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**Sent:** 19/07/2021 10:37:02 AM  
**Subject:** 266 Whale Beach Road WHALE BEACH - DA2021/0419  
**Attachments:** 266 WHALE BEACH ROAD WHALE BEACH.pdf; deCA LOGO PDF.pdf;  
PastedGraphic-1.pdf;

Please find attaches Peer Review from Brendan Randles Architect

Submitted as additional information relevant to  
DA 2021/0419 266 Whale Beach Road WHALE BEACH

Kind regards  
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proposed new residence  
peer review - prepared for celia hooper

266 whale beach road whale beach  
17th july 2021

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**Brendan Randles Architect  
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16<sup>th</sup> July 2021

Dear Sir/ Madam,

**PROPOSED DEVELOPMENT AT 266 WHALE BEACH ROAD WHALE BEACH  
PEER REVIEW**

On behalf of my client, Ms Celia Hooper of the above address, I would like to express my support for the above proposal by way of this Peer Review. While I have not been involved in its design, I have examined the recently amended proposal (Revision 01), its relationship with the site and context, the streetscape, the planning controls, nearby existing buildings (including 264 Whale Beach Road) and have come to the conclusion that the amended proposal for 266 :

- is an intelligent and well considered response to a complex site
- has a good alignment with planning controls generally and/
- will contribute positively to the Whale Beach Road context.

To prepare this Peer Review, I have considered the concerns raised by the neighbour at 264 Whale Beach Road, submitted as objections on 19<sup>th</sup> May 2021 and 9<sup>th</sup> July 2021 (in response to the amended plans), the likely impacts of the proposed built form on the amenity of the existing dwelling at 264, the impacts on the streetscape and the extent of non compliances referred to within the objections. I have also described the many ways that the proposal responds to the existing building at number 264 and is designed to minimize impacts on its internal and external amenity, streetscape and outlook to the ocean.

I am a member of a number of design review panels throughout the Sydney region, including Waverley, Bayside, Parramatta, Northern suburbs, Wollongong, Parramatta and Sutherland, as well as a number of Local Planning Panels, including City of Sydney, North Sydney, Randwick and Wollongong. Although these panels were established to provide expert recommendations to Councils regarding large mixed-use developments and to determine applications in the case of Local Planning Panels, it is not unusual for single detached houses to be assessed, especially near the ocean and on contested or complex sites. This experience not only depends on a high level of expertise to understand built form, its relationship with context and adjoining sites, but also a demonstrated capacity to assess the physical and visual impacts of a proposal and capacity to meet compliance, the intentions of planning controls and acceptable design outcomes.

**01 Existing Building at 264 Whale Beach Road**

The building at 264 is a fine building designed by a very good architect. The orientation of the layout and form of the building would indicate that Bruce Rickard's major focus was (unsurprisingly) on the ocean. To maximize ocean views, the house comprises a balcony at living level, with long strip fenestration to its upper level and corner glazing. In maximizing the width of the frontage however, the resultant built form created a narrow east west aligned footprint with a non compliant side setback to its east (the building almost touches the boundary in fact) and an eastern elevation without fenestration.

It is suggested by the owners of 264 Whale Beach Road, that the proposal at 266 does not adequately respond to this existing building. By not setting back 2.5m from the western boundary, it is suggested that the urban design quality of streetscape will be reduced, the amenity of 264 will be adversely impacted and that “the setting of this very important architectural work” will be compromised. Moreover, it is suggested that the cause of these impacts are significant built form non-compliances that are both vast and extensive.

I do not agree with this assessment however. In my view, the siting of the building is well founded – see compliance issues below – and positively responds to the existing built form at 264 Whale Beach Road. Moreover, its siting makes sense of the non compliant east facing blank wall existing on 264 and radically improves south east outlook from existing balcony and corner glazing. Contrary to the objectors, I believe the proposal positively responds to the existing building at 264 Whale Beach Road as follows :

- the proposed massing aligns with the frontage of the Rickard house. Not only does this comply with the Council’s 6.5m front setback, it also respects the alignment of the existing dwelling and its established relationship with the streetscape
- the proposed built form’s frontage is setback 2.5m from the west for a depth of 2.61m. Not only does this align with the landscape and separation intentions of Council’s 2.5m side setback requirements, it also protects and preserves ocean views from the south east facing balcony and corner glazing of the Rickard house; this is despite these elements being non compliant with side setback requirements and built virtually on the boundary
- the proposed built form has a compliant western side setback of 1m and a compliant eastern side setback of 2.5m; this is unlike the building at 264, which has an east facing side setback that is non compliant with the DCP
- the portion of proposed west facing built form with a 1m side setback extends only 7.700m up the site. Not only does this correspond with the width of the existing built form at 264 Whale Beach Road, it also faces a side facing wall of the Rickard house that has no fenestration (due to its non compliance with the Council’s side setback requirements). Therefore, there are no adverse impacts on the internal amenity of 264, such as visual bulk, or loss of solar access, privacy or outlook.
- The proposed built form then sets back a further 1.5 – 2.5m from the western boundary for a length of 4.615m. Not only does this create a generous landscaped garden, it also allows for privacy to the existing pool area at number 264 to prevail.
- north of the garden, the proposed built form sets back an additional 3m (or 6.5 – 7.5m from the western boundary) as the site slopes up the hill. Not only does this measure contain privacy impacts on the 264’s sloped rear garden, it also reduces impacts of visual bulk and outdoor amenity.

It is clear from the south elevation (see DA 301) that the height of the proposed built form setback 1m from the western boundary, is roughly aligned with the eaves of the existing Rickard house; notably, the amended roof form now slopes to the street in order to be lower than its existing eaves. Given that this portion of the proposed built form faces a wall without windows and incorporates a landscaped setback from the frontage, its scale does not seem excessive or detrimental to the streetscape. On the contrary, the elevation would suggest that the built form is aligned in scale with its neighbours and seeks to mediate with both properties and existing streetscape.

With a consistent street alignment, built form aligned with the width of the adjoining building, new side garden landscapes to enhance privacy to the rear garden, clear references to adjacent built form eaves height and the cutting back of proposed ocean facing built form to protect the current outlook from 264, the claim that the proposal does not adequately respond to the existing Rickard house cannot be sustained.

## **02 Loss of amenity to 264 Whale Beach Road**

### **02a Bulk and Scale**

As described above, the proposal has been well sited to enhance the existing amenity of number 264, to allow for future development of 268, to address the scale and character of the streetscape and to align generally with the DCP's built form controls. In terms of visual bulk, the proposal has been articulated so that the main body of the roof is generally housed well within the site and its built form steps away from the western boundary. Not only does this contain adverse impacts on 264's rear garden, it will create a coherent response to the site's steep topography.

Although the owners of the 264 would suggest that the impacts of visual bulk on their property would be significant, it would appear that the proposal successfully houses and contains visual bulk in the vicinity of the existing eastern wall of 264 – an area that is not looked onto by the existing residence as it has no east facing windows. All areas north of this area are setback substantially from the western boundary and proposed as garden spaces with large trees, designed to protect the visual and physical amenity of number 264's rear garden.

The "undercroft" area referred to by the owners of 264 is a modestly sized open sitting area of approximately 30sqm; setback from the western boundary by 6.5 - 7.5m, it will read as an open level of a two storey component of the dwelling, well under the maximum height requirement and screened by boundary landscaping. As sections and elevations clearly demonstrate, this element will have no adverse visual impacts on either adjoining property.

### **02b Solar Access**

Given the orientation of the site, it is difficult to understand how the proposed built form will significantly reduce solar access to the property at number 264. With north directly aligned with the side boundaries, there can be no impacts of solar access to the property after 12noon; hence the existing house and its rear garden will have unimpeded solar access all afternoon, regardless of the season.

Given the site's orientation, the form of the proposed built form and the setbacks proposed, it would also appear that impacts of the existing building and garden will be very limited - even before noon. While there may be some shading on the east facing wall before 10.30am in Winter – when morning sun is much lower - impacts on solar access earlier in the morning will be mitigated by the rear portion's large side setbacks.

Refer to shadow impact diagrams.

### **2c Privacy**

As noted above, concerns about privacy appear unfounded due to the following factors :

- due to its non compliant proximity to the side boundary, the east facing wall of 264 Whale Beach Road does not contain windows
- the proposed frontage is setback 2.061m from the 6.5m front setback to allow unimpeded ocean views from number 264
- proposed south facing balconies are screened to the west
- windows to the west facing proposed built form are either screened or obscure glass and can be conditioned as such
- east facing glazing to the stair is setback 3m or more and screened or obscure glass
- living level courtyard is screened by boundary planting

## **2d Outlook**

As noted above, the south east corner of the proposed built form will be setback 2.5m from the western boundary and 2.06m from the 6.5m front setback. This is considerably further back than the existing built form, which is located more than two metres to the east and 400mm to the south than what is now being proposed. This will result in a marked improvement to outlook to the ocean and to the east from the existing balcony and upper glazing of the dwelling at 264.

## **2e Accessibility on the subject site**

The proposed levels have been established to minimise excavation, optimise accessibility and compliance from the public domain (for both pedestrians and vehicles) and alignment with existing topographical levels at key points throughout the proposed built form. I have reviewed the currently proposed building levels and the site's survey. In my opinion, the levels proposed appear to achieve compliance and accessibility throughout.

## **03 Impacts on streetscape**

It is suggested by the owners of 264 that the urban design quality of the Whale Beach Road streetscape will be reduced by the proposal and that "the setting of this very important architectural work" by architect Bruce Rickard, will be compromised. However as outlined above, the proposal appropriately responds to the existing building at 264, matching its alignment and setting back ocean fronting built form to allow existing ocean unimpeded views from its balcony and upper level glazing. As shown on the south elevation (drawing DA 301), the proposed built form mediates with dwellings on either side of the subject site and sets out levels competently to address adjacent footpath and garden levels, driveway constraints, slope constraints.

In response to 264's blank east facing wall (a result of maximizing ocean frontage and non compliant side setback on the adjoining property), the proposed built form is roughly the same height as the existing eaves of 264 and allows for a compliant 1m setback to the south - located where its impacts will be minimal and its landscaped space most beneficial. While the built form protruding to the south incorporates a minor height non-compliance, its impacts are minimised by its limited volume, adjacency to a wall with no windows and frontage setback, which results in an apparent 2.5m break on both the north and south side of the building. The 2.5m setback to the east is equally well considered. Not only does this setback allow for future development at 268 to be built 1m from its western boundary, it also facilitates a more active location for accessible landscaped space, including secure access to the rear garden.

The street facing elevation is well composed and articulated with high quality materials and screened balconies, greatly enhancing the current scale and character of streetscape. With well reasoned and resolved setbacks, intelligently established levels, clear articulation and direct reference to properties on both sides of the site, I believe the streetscape will be significantly improved by the proposal.

## **04 Compliance with built form controls**

As noted in the Statement of Environmental Effects, the site has a very steep topography. This makes strict alignment with the DCP envelope almost impossible to achieve, given the orthogonal quality of buildings, the necessity of floors to be horizontal, the need to align interfaces to open spaces with topography, the standard depth of garages, the preference for accessibility throughout and so on.

With a slope of over 30% (16.7 degrees with an average incline of 27 degrees), Clause D12.8 of the DCP recognizes that strict compliance with the envelope can be impossible to achieve on steep sites. Therefore, variations to particular dimensional requirements should be considered for proposals on sites such as this, so long as an alignment with the aims and objectives of the envelope controls is demonstrated.

In their objection, the owners of 264 Whale Beach Road claim that the proposal's non-compliances with the D12.8 envelope result in numerous adverse impacts on amenity and streetscape that are significant and extensive. However, as outlined above, the proposal does not appear to impact adversely on the property at 264; in fact, the built form enhances amenity at 264 in many respects and certainly improves the streetscape. Nor do I believe that the non-compliances proposed are as extensive as described – or as easy to avoid through replanning. Moving the building to the east for example, would not only result in greater excavation (which the Council and owners of 264 would like to avoid) and non-alignment with natural topographical levels, but also create additional open space in a location severely compromised by 264's blank east facing wall.

Contrary to these claims, it is my belief that the proposal does comply generally with the basic definitions of the development controls :

- the height of the proposal does not exceed 8.5m above the natural ground line,
- the front setback complies with the requirement of 6.5m (aligning with the existing building at 264 Whale Beach Road),
- the eastern setback is a compliant 2.5m and/
- the western setback is a compliant 1m.
- the 1m western setback only extends 7.7m to the north before stepping back a further 1.5-2.5m; then extends an additional 3 – 4m after an additional length of 4.5m
- the rear setback is extensive and largely steeply sloping green space

However, the proposed built form breaches the envelope along its western side, with a discrete 7.7m long x 1.5m wide volume emerging out of the steeply rising ground. While the northern end of this volume does comply with the 45 degree profile of the DCP envelope, the top 25% or so of the volume exceeds its height by as much as 1800mm at its western face. In addition, the front façade has a minor noncompliance with the DCP envelope, with a triangular area measuring 1.6m x 1.6m failing to sit within the angled plane cast by the DCP height plane.

In both cases, I believe that these compliances are minor and do not result in unacceptable impacts on the amenity of the property at 264 Whale Beach Road. As explained above, the first noncompliance concerns a discrete volume facing 264's east facade, which as a result of its own side setback non-compliance, has no windows. Without any outlook or access to sun or air, it is impossible for any loss of amenity to occur.

The second non-compliance is similarly concealed from internal spaces within the adjoining side elevation and results in a more amenable outcome in terms of outlook and internal amenity than the existing built form at 266 provides. Notably, the proposed frontage with its discrete 1m and 2.5m setbacks achieves a much greater compliance with the DCP envelope than the building at 264, which has virtually no setback at all along its eastern elevation.

## **05 Technical Matters**

It is not my intention to comment on excavation, flooding, geotechnical considerations and other technical matters raised in the objection letters. As architects, we seek advice on these matters and trust our consultants to work with utmost diligence and care to ensure that works are successfully constructed without impacts on adjoining properties and the greater environment. That being said, it is notable that in response to neighbour's objections and subsequent advice from Council, amendments to the original design have resulted in substantially reduced excavation, especially along the western edge of the property, which adjoins number 264 Whale Beach Road.

## **06 Conclusion**

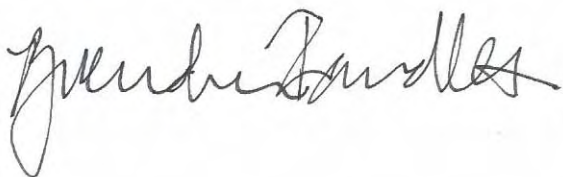
It is my belief that the proposal demonstrates a sound understanding of site and context. The proposal responds positively to the property at 264, extending the alignment of its frontage, aligning the scale of its adjacent built form with its eaves, matching the depth of its built form and achieving a frontage that mediates between the scale of the dwelling at 264 and the current and future built form at 268. In reducing the length of its balcony by 2.5m, the proposal enhances existing ocean views from 264's balcony and corner glazing; in setting back the discrete western portion of the building, the proposal achieves a visual separation to number 264, thereby protecting its setting and softening the streetscape.

The proposed built form reflects the massing and scale of adjacent developments and is well resolved in terms of form and material. Although it does contain some non compliances with the DCP envelope, they are located to the western side of the proposal, largely contained to a minor part of the site that is largely concealed by a blank adjoining wall and do not result in adverse impacts on either of the adjoining properties. Contrary to the view expressed in the objection letters, I believe that the proposal will positively contribute to the Whale Beach Road streetscape.

In the light of the above, I believe the proposal should be given clear Council support.

Please do not hesitate to call me on 0413 591 781 if you would like to discuss any of the matters raised in this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brendan Randles', written in a cursive, flowing style.

Brendan Randles,  
Principle, Brendan Randles Architect







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