

## This DA will set a precedent that will change Bilgola Beach forever

Already refused by council, the Independent Planning Panel and The Land and Environment Court, now a new DA has been lodged that is virtually the same as previously.

Still **four levels**, over height, too close to boundaries, over scale and squeezed into one block with tennis court, rooftop pool & spa and non compliant landscaping.

The applicant claims there is already a precedent at 2-4 Bilgola Avenue. But that house is TWO storey with garage under the southern side. If the applicant wants to use that house as a precedent he will have to,

1. Remove one entire story
2. Remove the tennis court to include compliant landscaping

It still has 4 levels as before. It still has 24 or more rooms as before. It is still over height exceeding the current house by almost a metre and still does not comply with the required boundary set backs. As the LEC Commissioner stated it is a case of overdevelopment squeezed into one block.

We live in an environmentally sensitive area and I am pleased to say that other neighbours recognise this and protect our environment of diverse flora and fauna.  
I also recognise that planning usually relies on precedents.

What follows are details of the last three builds in our special beachfront enclave.



**The Last house built 2-4 Bilgola Ave**

TWO STOREYS with garage under

No swimming pool or spa, no tennis court, half as many rooms as that proposed for 2A Allen.

A feature of the property is the native landscaping AND IT IS ON TWO BLOCKS not one.

Furthermore, there is no other house behind it whose views are affected



**The second last house built on 2 Allen Ave**

Low rise two storey, spacious lawns and palms, considerably less rooms than proposed at 2A Allen  
No swimming pool or spa, no tennis court



### **Third last house built on 7-9 Allen Avenue**

Two storey. No swimming pool, no tennis court, lots of native trees plus a Norfolk Pine  
Less rooms than proposed at 2A Allen AND ITS ON TWO BLOCKS

I also note the owner of 2A Allen Ave claims to be increasing the amount of landscaping (but admits it is still well below compliance with council controls). He conveniently fails to mention that he in fact removed all landscaping when he purchased the property to put in a tennis court without any council permission.

My question is How can it be that three approval authorities, NB Council, The Independent Planning Panel and The Commissioner of the Land and Environment Court can refuse a DA and then with almost NO changes and still in breach of council controls, the applicant expects approval?

### **Conclusion:**

I refer to the Commissioner's statement about excessive scale of the development and I do not believe that the applicant's **tinkering about the edges** has changed anything

"94. I note Council's opinion is that to achieve the size of the house in this development application the tennis court would have to go because it constrains the redevelopment of the site and exacerbates impacts in relation to

height, setback, building envelope, landscaped area and desired future character controls. The DA is an attempt to squeeze too much onto the Site that in my opinion for the reasons set out above is unacceptable and unworkable in this locality. The amendments made by the Applicant prior to the hearing only tinkered at the edges of a non-compliant proposed development. If retention of the tennis court is the primary goal it is possible to design a new dwelling house that is compliant with the planning controls.”

**If this DA is approved it makes a mockery of the whole planning process.**

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Bilgola Beach