

30 April '23

The General Manager  
Northern Beaches Council

Attention : Nick Keeler  
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Re : DA 2022/1153

Dear Sir

Thank you for the opportunity to respond to the amended DA submission for 1162 Pittwater Rd, DA 2022/1153.

In respect to my earlier points 1 to 11 made in my submission of 12 August '22, the amended DA submission appears not to have addressed any of these, with the possible exception of removing tall landscaping, hence they remain valid.

The major concern with the proposed development remains its excessive scale, visual dominance of surrounding sites and its severe and unnecessary impact on the views from properties 1164 & 1160.

The value, validity & definitions of existing views has been clearly determined by the Land and Environment Court in *Tenacity Consulting vs Warringah Council 2004*. In brief summary

- the view from 1164 is clearly “iconic” and this is supported in Council documentation and acknowledged by the applicant. This whole view is in fact a panorama sweeping from the iconic Long Reef Headland, the views of Fisherman’s Beach, Collaroy Headland and pool and Collaroy Beach to the corner of the Surf Club.
- The panoramic view from 1164 incorporates a significant “interface between land & water.
- The views are currently visible within 1164, from the GF Terrace, GF Living areas including Lounge Room, Dining Room & Kitchen, FF Bedroom and adjoining FF Balcony. All these spaces remain significantly impacted by this amended DA.
- The “reasonableness” of the proposal is non-existent, it is more opportunistic. The proposal could easily be amended to accommodate and reflect consideration of neighbour’s views and amenity with little impact on the functionality of the owners of 1162.

It would appear from the few minor changes made in the amended DA, further reinforced by the cynical absence of detail and lack of clarity of the drawings including that in the amended view analysis that there is a deliberate attempt to maximise their own opportunities to the detriment of both 1164 & 1160. It’s noted:

- there is no identification of amended dimensions or other design changes,
- there is no scale bar,

- the proposed “setback” dimension of 1000mm refers to an irrelevant corner, irrelevant because the concrete column extends beyond that point & continues to obscure views.
- There is no accurate or verifiable identification of the floor levels of adjacent properties by RL, the lines shown appear to be assumptions and lack accuracy. Hence the sight lines between properties and flooding implications cannot be understood or determined.
- The site analysis plan fails to identify the important features & sightlines impacting the views. The most critical issue in this DA.

#### Proposed Building Location

Observations made from 1164’s ground floor and first floor levels demonstrate that for their iconic views to be maintained the NE corner of the proposed tapered concrete column at ground level should not project east any further than the SE corner of 1164. This SE corner refers to the corner containing the windows of the building not the external balcony support columns.

The proposed building could easily be repositioned further to the west with no significant consequences. Many precedents have already been established locally. Most buildings south of 1162 in this block & 8 buildings in the next block south having gained Council approval for either their building walls or garage doors to be positioned directly on or close to the western street alignment. Such a repositioning & minor redesign would provide an equitable compromise on views.

#### Specific Design Concerns

1. The tapered V shaped concrete blades appear to have no function other than to introduce unsightly massing at the critical viewing point deliberately obscuring views from adjoining properties. They appear to have no structural function. Importantly they are not in keeping with the character of a beach side environment, as encouraged in Council’s DCP. Alternative sympathetic design solutions would be more appropriate.
2. The first floor “privacy screens” along both north & south elevations are excessive and appear to have no function. They simply deny any opportunity for articulation of this otherwise massive flat wall facing both neighbours. The spaces behind these screens appear inaccessible, with the cross section showing them to be roofed rather than provided with a concrete slab. Further the walls behind these screens have no windows, begging the question, to what are they providing privacy? The north wall of Bedroom 2 has these lattice “privacy screens” fitted directly to blank walls. The screens along the south wall all obscure blank walls. Good design could easily provide adequate privacy to the east facing windows of Bedroom 4 and the WC3, and in the process provide better quality natural light.

The lattice nature of these screens will result in them becoming dirty, partially clogged and ultimately unsightly given the difficult maintenance access problems already noted. This will be a visual problem for neighbours rather than the owners as they can’t see them.

3. The West Elevation shows similar excessive & dominating use of operable privacy screening to the full width of the elevation facing the street. It's noted again there is only one window benefiting from this privacy screen. The remainder of the operable screens cover blank walls. It's noted there is no space behind this screen for maintenance. The only access to this screen for cleaning and maintenance is from the elevated planter trough, which itself has no means of ready access. The visual presentation of this oversized screen to the streetscape will be unsightly, grossly out of scale and denying of any articulation.
4. Solar panels are now shown on the roof plan but they are not shown on the North Elevation. Their currently shown position will make them highly visible & unsightly from 1164, especially from the upper floor. Possibly this is the reason they have not been shown. Their repositioning higher up the roof will not reduce their effectiveness and make their installation less dominating.

It's noted that accompanying equipment such as batteries and inverters have not been shown. Some of these have the potential to emit an audible noise. It's requested that the location of this equipment be identified as they can be just as problematic as pool filters & pumps on the amenity of neighbours.

#### Comments on the Amended View Analysis

1. The applicant indicates Council have advised the appropriate setback for their development is 1000mm, while I am unaware of whether this is the case or not, the setback should apply to the element restricting the view, i.e. it should relate to the eastern point of the concrete column, not some point where the column meets the wall. The column clearly is part of their wall. On the basis of such advice, if given at all, the development should be pushed at least a further 760mm to the west in order to comply with such advice.

However, as previously stated, observations from the 1164 property clearly indicate such a setback is insufficient to maintain a reasonable balance of existing views.

2. It's noted the tall landscaping obscuring the view has been deleted, this is welcomed.
3. The applicant also indicates Council have advised a minimum setback of 2.5m from the Pittwater Road boundary. Again, while I am unaware whether this is the case or not, however there are numerous precedents south of 1162 where development has been allowed to extend right up to or close to this boundary. Given the view implications inherent in this proposed development a consideration of a further reduction of this setback would be appropriate. There appear to be no detrimental implications of such a reduced setback.

4. The applicant claims the new proposed eastern setback will have “effectively nil” impact on the view from the first floor. Any observations from this position clearly demonstrate the cynical falsity of this statement. It’s noted that there is no reference in the statement to the reduced view implications from the ground floor which along with the upstairs, will be also significantly impacted.
5. The applicant’s reference to “a substantially larger setback from the eastern boundary” is disingenuous and misleading, it is an insignificant 1510mm.
6. An observation from the first floor of 1164 and referencing the poles recently erected on 1162 clearly show that Figure A is grossly incorrect and misleading.
7. Using the recently erected poles on 1162 as a reference and coming back the amended setback, Figure B can be easily seen to be incorrect and misleading. The statement that “the proposed dwelling has no impact on the view of the headland” is deceptive. The view consists of a range of features not simply the end of the headland as is inferred. This whole view is in fact a panorama sweeping from the iconic Long Reef Headland, the views of Fisherman’s Beach, Collaroy Headland and pool and Collaroy Beach to the corner of the Surf Club.

Its noted that the images in Figures A & B infers a clear opening through the northern side wall. This appears deliberately misleading as there will be operable privacy screens in this location. The inferred openness adds nothing to the view potential from 1164 and suggests articulation of the external wall where there will be none.

Figure B also fails to show the tapered columns accurately, the location of the previously noted solar panels and the nature of the privacy screening. All of which impact the amenity of the owners of 1164.

8. Figure C can also be seen to be grossly incorrect and misleading by any observation from the balcony.
9. The point being proposed in Figure D is irrelevant to the issues in this DA. The accuracy of the 3-D model is also suspect and unclear.
10. Overall, this amended view analysis is clearly inaccurate and presents misleading arguments. It appears to deliberately avoid any reference to the view implications from the ground floor living areas, including Lounge Room, Dining Room & Kitchen of 1164, a location given at least equal weight in the considerations of Tenacity Consulting vs Warringah Council.
11. Finally, the second last paragraph of the applicant’s letter is somewhat rambling and difficult to interpret. It seems to be saying that they have provided a longer eastern setback than that applying to 1164 and in some way this is enabling the maintenance of the iconic views. Clearly the geometric configuration and bearing of the beachfront impacts the setback dimensions to all properties. The numerical value of such setback dimensions, be they longer or shorter, should not be the driver of

equitable view angles. The fact is the eastern setbacks should be established in a manner that respects the view lines of all the property owners, not just those of 1162.

The applicant is correct in saying that Council is, or should be, establishing principles guaranteeing visual access to the recognised iconic views of Long Reef & adjacent beaches in an equitable manner. They are also correct in saying that their DA submission is a landmark application and will become a precedent for future development.

This response on behalf of the owners of 1164 identifies the many issues where this submission fails to provide a design solution providing equitable view sharing for adjoining property owners and is not reflective of good development principles that may guide future development in this beachside environment.

Yours respectfully

Michael Worrad

