
Sent: 15/11/2021 3:22:05 PM
Subject: DA 2021/1779 - 11 Hilltop Rd Avalon Beach
Attachments: SUBMISSION TO COUNCIL RE 11 HILLTOP ROAD AVALON BEACH
AMENDED DA.pdf;

Please see attached submission re DA 2021/1779 for referral to Brittany Harrison.

Kind regards

LANCE DOYLE

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

REGISTERED PLANNER

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15 November 2021

The General Manager

Northern Beaches Council

By email

ATTN Brittany Harrison

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

11 Hilltop Road Avalon Beach

DA2021/1779

Dear Ms Harrison,

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.

It should be noted that the current Development Application incorporates amendments to the previous Development Application for a similar proposal on the subject site. This Application was withdrawn.

Firstly, the amended proposal has reduced the proposed maximum height from a previously proposed RL 61.3 m AHD to the current proposal with a maximum height of 60.27 m AHD, a reduction of around 1 m which importantly gives recognition to the value of the view corridor across the subject site from my clients site at 2A Chisholm Avenue.

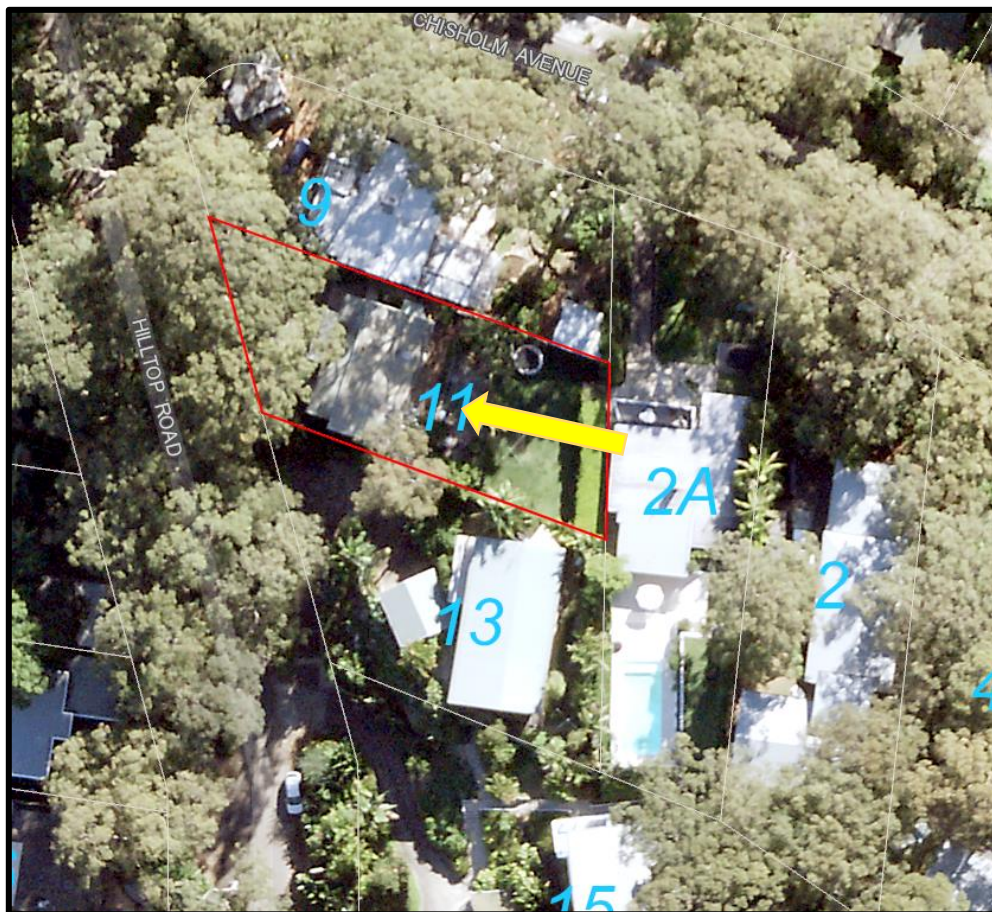
The importance of this view is reiterated in the Site Plan submitted with the Application wherein the site plan clearly indicates "views from living and bedrooms" confirming the value of these views to residence in the locality.

Notwithstanding the fact that the proponent has reduced the proposed height of the structure to a height that, according to the submitted plans, is compliant with the 8.5 m maximum height control, the principles of *Tenacity v Warringah* are still unaddressed in the application documentation.

The most applicable component of the *Tenacity v Warringah* is the criteria determining the reasonableness of the proposal and the associated criteria for assessing whether a more skilful design can reduce the potential impact upon view sharing.

In this respect, the skillion roof proposed under the current Development Application will still have a significant impact upon the acknowledged view corridor (illustrated in the following photographs and confirmed in the applicant's site plan) could readily be replaced by a pitched roof which would have the subsequent effect of relocating the high point of the roof and allowing access to the views available across the site.

This would not result in the loss of any development potential by the applicant and is seen as a reasonable outcome.



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



EXISTING VIEW TOWARDS PITTWATER FROM DECK AT 2A CHISHOLM AVENUE

The following comments were submitted to Council under a submission to the previous DA and these provide a summary of the concerns over the proposal and provides suggestions to remedy the concerns raised.

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.

ISSUES OF CONCERN

The prime issue of concern as outlined in the earlier parts of this submission is the fact that my client particularly concerned the proposal will adversely impact upon the current view corridor available across the existing dwelling towards Pittwater.

Given that the proposal could be improved by a more skilful design under the provisions of *Tenacity v Warringah* by replacing the skillion roof with a pitched roof and also lowering the ceiling height of the middle story which appears to be approximately 2.7 m, the view corridor could be improved.

The proposal therefore cannot be supported as it does not satisfy the provisions of the PLEP, Clause 4.3 Height of buildings, 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***.

Additionally, the proposal by virtue of the landscaping proposed will also have the potential to impact upon the view corridor across the subject site.

In this respect it is requested that a condition of consent be imposed upon the subject development that limits the height of any proposed landscaping to a maximum of 3 m and that the existing hedge along the common boundary with 2A Chisholm Avenue be maintained at a height that is no higher than 4 m above existing ground level.

This is seen as a reasonable request as it will preserve views across the subject site whilst at the same time facilitating privacy for the future occupants of the subject site.

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

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