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**From:** Lance Doyle  
**Sent:** 27/04/2022 10:47:59 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** Nick Holcombe  
**Subject:** AMENDED DA2021/2622 ADDRESS – 65 HILLSIDE ROAD NEWPORT  
**Attachments:** 65 HILLLSIDE ROAD NEWPORT SUBMISSION TO COUNCIL 27 April 2022.pdf;

Please see attached letter in response to the above DA on behalf of the owners of 67 Hillside Road Newport.

Kind regards

**LANCE DOYLE**

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**REGISTERED PLANNER**

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27<sup>th</sup> April 2022

The General Manager

Northern Beaches Council

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ATTN KYE MILES

## **AMENDED 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, in response to an amended proposal submitted for the above address.

The amended proposal is not worthy of any meaningful positive acknowledgement as the removal of substantially non-compliant elements of the scheme and their replacement with an amended proposal that is still breaching fundamental controls remains objectionable.

Despite the removal of some offending elements, the proposal still offends fundamental aspects of achieving a satisfactory juxtaposition between 65 and 67 Hillside Road in terms of reasonableness, privacy and view loss.

The proposed amendments, by the deletion of the proposed secondary dwelling and pool, are outside the scope of an amended proposal and these amendments, along with resultant amendments to other components of the proposal should correctly be considered as a fresh proposal.

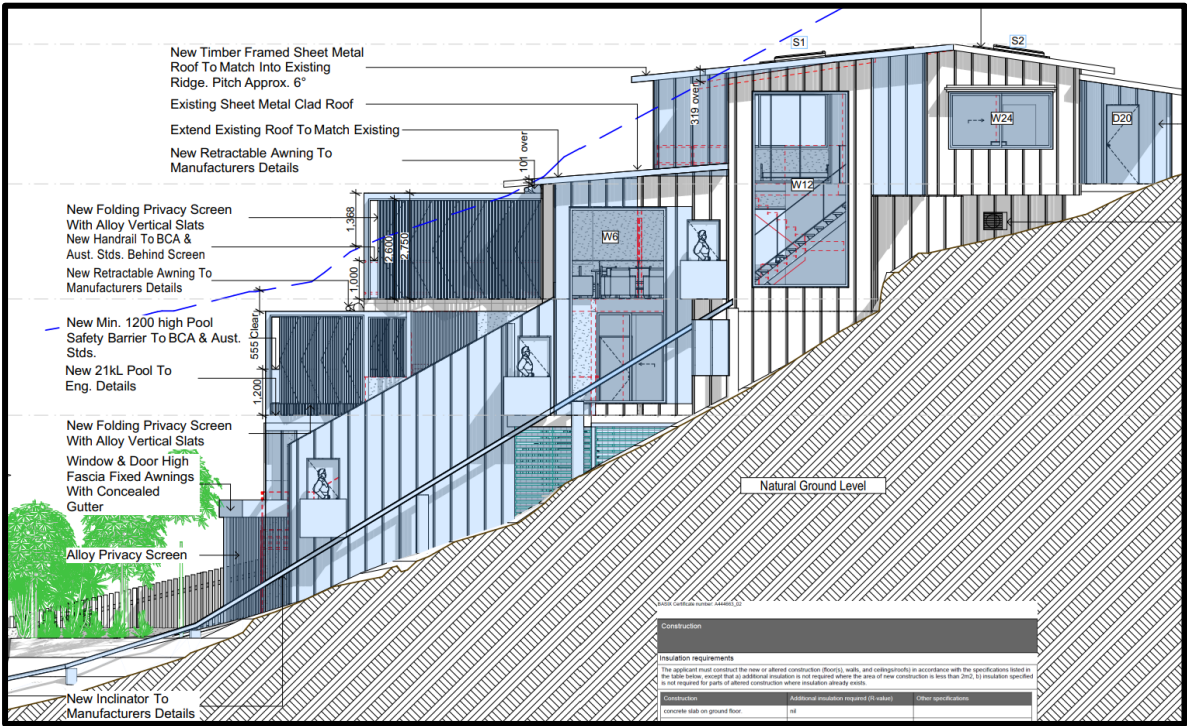
If Council is not minded to determine that a fresh DA is required, the following matters require resolution by refusal of the DA or alternately, further significant amendments.

Firstly, the description of the proposal should be amended to remove any reference to a secondary dwelling as no secondary dwelling is proposed.

In addition, the extent of proposed demolition is such that the description of the proposal could reasonably be considered as a new dwelling.

Secondly, and more importantly, the proposed inclinator, despite the minor amendments, will remain an offensive element due to its setbacks (non-compliant) and its proposed height with associated significant privacy impacts.

The following extract from the amended DA plans is testament to the offensive nature of the proposal and its entire disregard for the preservation of privacy of adjacent areas of visual sensitivity and the rejection of the controls within P21DCP, specifically with regard to setbacks and sensitive design solutions to preserve neighbours amenity.



**AMENDED ELEVATION VIEWED FROM 67 HILLSIDE ROAD**

This issue is unresolvable with the inclinator in the proposed location due to its proximity to the northern boundary and the excessive height above finished ground level.

Resolution could be achieved by either removing the inclinator entirely or relocating the proposed inclinator further (at least 2.5 metres to the carriage outer edge) as the extent of demolition will allow this resolution.

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

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

The amended proposal still 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.

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 amended proposal which will still result in a severe intrusion on the amenity of my client's dwelling, 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 significant elevation.

The amended location and height of the proposed inclinator remain 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.

To summarise, the amended proposal, like the original 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 still excessive site cover and height.

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

The subject site is identified as environmentally sensitive however the amended proposal with a landscaped area of well below the requisite landscaped area of 60% could not be reasonably regarded as respecting the outcomes sought by this control.

The substantial shortfall in landscaping to be provided is not only numerically significant, it is also visually significant.

It is requested that if Council is minded to grant consent to the proposal, that no vegetation, in excess of 2.5 metres in height, be planted within 10 metres of the front boundary.

#### ***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 amended plans also indicate the provision of folding privacy screens to the proposed balconies to address privacy. As Council is acutely aware, any privacy devices are to be fixed, not temporary.

The amended proposal retains ill-considered and offensive elements and remains unworthy of consent.

Thank you for the opportunity to provide this submission on behalf of the owners of No.67 Hillside Road.

**LANCE DOYLE**

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

**REGISTERED PLANNER**

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