

10 June 2025



Helen T Dixon
70 Hilma Street
COLLARROY PLATEAU NSW 2097

Dear Ms Dixon,

Development Application No: DA2025/0354 for Demolition works and construction of a dwelling house at 70 Hilma Street, Collaroy Plateau

An assessment of your application has been undertaken. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

The following is a list of the issues and concerns identified in the assessment that mean your application cannot be supported:

1. Wall Height and Envelope

The proposed dwelling results in a maximum wall height of 7.5m. Part B1 of Warringah Development Control Plan 2011 (WDCP) requires the height of walls to not exceed 7.2m. Additionally, the proposal involves variations to the building envelope control on both side elevations.

A view-loss inspection at No. 72 Hilma Street (north of the subject site) has been undertaken, which identified that views of Long Reef Headland (including the land and water interface) and the ocean will be impacted by the proposal. These impacts occur from the concerned property's upper living areas and balcony

The wall height and building envelope non-compliances on the northern elevation are considered to be a significant factors contributing to the impacts on views. Furthermore, it is considered that a more skilful design could provide a compliant wall height and achieve the same development potential, while retaining more views.

2. Landscaped Area

The proposal has a landscaped open space (LOS) of 36.3% (153.5m²), as calculated by Council, while the WDCP control requires a minimum of 40%.

It is acknowledged that there is a minor increase from the existing non-complaint LOS. However, this is considered an inappropriate justification for a "knock-down-rebuild", and it is noted that there are minimal environmental constraints preventing compliance with this control.

In this regard, the proposal is inconsistent with the objectives of this control, and is deemed unsatisfactory because the proposal does not provide adequate areas of deep soil landscaping for substantial plantings. LOS is



essential for establishing significant screening plantings and vegetation to assist with stormwater infiltration.

It is advised that the development should be amended to comply with this control to achieve support from Council.

3. Views

As above, the proposal results in unreasonable view loss from No. 72 Hilma Street. The view loss upon individual vantage points throughout this site ranges from negligible (no impact) to severe, including views of views of Long Reef Headland (including the land and water interface). In this regard, the collective impact is considered to be moderate.

The view loss arises as a result of non-compliance with the above-mentioned planning controls and is, therefore, considered to be unreasonable. In addition, it is considered that a more skilful design could provide a compliant building height and achieve the same development potential while retaining more views.

4. Privacy

The proposed dwelling includes large windows along the northern elevation, associated with high-use living areas.

Clause D9 - Privacy of the Warringah Development Control Plan 2011 (WDCP) requires building layouts to optimise privacy for both occupants and neighbouring properties. Due to the elevated design, the proposal is considered to inadequately limit overlooking, as the dwelling would allow direct views into adjacent private open spaces.

It is therefore recommended that the design be reconfigured to reduce opportunities for overlooking along the northern side boundary.

Objector's Concerns to be Addressed

You are encouraged to review the submissions that have been lodged in relation to the application and consider any design solutions that may resolve relevant concerns.

Submissions that are available online in accordance with the Northern Beaches Community Participation Plan can be viewed on Council's website at the following link, using the application number as a reference:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx>

Options Available to the Applicant

Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.



2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to council@northernbeaches.nsw.gov.au marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

Submitting further information/amendments

Council will offer **one** opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on 4 April 2025 and 67 days in the assessment period have now elapsed.



This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Kye Miles on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Kye Miles
Planner

A handwritten signature in blue ink, consisting of stylized, cursive letters that appear to read 'Kye Miles'.