
From: Matthew's iObject EML
Sent: 1/08/2023 5:12:53 PM
To: Olivia Ramage
Cc: Council Northernbeaches Mailbox; Maria José Scheller; Geoff Webster
Subject: TRIMMED: Response to Amended Plans from NO. 18 Hillcrest Ave, MONA VALE per DA2023/0246,
Attachments: OBJ21-B2(RA)-S Hillcrest Ave 18_final(sml).pdf;

Dear Olivia,

Thank you for the opportunity to submit a planning response concerning amended plans registered 29 June 2023 per **DA2023/0246** at No. 18 Hillcrest Ave, Mona Vale.

Please find attached our response prepared on behalf of our Clients, Mr Geoff WEBSTER & Mrs Ruth DOWNES, owners of **No. 12 Hillcrest Ave, MONA VALE**.

Upon receipt, I kindly request that Council respond by acknowledging receipt of this submission, and likewise any subsequent correspondence be copied to the Client's email address: [REDACTED]

Sincerely,

Matthew Powell

BPlan (UNSW), RPIA (No. 79157)

PRINCIPAL TOWN PLANNER

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Hub Customs House
Level 3, 31 Alfred Street
SYDNEY NSW 2000

ACN: 660 623 692

Ref: OBJ21-B2(RA)-S Hillcrest Ave 18

1st August 2023

The General Manager

C/O: Ms Olivia RAMAGE

Northern Beaches Council

PO Box 82

MANLY NSW 1655

**RE: SINGLE RESPONSE TO AMENDED PLANS – DA2023/0246, NO. 18
HILLCREST AVE, MONA VALE**

Dear Olivia,

Thank you for the opportunity to submit a planning response concerning **amended plans** registered 29 June 2023 for re-exhibition per **DA2023/0246** at **No. 18 Hillcrest Ave, Mona Vale**. This response has been prepared on behalf of a single neighbouring property at **No. 12 Hillcrest Ave, MONA VALE**, owned by **Mr Geoff WEBSTER & Mrs Ruth DOWNES**.

This response does not replace our original Principal Objection, however where comments within discuss concerns raised by the original submission, this document shall supersede those original comments, notably in relation to the previous issues:

- **Landslip:** iObject's request for a 10-metre rear building setback from the bluff edge has been partially-met with a retraction of the deck by approximately 4-metres when compared to original plans.
- **Foreshore Building Line:** The revised building footprint no longer surpasses the LEP Foreshore Building Line (FBL), nullifying the previous Clause 4.6 application.
- **Zoning and Secondary Dwelling Controls:** The amended proposal has been re-evaluated as a 'low-scale' dwelling form, thus meeting the relevant C4 Zone objective in this regard. However, inadequate foreshore vegetation and protecting the aesthetic values of the North Mona Vale Headland remain as unresolved points of concern.
- **Privacy:** The reduction in the size of the rear deck partially addresses the previous overlooking concern, however No. 12 still maintains concern for the small rear-most section of exposed deck on the Northwest Elevation from which overlooking could still occur. Similarly, removal of the extensive front-side timber slatting on the North-western elevation (as shown in original plans) represents regression in relation to this issue. Separately, acoustic privacy has been partly resolved by this amendment, however further consolidation to outdoor entertainment spaces are needed to fully address this matter, as discussed below.

Numerous issues continue to persist, posing negative impacts upon my Clients' amenity. This formal objection thus provides a summary of grounds for my Clients' continued objection in relation to the following issues:

1. Local Character and Scenic Protection

2. View Loss

3. Acoustic Privacy

4. Access and Parking

5. Landslip and Cliff Track

Response to Amended Plans:

DA2023/0246

SUBMISSION DETAILS

| | |
|------------------------|---|
| DA Address: | 18 Hillcrest Ave, MONA VALE |
| DA Reference | DA2023/0246 |
| Neighbour: | Mr Geoff WEBSTER & Mrs Ruth DOWNES (<i>Primary Objector</i>) Owners of: No. 12 Hillcrest Ave, MONA VALE |
| Stage | Response to Amended Plans |
| DA description: | Alterations and additions to residential development – construction of a secondary dwelling. |

1. Local Character and Scenic Protection

DCP A4.9 Mona Vale Locality / DCP D9.1 Character as viewed from a public place / DCP D9.2 Scenic protection - General

In relation to DCP Sections **A4.9, D9.1 and D9.2**, the location of amended proposal maintains fundamental flaws that will continue to present severe visual impacts upon the coastal landscape. Balancing the significance of natural landscapes with that of built forms requires a meaningful step away from the headland bluff to protect the visual catchment of the green corridor along the land-to-water interface.

As shown in Figure 2 of iObject's Principal Objection, Bungan Headland is typified by significant rear setbacks from the cliff edge with an ample green curtilage. Its general location represents a gross blight on the coastal landscape where no comparable development of this kind exists within the surrounding context.



Figure 1: View from No. 12 showing green corridors on both headlands (Source: iObject 2023)

The amended plans 4-metre deck retraction thus represents a piecemeal response to the gravity of the problems created by the siting in general. The siting of the proposed secondary dwelling, compared to the general pattern of headland development is completely counter to the typical rear setback patterns. In the amended form, the dwelling will become the dominant feature when viewed from Bungan Beach and the Ocean.

Subsequently, the uncharacteristic siting will ultimately interrupt the consistent pattern of coastal built forms, at the unnecessary expense of neighbouring amenity. A completely different approach is thus needed to offer a compliant development scenario that meets DCP requirements relating to character and scenic protection.

Proposed Solution: Re-siting the secondary dwelling closer to the main dwelling (eg. via attached or semi-detached additions).

2. View Loss

DCP C1.3 View Sharing

DCP Subsection C1.3 states: 'All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.' The amended plans contain no meaningful change to the siting of the kitchen/dining area, continuing to obstruct major views of the Pacific Ocean, as derived from No. 12. Notably, the following spaces will continue to be negatively affected:

- Ground floor living room (upper and lower)
- Eastern side deck areas (upper and lower)
- Eastern windows of studio/home office

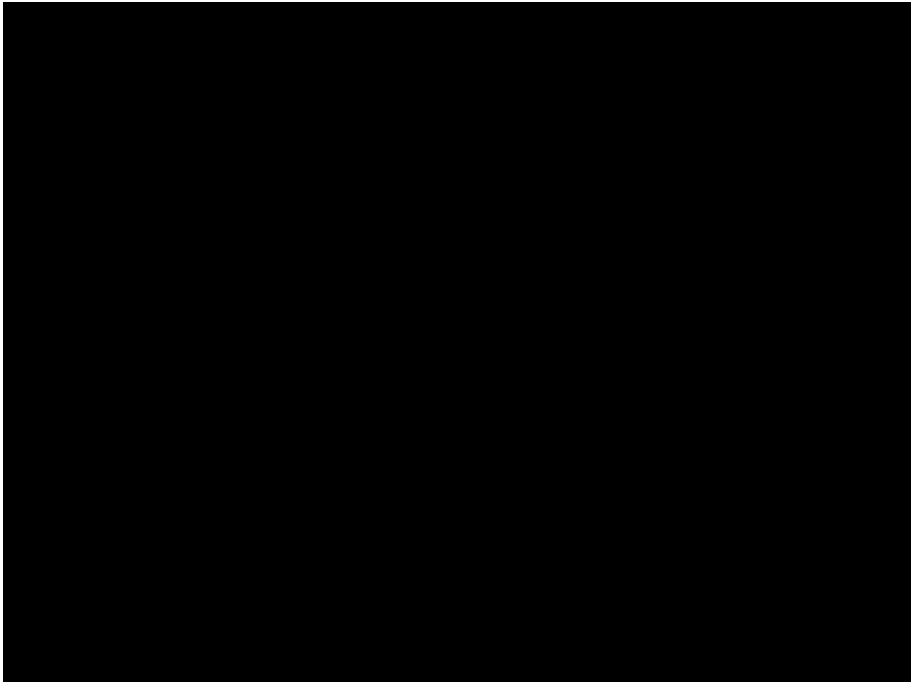


Figure 2: View across subject site from No. 12's lower ground floor living room - approximate amended building outline shown in red (Source: iObject 2023)

Although welcome for addressing privacy concerns, slightly extended louvres along the side of the rear deck will further exacerbate view loss in this corridor when compared to original plans (see **Figure 2**). The amended view impacts will likely be extensive, with many of the view capture points are either living room/work areas or outdoor private open spaces. The location of the revised building length will still cause the structure to visually replace or intrude upon No. 12's views.

Given the alternative siting options available for a secondary dwelling, the amended built form cannot be justified as being the most reasonable solution to balancing individual planning rights with neighbourhood view sharing principles. The DA as it stands will cause a major obstruction to No. 12's view corridors towards the Pacific Ocean. It can be concluded therefore that the proposal has not been designed to allow for view sharing, and thus does not comply with DCP Subsection, nor its Objectives.

- **Proposed Solution:** Removal of the proposed secondary dwelling from the rear of the site.

3. Acoustic Privacy

C1.6 Acoustic Privacy

The siting and layout of the amended rear elevated entertainment space will likely still cause incursions to the acoustic privacy of adjacent bedroom and living room windows of No.s 12. Despite the reduction, the comparable size of the revised elevated deck with that of the eastern deck area creates vagary around defining the principal private open space (PPOS). Amended plans show an outdoor dining setting to this rear section, suggesting outdoor parties at this location will still produce noise complaints.

With the prevailing wind pattern allowing noise to easily travel from No. 18 to No. 12, this outdoor dining/BBQ area will likely have a detrimental impact on acoustic privacy. Ensuring the consolidation of PPOS on the opposite side of the new dwelling will thus prove essential to ameliorating this acoustic concern.

Proposed Solutions: Preference 1: Relocation of the secondary dwelling to a more appropriate location. Preference 2: Consolidate the PPOS to the Eastern side, whilst reducing the depth of the proposed rear elevated deck to one (1) to two (2) metres, with screening devices along the full length of the North-western elevation.

4. Access and Parking

DCP B6.2 Internal Driveways

B6.3 Off-Street Vehicle Parking Requirements

The amended plans continue to propose DCP non-compliances in relation to access and parking, with the absence of a driveway preventing the safe and convenient access to the secondary dwelling. Furthermore, the lack of additional on-site parking provision would likely add further pressure to on-street parking demand, which is already facing local pressure.

Notably, visitors to the Bicentennial Coastal Walkway attracts additional tourist parking demand, creating supply issues along Hillcrest Avenue at various times throughout the week. With inadequate parking unable to meet the demands generated by the development, the revised proposal thus cannot be justified on merit.

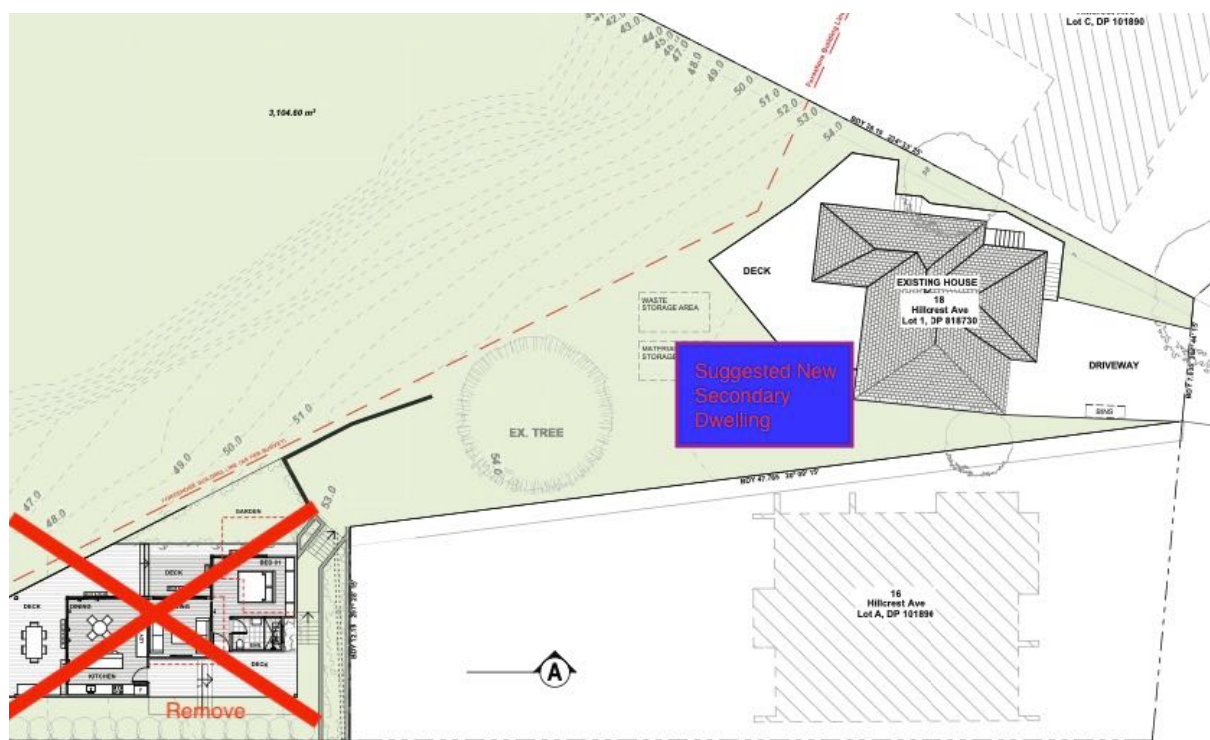


Figure 3: Suggested new location of the proposed secondary dwelling (Source: Amended Plans registered 29 June 2023 / iObject 2023)

Proposed Solution: Reconfiguration of the proposal by integrating the secondary dwelling into the design of existing main dwelling (eg. via attached additions), where acceptable parking and driveway provision can occur.

5. Landslip and Cliff Track

LEP 7.5 Coastal risk planning / DCP B3.4 Coastline (Bluff) Hazard / DCP C1.2 Safety and Security

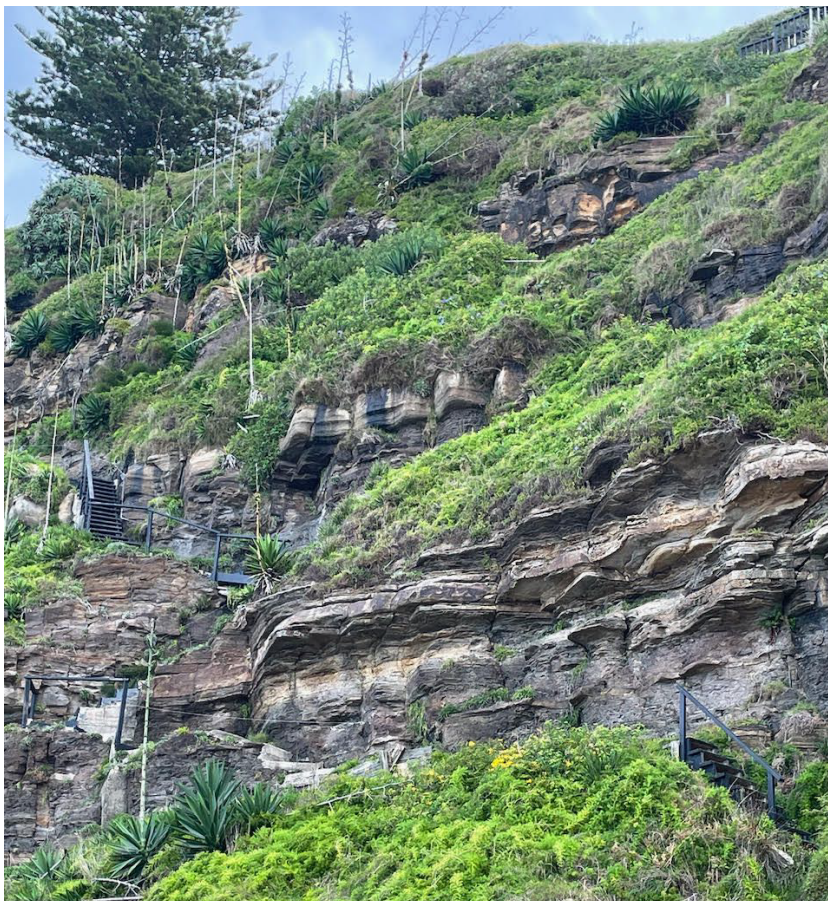


Figure 4: Condemned Beach Track over the bluff face (Source: iObject 2023)

In the interests of ongoing safety and public liability, a serious response is required from Council in relation to the Cliff Track issue. Council has been made aware of the historic fatalities occurring between its land and the subject site, as detailed in iObject's Principal Objection. Informal reinstatement of the condemned track by the applicant is highly probable, thus necessitating Council intervention.

Given the topography and history of the site, Council may be liable for negligence should the amended structure be found to compound landslide risk at this location. Evidence of local cracking and movement highlights this possibility, offering a clear picture of the tenuous soil structure under which the Cliff Track is located.

Proposed Solutions:

- That Council's Compliance Team investigate the matter urgently as a matter of public safety.
- That any future approval on the subject site conditions a continuous fence with no opening at the entry of the condemned track.

Conclusion

Based on the above preliminary evaluation of **amended plans** registered 29 June 2023 per **DA2023/0246**, the revised proposal still does not merit approval in my professional opinion. Significant non-compliances persist in relation to Local Character and Scenic Protection, View Loss, Acoustic Privacy, Access and Parking, and Landslip and the Cliff Track, requiring urgent attention.

For any questions in relation to this Response Letter, please phone me on [REDACTED] or email: [REDACTED].

Yours sincerely,



Matthew Powell

BPlan (UNSW), RPIA (No. 79157)

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