
Sent: 17/11/2019 9:29:57 PM
Subject: Objection DA2019/1179 at 157 Victor Road Dee Why_Attention Catriona Shirley
Attachments: Objection_DA2019 1179.pdf;

Catriona

Please find attached our objection to DA2019/1179 for alterations and additions to the existing building at 157 Victor Road Dee Why

Regards
Robert Graham & Kirsten Prince
154 Victor Road, Narraweena

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Robert Graham & Kirsten Prince
154 Victor Road
Narraweena NSW 2099

Catriona Shirley
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

17 November 2019

Objection regarding DA2019/1179

157 Victor Road, Dee Why
Alterations and additions to a dwelling house

Attention Catriona Shirley

We are the owners and occupiers of the property located at 154 Victor Road, Narraweena, which is directly opposite the subject property and we **Object** to the proposal to add a third level to the existing two storey dwelling.

This additional level significantly breaches the following:

- a. WLEP 2011 Maximum Height
- b. WDCP Side Boundary Envelope
- c. WDCP Front Boundary Setbacks
- d. WDCP Views

The result of these breaches is to block the views from our Kitchen, Main Living, Dining and Front Deck to Dee Why Lagoon which is a heritage item, the delta of Dee Why Lagoon and Dee Why Beach and the breaking waves of the ocean beyond. This is a highly ranked view according to the parameters set out in Tenacity Consulting v Warringah Council (2004) NSW LEC 140 which is referenced by WDCP D7 Views and any development impacting on our view needs to be measured against this significant decision handed down by the Land and Environment Court of NSW.

The Application proposes to locate the additional level to the northern end of the existing building which is directly in our line of sight to the significant views while also resulting in the significant breaches of Council's planning rules due to this being the steepest part of the site. A better outcome for all neighbours and the applicant would be to re-locate this space under the extended lower ground floor level (see diagrams). This would provide an outcome that complies with all of council's planning rules, have little to no impact on neighbouring properties and provide the applicant with the additional space that they require at a fraction of the cost of adding a level.

We don't object to the applicant's proposal to extend the existing dwelling's Ground and Lower Ground Levels to the east which is a sensible approach that is in the spirit of Council's planning rules to use the topography of the site. We do object to the proposed third storey located on top of the existing dwelling.

Tenacity Assessment

Our property currently has a focussed view across the top of the existing dwelling at 157 Victor Road. The view consists of foreground, Dee Why Lagoon which is listed as a significant heritage item by the Australian Heritage Commission, land and water interface of the Dee Why Lagoon Delta and of the ocean and breaking waves beyond. The views are currently available from the kitchen, internal primary living room, primary front outdoor deck and dining room. The views are **significant** when accurately assessed against Tenacity. The view loss from these areas is **devastating** according to the principles outlined in Tenacity when assessed by an appropriately experienced and qualified planner.

Chapman Planning have presented no qualifications with regards assessing Tenacity and have not provided a competent assessment against the principles outlined in Tenacity. The 4.6 Application prepared by Chapman Planning to support the breach of the WLEP height limit of 8.5m makes many false and misleading statements

and is not based upon fact and cannot be relied upon. No justification has been presented to breach the height limit by more than **3.5m** as is proposed.

No representative from Chapman Planning has visited our property and as such cannot make an accurate assessment of the view or view loss. We do not have a view across the south of the property at 157 Victor Road to Dee Why Town Centre as stated in the Chapman Planning view assessment. Dee Why Town Centre is a long way south. The Chapman Planning Clause 4.6 Variation to a Development Standard is full of errors and is a complete fabrication and must be disregarded in its entirety.

The drawing DA31 View Analysis submitted with the application cannot be relied upon for accuracy given the poor quality of documentation but it does highlight that the addition to the northern side of the property is directly in the line of site between our kitchen, living, external deck and dining area and the significant aspects of the view as described previously.

Breach of Warringah LEP 2011

4.3 Height of Buildings

Requirement: Height of a building is not to exceed **8.5m**

Objective: The objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Proposal: Breaches height by **3.5m** resulting in a height of **12m**

Result: The application does not meet any of the objectives of the WLEP. The applicant needs to prove that breaching the height does not impact on the objectives of the WLEP 8.5m height control. This application clearly **does** impact on **all of these objectives** and must be refused.

Impact: Devastating view loss from 154 Victor Road, Narrabeena.

Misleading Documentation Provided: The 8.5m maximum Height Line is not drawn on the elevations. The actual extent of the breach has not been accurately documented by the applicant and is deliberately misleading.

Breaches of Warringah DCP

B3 Side Boundary Envelopes

Requirement: Buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries by 4 metres.

Objective: The objectives of this clause are as follows:

- To ensure that development does not become visually dominant by virtue of its height and bulk.
- To ensure adequate light, solar access and privacy by providing spatial separation between buildings.
- To ensure that development responds to the topography of the site

Proposal: The additional level breaches the side boundary envelopes **almost entirely**. The breach is **significant** and not minor in nature.

Result: The application does not meet any of the objectives of the DCP, B3 Side Boundary Envelopes. The applicant needs to prove that breaching the side boundary envelopes does not impact on the objectives of the DCP control. This application clearly does impact significantly on these objectives and must be refused.

Impact: Devastating view loss from 154 Victor Road, Narrabeena.

B7 Front Boundary Setbacks

Requirement: Development is to maintain a minimum setback to road frontage of 6.5m

Objective: The objectives of this clause are as follows:

- To create a sense of openness
- To maintain the visual continuity and pattern of building and landscape elements
- To protect and enhance the visual quality of the streetscapes and public spaces
- To achieve reasonable view sharing

Proposal: The Survey submitted with the application locates the front building line of the property 5.57m from the street front title boundary. The proposed additional level aligns with the existing building line to the street front and as such **breaches the front boundary setback by 930mm**.

Result: The application does not meet any of the objectives of the DCP and is non compliant.

Impact: 157 Victor Road will dominate the streetscape by presenting a double storey wall when viewed from the street which is out of character with the majority of adjacent properties that present a single storey to the street with levels under that respond to the topography.

D7 Views

Requirement: Development shall provide for the reasonable sharing of views.

Objective: The objectives of this clause are as follows:

- To allow for the reasonable sharing of views.
- To encourage innovative design solutions to improve the urban environment.

Proposal: The additional level of the proposal submitted breaches the height, side envelope and setback controls and is located on the steepest part of the site. The breach of these planning controls results in a development that blocks the significant views from 154 Victor Road as measured against *Tenacity v Warringah Council*. 157 Victor Road already enjoys unobstructed headland to headland views of the coast from Long Reef to Dee Why. The existing house is located on the top of the ridge and is so far above properties to the east of the site they will never be built out. The owners also have other opportunities as identified in the attached diagrams.

Result: The application does not meet any of the objectives of the DCP. The proposed development dominates rather than shares the view, does not provide an innovative design solution and is detrimental to the urban environment.

Impact: Devastating view loss from 154 Victor Road, Narraweena.

D9 Building Bulk

Requirement:

- Side and rear setbacks are to be progressively increased as wall height increases.
- Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.
- On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope.
- Building height and scale needs to relate to topography and site conditions.

Objective: The objectives of this clause are as follows:

- To encourage good design and innovative architecture to improve the urban environment.
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

Proposal: Presents a two-storey street wall to Victor Road, that breaches the front boundary setback.

Result: The application does not meet any of the objectives of the DCP and is non-compliant.

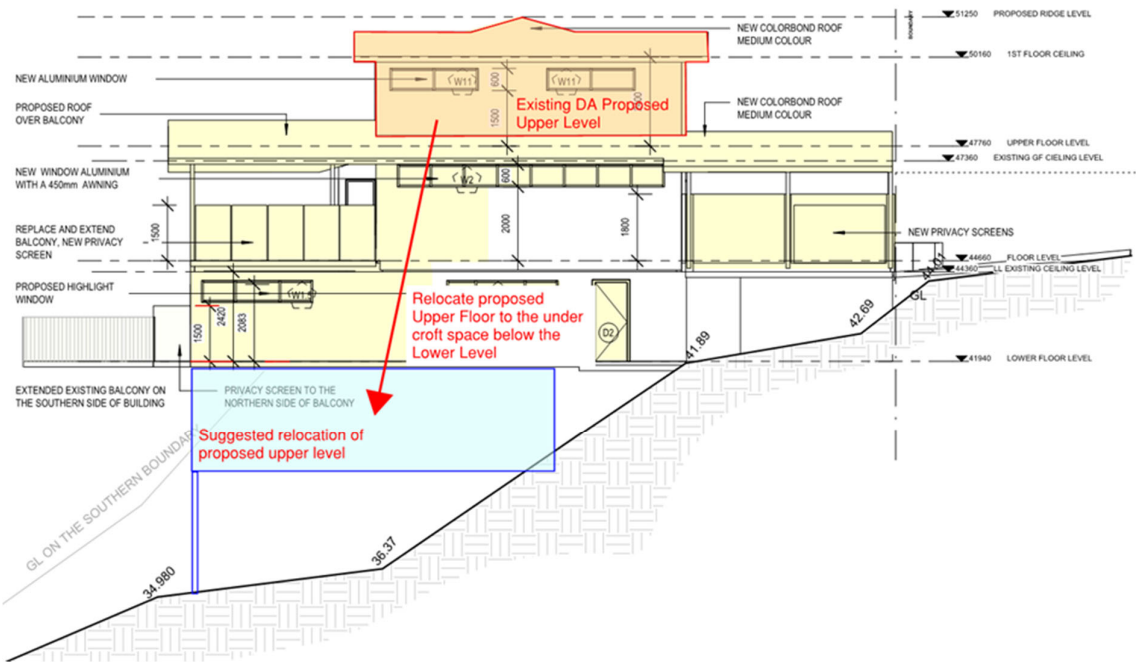
Impact: A visually dominant building out of character with the streetscape.

In conclusion, if the applicant amended the design and removed the additional floor level on top and located it underneath the Lower Floor Level as indicated in the below diagrams, we would support the application and withdraw our objection.

Regards

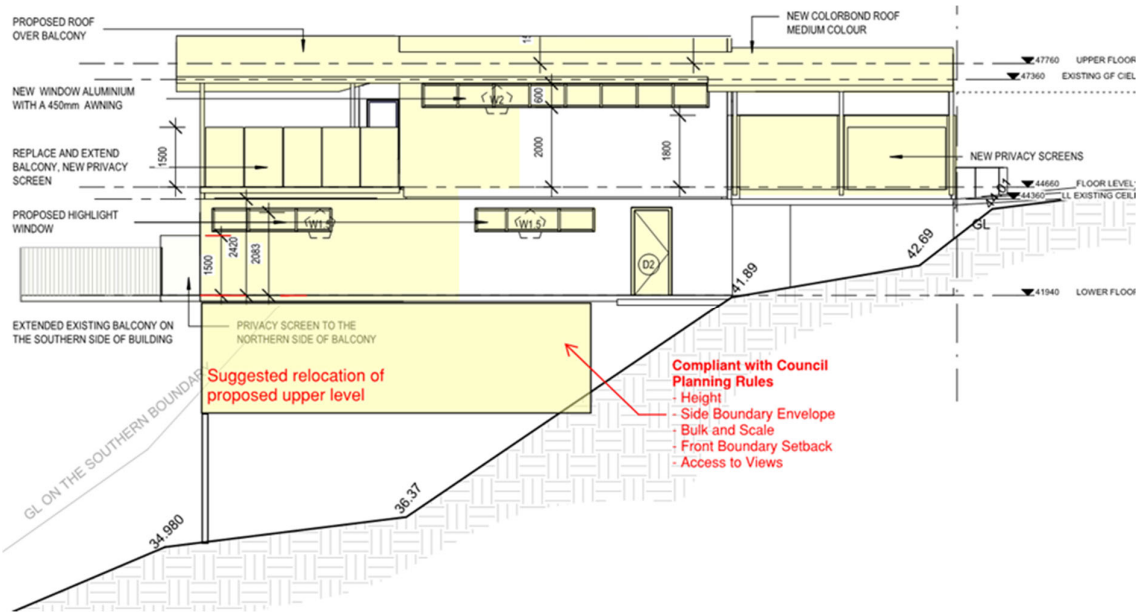
Robert Graham & Kirsten Prince

Diagrams



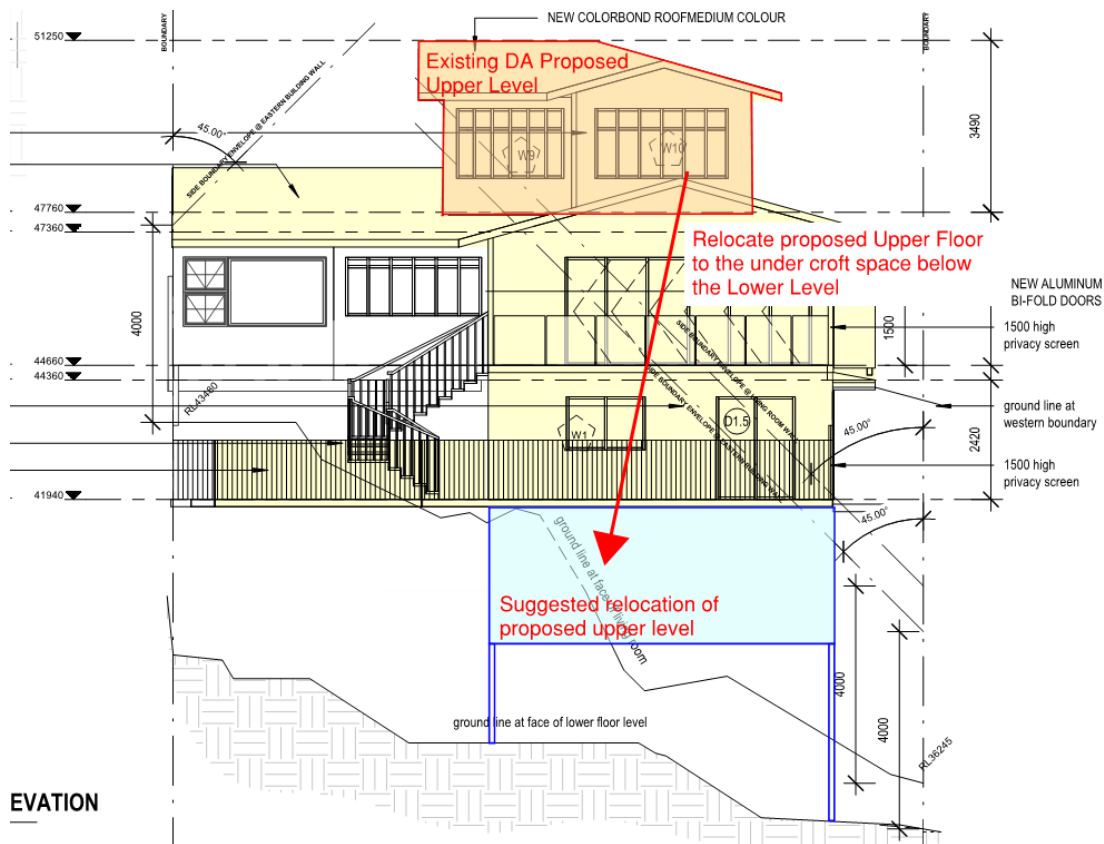
North Elevation

Suggested Relocation of Proposed Upper Level



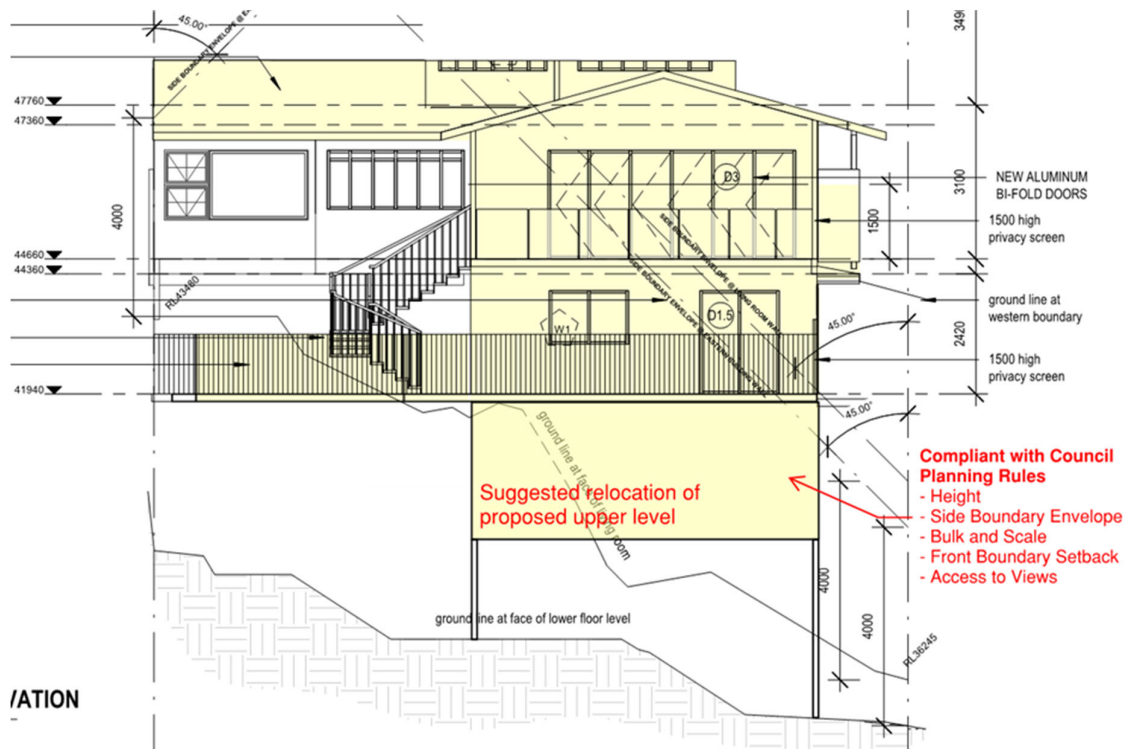
North Elevation

Suggested Revised Design



East Elevation

Suggested Relocation of Proposed Upper Level



East Elevation
Suggested Revised Design