

DA 22/1494 2a Allen Ave Bilgola Beach 2107

Friday 28th October 2022

Our objection includes the following subjects and loss of amenities

1. Height of proposed dwelling
2. Loss of our views
3. Size of building and proximity to our boundary
4. Light intrusion at night into our home
5. Noise intrusion from spa and pool equipment
6. Noise from pool deck and open entertaining area
7. Loss of privacy from their rooftop overlooking our backyard and home
8. Invasive and unsuitability of landscape screening
9. Devaluation of our property
10. Some possible solutions
11. Stability concerns from excavations
12. Retaining of consultants for further submissions
13. Miscellaneous; need for height poles, full Western elevation drawings and 3D model

The most important argument in this matter is to determine what is ground level

We firmly believe that ground level is Allen Avenue, the same as every other dwelling in Allen Avenue.

We also suspect that the existing dwelling was built on a raised platform which is not true ground level.

Whenever the existing home at 2a is demolished we believe the ground level for any new development automatically reverts to Allen Avenue.

Furthermore we believe that there is an escarpment which runs along the rear boundaries of properties on The Serpentine and there are no gradual contour lines running down to Allen Ave

THE PROPOSED DWELLING DOES NOT COMPLY, IT IS TOO HIGH WITH TOO MANY STOREYS

1. The existing house at 2a Allen Ave is already higher than its' neighbours as it is built on an elevated platform. At the time of purchasing our house (at 8 The Serpentine) we were told by council that the house directly to the east of us (2a) and other neighbouring houses could not be redeveloped any higher as they were already two storey and eight metres high. The current house is built on level ground and stands eight metres high.

See photo of the house and lower neighbouring houses in Allen Avenue, below



The proposed dwelling assumes a floating ground level following assumed contours which the designers have imagined might have existed one hundred or more years ago. These contours do not exist and probably never did. The ground level should be Allen Avenue.

Bilgola Beach does not roll down to Allen Ave from The Serpentine. Instead there is a steep escarpment above Allen Ave all the way past number 2a

See some escarpment images below

Showing tennis court at 2a



Showing house directly beside 2a to the north



2. The council require new residences to be no higher than 8 metres. However, it appears to us reading the plans that the owners admit that even with their creative interpretation of contour lines the house is higher than 8m to include a roof canopy. This is further evidence that the height does not comply. See page 23 of the Master Plans. Council state that exceptions can be granted under Clause 4.6 of the LEP, for environmental reasons. **Surely no environmental reasons can apply in this case.** We think quite the opposite. For environmental reasons the height should not be allowed. There is a massive amount of building

works proposed and we note that even the tennis court has been constructed on a concrete base.

3. It is difficult to see how a 3 storey residence (4 storeys including garaging) can be squeezed into 8 metres and jammed on the boundary next to our property. This is too big a house on too small a space.

4. The ground level all other houses in Allen Ave appear to be taken from street level. We believe this rule should apply to 2a.

5. Also all residences in Allen Ave are 2 storey houses, with one exception where the escarpment is so high that the neighbour above cannot even see them.

Certainly two storeys above ground is the norm for Allen Avenue. This proposal is for a 3 storey dwelling, plus garaging under, and would set an undesirable precedent for future developments in Allen Ave as well as an unprecedented height. Such developments would alter the beachside characteristic of Bilgola Beach that make it such a desirable location. We note that Bilgola Beach is one of, or perhaps **the** smallest suburb in Australia with low profile beach dwellings which are so prevalent in each of its' three streets.

Loss of Amenities - WE WILL SUFFER A SEVERE LOSS OF VIEWS

1. There are no height poles to identify the exact height of the proposed dwelling. There needs to be at least three on the western boundary. Nor is there a full Western elevation of the dwelling shown in the plans and no superimposed outline of the existing building. We need to see these and have asked council to instruct the owner to provide urgently.

2. There is no elevation showing the effect of proposed tree planting at maturity on the western elevation. There are two sketches which purport to show the affect on our view but they are from one fixed point, guesstimates at best and **totally fail to include the three Livistonia Australis trees** which will totally block any view they were claiming to provide us. We think this is very cheeky and misleading.

3. The proposed landscaping directly in front of us in a narrow gap between the proposed dwelling and our boundary in the form of palms not only will block any proposed shared view but will result in many palm fronds falling onto our property, especially in the prevailing offshore winds which can be very strong.

Cleaning up palm fronds is an ongoing problem for residents and council and the intention to squeeze these trees into a small corridor in front of our boundary will unnecessarily exacerbate the problem for no reason other than screening our property from their deck. We ask that these palms not be permitted and we have a simple solution. See further on in this submission.

The cabbage Palms also grow at irregular heights. They are unpredictable and often scrappy. They do not provide privacy. Here are some photos of local cabbage palms, both tall and shorter.





4. Arborists Report on proposed tree planting between our properties follows.

Livistona australis (Cabbage Tree Palm) is a tall and slender palm that can reach 25m in height. They grow well in moist and organically rich soils and thrive in rainforest conditions.

They are often planted by landscapers as a single planting or scattered throughout a site. They are usually mature specimens and if not planted in an area with adequate nutrients and organically rich soils they can struggle to establish themselves.

These trees are not a good screening plant. They tend to grow and only screen where the canopy/fronds are located. As they are continuously growing the level of screening is ever changing. With a maximum growth height of 25m it is impossible to say that these palms would provide screening at any particular height.

Antony Osborn



Sydney Arborist

AQF Level 5 Arborist

5.. Sketches follow showing what we believe will be our view loss from the incomplete information provided and in the absence of height markers and superimposed existing dwelling height.

Below is the current view from our living area



Estimated Proposed view



Below is the current view from our lower ground floor



Estimated Proposed view



Below is the view from our garden



Estimated Proposed view



Loss of Amenities - INVASIVE LIGHT SOURCE AT NIGHT

1. Glazing is planned on the Western face of the top floor which will cause light to flood into our master bedroom, second King bedroom, lounge, dining and games rooms. This is particularly invasive.
2. I am a keen amateur astronomer and we enjoy star gazing on our rear deck with binoculars and monocular. One of the reasons we bought here was the absence of night light and clear heavens.
- 3. A simple solution to this problem would be to rotate the rooftop 90° so that the pool runs across the ocean side of the house and that there be no windows facing our property.** This would also solve the need for tree planting on the boundary.

Loss of Amenities- NOISE FROM Jakuzi and pool motors

1. The noise of both pool and jakuzi when running even when unoccupied will be virtually on top of our back fence

NOISE FROM people in Jakuzi and pool and entertaining on roof deck

2. The noise of people on the roof deck and in jakuzi and pool will be right next to our boundary. (be it 'Marco Polo' or the clinking of champagne glasses and chatter)
3. A simple solution to this problem would again be to rotate the roof top 90° so that the pool runs across the ocean side of the house

Loss of Privacy from people on the rooftop looking into our property regardless of attempts to screen with trees which will grow irregularly and would not completely screen

DEMOLITION AND EXCAVATION

Prior to commencement of any work we request dilapidation and geotechnical reports be prepared for the cliff face below our property as we have reason to believe it may require reinforcing. With the intention to excavate deeply we are concerned as there has been a great deal of rainfall and water run off. This may have affected the stability of the structure when deep excavation works take place.

DEVALUATION OF OUR PROPERTY

The proposed development as it stands will seriously devalue our property.

In Summary

Many of our objections are answered if the height of the proposed development is reduced (say by reducing the number of storeys) and by rotating the roof plan so that no open area or glazing faces our property, and with the deletion of 'screening' plants along their western boundary

We also request three height markers on the western boundary; and **complete** western elevation drawings with superimposed existing building height, dilapidation and geotechnical reports on the boundary escarpment wall. We note that a 3D model should also be provided.

Consultants submissions will follow as they come to hand

Rick Osborn and Judy Houlton

8 The Serpentine

Bilgola Beach