
From: karen Buckingham [REDACTED]
Sent: Friday, 29 September 2023 2:11 PM
To: Planning Panels - Northern Beaches
Cc: Mattias Friberg; Kristina Vikman
Subject: Submission to NBLPP prepared on behalf of Kristina Vikman of 120 Queenscliff Road - re: Item 5.1 - 4 Oct NBLPP meeting - 122-124 Queenscliff Road, Queenscliff
Attachments: AMENDED PLANS objection letter 122-124 Queenscliff Road Queenscliff- DA20220646.pdf; Submission to NBLPP - Item 5.1 - 4.10.23 - 122-124 Queenscliff Road.pdf
Categories: NBLPP

Dear Heidi,

Please find attached the submission to the NBLPP for the 4 October meeting - item 5.1 - 122-124 Queenscliff Road, Queenscliff.

As discussed, my clients are also going to be submitting a separate submission with regard to their concerns re: the site meeting.

I understand that they are also trying to contact Alex as it would appear that the assessment report has not referenced my client's submissions and the online file does not include their submission to amended plans dated 8 June 2023. For this reason, I have also attached the 8 June 23 submission, which should be made available to the panel members.

Please can you send me confirmation of receipt by return e-mail.

Kind regards,

Karen Buckingham
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29 September 2023

The Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Dear Local Planning Panel (NBLPP) Members,

Submission to Item 5.1 of NBLPP – 4 October 2023 – DA2022/0646 (subject DA) at 122-124 Queenscliff Road, Queenscliff

This submission is with regard to the Assessment Report prepared by Alex Keller, the responsible officer for Northern Beaches Council to the NBLPP 4 October 2023 Meeting. This submission does not agree with the findings of the report and requests that the Panel refuse the DA for the reasons detailed, including the lack of proper process.

I have reviewed the assessment report which recommends approval and fails to report or recognise the impacts on my clients at 120 Queenscliff Road. The objection letters dated 29 June 2022 and 8 June 2023, prepared on behalf of my clients at 120 Queenscliff Road, detail the significant and unreasonable impacts to arise by virtue of the proposed development. I understand that you have reviewed the objection letter dated 29 June 2022, as this is recorded on the online file but note that the file does not include the 8 June 2023 submission (an e-mail acknowledgement from Council on receipt has been received by my clients). The assessment report does not reference any of the submissions from my clients or their stated impacts. For this reason, I have enclosed the objection dated 8 June 2023 for your reference. The lack of recording of the 8 June 2023 objection letter and failure to report on my client's objections in the assessment report (page 16) is of great concern in terms of the requirement to follow proper process and inability of the assessment to have taken into account my client's clear objections and impacts on their amenity. The view loss impacts and VIA included in my client's objections has not been included in the list of issues raised in the submissions and my clients address and name is absent for the table of submitters under, 'Notification & Submissions received'.

- **Cl.4.6 request to vary the maximum height of buildings does not justify contravening the development standards** - The height of the building proposed breaches the 8.5 metre maximum height limit as specified in the Warringah Local Environmental Plan 2011 by 13.5%.
- **Objectives of development standards are not met** – The proposal development does not provide neighbouring occupiers with a reasonable level of amenity or enhance the locality, given the bulk, scale and overdevelopment of the site which creates view loss, overshadowing, visual and overbearing impacts.
- **There are no sufficient environmental planning grounds to justify contravening the development standards breached** – The proposed development gives rise to unacceptable impacts on the surrounding environment and neighbouring amenity. The amended plans have not overcome the impacts identified and the proposal is not in the public interest. This submission contends that a building design that does not comply with

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the maximum height of buildings and building envelope and does not respond positively in its setting. There are

no environmental planning grounds to justify the overdevelopment of the subject site and in turn, the 4.6 Variation Request fails.

- **Non-compliance with the Warringah DCP** - It is requested that the Panel refuse the DA on the grounds of non-compliance with the Warringah DCP as per objection letters submitted. Numerically the proposed development continues to breach the building envelope, which is an indication of the excessive built form and associated amenity impacts. My clients will be particularly affected by the solar impacts and view loss impacts from an overbearing and excessive built form. See attached photos and previous submissions.
 - **Unreasonable loss of solar access** – The objections letters referred in this submission included detailed assessment of the submitted solar diagrams. My clients have also submitted a separate submission in reference to this impact and their associated meeting with Alex Keller on site. In summary, there are zero hours of the required 50% solar access to my client's private open space (POS) anytime between 9am-3pm mid-winter. The solar diagrams submitted are misleading, include non-private open space to the front of 120 Queenscliff Road as POS and do not represent the true impact on my clients. The assessment report does not acknowledge the concerns detailed regarding the solar diagrams submitted and reports that the submitted solar diagrams are, 'of assistance in understanding the shadow regime'. The report also notes that, 'by 11am no overshadowing begins to affect No.120 Queenscliff Road'. However, as per the calculations submitted in the objection letter dated 8 June 2023 (not recorded), the solar access at 11am to POS is only 22%, some 28% below the minimum requirements of Part D6 of the DCP. See attached photos and calculations and associated objection letters.
 - **Severe loss of highly valued water views of Manly Lagoon** – The breach to the maximum height of buildings, building bulk and scale result in a severe loss of views as detailed in the VIA submitted in the 29 June 2022 objection letter. Amended plans, as referenced in the 8 June 2023 objection letter, do not overcome the identified view loss impacts. As per the established planning principal, even a moderate view loss brought about by a non-compliant development should be considered unreasonable. The assessment report, as referenced in this submission, does not include view loss as an issue identified in submission, which is clearly incorrect and reports under D7 Views of the DCP that views for No.120 Queenscliff Road are of district views. There is no reference to the water views present. My clients were at site during the officer site visit and have submitted a separate letter in reference to the discussion on site. In summary, the VIA included in the assessment report fails to note the presents of water views to be impacted or note the severe impact on loss of those water views.
 - **Reported impacts of overbearing/visual impacts and visual privacy** – The objection letters submitted detail my client's objections to the above impacts and should be referenced accordingly. The close proximity of the proposed development to my client's boundary result in wholly unreasonable privacy and visual impacts.
- Conclusion:** It is requested that the Panel refuse DA2022/0646 for the reasons detailed above. It is further requested that should the Panel determine to approve the DA, despite the clear reasons for refusal, that the conditions detailed in associated objection letters submitted on behalf of my clients are attached to any consent (notwithstanding a clear objection).

Kind regards

Karen Buckingham *on behalf of Kristina Vikman of 120 Queenscliff Road, Queenscliff*

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Attachment 1 – extracts from 8 June 2023 images to demonstrate view loss and solar impacts:

Figure 1: .



District and water views from principal living area

Sunlight and solar access to dining room and kitchen window

Proposed

Loss of highly valued water views

Loss of expansive district views

Overbearing and oppressive impact

Sunlight and solar access to dining room and kitchen

Source: Extract from 8 June 2023 objection letter to amended plans – severe impact on water views

Figure 2:

SOLAR ACCESS	09:00	10:00	10:30	11:00	11:30	12:00	12:30	15:00	TOTAL HOURS
PROPOSED POS AREA	45%	35%	40%	22%	10%	9%	13%	14%	0 HOURS OF 50%

Source: own calculations from submitted shadow diagrams

Attachment 2: Objection letter dated 8th June 2023 – e-mailed as additional attachment

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