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**Sent:** 11/03/2021 8:56:27 AM  
**Subject:** NBLPP 17 March 2021 DA2020/1162 - 27 Bellevue Avenue, Avalon Beach - Demolition works and construction of three senior's living apartments with parking Submission: Williams & Wise, Apartments 11 & 12/15 Old Barrenjoey Road, Avalon Beach  
**Attachments:** NBLPP Williams & Wise.docx;

**NBLPP 17 March 2021**

**DA2020/1162 - 27 Bellevue Avenue, Avalon Beach - Demolition works and construction of three senior's living apartments with parking**

**Submission: Williams & Wise, Apartments 11 & 12/15 Old Barrenjoey Road, Avalon Beach**

Could you please forward this Submission to the members of NBLPP

Could you also note that both John Williams & Aida Wise wish to address the Panel on the 17 March 2021.

Kind regards,

S U B M I S S I O N : W I L L I A M S & W I S E  
a written submission by way of objection to DA 2020/1162

NBLPP 17 March 2021

**DA2020/1162 - 27 Bellevue Avenue, Avalon Beach - Demolition works and construction of three senior's living apartments with parking**

Submission: Williams & Wise, Apartments 11 & 12/15 Old Barrenjoey Road, Avalon Beach

We are the owners of the apartments immediately adjacent the rear of the site, and facing directly onto the subject site.

We strongly support the Recommendation for REFUSAL of this DA for the six reasons listed on page 132 of the Agenda.

We refer NBLPP to our submissions.

Our main concerns are:

- Visual Privacy
- Acoustic Privacy
- Protection of Trees and Landscaping
- Visual bulk of buildings located in rear 25% exceeding one storey
- Inappropriate above ground car park and internal driveway
- Rear building line
- Waste provisions

We ask NBLPP to consider adding additional reasons for refusal, including:

Under Reason 1:

Clause 40 (4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted (c) a building located in the rear 25% area of the site must not exceed 1 storey in height. The interpretation under Clause 3 of SEPP (HSPD) states the following: (2) In calculating the number of storeys in a development for the purposes of this Policy, a car park that does not extend above ground level by more than 1 metre is not to be counted as a storey.

Reason: Tuor C in *Manderrah Pty Ltd v Woollahra Municipal Council and Anor* [2013] NSWLEC 1196 at [70] concludes that:

*"The primary objective of cl 40(4)(c) is to limit the bulk and scale of a building to protect the amenity of the rear of adjoining properties."*

#### Additional Reasons within PLEP 2014 & P21DCP

The proposal is contrary to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 PLEP 2014

- 1.2 Aims
- 2.3 Zone R2 Low Density Residential

The proposal is contrary to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 P21DCP

- A4.1 Avalon Beach Locality
- B4.22 Preservation of Trees & Bushland Vegetation
- B6.3 Off Street Parking Requirements
- C1.5 Visual Privacy
- D Locality Specific Development Controls
- D1 Avalon Beach Locality
- D1.1 Character as viewed from a public place
- D1.4 Scenic Protection
- D1.9 Side and Rear Building line
- D1.11 Building Envelope
- D1.13 Landscape Area - General

The proposal is contrary to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in that the proposal has a detrimental impact on both the natural and built environments in the locality of the development.

The development is not suitable for the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

The proposal is not in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* because it results in a development that breaches the development standards. The proposed development would result in a development that is of excessive bulk and scale which results in adverse impact on the streetscape, adjoining properties and the broader locality.



*Character of existing Lane*