
From: Emma Rogerson
Sent: 24/09/2024 3:41:22 PM
To: Council Northernbeaches Mailbox; Council Northernbeaches Mailbox
Cc: Corona Projects Pty Ltd; alejo machuron; Tatjana Kilo
Subject: TRIMMED: DA2024/0303 - 337 Lower Plateau Road, Bilgola Plateau - Submission
Attachments: Submission - 337 Lower Plateau Road, Bilgola Plateau.pdf;

Dear General Manager,

Please accept the attached submission in response to DA2024/0303 at 337 Lower Plateau Road, Bilgola Plateau on behalf of the owners of 331 Lower Plateau Road, Bilgola Plateau.

Thank you,

Regards,

Emma Rogerson

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Town Planner

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23 September 2024

The General Manager
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam,

**Submission in regards to DA2024/0303 Development Application (“the DA”)
337 Lower Plateau Road, Bilgola Plateau**

“Demolition of existing structures, removal of trees and subdivision of one lot into three lots.”

Corona Projects has been engaged by the property owners of 331 Lower Plateau Road, Bilgola Plateau to undertake an assessment of DA2024/0303 and provide a submission to Council on their behalf. 331 Lower Plateau Road lies to the south of the development site at 337 Lower Plateau Road. This assessment is based on a review of the development application plans and documents available for inspection on Northern Beaches Council’s website and a site visit.

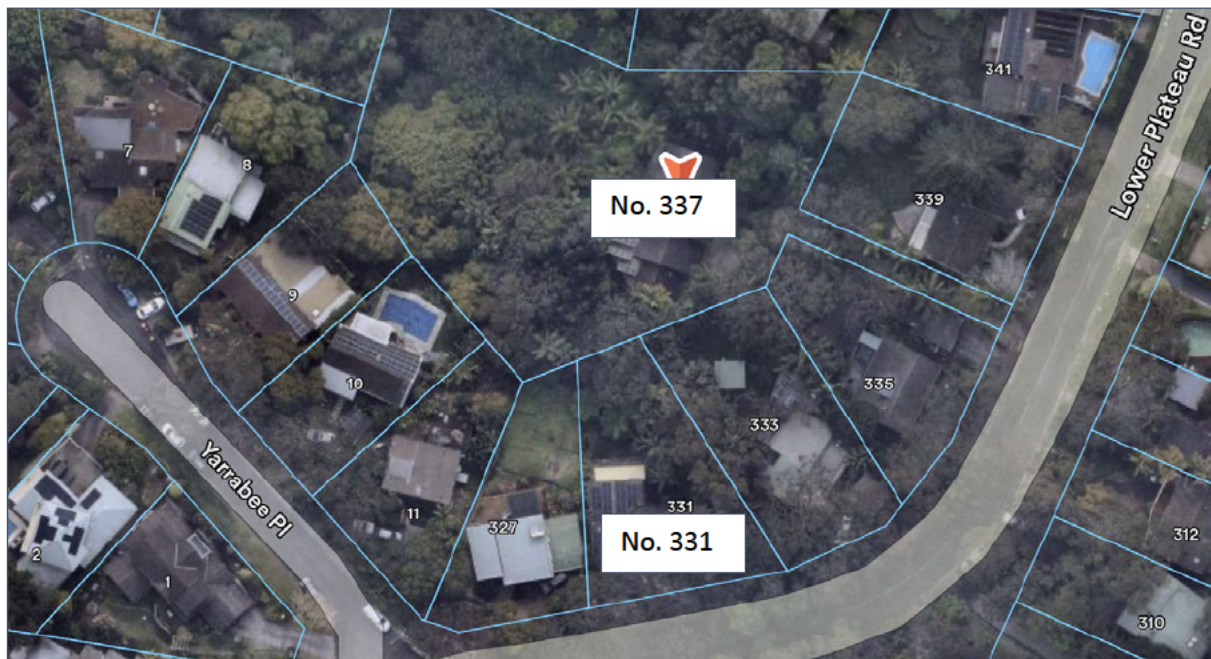


Figure 1 – Site Locality Map (NearMaps, 2024)

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Figure 2 – Development site entry as viewed from street (Corona Projects, 2024)

1. Introduction

The subdivision proposal at 337 Lower Plateau Road raises considerable concerns regarding:

- Irreversible damage to the natural environment;
- Visual bulk and change to the special landscape character of the area;
- Overlooking private areas of neighbouring properties;
- Vehicle manoeuvring and emergency access;
- Stormwater drainage issues; and
- Acoustic disturbance.

Consequently, it will pose an unacceptable impact on the residential amenity of 331 Lower Plateau Road and other neighbours, the quality of the natural environment, and on the character of the locality.

Whilst subdivision may be suitable on some large lots, the very unique context of 337 Lower Plateau Road renders it unsuitable in this instance. A typical lot is likely to adjoin up to 3 neighbours (sides and rear), however, 337 Lower Plateau Road touches 13 other lots. This means that works at 337 Plateau Road will have a much greater impact on the local community as it is in close proximity to many residents and currently serves as a critical connecting corridor between landscaping and bushland on all adjoining sites.



2. Irreversible damage to the natural environment

The suburb of Bilgola Plateau is characterised by significant landscaping, including dense areas of mature canopy trees, rocky outcrops and thick bushland. This landscaping supports a diverse range of native fauna and flora. Refer to figures 3 and 4 which show the existing leafy character of the immediate surrounds of 337 Lower Plateau Road.



Figure 3 – Development site as viewed from 331 Lower Plateau Road (Corona Projects, 2024)



Figure 4 – Development site as viewed from 331 Lower Plateau Road (Corona Projects, 2024)

Council acknowledges the special natural features of the area in a planning manner by mapping areas within Bilgola Plateau as environmentally sensitive, to have scenic protection and/or as flora and fauna conservation areas. Council's overarching strategic document 'Towards 2040 – Local Strategic Planning Statement' contains a key priority ('Priority 2: Protect and Enhance Bushland and Biodiversity') which further reiterates the desired direction for the wider Northern Beaches area.

There are serious concerns that DA2024/0303 will irreversibly destroy the natural environment and biodiversity of the development site and surrounding area due to the significant extent of tree and natural habitat removal. Whilst this specific DA only seeks approval for the removal of roughly 6 trees associated with the driveway and stormwater works, the proposal demonstrates that the subdivision of one lot into three will possibly result in **nearly 200 trees being removed** once the subsequent Development Applications for future homes are lodged. In addition to expected tree removal, the physical construction associated with the future homes and associated external built works will likely disturb highly untouched soil, rocky outcrops and watercourses.

As such, the construction of three new dwelling houses as facilitated by the subject Development Application will undoubtedly destroy trees, shrubs, rocky outcrops and watercourses – impacting the quality of biodiversity of the area and the natural landscape character.

It must be highlighted that Council's Landscape Referral Response dated 27 August 2024 does not support the removal of any more than 6 trees. The sentence "any future development applications upon the proposed lots for buildings and structures shall be subject to individual development application assessment for landscape works and for the management of prescribed trees" further



confirms that a detailed assessment of tree impacts associated with the future building envelopes has not been carried out in detail. Given the high significance of landscaping on site, we strongly encourage Council to carry out a detailed assessment at this stage rather than defer it to the future DA stages. Furthermore, there are concerns that the applicant are relying on replacement plantings to try to compensate for the substantial tree removal expected. Replacement plantings are not guaranteed to survive and/or reach the same maturity as the original tree that they are replacing. Many factors, including shading from buildings and existing landscaping will make it difficult for young plants to grow to the same degree as their predecessors in a different location.

3. Visual bulk and change to the special landscape character of the area

The significant landscaping on the development site at present provides screening between the built form of neighbouring houses, and contributes to the soft landscaped character of the locality. Doing so provides privacy and a pleasant outlook between homes – a unique and special feature of the Northern Beaches compared to other suburbs in Metropolitan Sydney.

Due to the significant tree removal and large built form facilitated by DA2024/0303, the future dwelling houses at 337 Lower Plateau Road will appear bulky and obtrusive from the primary living spaces of 331 Lower Plateau Road and other neighbours whose living spaces are historically oriented the development site. The new houses and associated external works will provide the current and future residents of 331 Lower Plateau Road and others with a feeling of enclosure from their primary habitable spaces and rear garden principal private open spaces, a stark contrast from the current setting.

4. Overlooking private areas of neighbouring properties

The removal of landscaping as facilitated by DA2024/0303 will likely create additional viewing corridors between private areas of neighbouring sites and the future houses at 337 Lower Plateau Road. This overlooking will breach the privacy of existing and future residents, creating low levels of residential amenity for all parties and a negative planning outcome.

5. Vehicle manoeuvring and emergency access

Alongside the natural landscaping, the suburb of Bilgola Plateau is also characterised by sloped terrain and narrow windy streets with bad visibility.



Figure 5 – Lower Plateau Road outside the entry to the development site (Corona Projects, 2024)

Relying on a traffic light system under DA2024/0303 to manage future vehicle movement to and from the development site is unsuitable in this context as it will lead to queuing along Lower Plateau Road. Reliance on a mechanical system is inappropriate given the ongoing maintenance and upkeep which the light system will be required to have, and the chance of mechanical failure.

As per figure 5, this portion of Lower Plateau Road is only wide enough for one car to travel in either direction and there is no parking lane or area for cars to wait for the traffic light queue. If queuing on the street occurs, other vehicles travelling along the road are unlikely to easily see the banked queue given the windy and sloped nature of the street, which limits visibility. Without clear sightlines to areas where traffic is likely to be created, the safety of all residents and visitors to Bilgola Plateau is being compromised. Despite being asked by Council's Traffic Engineering team previously, a sight-line assessment and justification of the excessive driveway gradients has not been prepared and submitted.

Secondly, high densities of people residing on a battle-axe site with a long yet non-compliantly narrow access handle such as the case with 337 Lower Plateau Road raises concerns in terms of emergency vehicle access and safety in the event of a fire or medical emergency. Despite being asked by Council's Traffic Engineering team previously, diagrammatic evidence of long vehicles (such as fire engines or medical vehicles) being able to visit the site has not been prepared and submitted.



Efficient entry and exit (pending the emergency situation) is not possible, rendering it unreasonable and unsafe to increase the residential density of the site.

6. Stormwater drainage issues

Properties uphill (to the south) from 337 Lower Plateau Road rely on a channel which roughly runs across the eastern boundary of 331 Lower Plateau Road and through the development site, as per figure 6.



Figure 6 – Approximate location of drainage stream (Corona Projects, 2024)

The proposed works may disturb this channel if anything is built on or near it, causing stormwater to overflow onto other sites – creating damp, mould and possibly damage to property. Furthermore, this channel is only suitable to accommodate existing drainage, with an increase in flow (caused by the loss of pervious area by future houses facilitated by DA2024/0303) expected to produce overflow issues downstream.



7. Acoustic disturbance

The location of a proposed raised driveway along the southern length of the development site, and a 300% increase in residential density facilitated by DA2024/0303 will create acoustic issues for adjoining neighbours.

Frequent ongoing driveway use by three households will create adverse noise and pollution for neighbours abutting the development site to the south. These neighbours have historically oriented their main living and sleeping areas towards 337 Lower Plateau Road to avoid noise from the Road, however, DA2024/0303 will introduce noise to both sides of these sites – leaving properties between the development site and Lower Plateau Road with little opportunity to escape acoustic disturbance.

Noise from the significant increase in expected residents is also considered to be disruptive to the area, with additional future outdoor entertaining areas creating new noise sources. The reduced tree canopy will exacerbate this issue, as these natural noise mitigation measures are removed.

8. Against the Public Interest, and LEP and DCP Non-compliances

The Pittwater Local Environmental Plan (PLEP) and Pittwater Development Control Plan (PDCP) are considered to be contemporary documents. As part of the planning policy process, changes to the LEP and DCP are placed on public exhibition prior to finalisation and gazettal, in order to ensure that the documents reflect the local communities sentiments. Therefore, any non-compliance with the LEP and DCP can be considered to be **directly against the public interest**.

As such, the proposal under DA2024/0303 in its current form is not in the public interest, and cannot reasonably be supported as the “public interest” is a key consideration that consent authorities such as Council must consider under Clause 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

DA2024/0303 exhibits major non-compliance with the objectives and controls of the PLEP and PDCP as per the below table. In its current form, the proposal can therefore not be supported as it does not contain planning merit.

Control - PLEP	Comment
Land Zone C4 Environmental Living objectives: <ul style="list-style-type: none">• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.• To ensure that residential development does not have an adverse effect on those values.• To provide for residential development of a low density and scale integrated with the landform and landscape.• To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.	Non-Compliance – The proposal does not meet these objectives, due to the loss of natural environment. New works will not complement and integrate with the landform and landscape, as works will be raised above ground level rather than stepping with it.



<p>CI 7.4 Earthworks:</p> <p>In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <ul style="list-style-type: none">(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,(b) the effect of the development on the likely future use or redevelopment of the land,(c) the quality of the fill or the soil to be excavated, or both,(d) the effect of the development on the existing and likely amenity of adjoining properties,(e) the source of any fill material and the destination of any excavated material,(f) the likelihood of disturbing relics,(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area	<p>Non-Compliance –</p> <p>The proposal is likely to disturb natural drainage patterns and soil stability given the decrease of pervious area proposed.</p>
<p>CI 7.6 Biodiversity:</p> <p>The consent authority must consider—</p> <ul style="list-style-type: none">(a) whether the development is likely to have—<ul style="list-style-type: none">(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and(iv) any adverse impact on the habitat elements providing connectivity on the land, and(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	<p>Non-Compliance –</p> <p>The proposal does not meet these objectives, due to the loss of natural environment.</p> <p>The development site connects 13 other properties together, so removing landscaping and tree canopy at 337 Lower Plateau Road will disrupt the biodiversity corridor of the entire block.</p>
<p>CI 7.7 Geotechnical hazards:</p> <p>The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—</p> <ul style="list-style-type: none">(a) matches the underlying geotechnical conditions of the land, and(b) is restricted on unsuitable land, and(c) does not endanger life or property.	<p>Non-Compliance –</p> <p>Works on steeply sloped and rocky areas are unsuitable on geotechnical grounds. Whilst raised engineering construction techniques may be possible, raised methods increase visual bulk, acoustic disturbance and complexities for the area.</p>
<p>CI 7.10 Essential services:</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services</p>	<p>Non-Compliance –</p> <p>Stormwater drainage and vehicle manoeuvring are key</p>



that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	issues associated with DA2024/0303.
Control - PDCP	Comment
B4 Controls relating to the natural environment	Non-Compliance – The proposal does not meet these objectives, due to the preventable loss of natural environment.
B5 Water management	Non-Compliance – The proposal is likely to disrupt and/or overload established stormwater drainage channels. Pervious area will be reduced, limiting the on-site absorption capabilities of the property.
B6 Access and parking The DCP requires a passing bay to be minimum 5 metres wide and 10 metres long with suitable transitions to the adjacent narrow driveway. AS2890.1 requires such bays to be located inside the property boundary of 5.5m in width and extending for at least 6m (clause 3.2.2).	Non-Compliance – The passing bay does not meet the minimum 5m x 10m dimensions, and it is not located within 5.5m of the front boundary. Council should not permit any variation to the required minimums as it sets a negative precedent for future variations, and will reduce the safety of the locality.
D3 Bilgola Locality	Non-Compliance – The proposal does not meet the area-specific requirements of Bilgola due to the negative environmental and residential amenity impacts produced.

9. Strategic Vision Non-Compliance

Bilgola Plateau holds a unique character. The character of Bilgola Plateau extends past the landscaped aspects and natural beauty, and includes the high quality of private open space, and high level of visual and acoustic privacy enjoyed by its current residents achieved through appropriate design.



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The proposal in its current form will set a precedent for reducing the established high quality of residential living that the dwellings in Bilgola Plateau currently enjoy. Bilgola Plateau is not a high density, inner city area where someone may expect to have to compromise privacy, access to views, a pleasant outlook and overall quality of life.

The expectation for someone living in a detached dwelling in a C4 Environmental Living zone to have a high level of residential amenity needs to be upheld and protected. The amenity changes for neighbours proposed under DA2024/0303 reflect the expectation of an R3 or R4 land use zone instead and cannot be supported.

10. Conclusion

We have strong concerns about the proposed development and believe it cannot be supported in its current form. The development will have an adverse impact on the residential amenity of 331 Lower Plateau Road and other neighbours, the quality of the natural environment, and on the character of the locality.

A development of this scale cannot be supported on this site. Any future development on the site should ensure compatibility with the local area and address the issues raised in this submission.

The owners of 331 Lower Plateau Road invite Council to conduct a site inspection on their property to best understand the perspective of the discussed concerns. Please contact Mr Alejandro Machuron [REDACTED] to arrange a visit.

Kind regards,

Emma Rogerson

Master of Urbanism (Urban and Regional Planning) (USYD)

Bachelor of Architecture and Environments (USYD)

Planning Institute of Australia (Assoc.) eligibility

Town Planner