

SUBMISSION: SUTHERLAND  
a written submission by way of further objection to DA 2020/1351

**Mr Barrie Sutherland  
3/1 Bilambie Ave  
Bilgola Plateau**

**17 April 2021**

**NBLPP  
Northern Beaches Council  
725 Pittwater Road  
Dee Why  
NSW 2099**

**Northern Beaches Council**  
[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

**Dear Panel Members,**

**Re:  
#1 Bilambee Lane, Bilgola Plateau  
DA 2020 1351**

**WRITTEN SUBMISSION: LETTER OF OBJECTION  
Submission: Sutherland**

We are the immediate neighbours to the subject site to the west.

We are in full agreement for the recommendation of a refusal of this DA, provided within the DA Assessment Report prepared by Danielle Deegan. [DMP]

We agree with the position for a recommendation from DSAP, Strategic and Place Planning (Urban Design), Waste & NECC for a refusal

We however ask NBLPP to consider further reasons for consent as listed within the attached list [Appendix A], with our inclusions shown in 'red and underlined', additional ADG clauses, and DCP Clauses A4.3, B5.4, B5.7, B5.10, C1.6, D3.1, and D3.7

We bring to NBLPP attention the fact that the proposed development will **completely close off all air, light, view, and solar access to the external private open space balcony of 3/1 Bilambee Ave Bilgola Plateau.**

For the two shops, we ask NBLPP to note Sydney Water requirements for large grease traps, accessible to the street, to all food outlets. Such traps have to be pumped out quarterly by a tanker truck. For basement installation, each trap would take up one car space. These provisions are not shown on the DA drawings.

### **D3.1 Character as viewed from a public place**

We do not agree with the commentary within the Assessment Report that states:

*The overall impression of the building reads well as a two-storey built form with a well-recessed top storey and rooftop plant area.*

Our detailed Submission in November 2021 gave a sketch of the proposed massing from opposite the site. The proposed development presents a three-storey development plus an extensive roof top plant enclosure that will be highly visible to the streetscape. We contend that the entire non-compliant development will be visible from surrounding streets and is unacceptable.



### **C1.6 Acoustic Privacy**

In addition to the concerns raised in other DCP Clauses, we ask that **C1.6 Acoustic Privacy be added to the grounds of refusal**

We attach in Appendix B, the extract relating to our acoustic concerns from our November 2020 submission.

## DCP D3.7 Side and rear building line

We ask that **DCP D3.7 Side and rear building line be added to the grounds of refusal**. We contend that the residential component of any development on the subject site, conform to the requirements of all setback and envelope controls.



We ask that NBLPP refuse the DA, adding additional clauses in the refusal as noted in this submission

Yours faithfully

**Mr Barrie Sutherland**  
**3/1 Bilambie Ave**  
**Bilgorra Plateau**

## APPENDIX A. Additional Clauses within refusal for consideration by NBLPP

### RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council, as the consent authority REFUSE Development Consent to Development Application No DA2020/1351 for demolition works and construction of a mixed use development comprising of shop top housing and retail premises, with associated carparking and landscaping on land at Lot 5, DP 229309, 1 Bilambee Lane BILGOLA PLATEAU, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning **Policy 65 - Design Quality of Residential Flat Development (Principles 1, 2 and 6)** and its associated Apartment Design Guide [principles including Context & Neighbourhood Character, Built Form & Scale, Density, Sustainability, Landscape, Amenity, and Aesthetics.](#)
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not satisfy the provisions of **Clause 1.2 Aims** of the Pittwater Local Environmental Plan 2014.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not satisfy the provisions of **Clause 4.3 Height of Buildings** of the Pittwater Local Environmental Plan 2014.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not satisfy the provisions of **Clause 4.5A Density controls** for certain residential accommodation of the Pittwater Local Environmental Plan 2014.
5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not satisfy the provisions of **Clause 4.6 Exceptions to development standards** of the Pittwater Local Environmental Plan 2014.
6. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the **Desired Future Character** of the Bilgola Locality, [is inconsistent with the provisions of Clause A4.3 Bilgola Locality, D3.1 Character as viewed from a public place,](#) outlined in the Pittwater 21 Development Control Plan and is **an over-development of the site.**
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause 1.13 Views, Clause 1.4 Solar Access, Clause C1.5 Visual Privacy, C1.6 Acoustic Privacy** of the Pittwater 21 Development Control Plan, resulting in unacceptable amenity impacts on surrounding residential properties.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of **Clause D3.6 Front Building Line, DCP D3.7 Side and rear building line and Clause 3.9 Building Envelope** of the Pittwater 21 Development Control Plan resulting in a building with excessive bulk and scale.
9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed rooftop plant is inconsistent with the provisions of **Clause C1.25 Plant, Equipment Boxes and Lift Over Run** of the Pittwater 21 Development Control Plan.
10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of [B5.4 Stormwater Harvesting, B5.7 Stormwater Management - On-Site Stormwater Detention, B5.10 Stormwater Discharge into Public Drainage System](#) of the Pittwater 21 Development Control Plan

## Appendix B

### Acoustic Report

We are not confident that acoustic impacts from the mechanical plant is able to be mitigated and a more complete acoustic report to assess the impact of the mechanical plant must be provided for full consideration within the DA.

The Mechanical Plant Noise Assessment Report dated September 2020 by NSS is incomplete in these matters.

The acoustic environment should be categorised by low background noise levels during the day and evening due to low operational noise from surrounding residential properties.

There is considerable concern on the noise into the residential zone, and we ask Council to ensure that full acoustic impact detail is provided by the Developer at DA stage to ensure full compliance.

We ask Council to obtain:

#### **Night: 2200 to 0700**

The actual LAF90 lowest readings, that are **well below 30 dBA**, shown in the evening 22 August 2020, 25 August 2020, 26 August 2020, 27 August 2020, and 28 August 2020.

It is very important to identify from the recorded background level at night [10pm to 7pm] figures, the actual minimum level. Council will note that the recordings simply fall below the 30dB[A] level, but the actual level is not stated.

#### **Evening 1800 to 2200**

The actual LAF90 lowest readings, that are below **32 dBA**, shown in the evening 21 August 2020 and 26 August 2020.

Council will note that the recordings simply fall below the 32dB[A] level, but the actual level is not stated.

#### **Day 0700 to 1800**

The actual LAF90 lowest readings, that are below **33 dBA**, shown on 24 August 2020 and 27 August 2020.

Council will note that the recordings simply fall below the 33dB[A] level, but the actual level is not stated.

The Acoustic Report will need to confirm requirements to ensure the following:

- External seating to be time limited: 7am to 6pm, and acoustic levels not to exceed 33 + 5 dB[A]
- Deliveries and Waste Removal to be time limited: 7am to 6pm, and acoustic levels not to exceed 33 + 5 dB[A]

The Acoustic Report makes no reference to these noise generators.

The detail provided with Air Conditioner Condensers, Roof Top Mechanical Plant, Chamber Substation, Lift Motor and Diesel Pump are not sufficiently detailed.

We ask Council to obtain from the Developer the specific treatments to plant areas to complete a more complete '*acoustic impact of plant equipment*' including but not limited to, acoustic barriers, acoustic seals to doors, details of air discharge side, details of air intake side, details of silencer installation, details of VSD operational capacity night/day/evening, details of fan isolation to building structure, details of insulation from fan to ductwork, details of isolating the fan from mounts, details of waffle pads, and details of condenser units in night operation mode.

The Acoustic Report must provide acoustic design detailing and recommendations to address any potential noise and vibration impacts to ensure that the operation of an individual piece of equipment in combination will not exceed more than 5dB[A] above the background [LA90, 15min] level during the day and shall not exceed the background level at night [10pm to 7pm] when measured at the boundary when measured at the boundary, balcony or habitable room of the potentially affected residential occupancies, either within or external to the development such as our own property.

We ask Council to condition that no further roof plant area or plant installation than shown on the DA drawings be allowed to be added by Modification DA in the future under any circumstances.

I ask Council to have the following matters considered:

1. Part of rooftop external mechanical plant – condenser units – to be relocated in the basement. It is expected that being within an enclosed space in the basement will not have an impact in the nearest noise sensitive receivers.
2. Car-park and kitchen exhausts to be relocated towards the centre of the building. Distance between these plant and noise sensitive receivers to be increased, therefore it is anticipated that noise impact levels will decrease.
3. External area of external seating to be deleted, as noise impact from patrons is unacceptable to nearby noise sensitive receivers.
4. Garbage area to be enclosed, so that noise impact to the nearest noise sensitive receivers to be minimal.
5. Specific treatments to be identified as discussed above
6. Delivery and waste removal times strictly restricted to 7am to 6pm.
7. Cafe times strictly restricted to 7am to 6pm.