

19 February 2010

**DDP presentation by Rob and Kirsten of 154 Victor Road regarding
DA2019/1179 at 157 Victor Road**

This application proposes a development that is **4.45 meters (52.3%)** over the LEP height limit.

The Clause 4.6 Application provides no justification nor explanation of the impact on our view by the proposed additional storey which is the primary breach of the LEP Height Limit. Our property is the most impacted by this proposal.

The 4.6 Application cannot be relied upon given it's many inaccuracies and inconsistencies. For example, on page 2, the roof form drawing is a different profile to the roof form profile documented on drawing DA 13 as there is no ridge shown to the east. There are also conflicting ridge levels throughout the documentation.

The property at 157 Victor Rd currently enjoys uninterrupted, views of the coastline to the east from their primary living spaces and external decks.

We at 154 Victor Rd enjoy views to the east across the top of the entire property of 157 Victor Road. The most significant aspect is across the northern end of the site to Dee Why Lagoon, foreground, Dee Why beach, land sea interface and breaking waves. There is no primary view nor view corridor to the south as mentioned repeatedly in the 4.6 Application.

Council has planning rules and guidelines for exactly this situation. To guide development so that it is responsible and equitable for everyone.

The applicant has provided no explanation as to why they believe it is necessary to break the height limit so significantly in order to develop their property.

The location of this proposed additional level is on the most non compliant part of the site and located directly in front of our view which consists of Dee Why Lagoon, foreground, land and ocean interface and breaking waves. This

view is significant when tested against Tenacity and must be protected, particularly when the view is impacted by a proposal that breaks planning the LEP so significantly ie **4.45 meters (52.3%)**.

A more skilful design will provide a more appropriate response that preserves our view while achieving the development objectives of the applicant without breaking the LEP height limit.

Council should encourage the applicant to relocate the space in the proposed rooftop addition to the void space underneath. (Refer to attached marked up elevation)

The Council Planning report disregards this compliant location as a viable option to develop space at 157 Victor Road in order to preserve the supposed view of distant trees from the Pizza Oven in the front setback of 159 Victor Road. The Council Report effectively rates the view from the Pizza Oven as of greater significance than that from our Primary Living Spaces of the coastline.

Where a proposal seeks to breach the LEP by **4.45 meters (52.3%)** we should expect incredibly detailed drawings and 3D studies with accurate levels outlining the extent of the breach and analysing the impact on surrounding properties. The information supplied does not even plot the height lines on the elevations to indicate the exact extent of the breach, leaving the assessment open to interpretation rather than fact.

The Planning Report describes a 'detailed' view analysis and relies on this analysis in the assessment. This is an amateurish submission particularly when viewed against the usually high standard submitted to Council in other applications we have observed. Despite the inaccuracies in the photomontage it does demonstrate the view loss from our property.

The Planner acting for the applicant and who prepared the SEE and 4.6 Application has not attended our site to inspect the view loss first hand. As stated in Council's Planning report this entire application to breach the height limit by **4.45 meters (52.3%)** relies on the view analysis supplied by the Planner. The Planner states that there are significant views from our property, across the top of 157 Victor Rd and towards the east to Dee Why Town Centre (refer to Page 18, Clause 6.4.1 of the SEE). We cannot see Dee Why Town Centre.

The SEE, 4.6 Application and Council's Planning report all try hard to suggest that our primary view is to the south. Our view is across the northern end of 157 Victor Rd and this needs to be protected.

The Planning Report also states that with an additional level the development would fit in with the existing streetscape character. The predominant streetscape character is of houses on the east side of Victor Road presenting as a single storey to the street and stepping down the site with the topography as is encouraged by the DCP. This design is distinctly out of character with the streetscape.

As for the suggestion to reduce the ridge line of the proposed addition by 400mm, there is no detailed view analysis that shows that this would make any difference to the view loss which would still be significant.

We support the Council's Planning rules, they are good rules and they are there for a reason. Why would these rules be disregarded in favour of setting a precedent for breaching the LEP height limit by over 50% even when there are significant impacts on neighbouring properties and especially when the applicant has other compliant options.

We request that the panel refuse this proposal because it breaches the height limit by **4.45 meters (52.3%)** and results in the loss of view from our property. Following Council's rules and using a more skilful design will result in a development of the same size with no impact on any neighbouring property. The applicants at 157 can develop within the rules.



