

The General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

16 March 2021

Attn: Northern Beaches Local Planning Panel Members re ITEM 3.3 – 27 BELLEVUE AVENUE, AVALON (DA 1162/2020)

Dear NBLPP Members,

I am 73 and Julia 70, our focus was to get a new home level to shops and transport as we have both had double knee replacements and do not do hills very well anymore.

We engaged Chris Haughton, David Waghorn, and a raft of consultants who have worked tirelessly for two and a half years to come up with a building that would satisfy all the building regulations and requirements given to us by NBC staff which would be a landmark building and sensitive to the area. We always anticipated something special was needed to follow the contours of the block within the footprint of the block of land.

Our current home is 74 Powder Works Road. if you use google map you would see it is a home among the Angophoras, Blueberry Ashes, Spotted Gums and Bottle Brushes. We love being surrounded by trees. We wanted to design a development that enhanced what was there. We also drew from our experience in Pearl Beach with properties having no Hard footpaths and gentle blending of the native trees and the community.

Our team have been working with Council staff ever since to come to a mutually beneficial solutions, but last week, after again many discussions with council staff, we have been amazed by 3 11th hour reason given for refusal that could have been conditions of approval rather than refusal. This was a complete broadside as the council having had 6 months to review the plans. These seem technical not logical, in summary.

- A. The position of the OSD tank because it was under a habitable space even though it complied (see Page 119 of Pittwater21DCP) **"All habitable floor levels are to be a minimum of 300mm above and garage floor levels are to be a minimum of 150mm above the maximum design storage water surface level and flow path levels."**
- B. The second is just the position of the garbage bins. This could have been a condition and the same comments made in the 1st referral response 3 months previous.
- C. The third is the landscaping, which amazed us considering we had an agreement in principle which we complied with but is now asking us to
 - a. Remove (T3, T7, T8, T10, T11, T13) which are council trees. **Note: T10 & T11 are High Value Stringy Barks that could be saved if council cleared the bamboo as we have requested twice in the last 2 years**
 - b. The internal drive needs to be concrete hence the advantages of permeable paving to providing moisture and aeration to the existing root system is not available affecting the long-term survival and the building bulk blocking the solar light. **(note the trees canopy is higher than the proposed building)** T21 building reduces the natural ground area available for future growth.
 - c. T23 (Sydney Red Gum), T25 (Cheese Tree), and T26 (Sydney Red Gum): the existing tree trunks are suitably located approximately 3 metres and more away from buildings to be able to construct the development work.
 - d. T33 he commented "the long- term preservation of this tree is at risk from resident safety concerns and requests for removal based on proximity to building and the loss of solar".

Our team has worked tirelessly again over the last week to get revision 3 Plans and reports prepared that cover all the above issue's and addressed all these issue's. In summary

- A. Redesigned and moved the OSD tank under unit 2 non habitual area as suggested.
- B. We have revised to show the requested number of bins as suggested in the preferred option 2 as suggested by the Waste and traffic officers. **"A set of communal bins for 3dwellings-Council will provide a wheel in / wheel out to communal Waste Storage Area".**
- C. As per the landscape referral response have altered changed and added the following.
 - a. Added 3 Large canopy trees.
 - b. Added 4 Screening trees to Wickham lane next to T33.
 - c. Moved the Walkway further away from the trees T23 & T25.
 - d. Changed the walkway to a suspended grated walkway to look after T23, T25 & T26 to eliminate concerns to the building's proximity to the trees.
 - e. By moving Stairs to the path and redesigning the footpath and entry to LGF parking we have increased the Deep Soil area from what is required under the Sepp of 15% 182.19sqm to 20.02% 244sqm
 - f. Added additional landscaping between the entrances of units 1, 2 and 3 adding 15sqm of landscape area.

- g. The Internal drives revised as Concrete sleepers with 100mm gaps thus not restricting the available area for future root growth to T21 tree Zone. This is compliant with DPC 21 page 141 which states “Internal Driveways shall have a stable surface for all weather construction. Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials”.
- h. T33 and any other tree can have positive covenants stating they are to be maintained kept and trimmed.

Note: You cannot have perfect safety, perfect solar light, and perfect trees some issues can never be solved perfectly

TIMELINE OF THE DA HISTORY

- We prepared a detailed and thorough Pre-DA submission and lodged it in August 2019.
- We attended a Pre-DA meeting at NB Council on 24 September 2019
- The feedback at the Pre-DA meeting to the design was largely positive, particularly from the Urban Designer.
- We received minutes of the Pre-DA Meeting on 14 November 2019 and then undertook a comprehensive re-design to address the issues raised. We deleted one unit and increased the front and rear setbacks to council requirements. We consulted with council engineers and resolved access, traffic and stormwater issues raised in the Pre-DA minutes. We reduced the number of units from 4 to 3.
- We lodged the DA on 22nd September 2020.
- We attended a Design Review Panel Meeting on 22 October 2020
- The feedback from the Design Review Panel was incredibly positive, the comments where " The Panel considers the built form and scale, location of the buildings to be appropriate for the area and on the site" there recommendation ". The Panel supports approval of the application and commends the sensitivity of the design and commitment to the retention of trees on and near the site" and particularly from Conrad Johnson who praised the design quality of the proposal. The Panel recommended three minor design amendments which we have since accommodated in the design. The Senior Town Planner Renee Ezzy proposed the DA be approved,
- On 14 October 2020 we met with immediate neighbours. The adjacent neighbour was incredibly supportive and positive. The neighbours across Wickham Lane expressed concerns about privacy and we subsequently provided design proposals to council for ameliorating those concerns.
- Some of the referrals received from council officers at the DSAP meeting were conflicting and we requested a meeting with council officers to obtain a consolidated response. We attended a meeting with council officers on 20 January 2021 at which direction on some issues was received. The Assessing Officer agreed that some of the referrals were conflicting and offered to provide a consolidated response.
- We undertook extensive additional work including adjustment of council kerb lines at the request of council to facilitate the turning from Wickham Lane into Sanders Lane of the 10.5m Garbage trucks, A full and comprehensive tree root survey (involving several days of digging trenches and plotting significant roots), liaison with Sydney Water regarding an existing sewer, a "\$5,000 bat survey".
- On 1 March 2021 we provided a set of amended drawings. The amended scheme retained 5 additional trees.
- We received referrals from council officers to the amended scheme. Mostly supportive, but 3 negatives.

Our Da has had glowing reports from the Planning Review Panel, recommending approval from both the Panel and Renee Ezzy

With all due respect to Thomas, he had the DA passed to him from Renee Ezzy on the 16th of December 4 days before the Christmas shut down, and with the added weight of cov-19 problems, and the issues with a complicated DA I suspect he found it difficult. I believe he has done a great job as he had less than 6 weeks to review. For this reason alone, we should be granted a deferral at the very least.

While we are aware that the DA could have been conditionally approved, Julia and I respectfully ask you review these Revision 3 documents and asked you to defer your decision till April, recommending the council reconsider and review the new documents, based on the new requirements as listed in A, B & C above lobed on to us at the 11th.

A refusal will take it straight to court wasting a lot of time and money which will delay the construction.

Best Regards

Stephen and Julia Thompson

Owners of 27 Bellevue Ave