
Sent: 6/11/2019 2:17:34 PM
Subject: Rec Objection Response - DA 2019/1069 - 205 Riverview Road, Avalon
Attachments: Objection Response 205 Riverview Road October 2019.pdf;

Attn: Ms Catriona Shirley

Ms Shirley,

On behalf of my clients at 207 Riverview Road, Avalon, please find our submission in response to Council's notification of the above DA. We look forward to discussing our concerns with Council and should you have any queries, please do not hesitate to call.

Regards,

Vaughan



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28 October 2019

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Attn: Ms Catriona Shirley

Dear Ms Shirley,

**RE: DEVELOPMENT APPLICATION – ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE
INCLUDING A SWIMMING POOL
205 RIVERVIEW ROAD, AVALON
DA2019/1069**

I write on behalf of my clients at No 207 Riverview Road, Avalon who are the owners of the property immediately to the north of the subject property at No 205 Riverview Road, Avalon.

I have been requested by the adjoining neighbours to review the development application plans provided and have also undertaken an inspection of the site and the area in which the subject property is located.

Ordinarily, we would not raise concerns in relation to the construction of reasonable development; however, in this instance we consider the impacts of the proposed development on the privacy, outlook and amenity for my client's property to be presenting an excessive and unreasonable impact.

Initially, from our understanding of the development proposal, the design prepared by Mark Hurcum Design Practice appears to involve the demolition of significant portions of the existing dwelling, including roof, external walls to sill level to and the majority of the internal walls.

In accordance with the Land & Environment Court's Planning Principle *Coorey v Municipality of Hunters Hill [2013]*, we of the view that given the extent of the demolition, the proposal should be correctly characterised as a new dwelling rather than as alterations and additions as proposed in the application.

Additionally, the building will present a significantly altered appear and increased bulk and scale to that of the existing dwelling and as a result, should be assessed as a new dwelling.

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Of particular concern to my client is the bulk and scale of the proposed development, which suggests breaches to Council's 8.5m overall height control, which whilst the Pittwater LEP 2014, Clause 4.3 (2D) suggests consideration can be given to a height of to 10m on more steeply sloping sites, Council's consideration of a height in excess of 8.5m is generally only given where the objectives of Clause 4.3 are achieved.

The proposal exhibits breaches of Council's maximum 8.5m height control, 3.5m/45 degree building envelope control to the side boundaries and does not observe the required minimum side setbacks of 1.0m & 2.5m for a new dwelling.

When viewed from my client's property, the height and bulk of the proposal presents a substantial increase in bulk and as a result of the breaches to the built form controls with Pittwater DCP 21, will not achieve the relevant objectives of Clause 4.3, being:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) to minimise any overshadowing of neighbouring properties,*
- (d) to allow for the reasonable sharing of views,*
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

As the proposal will result in a significant impacts on the amenity, privacy and outlook for my client's property, it is s our view that the objectives are not achieved and the building height in excess of 8.5m and the other variations to the built form controls are not justified.

We believe the dwelling should be re-designed to address Council's controls and as a minimum, comply with Council's maximum height, building envelope and side setback controls for new development.

Our other concerns relate primarily to the potential for increased visual and acoustic privacy loss to No 207 Riverview Road.

Specifically, we note that the proposal seeks to add two additional storeys below the dwelling, through excavation of the ground level under the dwelling and a lowering of the outside yard areas.

The new habitable rooms to the northern elevation note large north facing windows with low sill heights, which together with the proposed external terraces which do not provide for any effective privacy screening, will overlook my clients dwelling, including their main bedroom and their deck areas.

We request that Council require the provision of privacy screening and suitable window treatment to reduce the extent of the overlooking and loss of privacy and loss of privacy experienced by my clients.

Through experience with other construction works in the vicinity, we are concerned that the construction methodology needs to be clearly described, as bulk materials removal and the impacts from the physical works including external finishing and painting have been issues in the past, with

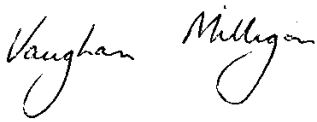
overspray and spoil being transferred over the boundary line, resulting in extensive clean up works at my client's expense.

We ask that Council seek a clear construction methodology so that my client's property will be appropriately protected during the construction period.

We would welcome your inspection of my client's home and we remain available to discuss any aspect of our submission.

Please do not hesitate to call me on 9999 4922 or 0412 448 088 should you wish to arrange an inspection of my client/s home and we look forward to discussing these issues.

Yours Sincerely

A handwritten signature in black ink, reading "Vaughan Milligan". The signature is written in a cursive, flowing style.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)