

Dear Assessors,

We are the owners of 121 Narrabeen Park Parade, Mona Vale. We are responding to the recommendation of the reporting manager, Mr Adam Richardson and responsible officer, Mr Nick England to refuse our application No. DA 2023/0646.

We name upfront that because of the timing of this matter's appearance around the Easter Holidays and our Architect's leave, we have been unable to consult with her, as we would have liked, before making this submission.

To say we are disappointed would be an understatement. Rightly, Northern Beaches Council needs to consider the impact of our proposed plans on neighbours and the community in totality. It is our belief that this lack of totality is one of the oversights of the document in question. We respectfully ask you to consider our story, our thoughts and our position.

We have engaged professionals throughout the whole process so that we could work within the guidelines and to community standards as we developed a plan that would provide a safe and enjoyable home for our retirement and our later years, as well as a desirable family gathering point.

- Throughout the entire process we have been respectful of our neighbours and community, trying to balance shared views and mutual privacy - two important objectives to everyone, which sometimes conflict with each other.
- Our application has been with council for a long time. Within the stated number of 16 objections some are multiple or by professionals, on behalf of clients, who have made submissions themselves. More came in after the standard advertised period and the numbers seem to us low, despite active lobbying by some parties directly and indirectly affected.
- To our dismay, council departments, which had no objection and minimal conditions on the initial application objected to or added conditions to the revised downscaled version which was not fundamentally changed. We find ourselves concerned and confused as to how this is possible in so many instances.
- Reading the document, the amended application complies with almost all the requirements, although it doesn't appear to read that way. The final reasons for recommendation for refusal actually seem to rest on a subjective opinion, which is unsupported.
- The document itself is very wordy. Perhaps that is necessarily so. Yet much of that would seem to also carry a wearying, unnecessarily and early judgemental negative tone. Even complying points to which there is no objection are shrouded with problems.
- Much content, including height poles, relates to the original, not the amended plans which are to be under consideration today. Residential objections are against the original not the amended plan. We must trust the committee is versed in reading through this because, with all due respect, it would seem that the system to date, for whatever reason, does not wish to approve this development. We hope this committee reverses that.

We understand that, as a rule, people feel uncomfortable with change, yet that is the only constant in life, and also the only way we end up with a safe, optimal functioning, communal environment. As we stated, the development actually seems to comply in almost every respect of the requirements. The few actually named as not complying are very subjective, repeated often and, with little or no supportive evidence. Some, such as the style of driveway and treatment of the council verge exist because we have been assessed differently to what was requested of us and are certainly fixable under the Building Application. Regarding the latter, the road verge, which we will come back to

later we note the document criticises the application for including works on p.107 and criticises it for not enough on the works p.118. We name this purely to indicate some of the communication challenges and that the process has not necessarily allowed meaningful engagement to resolve valid concerns. We hope that this meeting can deal with that.

The two major assessment issues recommending refusal, are views and visual impact (p.106). Both of these are intertwined. We will do our best to break the components down.

As we have said, the recommendation on these issues seems very, very subjective. There is then minimal clarification provided for this opinion, or indeed anything objective, to support them. In fact, the document itself does quite the opposite when it says "the proposed work may open up additional views to the ocean". This amongst others we will draw attention to is something we thought would be considered. But that appears to not be the case.

This points to a major problem with the recommendation that we would ask the committee to remedy. That the assessment fails to consider, and certainly doesn't meaningfully mention, the positive merits of the development, only concluding it has "adverse visual impact as a result of non-compliances" p122. Any non-compliance we have been told is minimal and common, and yet this is the second major reason for recommending refusal. And that appears to be it. Indeed, we would state strongly that anything which may be non-complying in no way contributes to the stated position but is used as an excuse for refusal.

On page 122, there is reference to a detailed assessment which shows that it "cannot reasonably be assumed that the proposal is low impact." as required by the objective. However, we can find no evidence of such a detailed assessment. Mostly they are subjective assumptions, which we would suggest is not a good or fair base for decision making. Such an approach is a guess at negative possible outcomes and ignore positives. Reference to this thinking supports many other reasons for refusal. Four appear on p123 alone and others beyond. Without such an assessment we could equally argue that the development "cannot reasonable be assumed to not be low impact."

A little more clarification on "View lost to both adjoining private properties and public domain:" and "scale and bulk".

- Throughout the document there is mention of the changes that will occur with the new build but this only points to the increase and fails to consider the decrease. For the community, the new building is minimally higher than the existing one only in part, much is lower. Also, it should be noted that the amended application lowers the height poles 500mm from the existing level shown. Thus, from the streetscape it will open up the view over the rooftop as the building falls away down the slope. This would only be added to by the removal of overgrown vegetation along the public footpath. In fact on p. 121, Div. 4 Comment says "the proposal development is **not** considered to have an adverse impact on...'loss of views from public spaces'". Council's own experts support our position on this and clears the development of concern with views from public places (contrary to the assessor's recommendation.) It is however considered inconsistent with the surrounding coastal built environment, in relation to the bulk scale and size of the proposal. This is the assessor's second subjective concern because of "The visual impact of the proposal on the adjoining coastal area of high scenic value as, required by Council and State policies". We are surprised that a photo from the beach has not been included to support this, which we do not believe it does. We believe it would achieve the opposite.

- Aesthetically, the built environment will create a better visual impact. Viewed from the beach, the main public domain, the building fits well with what exists. And yet the assessor seems to have a problem with the scale and bulk, in particular, the southwest elevation that it will overly dominate the coastal environment in a highly visually promoted area. Again, this is a purely subjective comment and we fail to see this in the built context. Especially considering we are required to have 60% of the site unbuilt.

Although not small, it is not a big house. Much of the floor space is a spine of the stairwell to move occupants down the site. The long axis is at 90 degrees to views. The southwestern side is largely obscured by our neighbour in 119 which is almost as long, but their property is much wider at the street scape and more deeply excavated. It is 4 stories, while our build would be three. Our proposed development is less than a metre longer than the existing building! We are required to push the new building back from the street boundary, which is one reason for moving the building down the block but this should give walkers a greater sense of space. We also choose to not have a seaward balcony as prevailing weather allows little meaningful use.

Building the long axis this way is good practice. It is consistent with the geography and block shape falling down the site and giving a northerly aspect to a south east facing site, a unique attraction for this block. However it may give a more linear and different appearance, something more modern future builds may well embrace. Thus, what now looks a little different, into the future may be the norm. Yet this change has minimal impact from most positions viewed. Indeed no 123 sits above the proposed building, and no 119 obscures much of it from the streetscape. It is not our intention to stand out; rather to utilise more expensive building finishes of brick and colours consistent with the geography of the headland. We would be happy to have agreed tones to be a condition of the consent.

With regard our neighbour's private views, the last two dot points should be considered for those neighbours opposite. Regarding our adjoining neighbours, the photographs provided in the report from 119 and 123, show the impact. These are taken nearly on the boundary, actually at 90 degrees to their view and represent nothing more than we have at the moment from where our current 70-year-old home sits. Council's assessment is that the view loss to both is minor p. 136. Indeed, the aesthetic may be better and definitely more private for all. And yet the view change is considered unreasonable because of the non-compliant building envelope p 136. The use of the principals of an envelope breach to support the case would seem to us, to be abuse of the objective, because we have been told there is no breach anywhere near the point at issue. The only breach occurs because of limitations of siting an internal lift. The report then contradicts itself saying private view loss is unreasonable using only the assessment of views from the public domain to support this. Which, as stated above, is subjective and unsupported at best and even flawed. With due respect, from the beach and even road, the long access has minimal difference, which may even be an improvement, let alone good reason for refusal.

Before concluding we must say something about safety, mentioned also in the report. Rebuilding rather than refurbishing is largely informed by the need to improve safe ingress and egress. Currently, this is quite challenging and visibility coming up the slope, puts vehicles and pedestrians at risk. Thus, we are confused to say that a reason for objection is safety, when that is a very reason for improving the situation. We find further confusion that contradicts itself, critical that "Works within the Council road-reserve remain on the amended plan" p 107 and yet road reserve does not support it because "it is unsure what works are proposed". P118. All of this against the "Proposed road reserve verge encroachment works including stairs, walling and landscape works are illustrated on

the plans and a minor encroachment application is to be submitted to Council for approval or otherwise, and such works are not part of this development application... **The proposal is therefore supported**" Landscape response 29/6/23.

This is what we thought we were working with. That safety, the nature of the slope retention and landscaped terraces etc would be dealt with under a B.A. as of course engineering detail would be required. To use this in such a manner would again seem to be merely looking for reasons to build a case for refusal rather than fairly assessing the application prioritising safe access and ingress and egress for everyone, including the community, on a challenging site.

And still the report contradicts itself. Page 114 says "Amended landscape plans are not submitted and thus the landscape outcome is unable to assess without coordinated information". This is despite, previous support of original plans on the 29/6/23 documented. While the note p. 115 concedes numerical compliance and Mr England's comment that amended plans "were not re-notified, as they did not represent a development which was of greater environmental impact than originally lodged" p 112. How are we to make sense of this and provide appropriate response into it.

In summary, we believe honestly and strongly that the surface reasons for recommending refusal are not only few, although repeated frequently, but subjective, unjustified, even self-contradicting. Against this there are positive community reasons for approval, not least of which is safety and, contrary to the report, views and visual impact will not only be minimal but both may well be improved in totality.

Yours Sincerely,

Michael & Patricia Casey

121 Narrabeen Park Parade Mona Vale

1st April 2024