From: daobjection

Sent: Monday, 5 December 2022 12:49 PM **To:** Planning Panels - Northern Beaches

Cc: Chris Thomas; Matthew Neville; Michael Hawes; robyn doyle; Ingrid

Subject: URGENT; NBLPP: 120 PRINCE ALFRED PARADE, NEWPORT DA 2022 0246

Attachments: NBLPP SUBMISSION 051222.docx; 10 Elvina Ave View Corridor Photomontage 2022-Dec-04

2.pdf; 105 Prince Alfred Pde View Corridor Photomontage 2022-Dec-04 2.pdf

NBLPP

Monday, 5 December 2022 12.45pm

Please find attach a Submission, plus two montages.

Could you please confirm receipt, and please confirm that the attached Submission and two Montages have been forwarded to the Panel Members?

Kind regards,

Bill Tulloch BSc[Arch]BArch[Hons1]UNSW RIBA RAIA

SUBMISSION: TULLOCH

Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA RAIA

a written submission by way of objection

5 December 2022

NBLPP Northern Beaches Council

Re: NBLPP; 120 PRINCE ALFRED PARADE, NEWPORT DA 2022 0246

I have been asked to raise a significant concern with the assessment report on behalf of the neighbours immediately across the road from the subject site: Michael & Maria Hawes, 101 Prince Alfred Parade, NSW 2106, Robyn Doyle, 6 Elvina Avenue, Newport NSW 2106, Matt Neville, 10 Elvina Avenue, Newport NSW 2106, Chris Thomas, 12 Elvina Avenue, Newport NSW 2106, Ingrid Statis, 105 Prince Alfred Parade, Newport NSW 2106

The assessment report has not considered, in any accurate detail, the view loss that will be caused by the poor strategic positioning of trees.

At the recent NSWLEC case Petesic v Northern Beaches Council [2022] NSWLEC, decision 30 May 2022, view loss caused by excessive landscape, was a matter of concern. Northern Beaches Council's SOFAC filed 16 September 2021, prepared by Louise Kerr, Director Planning and Place at NBC, in B2 Item 7, called for 'strategic positioning of canopy trees' to avoid view loss. Proposed Trees were lowered and repositioned as a result. Commissioner Chilcott referred to the matter in 49[5].

A recent NSWLEC case, *Zubani v Mosman Municipal Council [2022] NSWLEC 1381*, decision dated 19 July 2022, clearly identifies within the decision that under *Tenacity*, Council must be mindful to restrict landscape heights to ensure views are adequately protected. Proposed Trees were lowered and repositioned as a result. Commissioner Morris referred to the matter in 47 and 49.

DCP C1.1 clearly states the numerical control on this site for trees should be **two** canopy trees to the front yard, with **one** canopy tree in the rear yard of each proposed dwelling. Neighbours have a legitimate expectation that the quantity of canopy that would be proposed on the site would equate to the DCP to share the water view. The neighbours had the legitimate expectation that the built form would be screened with landscaping, whilst maintaining their water views.

The neighbours have commissioned RAW to define the view loss caused by the proposed **117 new trees** on DA plans being recommended for consent: Landscape Plan by Interlink Pools, Revision F, dated 21 November 2022.

The Panel will appreciate that mature heights of trees can vary greatly. Where trees have ample moisture, access to northern sunlight, and protected from winter winds,

trees often can greatly exceed the normal stated heights. The proposed trees will have all those natural ingredients to spur excessive growth, and heights greater than normal are clearly evident in the surrounding area of this bay.

The neighbours are concerned about view loss from the following **proposed 117** trees:

- o 100 Cyathea cooperii: Alpine Nursey advises on their website that these trees can reach a "mature height 5m to 20m". The Landscape Plan by Interlink Pools simply suggests "3.5m plus". https://www.alpinenurseries.com.au/plant-library/cyathea-cooperi/
- 9 Blueberry Ash: "typically grows to a height of 10m, but up to 30m in some situations" The Landscape Plan by Interlink Pools simply suggests "7-10m" https://en.wikipedia.org/wiki/Elaeocarpus_reticulatus
- 5 additional trees of unknown species to 8.5m height to replace cabbage palms as proposed within the Assessment Report
- 2 Dragon Trees: Dracaena draco is an evergreen long lived tree with up to 15m or more in height. The Landscape Plan by Interlink Pools simply suggests "3m plus". https://en.wikipedia.org/wiki/Dracaena_draco
- o 1 Frangapani: *mature height to 10m*. The Landscape Plan by Interlink Pools simply suggests "Advanced 4m". https://www.plantmark.com.au/plumeria-acutifolia

The neighbours have commissioned RAW to prepare montages plotting these 117 trees onto montages prepared under NSWLEC rules.

I contend that the DCP does not suggest that <u>new trees</u> should be able to simply block water views, as the assessment is, essentially, accepting. The excessive quantity and size of the <u>117 proposed trees</u> set against the legitimate expectation of neighbours at <u>6 trees on the two lots</u>, is both unreasonable and unacceptable. This outcome simply flies in the face of the 'reasonableness' considerations within *NSWLEC Tenacity*.

I ask that the following Proposed Deferred Commencement Condition be imposed:

PROPOSED DEFERRED COMMENCEMENT CONDITION

Pursuant to Section 4.16 (3) of the Environmental Planning and Assessment Act 1979, notice is given that the abovementioned development application has been determined by granting of deferred commencement consent subject to the following conditions below:

The consent is not to operate until evidence of the following has been submitted to and approved by the Council's Manager of Development Assessment.

Amended plans are to be submitted in accordance with the following requirements:

- i. Provide strategically located canopy trees positioned to avoid water view loss from neighbouring properties;
- ii. Delete all 117 proposed trees that can grow over 8m, and above the proposed wall heights, that cause water view loss, from the landscape plans

- and schedules, including 100 Cyathea cooperii, 9 Blueberry Ash, 5 New 8.5m+ Trees to replace Cabbage Trees, 2 Dragon Trees, 1 Frangapani and any other species that can exceed 8m;
- iii. Position two canopy trees to the front yard, with one canopy tree in the rear yard of each proposed dwelling, to accord with DCP C1.1, strategically located canopy trees positioned to avoid water view loss from neighbouring properties. Reposition all trees to the far eastern boundary and far western boundary, to ensure that the central viewing corridor is completely clear of all landscape that could grow above the proposed wall heights. Trees to reach no more than the wall height of both dwellings when fully grown, maintained below the wall height for the life of the development;
- iv. Landscape maintained at a maximum of 6m in height above Ground Level Existing to avoid view loss in the FBL, with one small 6m high canopy tree positioned on each proposed lot, positioned 3m from the built form;
- v. The plan must include the location of all existing and proposed landscape features and delineate trees to be retained, removed or transplanted, The Plan must also show existing and proposed finished ground levels and a detailed planting schedule which includes species listed by botanical and common names, quantities or each species, pot sizes, and the estimated size of planting in proportion to the proposed wall heights of the proposed development, consistency with maintaining the full water views of neighbouring development, as defined with the RAW Montages.

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

Subject to compliance with the deferred commencement condition, to the satisfaction of the Manager of Development Assessment, development consent may then be granted subject to the development consent conditions attached to the assessment report

CONCLUSION

Louise Kerr, Director Planning and Place at NBC, has previously offered expert opinion on excessive landscape causing view loss. At appeal at the LEC, the expert opinion from NBC, called for 'strategic positioning of canopy trees' to avoid view loss.

I fully agree with Louise Kerr's expert opinion, and ask the Panel to impose the above deferred commencement condition to any consent.

Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA RAIA

Attached

RAW Montages

R.A.WALLS CONSTRUCTIONS

Builders Lic.No:211785C Qualified Supervisor & Clerk of Works

December 4, 2022

Matt Neville 10 Elvina Ave Newport. NSW 2106

RE: Objection to 120 Prince Alfred Pde, Newport: DA 2022/0246:

Dear Matt,

Please find attached the following view corridor photomontage:

<u>View Point 1: View Corridor Photomontage from main living balcony:</u>

- 1. View reference plan. Centre of camera at 1.6M above balcony level.
- 2. Photograph of existing view.
 - a. Photograph Ref:8218 taken 10 October 2022 at 8:45am.
 - b. Photograph taken with 50mm (35mm equivalent) focal length which is accepted as "what the eye sees".
- 3. Photograph with proposed No.120 Prince Alfred Parade development overlaid as a 50% transparency and proposed vegetation shown as height poles at heights indicated on plant schedule. (Refer Interlink Landscape DA Plan Job No:CO5 211019 - Issue F, dated 21.11.2022).
- Photograph with proposed No.120 Prince Alfred Parade overlaid as a red outline with significant points of interest indicated and proposed vegetation shown as height poles at mature height.
- Photograph with proposed No.120 Prince Alfred Parade development overlaid as a 50% transparency and proposed specified vegetation indicated and shown as height poles at mature height.
- Photograph with proposed No.120 Prince Alfred Parade development overlaid as a 50% red transparency and proposed specified vegetation indicated and shown at mature height.
- 7. Photograph with proposed No.120 Prince Alfred Parade development overlaid as a 3D solid block computer model. Vegetation shown at mature height.
- 8. Verification Photomontage. Photograph with 3D computer model of existing surveyed elements overlaid as a 50% transparency with matching surveyed RL's (AHD) and elements indicated.

<u>Information</u> and equipment used to create 3D computer model:

- 1. Site visit 10 October 2022 and 27 October, 2022.
- 2. 3D computer model of existing and proposed No.120 Prince Alfred Pde was based on:
 - a. DP Surveying Survey Ref:3426, dated 09/12/2021.
 - b. Corben Architects DA Drawings Ref:NEWP Rev:C, dated 15/09/2022.
 - c. Interlink Landscape Plan, Job No:CO5 211019, Issue F, dated 21.11.2022.
- 3. 3D computer model of existing buildings were based on:
 - a. Digital (CAD) survey by Waterview Surveying Services Ref:1360, dated 24/06/2021.
 - b. DP Surveying Survey Ref:1000, dated 24/06/2011.
 - c. No.10 Elvira Ave DA approved plans by Network Design Rev:A, dated 9/03/2012.d. Adam Clarke Surveyors Pty Ltd, Survey Ref:10695, dated 30/04/2019.

 - e. No.105 Prince Alfred Pde DA plans by Phil Brown Drafting Ref:1843, dated 10/06/22.
 - f. Intrax Survey No.135615, dated 8/12/2019.
 - g. No.107 Prince Alfred Pde DA plans by Fixed Price Building Solutions Ref:2001, dated 13/01/2020.
 - h. C.M.S. Suveyors Pty Limited, Survey Ref:18736, dated 19/08/2019.

<u>Information and equipment used to create 3D computer model:</u>

- 4. Camera equipment used:
 - a. Canon EOS 6D Mark II Digital SLR full frame camera (ratio of 1:1)
 - b. Canon 24mm-70mm lens set at 50mm focal length.
 - c. Tripod set to height of 1600mm to centre of camera.

Cont/d....2

Shadow Diagrams * Photomontages * View Corridor Analysis * 3D Building Envelopes * Drafting	
Land & Environment Court Appeals * Council D.A.'s * Objections * Structural Steel Working Drawin	gs
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Mobile:		
	Email:	



R.A.WALLS CONSTRUCTIONS

Builders Lic.No:211785C Qualified Supervisor & Clerk of Works

-2-

View Corridor Photomontage-10 Elvina Ave Objection to 120 Prince Alfred Pde, Newport December 04, 2022

<u>Information and equipment used to create 3D computer model:</u>

Software Package: Caddsman Architect V4.5 Licensed to: R A Walls Constructions

Additional add-ons: BHP Sections and Merchant Bar (Structural Steel) and AS.1163 Hollow Sections

Adobe Photoshop CS2

The Caddsman 3D engineering software package was written for the ADF in Adelaide in the early 1980's which has since developed to include architecture. We have been using this Australian 3D software package successfully for LEC and Councils since 1987, providing accurate 3D models for the purpose of providing detailed and accurate shadow diagrams, perspectives and photomontages.

The method we use in the construction of a photomontage is unique to this company. A 3D computer model of existing buildings and elements are drawn up per digital survey information and site measurements and then overlaid onto the photograph. The position and aspect of the 3D model is then checked with the same elements in the photograph. These surveyed elements consist of Ridge/parapet RL's, Gutter RL's, building footprints, boundary fences, surveyed power poles and sign posts. These items become the test points for "proof of positioning". The proposed development is then simply switched on. Vegetation, red outlines, transparencies and view gained edits are produced in Adobe Photoshop on separate layers to CAD model.

Proposed Vegetation:

For the purposes of illustrating a potential mature height, 3D height poles were included in the 3D computer model. Consideration was given to the "potential" growth of the proposed vegetation. Information used for position and mature heights was based on:-

- 1. Interlink Landscape Plan, Job No:CO5 211019, Issue F, dated 21.11.2022.
- 2. Australian Tree Fern Cyathea cooperi Mature height = 20.0 Metres, Spread 6-8M
 - a. https://www.alpinenurseries.com.au/plant-library/cyathea-cooperi/
- 3. Blueberry Ash Elaeocarpus reticulatus Mature height = 30.0 Metres
 - a. https://en.wikipedia.org/wiki/Elaeocarpus_reticulatus
- 4. <u>Cabbage Tree Palm</u> Livistonia australis Mature height = 30.0 Metres
 - a. Exchanged with unknown 8.5M+ species suggested by Council
- 5. <u>Dragon Tree</u> Dracaena drago Mature height = 15.0 Metres
 - a. https://en.wikipedia.org/wiki/Dracaena_draco
- 6. <u>Frangipani</u> Plumeria acutifolia Mature height = 10.0 Metres
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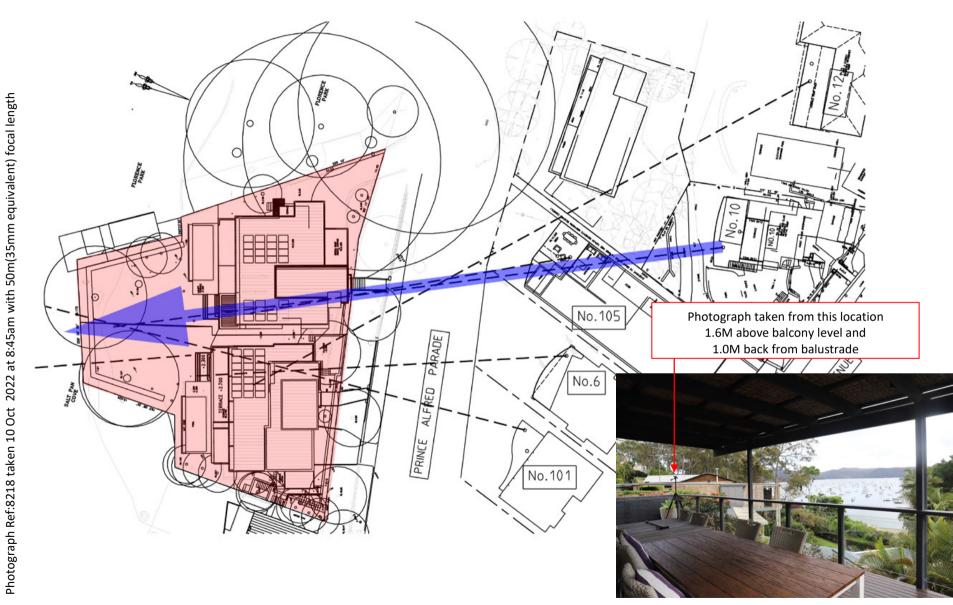
Photographs were taken from various locations. Consideration for location selection was based upon:-

a. The photographs used represent a position that was accessible, where surveyed RLs were available and where surveyed elements were visible for proof of positioning.

The attached photomontages are a reasonable indication of the extent of impact on the existing view corridors. We further state herewith, that there has been no distortion through digital manipulation in **any** form.



Shadow Diagrams * Photomontages * View Corridor Analysis * 3D Building Envelopes * Drafting Land & Environment Court Appeals * Council D.A.'s * Objections * Structural Steel Working Drawings



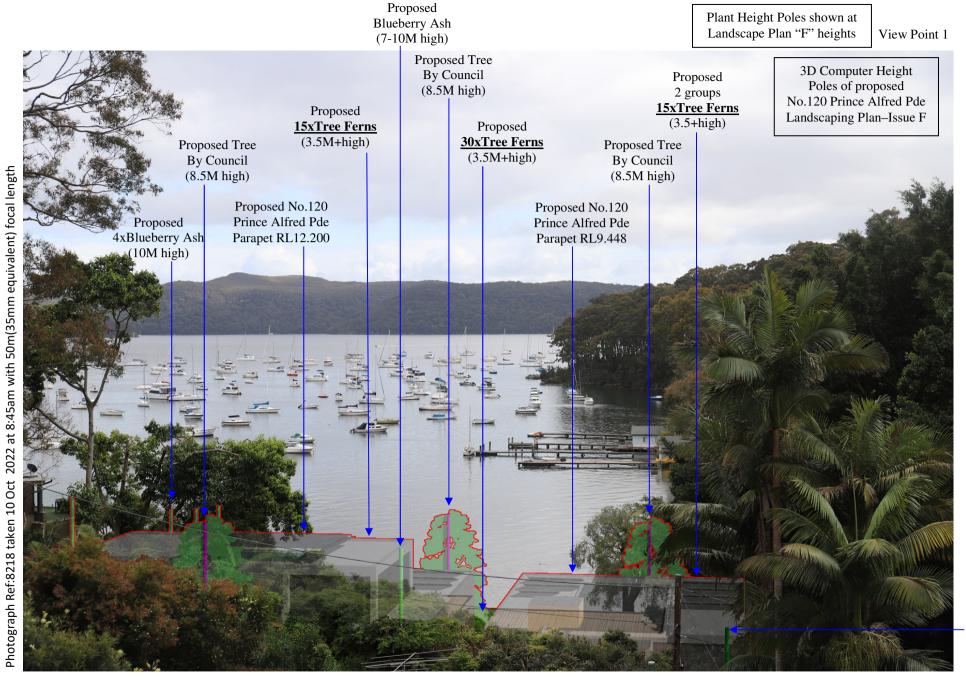
Photomontage by Pam Walls Based on DP Surveying Survey Ref:3426-09/12/2021 Corben Architects DA Drawings Ref:NEWP-C:15/09/2022

View Reference Plan View from 10 Elvina Ave Newport main living balcony Objection to 120 Prince Alfred Pde Newport-DA2022/0246



Photomontage by Pam Walls Based on DP Surveying Survey Ref:3426-09/12/2021 Corben Architects DA Drawings Ref:NEWP-C:15/09/2022

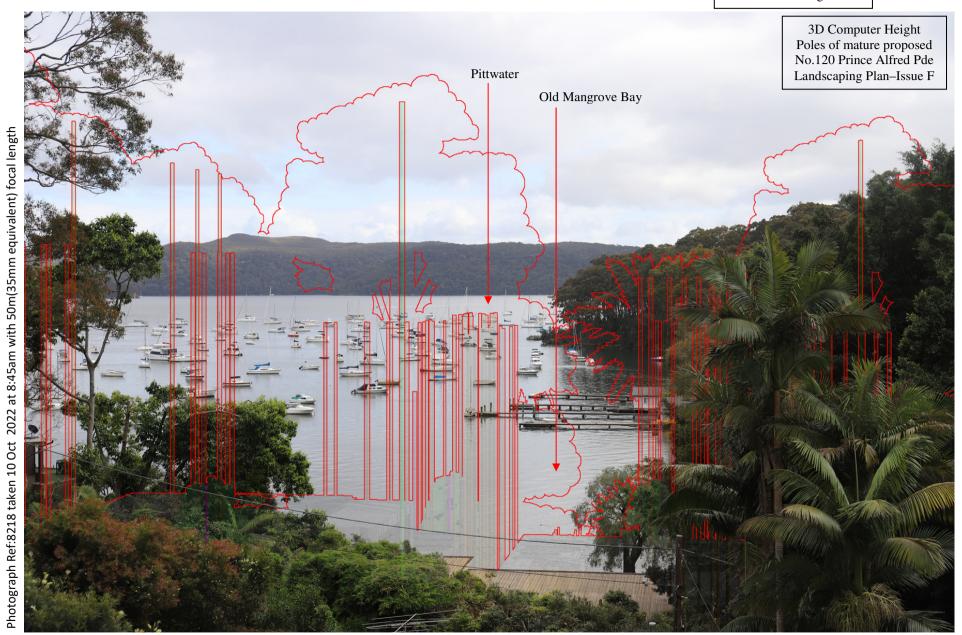
Photograph of existing view View from 10 Elvina Ave Newport main living balcony Objection to 120 Prince Alfred Pde Newport-DA2022/0246



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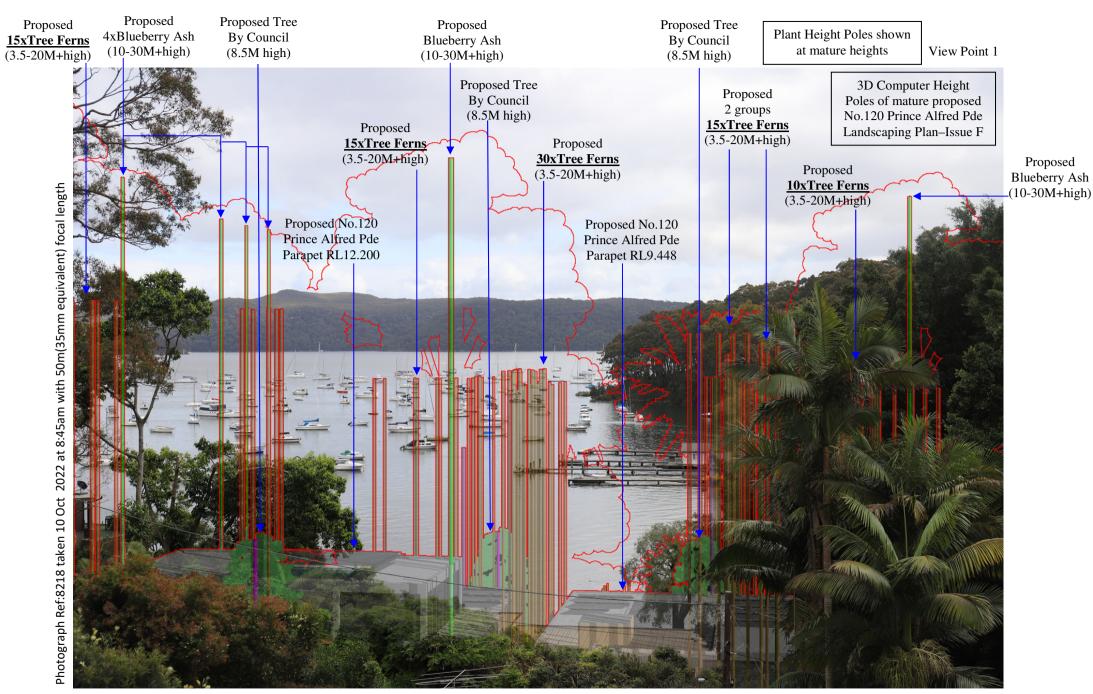
View with 3D computer model of proposed No.120 overlaid as 50% transparency View from 10 Elvina Ave Newport main living balcony Objection to 120 Prince Alfred Pde Newport-DA2022/0246

Proposed Frangipani (4M high)



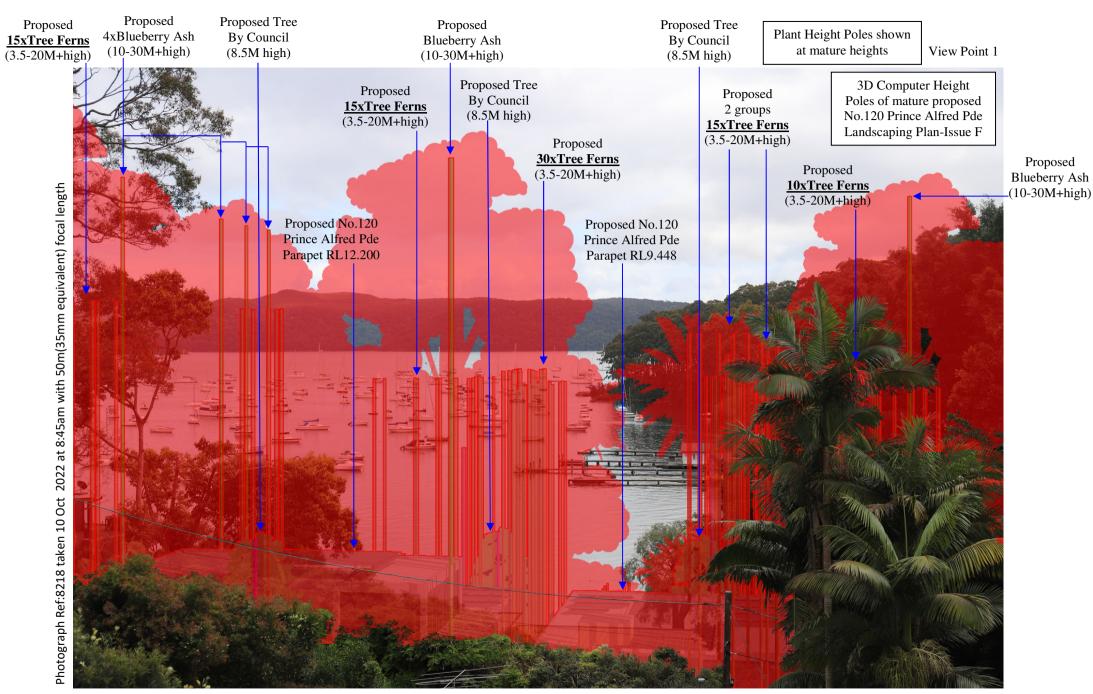
Photomontage by Pam Walls Based on DP Surveying Survey Ref:3426-09/12/2021 Corben Architects DA Drawings Ref:NEWP-C:15/09/2022

View with 3D computer model of proposed No.120 overlaid as red outline View from 10 Elvina Ave Newport main living balcony Objection to 120 Prince Alfred Pde Newport-DA2022/0246



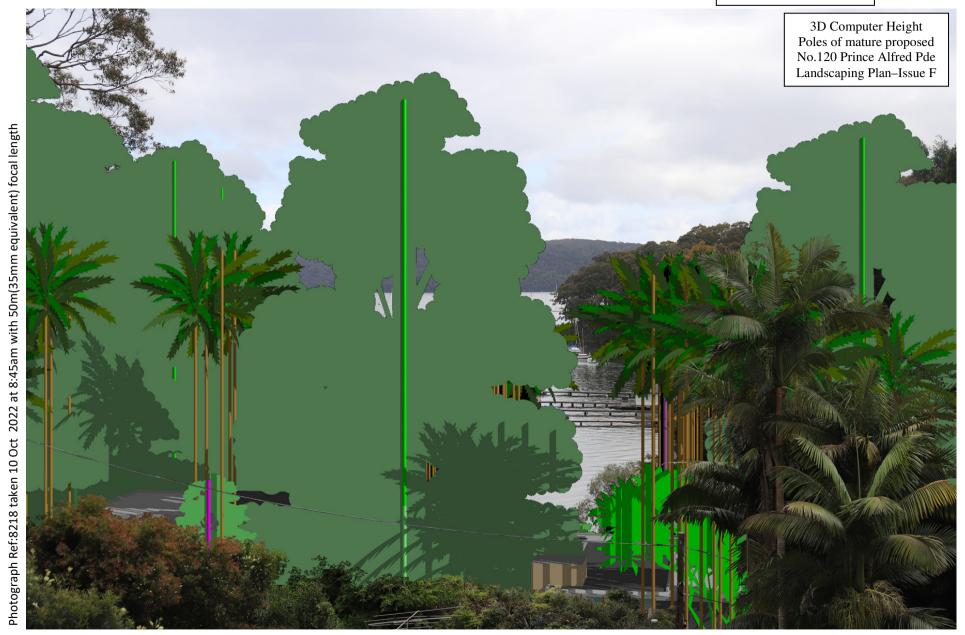
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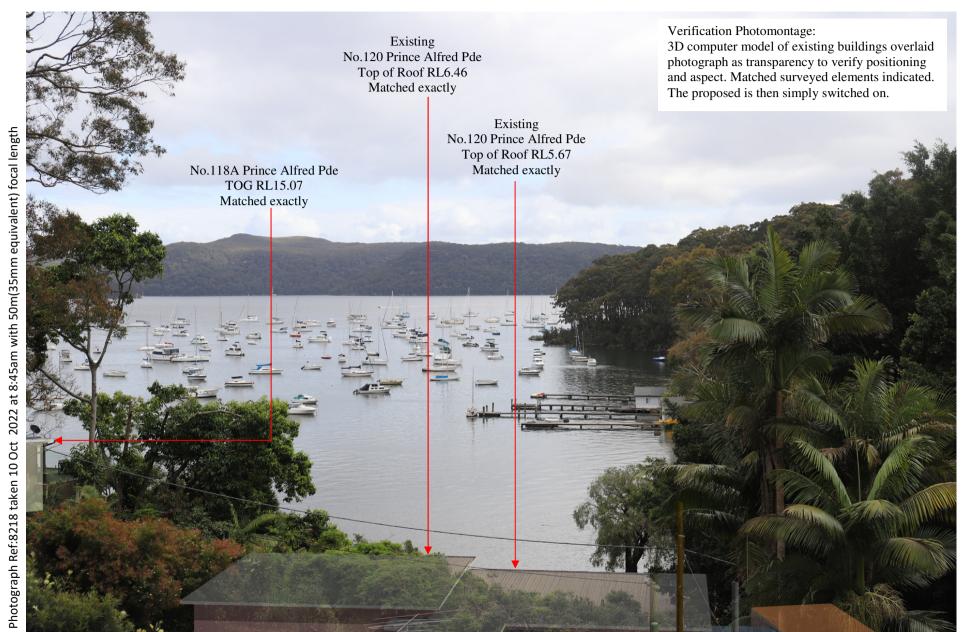
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Photomontage by Pam Walls Based on DP Surveying Survey Ref:3426-09/12/2021 Corben Architects DA Drawings Ref:NEWP-C:15/09/2022

View with 3D solid block computer model of proposed No.120 Prince Alfred Pde
View from 10 Elvina Ave Newport main living balcony
Objection to 120 Prince Alfred Pde Newport-DA2022/0246



Verification Photomontage by Pam Walls Based on DP Surveying Survey Ref:3426-09/12/2021 Corben Architects DA Drawings Ref:NEWP-C:15/09/2022

View with 3D computer model of existing buildings overlaid as 50% transparency
View from 10 Elvina Ave Newport main living balcony
Objection to 120 Prince Alfred Pde Newport-DA2022/0246

R.A.WALLS CONSTRUCTIONS

Builders Lic.No:211785C Qualified Supervisor & Clerk of Works

December 4, 2022

Ingrid Statis 105 Prince Alfred Parade Newport. NSW 2106

RE: Objection to 120 Prince Alfred Pde, Newport: DA 2022/0246:

Dear Ingrid,

Please find attached the following view corridor photomontage:

<u>View Point 1: View Corridor Photomontage from main living balcony:</u>

- 1. View reference plan. Centre of camera at 1.6M above balcony level.
- 2. Photograph of existing view.
 - a. Photograph Ref:8279 taken 10 October 2022 at 9:17am.
 - b. Photograph taken with 50mm (35mm equivalent) focal length which is accepted as "what the eye sees".
- 3. Photograph with proposed No.120 Prince Alfred Parade development overlaid as a 50% transparency and proposed vegetation shown as height poles at heights indicated on plant schedule. (Refer Interlink Landscape DA Plan Job No:CO5 211019 - Issue F, dated 21.11.2022).
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Cont/d....2

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-2

View Corridor Photomontage-105 Prince Alfred Pde Objection to 120 Prince Alfred Pde, Newport December 04, 2022

<u>Information and equipment used to create 3D computer model:</u>

Software Package: Caddsman Architect V4.5 Licensed to: R A Walls Constructions

Additional add-ons: BHP Sections and Merchant Bar (Structural Steel) and AS.1163 Hollow Sections

Adobe Photoshop CS2

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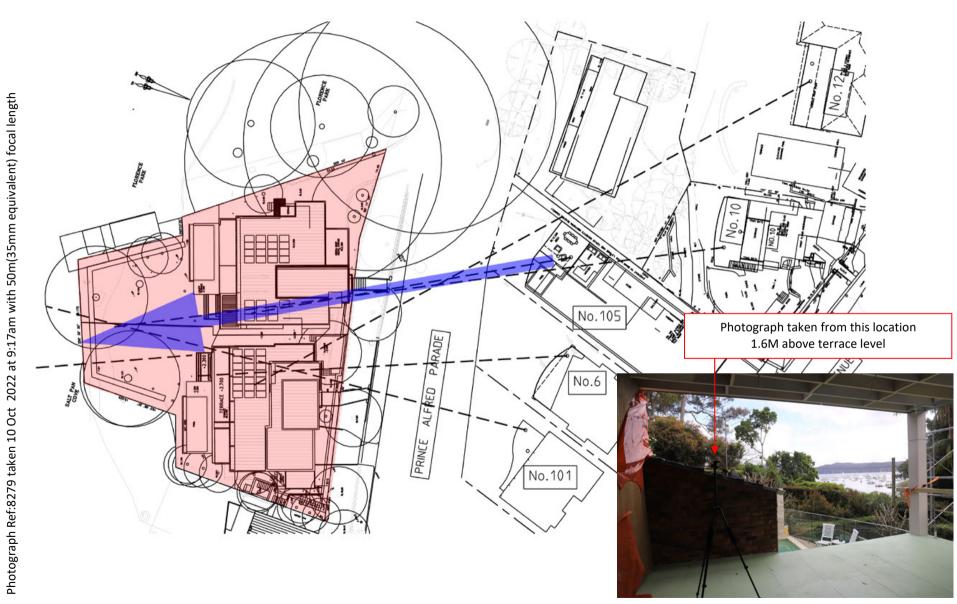
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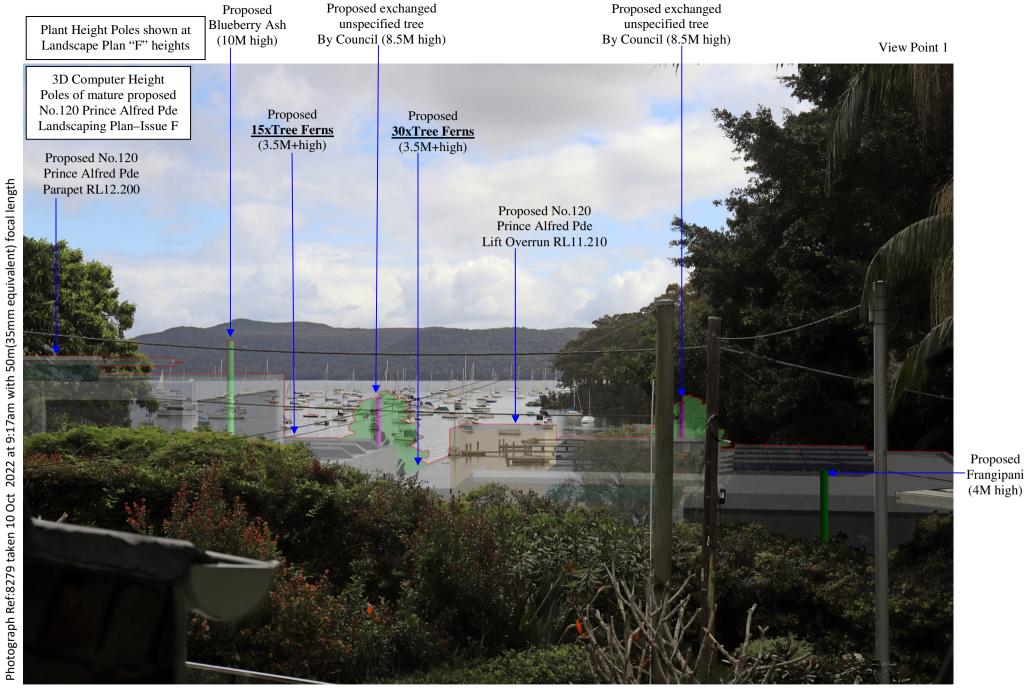


Photomontage by Pam Walls Based on DP Surveying Survey Ref:3426-09/12/2021 Corben Architects DA Drawings Ref:NEWP-C:15/09/2022

View Reference Plan View from 105 Prince Alfred Pde Newport main living terrace Objection to 120 Prince Alfred Pde Newport-DA2022/0246

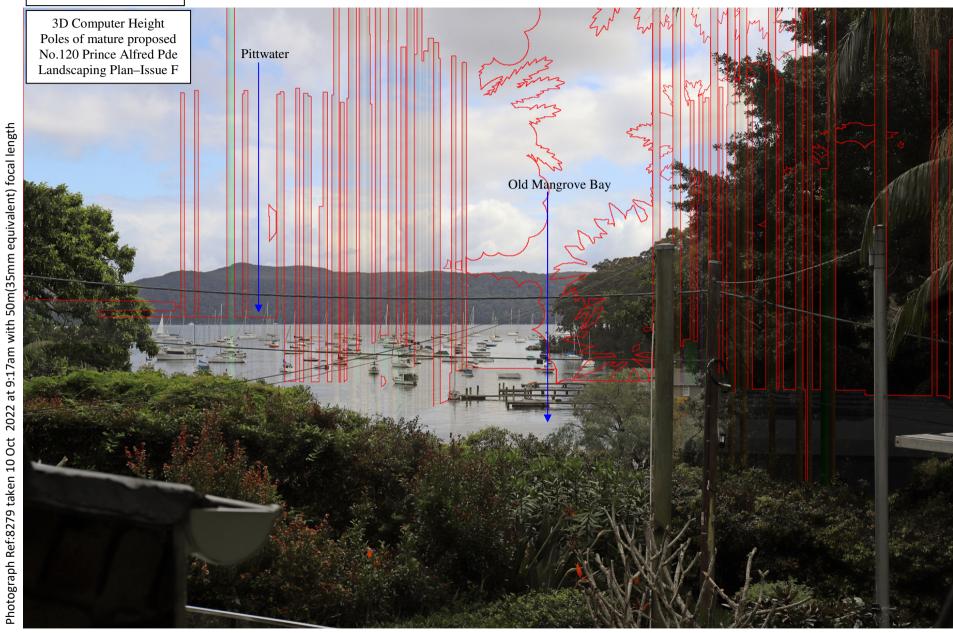
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Photograph of existing view View from 105 Prince Alfred Pde Newport main living terrace Objection to 120 Prince Alfred Pde Newport-DA2022/0246



Photomontage by Pam Walls Based on DP Surveying Survey Ref:3426-09/12/2021 Corben Architects DA Drawings Ref:NEWP-C:15/09/2022

View with 3D computer model of proposed No.120 overlaid as 50% transparency View from 105 Prince Alfred Pde Newport main living terrace Objection to 120 Prince Alfred Pde Newport-DA2022/0246



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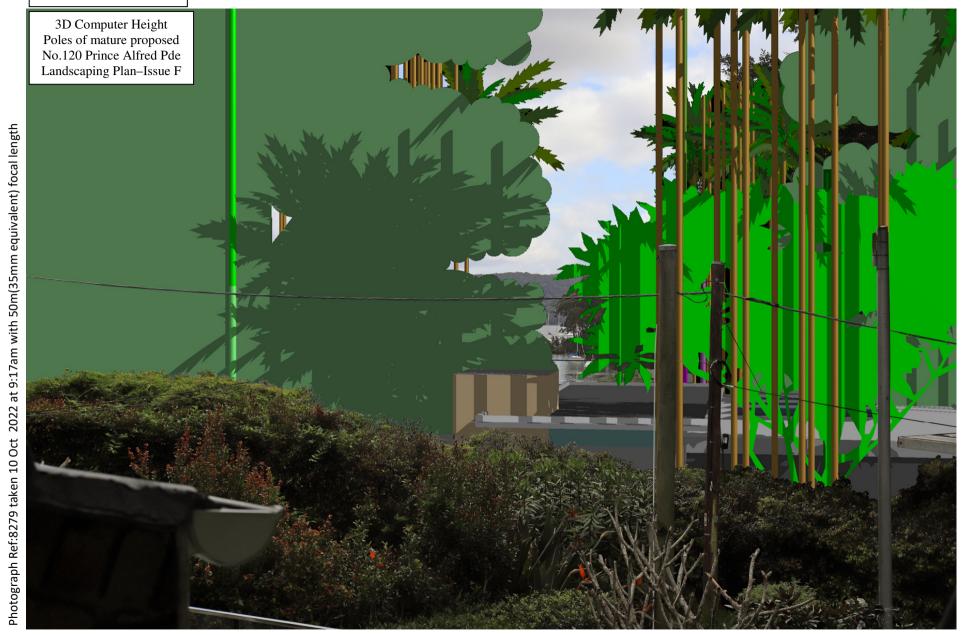
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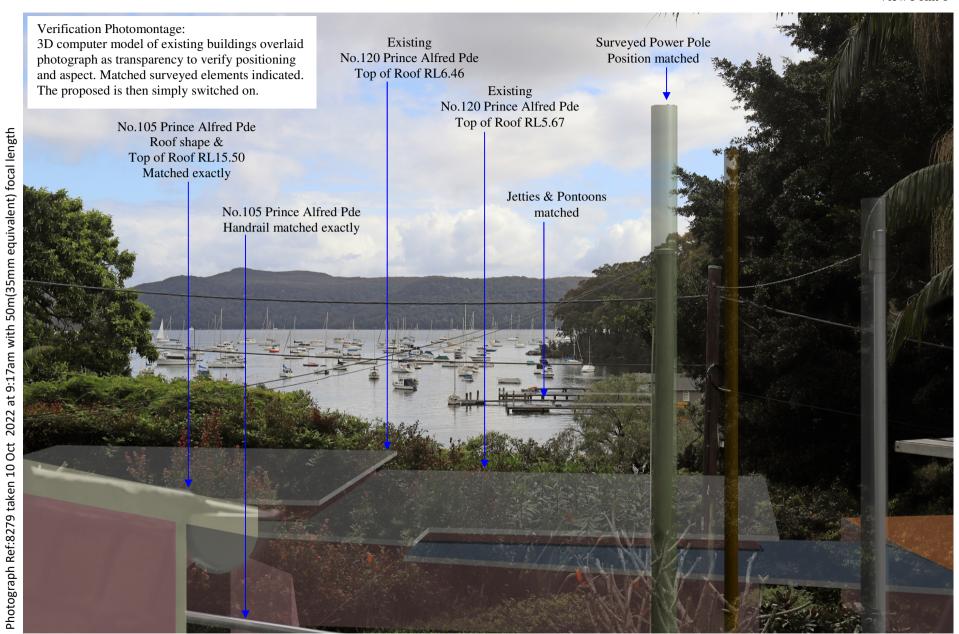
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View from 105 Prince Alfred Pde Newport main living terrace
Objection to 120 Prince Alfred Pde Newport-DA2022/0246

Plant Height Poles shown at mature heights



Photomontage by Pam Walls Based on DP Surveying Survey Ref:3426-09/12/2021 Corben Architects DA Drawings Ref:NEWP-C:15/09/2022

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