

Written submission in response to email received 20 July 3:44pm 2022 in relation to the Development Determination Panel scheduled to commence 10am 27 July 2022 . Prepared by Nick Holcombe, Bachelor of Civil Engineering, owner of 67 Hillside Road. Application is in relation to DA No. DA2021/2622 for Address: 65 Hillside Road Newport

Summary of submission contained in this document

- Point one –Please adhere to the Control C1.19 and delete the inclinator for reasons explained in this section
- Point two – request for pergola to be deleted
- Point three – in the event that the inclinator is not deleted, a request for additional privacy screens
- Point four – recognition of Council noting that vegetation which ran along the east west boundary and previously provided privacy and natural beauty has recently been removed
- Point five – Irrespective of whether the inclinator is approved, please adopt a replacement planting according to requested guidelines in this section
- Point six – thank you for noting the recent removal of the rare Lili Pili
- Point seven – thank you for suggesting the planting of a tree. We request our preferred location to it.

Point one - Our response remains opposed to the proposed inclinator.

- a) We do appreciate that council is trying to find a compromise with this issue.

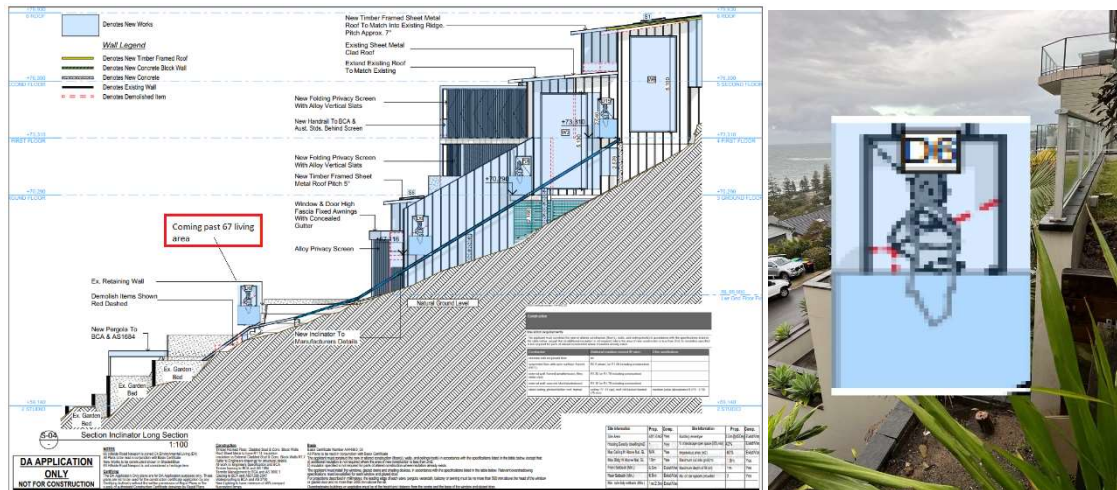
However, a large part of the reason given for ignoring Control C1.19 is “Due to the constraints of the site” – refer bottom of page 77 “agenda of Development Determination Panel – Weds 27 July 2022” . The argument that a constrained site is a reason to allow an inclinator is counter intuitive. The site was never appropriate and the control should stand. Otherwise we will encourage development on difficult sites to the detriment of their neighbours. Rather than weaken the current control and create a precedent for it to be ignored in the future we request we adhere to the current control unless council changes the control to add “except in constrained sites.”

- b) Page 66 of the agenda says “In summary, the amended inclinator design included alterations to the track location, such that it gradually deviates away from the northern boundary as it passes No. 67 Hillside Road's side balcony and ground floor living areas.”

With respect, this statement is slightly misleading. The new track location only deviates away from the living area to the eastern end and below the ground floor living area, and the deviation does practically nothing to improve the situation in the living area at 67. The ground floor living area I refer to is shown in the picture below, a side view of 67 Hillside taken from the north. I will use the double glass doors in the picture below to demonstrate the effect of the inclinator carriage at that point. This detrimental effect will also continue several metres to the west from the double glass doors adjacent to and along the deck.



Using the DA drawings provided, an elevation looking from 67 to the north, I have copied and pasted the image of the inclinator carriage to place it such that it would be adjacent and directly in view to the double glass doors in our living area. See the annotation bordered in red on the diagram below left which points to where I have pasted the image of the carriage which is adjacent to the doors.



To determine the approximate effect of the carriage on the view from the edge of our house in that area I have overlaid the image of the carriage on a photo taken from the edge of our house (image above to the right). This is my best attempt and may be plus or minus a margin of error but is the best I can do with the available material. The carriage will continue to be similarly obstructive as it travels several metres to the west adjacent to our deck from the double glass doors past the kitchen window and then past a bedroom window. The carriage then ascends as it goes to the west and would be visible from our bedrooms to the west on the next level.

This would clearly be extremely confronting for the occupants of our house. Additionally, part of the reason given for not adhering to Control C1.19 is "the footprint of the existing dwelling". We note that the dwelling footprint is well to the west of the living area and that there would be scope to move the inclinator to the south and below the view of our living area. We request that for these reasons and the transgression of control C1.19 the inclinator be disallowed. There is a possible additional consideration that there is in my assessment a one hundred year old retaining wall on the boundary, just on the 65 side, which in my opinion would need to be removed if the inclinator structure needs to be constructed near it. This would be damaging heritage works, and in my opinion, would also be a very difficult engineering task to complete without affecting 67 given it is so close to the boundary.

Point two – request for deletion of pergola

I would like to draw your attention to recommended condition 13 – Amendments to the Approved Plans requiring firstly the deletion of the pergola

We request that these conditions be reinforced to ensure the intent of the condition is able to be achieved by incorporating the conditions as follows –

The pergola located above the existing front terrace is to be deleted and is not to be replaced with a similar structure without the consent of Council being obtained beforehand.

Reason – to ensure that the intent of this condition is not set aside by either exempt or complying development.

Point three - the provision of a privacy screen to the northern elevator of the inclinator lift.

In the event that the request for the deletion of the inclinator in point one is not granted, **The northern, eastern and western elevations of the inclinator lift carriage are to be provided with a 1.7 m high privacy screen measured from the finished floor level. The privacy screen shall be of frosted glass, fix panels or louvre style construction with a maximum spacing of 30 mm in materials that complement the design of the approved development.**

Reason – to ensure that the deck area and occupants of 67 Hillside Road is not readily visible by occupants of the inclinator lift carriage when the said carriage is upslope or downslope from the elevated deck areas of 67 Hillside Road.

Point four – Landscape referral response posted Northern Beaches Council website DA section on 2 June 22 – bottom of page 1 - we really appreciate the guidelines where it states that “A Landscape Plan accompanies the application and is assessed as part of this Landscape Referral.

The proposed incline lift may directly impact the existing vegetation, which is identified to remain, along the northern boundary. Upon further investigation of available satellite imagery, extensive clearing of this area has already occurred. Should the Development Application be approved, vegetation will be required to be re-established along the northern property boundary to all existing disturbed garden beds, including screen planting, subject to imposed conditions. All other existing vegetation is to be retained and protected subject to imposed conditions. Any on slab landscaping must provide adequate soil depth to establish and maintain plant growth, subject to the imposed conditions.”

It is true the current owners of 65 Hillside removed a hedge which ran from near the eastern boundary to the existing retaining wall which had provided considerable privacy between 65 and 67 and which also softened the view from the street of the underside of our house for the public on the street.

Point five - Landscape referral response posted on 2 June 22 – page 4 of 5 where it says “**Required Screen Planting**

Screen planting shall be planted in accordance with the following:

i) Along the northern boundary starting 2 metres east of the first inclinotor stop (D6) and finishing at least 2 metres west of the last inclinotor stop (D15). Appropriate species shall be selected to ensure sustained growth and adaptability to the site conditions, ii) be a suitable pot size so that plant height is at least 1.5 metres at installation.

The selected planting is to comprise of species capable of attaining a height of 2.6 metres at maturity. Plants are to be installed at minimum 1 metre intervals and in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Reason: To maintain environmental amenity.”

We welcome this guideline.

I would like to request the following additional conditions

- The planting be of similar species to the previous one - Duranta.
- In the event in the future that the planting perishes a similar one be replanted to these guidelines.
- That it extend on the edge of 65 Hillside Road northern boundary from within metres of the eastern boundary (as it did in the past) to the western boundary in a manner consistent with my drawing below. The green line is the requested maximum elevation of the fully grown planting.
- That the section of the planting that goes from the existing retaining wall (marked on the diagram below) be maintained to limit the height at no more than approximately 2.38m above the current natural surface level at the base of the existing retaining wall eg no more than an estimated 64.866m RL (using the RLs from the DA diagram and to be confirmed upon approval that RL matches 2.38m above the natural surface at that point) extending horizontally 5 m to the west. It is expected that the top of the planting from the point of the existing retaining wall going to the east will fall away roughly parallel to the existing ground level but in the event of excess growth they also need to be maintained to be no more than a height of 64.866m RL. The height of the remainder to conform with the guidelines from the landscape referral response.
- This will mean that the section from the Eastern extent to existing retaining wall will actually approximately reinstate the previous planting which was removed by the current owners of 65
- That no permanent structures such as fences be built along the boundary. If this isn't possible, that any structure be on the south of the planting and to be slightly below the height levels of the planting such that it is hidden from 67 by the planting, and not be to our cost.

