

Margaret Morgan

2 Allen Avenue
Bilgola Beach NSW 2107
Telephone 9918 3259

The General Manager
Northern Beach Council
Pittwater Road
Dee Why NSW 2099

20 October 2022

By Hand

Dear General Manager,

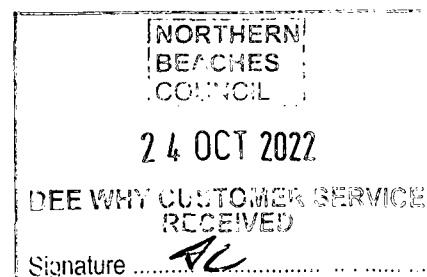
Subject: Development Application 2022/1494 – 2A Allen Avenue Bilgola Beach

My name is Margaret Morgan and I am the registered owner of the property located at 2 Allen Avenue, and I am writing to you and your Development Assessment Team, in relation to the Development Application lodged in relation to 2A Allen Avenue Bilgola Beach that adjoins my home.

I have lived in my home for over 32 years and enjoyed the tranquillity, privacy and sunlight that has been afforded to me, due to sympathetic development in my neighbourhood, and I am very concerned that the proposed redevelopment will impact adversely on that amenity.

I have been supplied with a set of drawings prepared by Saota Architects described as being 'Revision 'A' and dated 15 August 2022 and my submissions are based on those drawings comprising 33 pages.

I have carefully reviewed the submission documents and would like to raise the following serious concerns with reference to height, privacy, sunlight, generation of noise and over-development of the land.



In its current form, and after discussion with Council planning officers, I understand that the proposed building disregards and/or contravenes many of the planning principles required by Northern Beaches Council.

My submission is not designed to compile an exhaustive list, but rather to demonstrate that, on balance, this proposal should not in my view be considered for approval without significant modification of height, bulk and scale, and without due consideration for the impact that this new large development will have on my use and enjoyment of my home in future.

My submissions are as follows: -

1. Non-Compliant Building Height:

As presented to me, the proposed development plans do not make it abundantly clear as to what level is being treated as 'ground level', and it flows from this that any height taken to place the proposed building within the permitted height tolerance, would need to be based on a 'true ground level' and not some construct favourable to the Applicant.

The proposed house is big, and to allow a building of the proposed height and bulk to be built on land that is within a very special enclave, is not in keeping with existing homes in the street, as most homes are only two storeys in height to maintain a low profile with the natural environment.

To allow a building of the proposed height and scale would set an unwanted precedent in what is supposedly a conservation area under the C4 zoning.

Ground level should be measured from where the existing tennis court now sits, and not from a reconstructed point shown as Level (1) on the drawings, that is achieved by excavation into the hillside. Contrary to the claims of the Applicant, the existing tennis court was not excavated when it replaced a grass tennis court some years ago.

This is the same ground level as all the other houses in the street and none of these homes has been excavated.

A recently built house at 2B Allen Avenue, had their ground level ascertained at the street level, and they were only able to build a two level house. They were required to make the ceiling heights lower to keep their building in the 8m height specification, and the completed home complements the street as a consequence of this careful and considerate planning, design, and respect paid to adjoining owners by these new owners.

By not using the true ground level as a starting point, the Applicant is seeking to build a building that would otherwise exceed regulated building height by changing the definition of 'true ground level', and thus building a larger building that would otherwise not be permitted.

I refer Council to Page (12) of the Revised plans with is the East Elevation, and here I see a garage at ground level which would normally have a minimum height clearance of 1.88m, and to the right side of this garage is a gate from the tennis court level which appears to be of the same height. It is stated that there are only three steps from the tennis court to Level (1) (see page (33)) but this is impossible as the drawing on page (12) has the level of the proposed ground floor level sitting above the roof of the garage, and it would be more like eleven steps required from the tennis court to rise up the 1.88m height to reach the ground floor of the building. As this does not make sense, am I to anticipate further revised and amended drawings once someone works out this discrepancy, and if so, what will be the then impact of the revised drawings?

Alternatively, if these drawings are right, then does that now make a building that is 8m high now 9.88m high to accommodate the 1.88m for the garage area?

2. Non-Compliance of Rear and South Side Setback:

There should be no dispensations given in relation to this proposed building as this land parcel is a simple rectangular block of land upon which to build. I believe that strict compliance with setbacks required by Council should apply to this development, so as to preserve the amenity of the area, and to cause minimum impact to the adjoining owners.

3.Generation of Noise (Acoustic Privacy):

For more than 32 years I have lived in my home and I have had minimal generation of noise from the adjoining property at 2A Allen Avenue because: -

- the existing house is of solid full brick construction;
- no part of the property looks onto my bedroom, sunroom and rear garden area due to sympathetic design of the existing house – the windows of the existing house facing my property are small highset windows and not large expanses of glass sliding doors;
- there is only provision for one car to park in one garage.

In stark contrast, this new development will seriously invade my privacy and will generate an unacceptable level of noise due to:

- the location of the swimming pool on Level (3) will be adjacent and overlooking my bedrooms, bathroom and powder room, rear outdoor entertaining area, sunroom and kitchen;
- proposes using light weight construction materials which will not aid noise reduction;
- At Levels (2) and (3) there are terraces and recreational areas facing south and directly into my home, and all of the rooms along this adjoining area will have opening windows, sliding doors, and balconies that will all face my home;
- The diagram of 8M Better height plane SW on Page (24) indicates that the terrace on Level (2) is higher than the roof of my shed (laundry), however careful viewing of this plan shows that Level (2) is proposed to be supported by a sheer vertical high wall that is flush to the boundary, and in total disregard of any setback requirements;
- The entrance to the automated garage is directly below my bedroom windows and is intended to accommodate the coming and going of up to more than four (4) cars, and the multiplicity of traffic would generate more than four (4) times the noise and activate more than eight (8) traffic movement daily, both day and night - the issue of having headlights streaming in through my bedroom windows, with cars idling while waiting for the garage door to open/close is exacerbated by the multiple traffic movements. This is no need for the basement level to be built in this location without any noise and light reducing measures being required.

- Moreover, the garage plan indicates that it will contain water pumping equipment as the planned garage area will be below sea level, with a vehicle turntable and other mechanical equipment, all located in one area outside my bedroom windows.

In the event that Council is minded to approve the plans as presented specifically to the proposed South side of the new development, then attention needs to be given to imposing conditions that will ameliorate the impact of both noise and light emissions from this area that is proximate to my bedrooms: -

- (a) The number of windows be reduced and replaced with solid panels or that a majority of windows and doors should be non-opening double paned glass to reduce the noise.
- (b) Permission should not be given for any outdoor entertainment areas/balconies/terraces/barbecue/sound systems on the South side or corner of house as this directly impacts our bedrooms, bathrooms, rear outdoor entertainment areas.
- (c) On Level (2) the proposed terrace balcony off the bedroom 01, ES01, and the office should be relocated to North side of the building and ensure there is no provisions for any terrace/outdoor entertaining/ balcony off this South East corner in any future amended development application.
- (d) The windows off the bedroom to the South side should be solid fixed glass panels without the option of opening and be frosted to ensure privacy and noise reduction.
- (e) And in addition, it ought be a condition of any approval that the developer of 2A Allen Avenue should pay for the costs of installing double paned windows and sliding doors on the back and North side of 2 Allen Avenue to help reduce the impact of the noise generated from their house.
- (f) There should be no automated garage door to the basement car park adjacent to my property so that there is no need for cars to stop and idle while a garage door is raised and lowered.
- (g) There should be the standard setback between the properties at this side boundary.

4.Landscaping.

I am concerned about the proposed species of plants suggested for this development.

The landscape plan indicates the installation of eight (8) meter high Kentia palms in the area adjacent to my home, and if these are allowed then they will throw shadow over my home for most of the day as pictured on Page (33) drawing (3) of the proposed tennis court view.

Again, the proposed fifteen (15) meter high Livistona Australias suggested for the South West corner would also throw significant shade into my rear outdoor entertainment area, bedrooms, sunroom and kitchen – there is no case to support such high trees and their root systems.

There has been no consideration given to the effect that installation of mature trees will have on the reduction or loss of sunlight to all bedrooms on the North side, my sunroom, kitchen and the backyard of my home, and further the proposed Palm fronds that will fall from the palm trees will be a maintenance issue for me when they are not on my property, nor my responsibility as anyone now living in Allen Ave will already know from bad experience – last week Council had to engage Active Tree Services to undertake a major culling of similar palm trees along Allen Avenue due to the frequency of falling fronds.

In my opinion as a long-time resident of Allen Avenue, all intended vegetation should be of a kind and species that would not grow above two (2) to three (3) meters, as was the case with the landscaping at the recently completed residence at 2B Allen Avenue.

Species of palms that do not drop fronds should be required in any landscape approved plan.

4. Visual Privacy.

In my opinion, the Revised plans for the property at 2A Allen Avenue do not have regard to any notion of visual privacy afforded to me as an adjoining owner.

This is a large, glazed, elevated development that will tower over the surrounding landscape without any consideration for the visual privacy of neighbours – the inclusion of a swimming pool at Level (3) with its glass surrounds is but one example of an inappropriate development.

This swimming pool and its entertainment terrace on Level (3) will afford the occupants at 2 A Allen Avenue an unobstructed view over my whole residence and into almost all of my (currently) private bedrooms, bathroom, powder room, sunroom, kitchen and outdoor entertaining area.

The proposed terrace, office, and Bed 01 on Level (2) will also look directly into these living spaces that currently have no impact from the existing building at 2A Allen Avenue, and without consideration, my amenity will be greatly eroded in pursuit of building a massive and inappropriate development next door.

5. Solar Access:

The height and scale of this development at Levels (2) and (3) will cause an unreasonable amount of overshading and overshadowing to all my rear outdoor entertaining areas, sunroom, kitchen, bedrooms and bathroom for a large portion of the day, and these are areas that I have been able to enjoy for more than 32 years without challenge. Now, because someone wants to over-develop their adjoining property, all this will be taken from me.

Given that I have a long knowledge of the area, I also question the veracity of the shade diagram as presented and would suggest that Council request certification as to the correctness of what has been presented as fact in these Revised drawings.

Any privacy screening to the pool area will also result in further shade being cast across my home and back yard because right now there is no three storey building, but these Revised plans indicate that this development intends to have a series of hard surfaced levels along the boundary with little or no setback.

6. Geotechnical Hazard & Risk:

I am concerned about the geotechnical hazards that will be presented by this over-development, and from my reading the Landslide Risk Assessment for this property, I am of the opinion that there is an unacceptable risk of landslide during excavation.

Table B of Appendix (3) shows my house as a very high risk, and my laundry (wrongly called 'Shed') also as a very high risk of landslide.

Further, Appendix C indicates that the landslide risk assessment is likely and possible to happen with 'Catastrophic' and major results.

In the report from Crozier Geotechnical Consultants at Page (15) it states that "Regardless of support design, some relaxation of soils/rock external to excavation will occur resulting in potential settlement on adjacent ground and may impact the adjacent structures."

And further "The proposed works will be expected to encounter seepage within the excavation side walls", and this seepage could affect the foundations of my house.

Council only has to view the issues that have arisen at the two Ocean Road Palm Beach building sites to see first hand how technical experts got it wrong in their "assessments", especially where building work has ceased and the adjoining property is at risk of collapse because some expert made an incorrect assessment, and has now abandoned that site.

Given that this is a simple rectangular block of land that would not require major excavation but for the desire to build an inappropriate building, why should I as a long-term resident be set upon by an unacceptable risk of my property collapsing because some expert may make a mistake?

7. Other concerns

I notice on Page (16) Diagram 02, of the Revised plans, that there is a vertical concrete supporting wall on the south boundary from above the basement parking level to the floor of Level (2) that supports the terrace on Level 2 – is this developer and Council asking me to accept the building of 'The Berlin Wall' as acceptable practice for amicable community living? That is not what my late husband and I signed up for when we moved into this peaceful and beautiful location more than 32 years ago.

Also, on Page (8) of the Revised plans on a landscaped terrace there is shown an outdoor shower for me to view the bathing habits of the occupants next door – given the history of the adjoining property being leased regularly for extended stays and holiday rental, I am not sure that I am ready to view the private parts of any occupants from my own backyard.

In addition, and also at Page (8) of the Revised plans in this same location, there seems to be no access from bed 01, ES01 and office to this landscaped area, and so am I to expect that a further Revised/Amended plan will show the true layout of what is proposed in this area next to my bedrooms, with access from these rooms onto the terrace?

You only have to look at the drawing on Page (25) of the Revised Plans to see how clearly the impact of the new over-sized development will impact on my home, and that in the relation to the whole of the development, the key critical areas impact mostly at the rear and south side of my home where the sunroom, bedrooms and bathrooms are located.

It should be remembered that the layout of my home has not changed in more than 32 years, and that if those people behind the proposed development of the adjoining property were serious about not wishing to diminish my amenity, that they would have been able to adjust their design of the new development so as to cause the minimum amount of adverse impact on my home – it appears that this is not their intention.

Conclusion:

The current proposal development of what is a four (4) story building in a C4 zone is not compatible with the amenity of the area, and in addition, its impact on me will be substantial both in relation to the three (3) year demolition and construction timeline, and thereafter as an inappropriate over-development in a unique tranquil neighbourhood.

The proposed development will be contrary to the intent of the planning controls in our community and will set an unwanted precedent for other developers to embrace.

Everyone is entitled to pursue their own dreams for their own property, however in balance, everyone effected by those dreams is entitled to be heard and their views respected, so that in the end there is harmony – right now with this proposed development there is no harmony because the people impacted by the development have been overlooked and imposed upon, and their long enjoyed amenity is about to be destroyed..

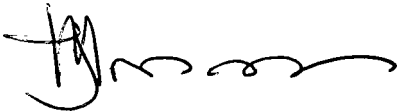
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Margaret Morgan

My request is that Council will carefully consider the Revised development plans on merit, and that due concern and consideration is given to the adjoining owners immediately impacted by the proposed development.

It would be useful if a member of Councils' planning and assessment team could come to my home for a meeting, and to see for themselves the layout of my home and the potential adverse impact the planned development will have on my amenity.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Morgan', with a long, sweeping horizontal flourish extending to the right.

Margaret Morgan