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**Sent:** 11/02/2022 1:38:01 PM  
**Subject:** DA 2021/2622 65 HILLSIDE ROAD NEWPORT  
**Attachments:** 65 HILLLSIDE ROAD NEWPORT SUBMISSION TO COUNCIL.pdf;

Please see attached, submission on behalf of the Holcombe family of 67 Hillside Road Newport in response to the notification of the above Development application.

Could you please refer the attached submission to Kye Miles for consideration during assessment of the proposal.

Kind regards

**LANCE DOYLE**

B.AppSc (UWS), M.Plan (UTS), RPIA, EPLA

**REGISTERED PLANNER**

0414747395

**DOYLE CONSULTING GROUP**



# Doyle Consulting Group

Planning and Development Services

ABN: 55278784425

Lance@doyleconsulting.com.au

Mob 0414747395

11th February 2022

The General Manager

Northern Beaches Council

Email; [Council@Northernbeaches.nsw.gov.au](mailto:Council@Northernbeaches.nsw.gov.au)

ATTN KYE MILES

**DA2021/2622**

**ADDRESS – 65 HILLSIDE ROAD NEWPORT**

Dear Sir,

I am writing to you on behalf of the Holcombe family, the owners and occupants of 67 Hillside Road Newport, a site which will be materially impacted by the proposal due to its excessive bulk and insensitive consideration of streetscape and neighbourhood amenity.

During the preparation of this submission on behalf of my client's, I have attended the subject site and viewed the subject site from my client's property in order to fully understand the proposal.

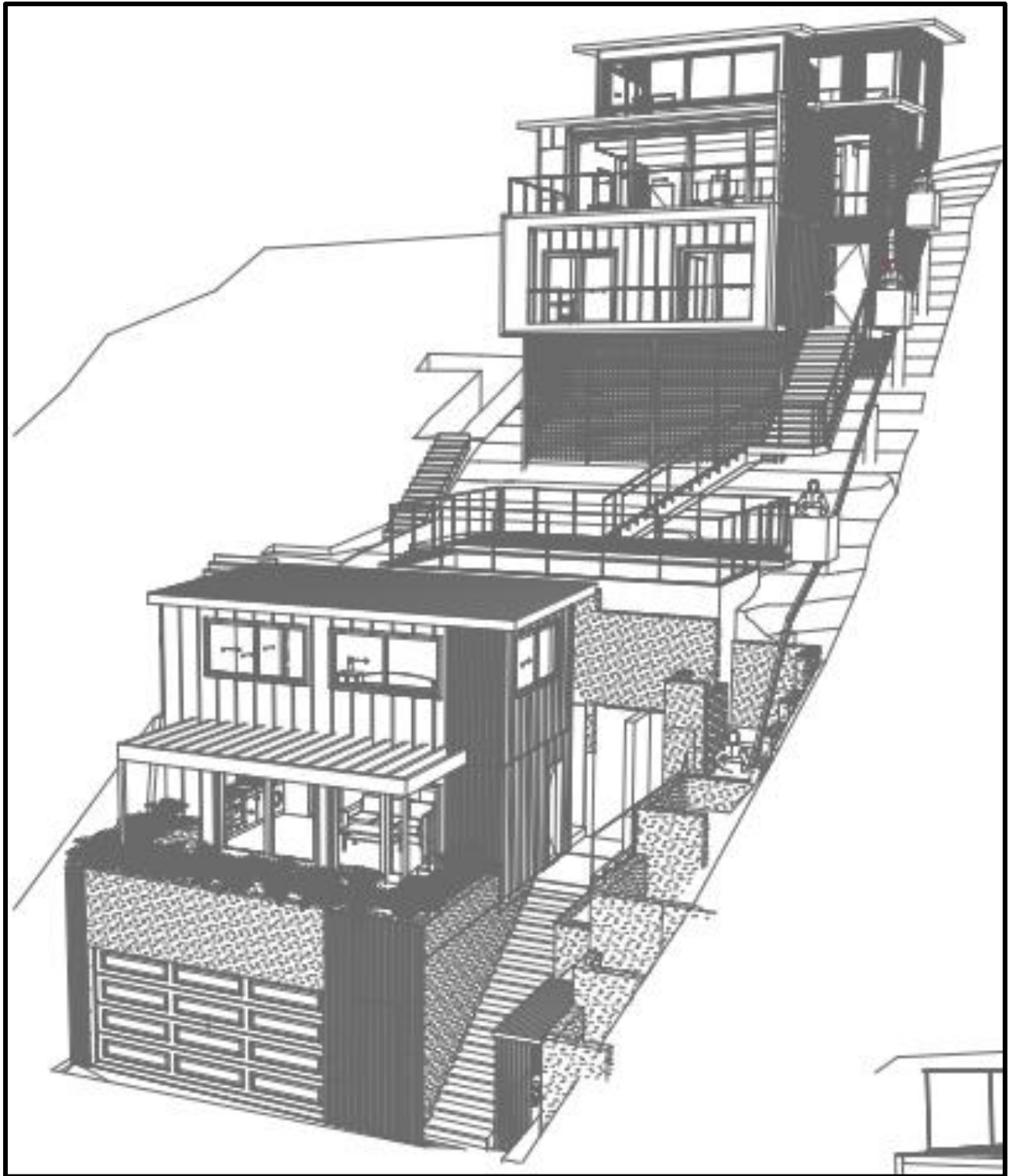
Firstly, I note that the submitted Statement of Environmental Effects makes continual reference to an existing studio on the subject site. My review of council records, including a Building Certificate dated 2003 issued by Council refers to the structure over the garage as a studio and there are no subsequent records of any approval being granted for a studio. The proposal seeks to rely upon apparent unauthorised works without acknowledging this aspect in the proposal.

The following is an assessment of the proposal and its suitability in terms of streetscape and its juxtaposition with my client's property at 67 Hillside Road.

The following provisions of the Pittwater 21 DCP are particularly relevant to the proposal –

## ***10.1 Character as Viewed from a Public Place***

The provisions of this control are clear in that they seek to enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment. The proposal which seeks consent for a three storey development containing a secondary dwelling at a distance of 3.37 m from the front boundary will not enhance the existing streetscapes nor result in a structure that is in scale with the height of the natural environment. This three-storey element when coupled with the requested breach of the height control for the principal dwelling cannot achieve the outcomes sought by this control.



**PERSPECTIVE OF PROPOSAL FROM SUBMITTED PLANS**

***D 10.7 Front Building Line***

The outcomes sought by this control include an outcome to ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment. The proposal, with a setback of 3.37 m from the front boundary to a proposed three storey structure

will not and cannot achieve the outcomes sought by this control. This control seeks structures to be 10 m or the established building line from the front boundary. There are no three-storey structures in Hillside Road that establish a building line of this dimension.

#### ***D 10.13 Landscaped Area – Environmentally Sensitive Land***

The subject site is identified as environmentally sensitive however the proposal with a landscaped area of 32% on a site that requires a landscaped area of 60% could not be reasonably regarded as respecting the outcomes sought by this control. It should also be noted that the 32% landscaped area will contain no meaningful landscaping.

The substantial shortfall in landscaping to be provided is not only numerically significant, it is also visually significant. The perspective provided below from the submitted DA plans confirms again that built form will be the dominant element on the site with no opportunity for achieving the outcomes sought by this control.



**STREET VIEW PHOTOGRAPH SHOWING SITE VEGETATION, NOW LARGELY REMOVED.**

#### ***10.18 Scenic Protection Category One Areas***

This control requires the Statement of Environmental Effects to perform an analysis of the development in terms of how it impacts on the visual character of the area, demonstrating that the proposal ensures that the bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.

The following photograph (from Street View) indicates the historical presence of generous amounts of vegetation on the subject site, particularly on the sensitive interface between the subject site and my client's site at 67 Hillside Road.



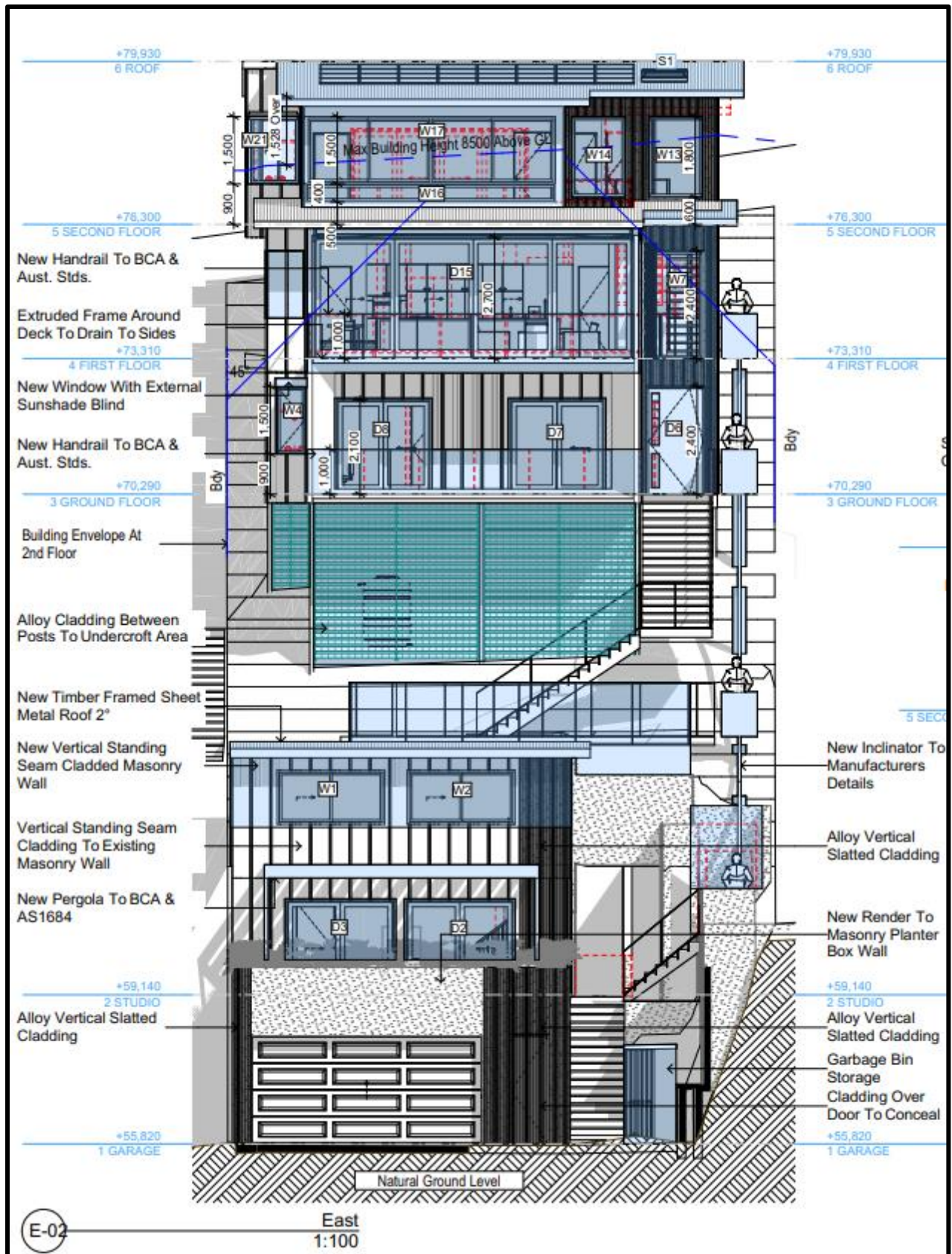
The large tree shown in the above photograph has now been removed whilst the vegetation between the two properties shown in the above photograph has also been removed and is proposed to be replaced with an inclinator, thereby removing any opportunity for meaningful landscaping to be provided between areas of private open space on the two properties.



**LOCATION OF PROPOSED INCLINATOR VIEWED FROM LIVING AREA OF 67 HILLTOP RD NOTING THAT THE PROPOSED INCLINATOR RAIL WILL BE LESS THAN A METRE FROM THE EDGE OF THE BALUSTRADE IN THE PHOTOGRAPH**

The extract from the architectural plans on the following page of this submission clearly illustrates the absence of a sensitive design which clearly imposes significant privacy impacts as illustrated by the persons within the inclinator carriage.

The proposed elevation also clearly demonstrates the dominance of the built form comprising a three-storey granny flat/secondary dwelling within the required front boundary setback, excessive height of the main dwelling as indicated in the submitted Clause 4.6 objection and the subsequent loss of any opportunity for meaningful landscaping to be provided on site.



EAST ELEVATION EXTRACT FROM SUBMITTED PLANS



It is concerning that the proposal turns its back on the outcomes sought by the Scenic Protection Area in that the landscape plan retains one tree only. The landscape plan then correctly states that the area of the inclinator will retain the existing garden bed. Unfortunately, the inclinator will remove any opportunity for this area to be comprised of meaningful landscaping.

### ***C1.11 Secondary Dwellings and Rural Worker's Dwellings***

The proposal is entirely at odds with this control as this control seeks –

***limitation of the visual bulk and scale of development.***

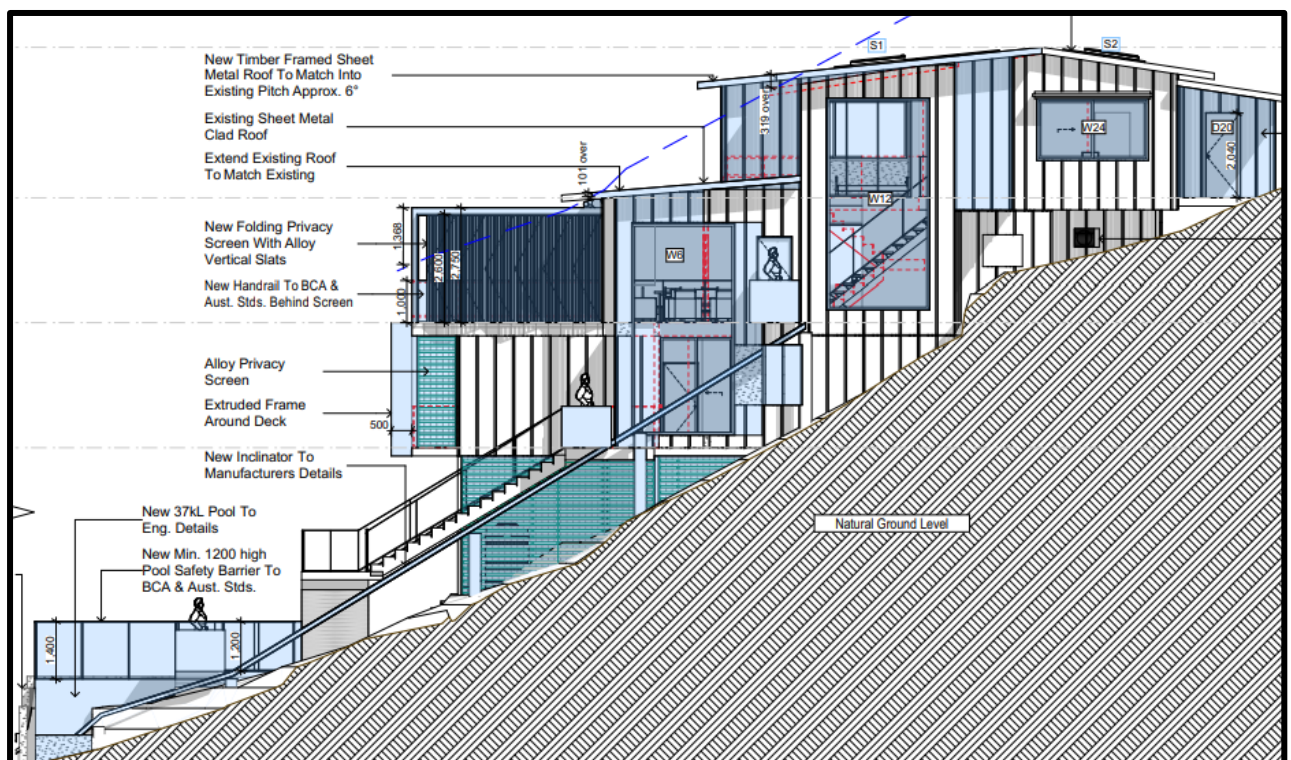
The proposal not only offends the outcome but also takes no regard of the controls that state the following –

***where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.***

It is therefore reasonable for Council to invoke the provisions of this control to limit the bulk of the building, protect the streetscape of Hillside Road against an inappropriate element which is clearly articulated in the control which also states that ***a secondary dwelling above a detached garage is not supported.***

### ***C1.19 Incline passenger lifts and stairways***

The proposal incorporates a proposed incline passenger lift (inclinator) directly adjacent to a timber balcony and in full view of several windows on my client's site at 67 Hillside Road.



**ELEVATION OF PROPOSED INCLINATOR VIEWED FROM 67 HILLSIDE ROAD**

The controls are very clear as follows

*Incline passenger lifts and stairways shall:*

*be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and*

***be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and***

***be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and***

*be painted to blend in with surrounding vegetation and screened by landscaping and*

***be set back two (2) metres from the side boundary to the outer face of the carriage***

*be located wholly on private land, and*

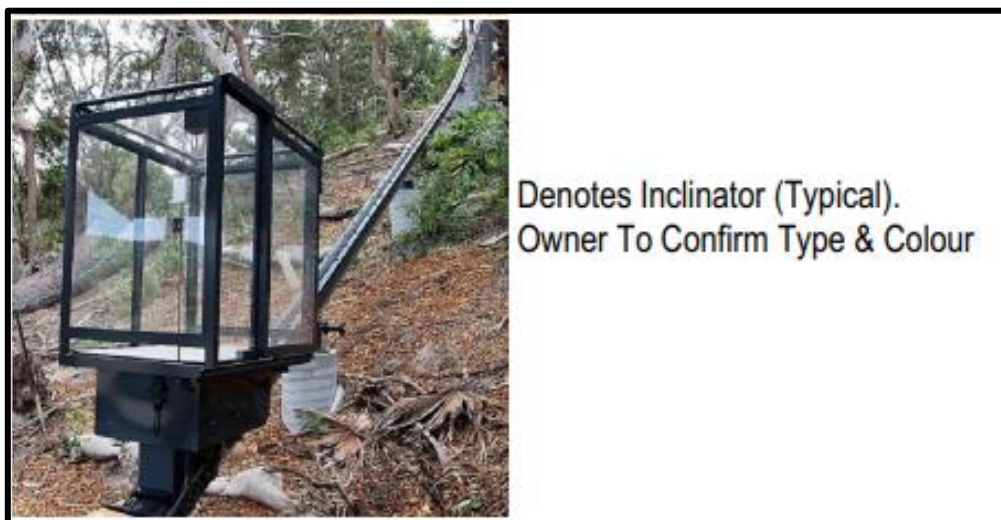
***have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.***

The proposal which will result in a severe intrusion on the amenity of my client's amenity fails the majority of the requisite controls as it is located directly adjacent to the living area of 67, has no opportunity for landscaping, will result in significant acoustic disturbance and will have a visual and acoustic impact that will be significantly exacerbated by its elevation of over 2.5 m in some places.

The location and height of the proposed incline are offensive as the impacts upon privacy both visual and acoustic will be considerable as there is no opportunity for any ameliorating physical barriers such as privacy screens or landscaping due to the presence of the inclinator and its carriage being on or in very close proximity to the boundary and elevated well above ground level.

On this point it is of significant concern that if the proposed inclinator is relocated in a manner that complies with the 2.5 m setback to the carriage, the potential height of any privacy screen will be such that it will severely impact upon the views from the living areas of 67 Hillside Road.

The insensitivity of the proposal is further endorsed by the following extract from the submitted documentation-





This component is further evidence that little, or no consideration has been given to a sensitive design.

To summarise, the proposal pays virtually no due regard to the juxtaposition of the proposal with the sensitive living areas of 67 Hillside Road nor does the proposal give any respect to the surrounding locality by virtue of its proposed three storey secondary dwelling in close proximity to the front boundary and excessive site cover and height.

The overarching objectives of the C4 Environmental Living zone under the PLE P 2014 are clear in that they seek to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values and provide for residential development of a low density and scale integrated with the landform and landscape and to encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

The proposal offends all these objectives and does not warrant favourable consideration.

Could you please advise of a suitable time for you to attend my client's site to understand the proposal and its potential impacts upon the amenity and enjoyment of their home.

**LANCE DOYLE**

**B.AppSc (UWS), M.Plan (UTS), RPIA, EPLA**

**REGISTERED PLANNER**

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