, which seeks to “conserve natural vegetation and diversity and preserve and enhance the rural and bush character of the area”.

Furthermore, removing the tree #1 is at odds with E4 living objectives which is to: *“encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.”*

We also note that the arborists report makes scant mention of the fact that the plot sits within C1 of the wildlife corridor map which states the area *“though disturbed are likely to be of habitat value due to good crown cover and/or understory”* and is metres from a major habitat area.

Indeed, tree#1 does have proven habitat value, having been a home for possums ever since we moved in over 8 years ago [see photo below]. Its removal will have an immediate impact on wildlife.



Tree #1 also adds much valued canopy and privacy to the adjoining properties. Since the plot was purchased by the DA applicant several established trees have been removed from the site, dramatically reducing privacy to both of its neighbouring properties. Prior to this, the established tree canopy meant we could not see into the garden of No. 1 Kanimbla Cres or its neighbouring property and vice versa.

Removing a tree that is protected, healthy, provides a home to wildlife and adjoins a wildlife corridor and nature reserve is not supportive of the objectives of E4 living or the outcomes of Environmentally Sensitive Land and should not be supported. Particularly when the proposed removal is because of the requested non-compliance with boundary set-backs to the west and south.

6. Other factors of relevance relating to boundaries between No 1 and 3 Kanimbla Cres

We would like it noted that during recent landscaping to the front of No 1. Kanimbla Crescent concrete steps were built beyond the west boundary onto approximately 1 metre of our land without consultation or permission. This can also be seen clearly on the master set of plans. This is an issue that needs to be rectified by the applicant.

Conclusion:

In summary, the proposed 'South bedroom wing' by seeking to non-comply with setbacks on its boundaries and building envelope can only be described as having an unacceptably high and unreasonable impact on the indoor living spaces and outdoor private area of No 3 Kanimbla Cr.

Furthermore, the high impact bulk and scale that it seeks to achieve goes against the fundamental principles and objectives contained within the Pittwater DCP 2021 including building on environmentally sensitive land (D3.11); is at odds with E4 zoning requirements as detailed in the NSW Government's Pittwater Local Environmental Plan 2014 and is not in keeping with the Council's vision for the future character of the Bilgola locality.

We believe the Council should reject the application. The alternative would create an alarming precedence which is vastly out of keeping with the Council's and NSW Government's planning principles and objectives.

We appreciate that Mr. and Mrs. Wood would like to enhance their property but there are many more imaginative, architecturally creative and sensitive ways - to both neighbours and the surrounding environment - that can be employed to achieve this.

Yours Sincerely,

Tim and Nicola Garrett