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**From:** karen Buckingham  
**Sent:** 30/08/2023 12:47:10 AM  
**To:** Council Northernbeaches Mailbox; Adam Croft  
**Cc:** John Sexton  
**Subject:** TRIMMED: Summary objection letter - DA20221494 - 2A Allen Avenue, Bilgola Beach  
**Attachments:** Objection letter summary- 2A Allen Ave, Bilgola Beach - DA20221494 - 29 Aug 23.pdf;

Hi Adam,

I hope that you are well.

Following on from your meeting yesterday morning, please find attached a summary of my client's concerns. As detailed in the attached letter, this summary does not supersede the objection letter dated 31 October 2022, which should be read alongside the attached.

Please can you keep both myself and John updated on the DA.

Kind regards,

Karen Buckingham  
BA(Hons) Planning; MSc Spatial Planning  
**Planning Progress**



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PO Box 213, Avalon Beach, NSW 2107

29 August 2023

The Chief Executive Officer  
Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099

By e-mail: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

FAO: Adam Croft

Dear Adam

**Submission with regard to Development Application DA2022/1494 – Amended Plans Alteration and additions to residential development – Demolition works and construction of a dwelling house including swimming pool  
2A Allen Avenue, Bilgola Beach, NSW 2107**

I write regarding the above Development Application DA2022/1494 (subject DA) on behalf of John Sexton (my client of 2B Allen Avenue) and further to your meeting with neighbouring objectors this morning (29<sup>th</sup> August 2023).

This submission is in addition to and does not supersede the submission prepared on behalf of my client dated 31 October 2022. This submission includes a summary of submission. All detailed objections and recommended amendments / conditions included in the previous submission remain.

**Summary of submission**

- **Unlawful tennis court** - The tennis court does not have lawful consent and is existing only pending expiry of the Building Information Certificate. The assessment and determination of the proposed DA needs to clarify that the unlawful tennis courts are not included as part of this DA. The submission dated 31 October 2023 provides detailed objection to the tennis court being included within the subject DA and the submissions filed under DA2021/1900 also provided detailed objections.

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Consideration of the tennis court needs to be under a separate DA, submitted prior to the expiry of the current BIC. Another BIC should not be issued on expiry and my client's clear concerns need to be filed with Council's compliance department for reference should another BIC application be received. The verbal acknowledgement from Council that the current DA does not and would not include the unlawful tennis court is noted. A separate DA for the tennis court would enable appropriate conditions to be attached to any consent, if granted.

- **Proposed development is non-compliant development contrary to the Pittwater LEP 2014 and DCP 2014 Controls** – The degree of non-compliance is as detailed in the 31 October 2023 submission. The non-compliant height breach needs to be clarified, with the height and scale of the proposed development reduced accordingly. My client has particular concerns regarding the height, side building line, building envelope and extent of excavation. My client supports the concerns of the other affected neighbouring occupiers to the side and rear of the subject site.
- **Extensive excavation** – My client has significant concerns regarding the extensive excavation proposed and the associated risks of land slip, soil instability, loss of landscaping and inability to provision for deep soil planting around the boundaries of the site. It is noted that Council's Development Engineers current support the proposed development subject to conditions. However, it is request and strongly recommended that should consent be granted, contrary to the clear objections raised, that a condition is attached requiring a full dilapidation survey of my client's property and that he be given the opportunity to get the survey independently verified prior to any demolition and excavation work commencing on site.
- **Impact on neighbouring amenity** - Over development of the site by virtue of the breach in height, siting, scale and bulk of the proposed development results in an unreasonable impact on view loss, loss of sunlight, privacy and overbearing impacts. The excessive level of built form on the site needs to be reduced accordingly.
- **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.

This subject DA should be refused for the reasons set out in this submission and the submission dated 31 October 2023 unless amended plans are submitted to overcome the clear non-compliance and associated impact on neighbouring amenity.

Should this DA be approved, contrary to the clear objections set out in the submissions, the following conditions are requested:

- A dilapidation survey conducted by a suitably qualified professional and independently verified by my client is required prior to the demolition of the existing dwelling and proposed excavation and post construction.
- The windows on the northern, side elevation should be obscure glazed and fixed shut given the proximity from my client's principal rear amenity space.
- Condition that the tennis court is unapproved structures, not included within the scope of the subject DA and that DA consent for the tennis court is required before the expiry of the existing BIC or demolition of the structure.

Should amended plans be submitted to address concerns expressed, my client requests that he be given an opportunity to comment accordingly.


It is also requested that my client be updated on any progress on the subject DA and notified of any associated appeal to the Land and Environment Court (if required). My client had not been directly informed of the meeting held with Council this morning and would request that any future meetings or updates are sent to him directly (and copied to the writer).

I thank you in advance for your consideration of the concerns raised in this submission.

Kind regards,

Karen Buckingham *on behalf of Mr John Sexton of 2B Allen Avenue, Bilgola Beach*  
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