
Sent: 31/03/2021 8:33:55 AM

Subject: DA 2021/10052 11 HILLTOP ROAD AVALON BEACH

Attachments: SUBMISSION TO COUNCIL RE 11 HILLTOP ROAD AVALON BEACH.pdf;

Please see attached submission in response to the above DA on behalf of the owner of 2A Chisholm Avenue Avalon Beach.

Please forward this submission to Mr Gareth David for consideration.

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

31st March 2021

The General Manager

Northern Beaches Council

By email

ATTN Gareth David

**Re- Demolition works and construction of a dwelling house including a
secondary dwelling and a swimming pool,**

11 Hilltop Road Avalon Beach

DA2021/0052

Dear Sir,

I am writing to you on behalf of the owner of No.2A Chisholm Avenue Avalon Beach, a property that is directly adjacent to the subject site and will potentially experience material adverse impacts should the proposal be granted consent to carry out the proposed works as submitted under the cover of DA 2021/0052.

The following provides a summary of the concerns over the proposal and provides suggestions to remedy the concerns raised.

THE PROPOSAL

The subject proposal seeks consent for the demolition of the existing dwelling and the construction of a replacement dwelling comprising three storeys, the lower storey containing a secondary dwelling and an inground pool to be erected in the rear yard of the subject site.

The proposal seeks to maintain the existing driveway access to Hilltop Road and construct the proposal, generally on the existing benched component of the subject site.

2A CHISHOLM AVENUE – SITE CHARACTERISTICS

My clients site, namely number 2A Chisholm Avenue is located to the east of, and perpendicular to, the subject site at 11 Hilltop Road Avalon Beach.

2A Chisholm Avenue contains a two storey dwelling with a garage below, an inground pool and the rear yard area and vehicle access to Chisholm Avenue.

The principal living areas of my clients dwelling are concentrated within the north-western component of the upper level which contains an elevated deck,

lounge/dining area and kitchen, all of which enjoy the views to the west across the subject site to Pittwater and the Western Foreshores.

This view corridor is the principal available view from my clients site and it will be readily evident to you when attending the site that the dwelling has been designed with large windows along the common boundary to the subject site in order to access the view as the view to the north from these areas is limited by significant vegetation which blocks the view to the waterway.



**EXTRACT FROM NORTHERN BEACHES COUNCIL MAPPING SHOWING
JUXTAPOSITION OF 2A CHISHOLM AVENUE WITH 11 HILLTOP ROAD,
ARROW SHOWING EXISTING DIRECTION OF VIEWS FROM 2A**

ISSUES OF CONCERN

The prime issue of concern to my client is that the proposal will adversely impact upon the current view corridor available across the existing dwelling towards Pittwater.

The following photograph illustrates the current view corridor and the height of the existing dwelling to be demolished.



EXISTING VIEW TOWARDS PITTWATER FROM DECK AT 2A CHISHOLM AVENUE

The Statement of Environmental Effects submitted with the building design drawings advises that the proposal seeks to rely upon the concession for excessively steep sites as contained within Part (2D) of Clause 4.3 of Pittwater Local Environmental Plan 2014 (not the PDCP as stated in the SEE) which may allow building heights to exceed 8.5 m to a maximum of 10 m if the objectives of the Clause and the building footprint is situated on a slope that is in excess of 16.7° (that is, 30%).

This assertion in the Statement is incorrect as the building footprint is located on land that does not exceed a slope of 16.7° and therefore the subject site is bound to a maximum building height of 8.5 m.

The proposal therefore cannot be supported for at least two reasons, firstly the fact that the proposal breaches the 8.5 m height control and this breach of a fundamental

development standard is not accompanied by a clause 4.6 request denies Council the opportunity to consider the proposal breaching the 8.5 m height limit whilst secondly, the fact that the proposal, by breaching the maximum building height control fails to satisfy fundamental objectives of that standard, for example, Objective 1(a) which is ***to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality*** and Objective 1(d) ***to allow for the reasonable sharing of views***.

The Desired Character of the Avalon Beach Locality is contained within Pittwater DCP 2014, Part A4.1, Avalon Beach Locality which states-

The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.

The proposal, being three storeys, breaching a fundamental development standard (Height of buildings) and failing to meet relevant Objectives such as ***to allow for the reasonable sharing of views***, is not worthy of consent.

With regard to the achievement of the above objective, I refer you to page 13 of the Statement which states the following –

C1.3 View Sharing

The development proposes an increase from single storey to double storey at the rear of the property with an increase in height of 2.34m of the roof ridge line.

Temporary height poles have been erected and show a small loss of lower view for the rear property at 2A Chisholm Ave but because of its elevated position it retains the majority of its view to Pittwater.

The proposal does not have significant effect on surrounding properties.

This statement is misleading and draws the conclusion that the proposal acknowledges that there will be a loss of water view from 2A Chisholm Avenue. I also note that this statement advises that temporary height poles have been erected however my client has no knowledge of the height poles and is not aware of the author of the SEE attending 2A Chisholm Avenue to carry out an assessment of the potential view loss.

The SEE fails to acknowledge the fact that the proposal will be a three storey structure with the written emphasis placed on the height at the rear of the subject site which is not the prime offending element.

It is also noteworthy that the proposal incorporates a new site coverage of 48.2% of the subject site which also reinforces the claim of overdevelopment as the fundamental site cover control under part D1.14 Landscaped Area – Environmentally Sensitive Land states that - ***The total landscaped area on land zoned R2 Low***

Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.

The submitted Statement is silent on the landscaped area under this heading.

As the proposal has given little consideration to fundamentals such as the development standards of the PLEP and the controls expressed within the DCP, the proposal and its current form is unable to be considered by Council due to the breach of the maximum building height control and the subsequent impacts that will ensue as a consequence of this excessive height.

There is no doubt that the proposal being three storey whilst at the same time breaching the height control is not a suitable outcome by virtue of its impact both on the public and private areas in the locality and as such should be refused.

In summary, there are a number of issues that need resolution and I request that a site meeting be arranged to discuss these matters with you personally so that you are able to understand the concerns raised in this submission. In this regard, we request that height poles be erected on the highest point of the subject building to show the proposed finished ridge height and the height poles certified by a registered surveyor prior to you attending the subject site.

Please contact me to advise of the progress of this application and the likely date for your visit to my clients property.

Thank you for the opportunity to provide this submission.

Yours faithfully,



LANCE DOYLE

Registered Planner

B.AppSc (UWS), MPlan (UTS), RPIA

Email: lance@doyleconsulting.com.au