
Sent: 24/07/2023 12:26:14 PM
Subject: DA 2023/0835
Attachments: Objection Letter to DA at 7 Dendrobium Crescent Elanora Heights.pdf;

Hi Mark,

Please find attached an objection to the above mentioned Development Application on behalf of the owner at 5 Dendrobium Crescent, Elanora Heights. We request that as part of the assessment process, you visit the 5 Dendrobium Crescent to fully understand the implications for this property.

Kind Regards

Sarah McNeilly
Director

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Please note that I am not in the office on Fridays.





The General Manager
Northern Beaches Council
PO BOX 82
Manly NSW 1655

21/07/2023

Attention: Mark Milton, Development Assessment

Re: Submission regarding DA 2023/0835, Alterations and additions to a dwelling house at 7 Dendrobium Crescent Elanora Heights.

Dear Mark,

Background

We have been engaged by the owners of No. 5 Dendrobium Crescent to prepare a submission in response to Development Application 2023/0835 at No. 7 Dendrobium Crescent Elanora Heights. No. 5 is the adjoining property located immediately to the north of the subject site.

The proposed development at No. 7 Dendrobium Crescent involves an extension to the dwelling to create a larger kitchen with walk in pantry and a new deck.

The Subject Site and Locality

The general locality is defined by large rural-residential lots with low-density, one and two storey residential dwelling houses, set within a natural bushland setting.

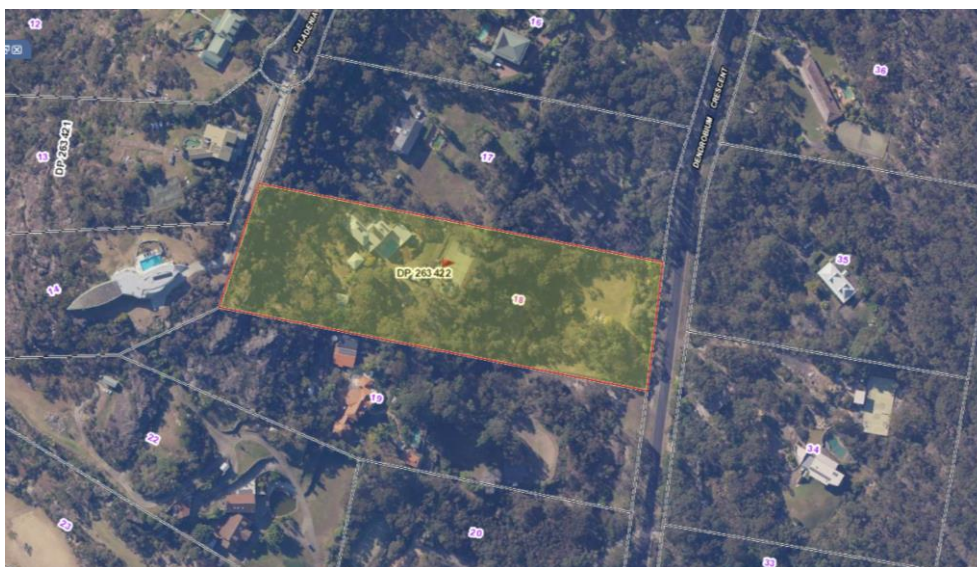


Figure 1: Aerial Image of the Subject Site



Zoning and Permissibility

The subject site is zoned R5 Large Lot Residential under the provisions of the Pittwater Local Environmental Plan 2014. The proposed development is for alterations and additions to a dwelling house and dwelling houses are permitted with consent in the zone.

Nature of Submission

Having considered the site and its surrounds and having reviewed the details of the application currently before Council, we consider that the non-compliant side setbacks proposed will result in an unacceptable impact to our client's privacy and future development potential. Given the large area of the subject site, there are no unique circumstances requiring a variation to the side setback control and we believe any new works should require full compliance with numerical development controls.

Setbacks and Privacy

The subject site is located in the Elanora Heights locality and the DCP requires a minimum side setback of 7.5 metres to all built structures. The new works propose a minimum side setback of just 2.7 metres to a new covered deck, as illustrated below.

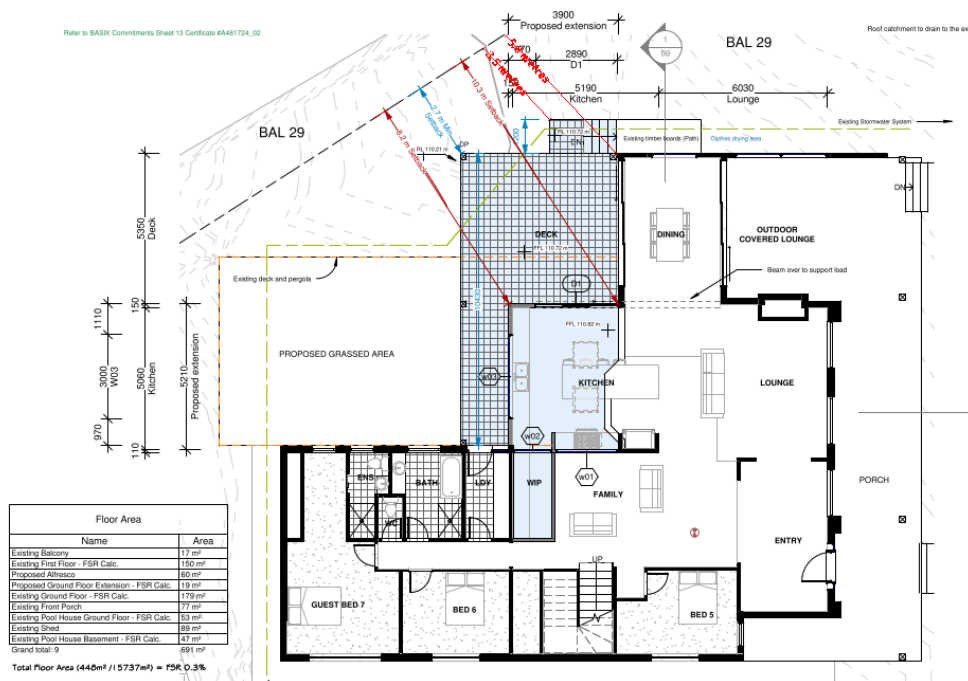


Figure 2: Plan Extract – Proposed Setbacks at No. 7 Dendrobium Crescent



While the new extended kitchen area complies with the 7.5 metre side setback control, the development proposes to remove the existing west facing bay window and construct a large new north facing glass sliding door. The proposed door will have a direct line of site into the garden of No. 5 Dendrobium Crescent due to the transparent chain link fencing which separates the properties (illustrated below).

Concern is raised over negative privacy impacts the development will have for No. 5 Dendrobium Crescent as there is direct visual access between No. 7 and No. 5 Dendrobium Crescent due to the proximity and transparent chain link fencing which separates the properties, as illustrated below.



Figure 2: No. 7 Dendrobium Crescent, looking south from No. 5 Dendrobium Crescent.



Figure 3: No. 7 Dendrobium Crescent, looking south from No. 5 Dendrobium Crescent.

Note: The chain link fence is not located on the true property boundary as it encroaches onto the land of No.5, as such No. 7 is closer than it appears in these pictures. The fence encroachment is illustrated on the survey plan.

Privacy is already compromised between properties, as the dwelling at No. 7 has been located in close proximity to its north side boundary, resulting in an existing non-compliant side setback of 5.8 metres to the dining room and 1.2 metres to the deck and pergola.

It is considered unreasonable to further exacerbate this non-compliance as No. 7 comprises of a substantial land area and could easily accommodate a dwelling addition, with compliant setbacks, away from the northern neighbour. There are additional opportunities for No. 7 to accommodate a larger kitchen and north facing outdoor area, without further encroaching on the side setback and negatively impacting privacy for our client.

Views and Future Development

The proposed works at No. 7 will limit future re-development opportunities for No. 5, as the overlooking from No. 7 will prevent development along the adjoining boundary. This portion of land at No. 5 enjoys district and water views to the south-east and would be limited in future potential due to privacy limitations.

In addition, CDC plans have been prepared for the development of this area as a kitchen garden with outbuildings, which requires a minimum side setback of 5 metres. It is considered unreasonable that a kitchen garden and outbuildings must comply with a 5 metre minimum setback, while a dwelling addition proposes a significantly lesser setback of 2.7 metres.



We note that our client has also considered developing a secondary dwelling in this location, which could be approved through the complying development process and would have detrimental impacts on privacy for both properties. We believe that Council should consider the future implications for both properties of allowing a varied setback in such a visually prominent location.

Bushfire Risk

The subject site and surrounding properties are mapped as bushfire prone land and have a BAL rating of 29. A reduced side setback is inconsistent with the provisions of Planning for Bushfire Protection, as it is preferable to have an increased distance between dwellings, to mitigate the risk of fire spreading between properties where feasible.

As the subject site has ample area to accommodate a compliant dwelling addition, full compliance with the numerical control is considered a reasonable requirement. This opportunity should be taken, rather than developing up to the boundary. The impacts of building a structure within the setback creates additional bushfire risk, which further constrains development opportunities, creating greater risk for the owners of 5 Dendrobium Crescent.

Conclusion

The current design of the proposed alterations and additions at No. 7 Dendrobium Crescent Elanora Heights will result in a non-compliant side setback and unacceptable privacy impacts to the northern neighbours at No. 5 Dendrobium Crescent.

No. 7 is set within a large rural-residential lot which can easily accommodate a dwelling addition, with compliant setbacks and excellent solar access, away from the northern neighbour. We believe any new works should require full compliance with current numerical development controls to avoid exacerbating existing non-compliances and privacy impacts, to avoid limiting future development and to reduce bushfire risk between properties.

We request that the proposal be amended as detailed in the above submission, or alternatively we believe the application must be refused in its current form. We also request that the assessing officer visit our client's site to fully understand implications of the proposal and existing development on no 5 Dendrobium Crescent.

If you have any further enquiries on any matters in this regard, please do not hesitate to contact me on 0413341584.

Yours faithfully,

Sarah McNeilly
Director
Watermark Planning