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**Sent:** 17/07/2019 10:47:04 PM  
**Subject:** Attention Catriona Shirley re Objection to DA2019/0106  
**Attachments:** Objection\_DA2019 0106.pdf;

Dear Catriona

Please find attached our objection to DA2019/0106 for 157 Victor Road, Dee Why.

Regards

Rob Graham & Kirsten Prince

154 Victor Rd, Narrabeena

**Robert Graham**

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Robert Graham & Kirsten Prince  
154 Victor Road  
Narraweena NSW 2099

Catriona Shirley  
Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099

27 February 2019

**Objection regarding DA2019/0106**

157 Victor Road, Dee Why  
Alterations and additions to a dwelling house

Attention Catriona Shirley

We are the owners and occupiers of the property located at 154 Victor Road, Narraweena and we are writing to formally **Object** to the Development Application DA2019/0106 for the property at 157 Victor Road, Dee Why which is located directly opposite our property.

Our objection is based on the fact that the proposal to add a third storey to the existing dwelling seeks to **significantly** breach the following:

- a. WLEP 2011 maximum height
- b. WDCP Wall Heights
- c. WDCP Side Boundary Envelope

These breaches result in the development breaching the WDCP Design Standards relating to Views and Building Bulk and most importantly fails the test for View Sharing when measured against the requirements outlined in Tenacity Consulting v Warringah Council (2004) NSW LEC 140 which is referenced by WDCP D7 Views.

Our property currently has a focussed view across the top of the existing dwelling at 157 Victor Road. The view consists of foreground, Dee Why Lagoon which is listed as a significant heritage item by the Australian Heritage Commission, land and water interface of the ocean and breaking waves beyond. The views are currently available from the kitchen, internal primary living room and primary front outdoor deck. The views are significant when accurately assessed against Tenacity. The view loss from these areas is **devastating** according to the principles outlined in Tenacity when assessed by an appropriately experienced and qualified planner.

Chapman Planning have presented no qualifications with regards assessing Tenacity and have not provided a competent assessment against the principles outlined in Tenacity. The 4.6 Application prepared by Chapman Planning to support the breach of the WLEP height limit of 8.5m makes many false and misleading statements and is not based upon fact and cannot be relied upon. No justification has been presented to breach the height limit by more than 6m as is proposed.

We refer you to drawing DA31 View Analysis submitted with the application which illustrates the severe nature of the view loss from our deck. The view loss from our primary living space and kitchen is even more severe. The applicant hasn't supplied any photos of the existing view as they would highlight the significant existing views from 154 Victor Road and support the fact that the view loss would be devastating. A view analysis needs to accurately assess the existing view and the impact on that view of a new development. This application seeks to develop the property at 157 Victor Road in a manner that dominates the view rather than share the view as encouraged by the WDCP objectives.

No representative of Chapman Planning Pty Ltd who produced the SEE and Section 4.6 Application submitted with this DA have visited our property and as such they are not qualified to assess any of the impacts on our property from the proposed development at 157 Victor Road. Neither the SEE nor the 4.6 Application

produced by Chapman Planning can be relied upon to provide an accurate response to the impacts of this development and must be disregarded as they are factually incorrect in their assessment of the impacts of the proposed development.

Taking into account the side and rear setback requirements the applicant has more than 200sqm additional land to the east of the existing residence on which to develop their property. The Warringah DCP encourages development that responds to the topography by stepping the building down the sloping site.

A detailed summary of the major WLEP and WDCP breaches are as follows. We are both registered architects and are well qualified to provide the following analysis as well as detecting the numerous inaccuracies of the documentation provided in this development application.

## **Breaches of Warringah LEP 2011**

### **4.3 Height of Buildings**

**Requirement:** Height of a building is not to exceed **8.5m**

**Objective:** The objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

**Proposal:** Breaches height by **6.45m** resulting in a height of **14.95m**

**Result:** The application does not meet any of the objectives of the WLEP. The applicant needs to prove that breaching the height does not impact on the objectives of the WLEP 8.5m height control. This application clearly **does** impact on **all of these objectives** and must be refused.

**Impact:** Devastating view loss from 154 Victor Road

**Misleading Documentation Provided:** The 8.5m maximum Height Line is not drawn on the elevations. The actual extent of the breach has not been accurately documented by the applicant and is deliberately misleading.

## **Breaches of Warringah DCP**

### **B1 Wall Heights**

**Requirement:** Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building.

**Objective:** The objectives of this clause are as follows:

- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.
- To provide a reasonable sharing of views to and from public and private properties.
- To minimise the impact of development on adjoining or nearby properties.
- To ensure that development responds to site topography and to discourage excavation of the natural landform.

**Proposal:** Breaches maximum wall height by more **6.5m** resulting in a wall height of **14m**

**Result:** The application does not meet any of the objectives of the DCP, B1 Wall Heights. The applicant needs to prove that breaching the wall height does not impact on the objectives of the DCP 7.2m wall height control. This application clearly does impact on these objectives and must be refused.

**Impact:** Devastating view loss from 154 Victor Road

### **B3 Side Boundary Envelopes**

**Requirement:** Buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries by 4 metres.

**Objective:** The objectives of this clause are as follows:

- To ensure that development does not become visually dominant by virtue of its height and bulk.
- To ensure adequate light, solar access and privacy by providing spatial separation between buildings.
- To ensure that development responds to the topography of the site

**Proposal:** Breaches side boundary envelopes to both the northern and southern side boundaries. These breaches are significant in nature and in no way are minor.

**Result:** The application does not meet any of the objectives of the DCP, B3 Side Boundary Envelopes. The applicant needs to prove that breaching the side boundary envelopes does not impact on the objectives of the DCP control. This application clearly does impact significantly on these objectives and must be refused.

**Impact:** Devastating view loss from 154 Victor Road. The building at 157 Victor Road would become visually dominant by virtue of its height and scale, provides significantly reduced separation between buildings and does not respond to the topography of the site.

#### **B7 Front Boundary Setbacks**

**Requirement:** Development is to maintain a minimum setback to road frontage of 6.5m

**Objective:** The objectives of this clause are as follows:

- To create a sense of openness
- To maintain the visual continuity and pattern of building and landscape elements
- To protect and enhance the visual quality of the streetscapes and public spaces
- To achieve reasonable view sharing

**Proposal:** The Site Plan DA01 submitted with the DA locates the existing dwelling 5.749m from the front property boundary however the Survey submitted accurately locates the existing dwelling 5.57m from the front boundary. The existing dwelling and as such the proposed third floor addition breach the setback requirement by 0.93m.

**Result:** The application does not meet any of the objectives of the DCP and is non compliant.

**Impact:** 157 Victor Road will dominate the view rather than sharing the view and results in devastating view loss from 154 Victor Road. There would also be a lack of openness and detrimental impact on the visual streetscape quality as this property will be out of character with the adjoining properties which present as single storeys to the Victor Road street frontage.

**Misleading Documentation Provided:** The architects drawings do not locate the building accurately on the site as per the Survey and seeks to deliberately mislead council as to the true nature of the development and extent of the breaches of the WLEP and DCP requirements. The documentation provided cannot be relied upon to provide an accurate assessment of the proposal as every drawing is incorrect given that the house is **drawn in the wrong location on the subject site**. It is a basic requirement that drawings lodged for the purpose of a DA are accurate and it would be a basic skill of a qualified architect to be able to accurately locate a building on its site. Either the architect is incompetent or deliberately trying to mislead council. None of the documentation provided can be relied upon to accurately assess this proposal.

#### **D6 Access to Sunlight**

**Misleading Documentation Provided:** Refer to the Certification of Shadow Diagrams by the Architect. The drawings supplied are from a previous design submitted for a DA to Council dated 05/05/2018. The building form in the shadow studies do not match that of the plans supplied in this application.

The architect is incompetent and the supplied information cannot be relied upon when he has provided certification for a completely different proposal.

#### **D7 Views**

**Requirement:** Development shall provide for the reasonable sharing of views.

**Objective:** The objectives of this clause are as follows:

- To allow for the reasonable sharing of views.
- To encourage innovative design solutions to improve the urban environment.

**Proposal:** The DA submitted for 157 Victor Rd seeks to breach the height control by 6.45m, the maximum wall heights by 6.5m, the side building envelopes by extreme amounts and the front building setback in order to build a third floor addition to the existing residence.

**Result:** The application does not meet any of the objectives of the DCP. The proposed development dominates rather than shares the view, does not provide an innovative design solution and is detrimental to the urban environment.

**Impact:** Devastating view loss from 154 Victor Road

#### **D9 Building Bulk**

**Requirement:**

- Side and rear setbacks are to be progressively increased as wall height increases.
- Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate

techniques to provide visual relief.

- On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope.

- Building height and scale needs to relate to topography and site conditions.

**Objective:** The objectives of this clause are as follows:

- To encourage good design and innovative architecture to improve the urban environment.
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

**Proposal:** Presents a two storey street wall to Victor Road, that breaches the front boundary setback, with no articulation and does not respond to the topography of the site.

**Result:** The application does not meet any of the objectives of the DCP and is non compliant.

**Impact:** A visually dominant building completely out of character with the streetscape while also presenting a massive three storey building to the ridgeline when viewed from street and public spaces to the east of the site.

### **E10 Landslip Risk**

**Requirement:** The applicant must demonstrate that:

- The proposed development is justified in terms of geotechnical stability; and
- The proposed development will be carried out in accordance with good engineering practice.

**Objective:** To ensure development is geotechnically stable and to ensure good engineering practice.

**Proposal:** The Geotechnical Assessment lodged does not assess the stability of the site with regards the existing structure having the capacity to support an additional level. As stated in the opening paragraph of the report it has been prepared for '**...the express purpose of assessing the stability and the effect on the same of the proposed construction of separate accommodation space at the approximate location currently occupied by the metal roofed shed**'. This shed is located adjacent the Eastern boundary of the site, refer to the Survey.

**Result:** The stability of the site has not been assessed for any impacts resulting from the addition of a third storey to the existing dwelling.

**Impact:** Does not meet the objective of the WDCP as there is no information provided assessing the geotechnical stability of this DA proposal. The applicant cannot guarantee good engineering practice and there is the potential for collapse of any additions to the existing structure due to the lack of specific geotechnical assessment of the relevant part of the site.

**Misleading Documentation Provided:** Geotechnical report has been written for a different development in a different location on the site.

We request that the responsible Planning Officer and a Senior Planner who is qualified to make an assessment of the principles of Tenacity attend our property in order to understand exactly the impacts on our property as a result of this proposal.

Regards

Robert Graham & Kirsten Prince