

Hi Nic,

Thank you for giving my client the opportunity to review and provide comment on the amended plans and updated survey plan submitted.

Council's letter dated 17 November 2021 requested amended and additional information which the following will address.

### **Notification sign**

The required notification sign was required to be erected for the full notification period between 27 October and 15 November 2021. Council's letter notes the lack of photographic evidence submitted to demonstrate compliance with this requirement.

**Additional comments:** My client can confirm that the required notification sign was only erected for 3 days. Given that the sign was not erected for the length of the required notification period, the application should be notified again.

### **Updated Boundary Identification Survey**

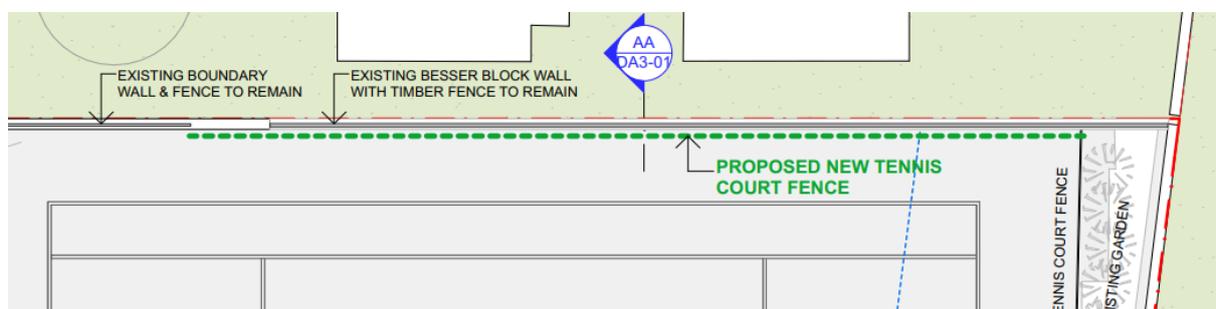
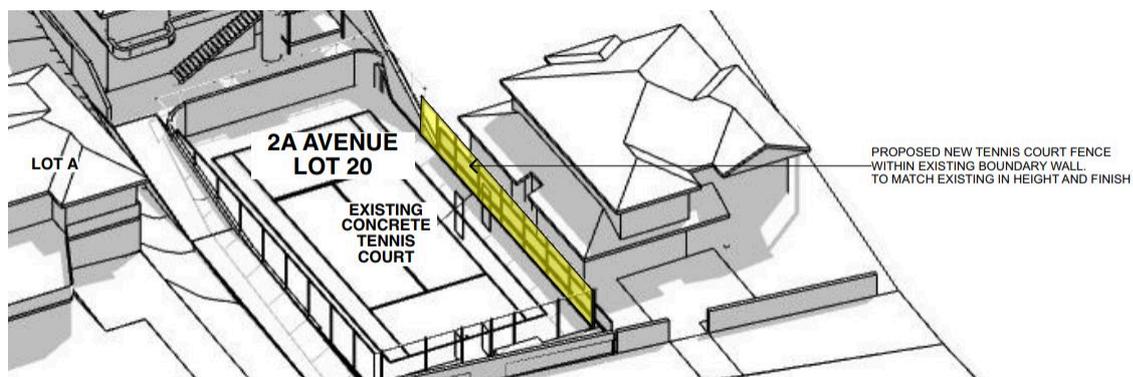
**Additional comments:** Northern Beaches Council requirements for Boundary Identification Surveys are to show neighbouring built form to assist with the assessment of the subject DA. The updated Boundary Identification Survey fails to show neighbouring built form.

### **Amended site plan and elevations.**

As per Council's letter dated 17 November 2021, amended plans were requested to clarify if the existing boundary fence is to be retained or demolished.

**Additional comment:** The amended plans are confusing as the site plan and elevation plan show the retaining boundary wall and fence being retained and the 3-metre-high tennis court fence erected abutting the existing boundary fence within the existing site boundaries of 2A Allen Avenue, as shown below in figure. 1.

Figure 1 Amended site plan and elevations



Source: Extract from amended site plan and elevations– DA2021/1900

However, the proposed tennis fence plan as shown in drawing no DA A1 A2, show the proposed tennis court fence running along the boundary line rather than the retention of the existing boundary treatment, contrary to the details contained in the site and elevation plans.

The amended site and elevation plans are referenced Rev B and include the later amendment date of 30/11/21, whereas the proposed tennis fence plan remains as Rev A dated 22/09/21. The proposed tennis fence plan needs to be amended to accord with the amended site and elevation plans (Rev B)

Figure 2 – Proposed tennis fence plans do not accord with the amended site and elevation plans



Source: Extract from amended plans submitted – DA2021/1900

Further amendments to the plans are also required for clarification purposes. The amended plans should not continue to refer to the tennis courts as existing in the lawful sense. Given the unlawful development on the site, this should be annotated on the amended plan.

**Conclusion of additional comments:**

The amended plans do not overcome the concerns expressed in the objection letter dated 15 November 2021 prepared on behalf of my client, Mr John Sexton of 4B Allen Avenue. A proposed tennis court fence should not be permitted for the unlawful development of the tennis court and fencing on the site, and it is imperative that submitted plans and your assessment report clearly detail the unlawful development.

For the reasons set out below, it is respectfully requested that DA2021/1900 be refused for the following reasons (and as expanded upon in the objection letter):

***Summary of submission***

- *Unlawful development of tennis court and associated fencing.*
- *Proposed development is non-compliant development contrary to CM Act and SEPP (CM) 2018; Pittwater LEP 2014 and Pittwater DCP 2014 Controls, A4.3 Bilgola Locality; C1.5 Visual Privacy; C1.6 Acoustic Privacy; C1.16 Development ancillary to residential accommodation – tennis courts; C3.1 Character as viewed from a public place and D3.12 fences.*
- *Loss of visual privacy by the removal of a 1.8 metre close board fence and the erection of open wire 3 metre fence enabling visual access across the entire northern boundary between the subject site and no. 4B Allen Avenue contrary to DCP Control C1.5 – Visual Privacy.*
- *Impact on acoustic privacy given the unlawful tennis court and associated use at the subject site and removal of the 1.8 metre close board fence which provides a slightly better level of acoustic privacy contrary to DCP Control C1.6*
- *Impact on amenity of neighbouring occupiers – cumulative impact of the above.*
- *Impact on the character of the area - visual amenity and the natural environment when viewed from Allen Avenue, abutting the Bilgola visual protection area as shown on the Bilgola Locality Map 3 and adjacent to the Locally listed Heritage Items 2270030 and 2270009.*

Kind regards,

Karen Buckingham  
BA(Hons) Planning; MSc Spatial Planning; MPIA  
**Planning Progress**  
0423 951 234  
[karen@planningprogress.com.au](mailto:karen@planningprogress.com.au)  
[www.planningprogress.com.au](http://www.planningprogress.com.au)  
PO Box 213, Avalon Beach, NSW 2107