

Northern Beaches Council

Attention : David Auster - Planner
Development Assessment – South Team

Re DA 2022/1153

Dear David

I have been asked, as a retired Architect of some 50 years experience, by Doug and Lesley McGrath of 1164 Pittwater Road Narrabeen to review & comment on the DA documentation, DA2022/1153. This development application is for a new two storey residence located at 1162 Pittwater Road immediately to the south of their residence.

The purpose of my review is to pass on my interpretation of the DA documents found on the Council's website and to inform them more accurately of the implications of the proposal.

A number of issues have arisen, some related to lack of adequate or clear information on the documents, other implications raise issues from a community perspective specifically precedents being set by this proposal which will likely influence future beachfront developments.

The following comments are in no specific order.

1. Site Coverage

Given the recent seawall installation across the beachfront properties Council is requested to advise the relevance of the wall itself to the calculation of the effective site area of a property. This clearly effects the calculation of design elements such as site coverage, landscape and open space areas.

If the site coverage of a development is to be calculated based on the usable site area west of the wall, these reduced design limitations will significantly impact property values, external usable space and limit future development potential.

If property owners along the beachfront are not to be detrimentally impacted and their land values diminished it will require Council to amend these ratios to accommodate the unusable land east of the wall.

It's requested that Council clarify this issue promptly.

2. Easements

The DA Site Plan identifies a "line of easement" some 5 to 6.5 meters west of the wall, presumably to allow any future maintenance or access to the wall. This easement is shown on the Horton Coastal Engineering drawings. There is another easement referred to on the Site Analysis Plan, the so called "Predominant Rear Building Easement Line". This line is located a further 7 meters behind the "line of easement and parallel to it.

It's noted that this "Predominant Rear Building Easement Line" is positioned differently to a similar "Setback 2" line identified on the wall's Coastal Protection Works Plan" prepared by Horton Coastal Engineering. The "Setback 2" line appears to be determined by aligning the corners of buildings at 1168 and 1150 Pittwater Rd. The line on the DA's Site Analysis Plan appears to be determined by aligning buildings at 1168 & 1158.

The wording on the Horton design drawings seems to indicate an ability to build right up to this line. It's requested that Council clarify what is allowable in this regard.

It is clear that should this be allowed by Council it will create a potential development explosion, especially given 2 to 4 storey development has many nearby precedents.

While the proposed DA in question remains behind these differently shown easements, this DA documentation, should it be approved, has the potential to establish unfavourable precedents and encourage future unsightly developments along the beachfront. The existing amenity of the properties along this section of beachfront will be severely affected.

Those properties' owners who cannot or do not wish to demolish and rebuild further east will suffer significant property price reduction and significant impact on long held significant views.

It is unclear whether any of these easements are official easements established by Council or one shown arbitrarily by the owners of 1162 for their own benefit. The purpose of the additional easement is unclear. The impact of these easements is however clearly detrimental to the amenity of the neighbourhood and to the users of the beach. In that potential high rise development may become a dominant feature of the beachfront.

3. There would seem to be value in establishing a system of easement positioning whereby each property between 1168 & 1150 can be provided with better view potential than that currently envisaged.

Given there is further seawall construction north of 1168 the principles established in this DA will have a direct impact on those sites as well.

4. View Sharing

The DA's Site Analysis Plan identifies viewing angles to "Significant Views". These are clearly deceptive. The significant view element of the property at 1164 is the Long Reef Headland and sections of Fisherman's & Collaroy Beach to the South East. The iconic character of this view is substantiated by comments on Council's website, "Long Reef Headland ... is a unique feature of the northern beaches landscape".

It should be noted the general view focus of all the properties 1150 through to 1168 is to the south east, i.e. towards the iconic headland and Collaroy Beach due to their geographical orientation.

The narrow cone of view, of some 74 degrees, as shown on the Site Analysis Plan looks directly to the east and would allow views solely of the ocean. Such a view cone would totally obliterate views of Long Reef Headland and adjoining beaches and foreshore. The headland and adjacent foreshore is the substantial element of the view. The comment in the Statement of Environmental Effects that “the development shall provide REASONABLE SHARING of views” is deliberately misrepresenting the situation and appears to be disingenuous. Based on a 2004 determination by the Land & Environment Court, referred to later in this document, it could be determined there is no view sharing at all.

In the applicant’s View Sharing Analysis document it is claimed the property at 1164 “enjoys significant views towards east & north, looking towards Collaroy Beach”. This comment acknowledges Collaroy Beach is part of the substantial view of 1164. It also states that Collaroy Beach lies to the south of 1164 and as such will be totally obscured by their proposed development. Further the analysis states “given the proposed new dwelling (at 1162) is located to the south of 1164, it will have negligible impact on views”. This again is demonstrably false & misrepresents clear facts.

A simple observation taken from the midpoint of the ground floor terrace of 1164 shows the north-east corner of the proposed new building on 1162 to be on a compass bearing of 140 degrees. The bearing to the eastern end of Long Reef Headland is 135 degrees. Hence the proposed development will obscure all but a small fraction of the headland. The view of the headland becomes totally obscured if one moves 2 metres to the left (south)

Further in the View Sharing Analysis it states that “the dwelling at 1160 enjoys significant views to the east overlooking Collaroy Beach.” This is clearly false as any significant view is blocked by the 3 storey building on 1158. Again it states “the primary significant view to the east remain unobstructed”, it would be difficult to identify the ocean alone as a “primary substantial view” given the definition of the headland by Council. It goes on “Any secondary oblique peripheral views northwards towards Collaroy Beach will only be slightly impacted”. This again is pure nonsense.

Finally the comment in the View Sharing Analysis that “any oblique peripheral views northwards towards Collaroy Beach will only be slightly impacted by the proposed development, due to the rear setback of 1160 being substantially more than surrounding dwellings, the building mass of 1164 already currently obscures these views”. In response it should be noted that the view from the terrace of 1160 toward North Narrabeen Headland is not currently obstructed by 1164. The fallacious argument that as 1164 already blocks the view of 1160 so this development can justifiably block it even further is not acceptable or justifiable.

The above comments demonstrate the many errors in the view analysis, the lack of rigour given to its considerations and give substance to an appearance of professional bias and misrepresentation.

Any acceptance by Council of the applicant's approach to the "sharing of views" would lead to a reduction in the amenity enjoyed by many existing property owners and will detrimentally impact future development directions.

5. Court Determined View Sharing Assessment Process

Based on a view sharing assessment process outlined by the Land & Environment Court in *Tenacity Consulting vs Warringah Council 2004* the following comments need to be made :

- a. Step 1 – *an iconic view is valued more highly than one without any icons. Also an interface between water & land, e.g. a beach, is more valuable than where the interface is obscured.* Given the proposed development effectively removes both the iconic elements of the view from 1164 the proposal should be rejected.
- b. Step 2 - *what part of the property loses the view.* Under the current proposal both iconic view elements are lost from 1164's Lounge Room & Dining Room windows, the Kitchen , from the ground floor terrace immediately beyond the windows and from the eastern windows of the first floor Bedrooms. The Lounge & Dining Rooms are the main living space of the residence at 1164.
- c. Step 3 – *The extent of the impact. The impact from living areas is more valued than from bedrooms.* It is the Lounge, Dining Rooms & Kitchen of 1164 that suffers the major loss of views from within the house while the external terrace suffers similar loss.
- d. Step 4 -*the reasonableness of the proposal that is causing the loss of view.* The proposal could easily be modified to pull the bulk of the building back towards the west in order to reduce the impact on views. This would require little modification to the design itself. The intrusion of the building into the front (Street) easement has little consequence and there are precedents for it having been done in recent developments further along Pittwater Rd with no consequences. A relocation into the street easement could be implemented without needing to encroach on the existing sewer easement.

On the basis of this Land & Environment Court determination it is clear the view sharing proposition of the applicant is unreasonable and unsupportable. It's requested the application be rejected on these grounds.

6. DCP Compliance

The DA documentation provides no way of identifying or verifying its claim of 60% site coverage, 40% landscape open space and the like and what is or is not included in such calculations. Given the lack of clarity as to the impact of the seawall on a property's effective site area it is requested Council seek this information from the Applicant and it further advise the community as to the outcome of its policy determination.

7. The Landscape Plan incorporates a number of Banksia integrifolia trees. These have the potential to grow to 15m in height and 6m in width. Such trees have the potential to impact the view from 1164 to the south east and 1160's view to the north east. It's requested these be modified avoid this situation.

It's also noted that glass side fences running back from the seawall have been selected by many of the property owners including 1162, deliberately to maximise current views. The landscape proposal seems to be directly impacting the amenity of the existing properties and unnecessarily restricting views. It's requested an alternative selection be made to suit the situation.

8. The massing of the proposed building is excessive and inappropriate and makes no attempt to address the impact on the adjoining properties and their amenity. Unfortunate examples of such design approaches can be seen in the area and should not be further encouraged or approved.
9. The dominant material in the east elevation is the 4.8m high off-form concrete blade columns, the concrete balcony slab and the brick garden walls. Both of these materials are discouraged in section D.10 of the Development Control Plan as they do not reflect the intent of development along the beachfront.
10. It is understood from comments in the Statement of Environmental Effects, D22, that solar panels will be installed on the proposed building roof. However there is no reference to these and associated elements, such as batteries, on the plans. The positioning of these features and their associated infrastructure could have a significant impact on the visual & audio amenity of neighbour's properties., e.g. glare, reflections or noise.
11. There are ramps shown on the proposed GF plan providing access from street level up to that of the residence. However the details of these ramps should be included either in the DA drawings or on any conditions to ensure any overtopping water from high seas can flow freely down the side setback easements to the street and not be impeded by the ramps. Similarly the ramps should be made to incorporate kerbs to prevent rainwater overflowing into adjacent properties.

Yours sincerely

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