
From: Ryan Bray
Sent: 7/12/2022 9:17:46 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Fwd: Objection to DA at 11 Taylor St, North Curl Curl - DA2022/0798
Attachments: Submission to DA at 11 Taylor St - Ryan Bray - 07.12.2022.pdf;

Please see below submission to a DA sent directly to the assigned officer.
I received an Out of Office message from her so sending direct now.

Thanks

----- Forwarded message -----

From: **Ryan Bray** [REDACTED] >
Date: Wed, Dec 7, 2022 at 9:00 PM
Subject: Objection to DA at 11 Taylor St, North Curl Curl - DA2022/0798
To: <Megan.Surtees@northernbeaches.nsw.gov.au>

Hi Megan,

I'd like to make a submission to object to DA2022/0798, at 11 Taylor St, North Curl Curl.

Please see attached detailed letter outlining my reasons for objecting.

Thank you

Kind regards,

Ryan Bray
Architect / B.Arch, M.Arch
AIA NSW Reg No. 11723

7th December 2022

Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Ryan Bray
Architect / AIA, B.Arch, M.Arch
NSW Reg No. 11723

Attn: Megan Surtees

**RE: 11 Taylor Street, North Curl Curl
DA2022/0798
Submission for Objection to Application**

Dear Megan,

I would like to submit a formal objection to the proposed Development Application DA2022/0798 at 11 Taylor Street, North Curl Curl.

I am a registered architect in NSW, and have worked on many Development Applications in Northern Beaches Council, and Warringah Council, over my 10 years of professional experience. My family owns the neighbouring 13 Pitt Road, North Curl Curl, and I previously lived there for 10 years – so I understand this site and context well.

After reviewing the submitted application (both the original submission and subsequent amended plans), my view is that this application is of an extremely poor quality in a variety of ways, showing a very low consideration of context and view sharing. This DA submission is well below the professional quality expected for a complex site such as this, which requires a high degree of planning and design consideration.

The key issues are:

1. Poor quality of submitted information by applicant
2. Devastating view loss, with no regard for the Tenacity view sharing principles
3. Non-compliances of proposed addition and existing non-compliances worsened

1. Poor quality of submitted information by applicant

The most recent amended plans show an attempt by the applicant to show the impact on view loss. There are significant issues with what was provided:

- The photo used is from the top floor – where views would be impacted the least, and also from bedrooms which are not the primary living space as outlined in Tenacity
- The submitted purple overlay is ‘indicative’ only and provides no logic to how this was generated
- Professional certified photomontages of view impacts were commissioned by neighbours at their own expense, as no attempt was made by the applicant to show consideration
- The submitted photo overlay does not match the actual impacts, when compared to the professionally certified photomontage by R.A.Walls Construction.
- The applicant's provided photo overlay is significantly misleading, and is not a reliable or accurate source, as it has not been certified or shown a methodology for its accuracy
- The applicant has not submitted an amendment to their original Statement of Environmental Effects, in terms of the impact on view loss.
- It should be noted that the original Statement of Environmental Effects submitted by the applicant, prepared by Nolan Planning Consultants, stated: *“the existing sitting and standing views currently enjoyed from No. 13 Pitt Street are to be retained.”* On looking at the certified photomontage of the original proposal (figure 3 below), which shows 100% of water view removed, it can be seen that this statement is egregiously incorrect, misleading, and shows the extreme lack of consideration or understanding of the planning impacts of the proposal



Figure 1: Indicative photo overlay provided with applicant's resubmitted plans by 'Scope Architects' (Registered Architect Xu Kha)

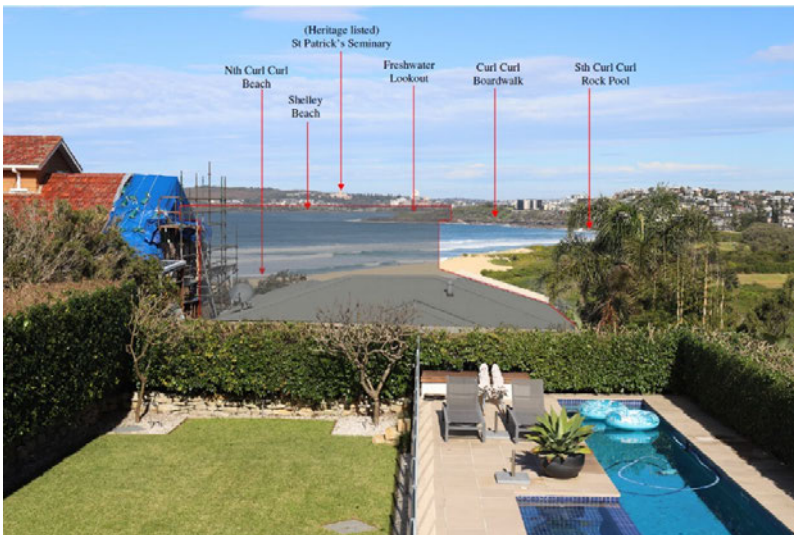


Figure 2: Photomontage computer model of applicant's resubmitted plans, created and certified by R.A.Walls on commission by neighbour



Figure 3: Photomontage computer model of applicant's original plans, created and certified by R.A.Walls on commission by neighbour. Nolan Planning's comment on this impact: "the existing sitting and standing views currently enjoyed from No. 13 Pitt Street are to be retained."

2. Severe view loss, with no regard for the Tenacity view sharing principles

In the resubmitted design, figure 2 above shows that there is still severe impact of the existing view from the living areas. This does not meet the principles established in Tenacity vs Warringah.

Principle 1

- The existing view is a whole view of North Curl Curl beach
- Roughly 75% of ocean view removed in this proposal
- The proposal obstructs many areas of interface between sand and ocean
- Significant views of beachfronts, ocean and various headlands removed
- Iconic views of Freshwater headland and Manly obscured

Principle 2

- Existing views are not across side boundaries, are between front/rear boundaries
- Standing views are significantly affected also, not just sitting

Principle 3

- The significant view loss is from living areas and kitchen, both high frequency areas
- Severity of view loss can be expressed qualitatively, as the lost views are the most valued and iconic – not just quantitative total outlook view
- View loss would be described as ‘severe’ to ‘devastating’ (original proposal would absolutely be considered ‘devastating’)

Principle 4

- The proposal includes several non-compliances to the new addition, and worsens existing non-compliances, as outlined below
- These non-compliances impact the views lost
- Under this principle, these non-compliance mean that the view loss should be considered unreasonable

3. Non-compliances of proposed addition and existing non-compliances worsened

- The existing site has a substantial non-compliance with the requirements of section D1 of the Warringah DCP - Landscape Open Space and Bushland Setting, only 18% of the site is open landscape area – well under the DCP requirement for 60%.
- While the application notes there are no proposed changes to the landscaped area, the addition of an the extra compounds and exacerbates the effects of this existing non-compliance. It means there is less open landscaping and open space on the site to mitigate the increased height, bulk and scale of the building.
- The LEP lot size map designates this site to have a minimum lot size of 450sqm, and the site area is 416sqm. One of the objectives of this clause is regarding protection of residential character in a locality. The lot being undersized means that the bulk of the new built form is more prominent.

As outlined in these key points, it is my professional opinion that this application is a low quality proposal with minimal consideration of impacts to its context in the built environment.

I have a realistic approach to view sharing in residential areas, and believe that residents should have a certain degree of rights for views from their property. I have worked on both sides of this process previously and believe in the fair process. However this application shows very little regard for the established view sharing principles and contextual consideration.

This property is an undersized lot within a locality of large open land sizes, and is already not complying with key planning principles that mitigate building density and bulk. Extending as proposed on this existing building creates undue impact on the amenity of neighbours, and has an unfair and significant adverse impact on the views of neighbouring residences.

Therefore I strongly request that council refuses this application.

Kind regards,

A handwritten signature in black ink, appearing to read 'Ryan Bray', written in a cursive style.

Ryan Bray

Architect / B.Arch, M.Arch

AIA NSW Reg No. 11723