
Sent: 2/06/2023 1:39:38 PM
Subject: submission to amended plans DA2022/2284
Attachments: second DA submission .docx;

Attention: Olivia Ramage
Please find attached our submission to DA2022/2284.
Thank you,
Melanie

OLIVIA RAMAGE
NORTHERN BEACHES COUNCIL PLANNING RE: DA 2022/2284

Dear Olivia,

This document is a written submission by way of objection to the amended DA 2022/2284.

The proposal, an expansive 30m² new tiled patio area, with a mortar/glass fence and permanent vergola roof and supporting beams/structures, priced at \$104,060, has been slightly amended, which we appreciate, however it remains problematic.

It will not only unreasonably and unnecessarily obstruct the highly valued views from number 15 Robertson Road, it will have other knock-on effects, impacting on the way we currently use and enjoy our home, the financial value of our home, and our visual and acoustic privacy.

We make the following points:

1. Our view will be severely impacted. Currently we have a highly valued view from the south-facing window in the master bedroom/front room, which encompasses multiple icons, including Manly Beach, The Bower, Curl Curl Beach, South Curl Curl Beach, St Patrick's Estate, Sydney Tower, Anzac Bridge and the Eastern Suburbs. This view takes in the interface between land and water, and is currently only partially obstructed by number 17's second-storey roof. This land/water view is only available from this vantage point, and is not available from the west-facing front windows of our home, which look directly onto Robertson Road, the neighbouring streets, distant fields and Brookvale.
2. The master/front room is the most used room by our five family members, functioning as a home office during working hours, and a homework room, sleeping space, dressing room, parents' retreat, fold-the-washing and reading room outside of that time. The room is highly used, firstly because the view provides endless interest. Secondly, because it's conveniently located off the living/dining/kitchen area, which allows our young children to be supervised doing their homework/reading etc, without being distracted by noise from the living/kitchen area. This is a multi-use room for our family, so it is inaccurate to consider it as merely a "bedroom" in the traditional sense – the master/front room *is* a primary habitable area of our home.
3. This view is unique. The proposal would obliterate the only ocean view from the interior our home. There is no, and I refer to the applicant response letter dated 17/4/23, "view of North Curl Curl Beach, the ocean and the headland" available from anywhere else in our home to "replace" it. The view impact would not be "negligible to minor" as suggested, but rather devastating and unnecessary. In contrast, number 17 already benefits from uninterrupted views of the beach, city and iconic landmarks from their existing third-floor deck and living areas. The proposal would add another 30m² – almost 7m

more than our master/front room – of uninterrupted views and external living to their already considerable view portfolio, while having no benefit to the neighbouring properties.

4. View accessibility. The highly valued view is afforded from both sitting and standing positions, from almost anywhere, in the master/front room. While the window is technically situated on the side of the house, it is located 0.5m from the front facade of our house, so it is not entirely accurate to classify it as a “side view”.
5. Outdoor furniture. The applicant’s plans do not show any outdoor furniture or fittings – a barbecue, table, chairs, pot plants, an umbrella – on the plans. This is misleading and suggests that a greater share of whatever view that remains after the construction of the patio will be afforded. It would be logical to assume that the placement of any of the above – surely furnishings of some description are necessary to use the space? – would further obstruct the view.
6. Secondary views. There is also a second view corridor to the North Curl Curl soccer fields and lagoon available from our open-plan living/dining/kitchen area, our primary internal living area, that will be directly affected by the proposal. This view is accessed from multiple areas, including the dining table, kitchen bench and from both standing and sitting positions as you walk in a westerly direction through this space. This is the only view, albeit it “heavily affected” by the residence at number 17, in this living space that affords any greenery and reasonable access to amenity. If this proposal was to be approved, this would obliterate the only district views we have from the primary living space that are not obstructed by built material.
7. Glass transparency. There is a suggestion that glass is entirely transparent and its use “reduces impacts views to number 15”. The idea that the same view will still be accessed across the proposed patio, over the mortar walls, in and around supporting beams and poles, as well as over any furniture/fixtures, through the glass, is unreasonable. It should be noted that glass is also highly reflective and cannot be assumed to permit light/views, but rather creates glare, reflection and mirroring.
8. Acoustic privacy. The proposal sits directly adjacent to our master/front room. The room does not have air-conditioning and thus utilises natural breezes for passive heating and cooling. Nocturnal noise of any nature would carry unimpeded through our open windows, into our bedroom, and have considerable impact on our sleep and quiet activities. According to the Statement of Environmental Effects (SEE), this application forms part of a secondary dwelling. If that is the case, the proposed patio would be the main external living area of the secondary dwelling, not an auxiliary one, so it would be reasonable to expect it would be a highly used area and that considerable noise would be generated from its use. This concerns us as it is directly adjacent to our master/front room, which is used as a quiet space.

9. Visual privacy. The proposal would affect privacy in the master/front room and inhibit reasonable activity within a private sleeping/dressing space. We currently have no privacy concerns as no one can occupy the rooftop space at number 17. By making it an outdoor living area, our visual privacy – both while we work during the day and utilise the sleeping/dressing space outside work hours – would be compromised. As stipulated in *Meriton vs City Council* [2004] NSWLEC 313, “overlooking from a living area is more objectionable than overlooking from a bedroom”.
10. Set-back breach. Number 17 sits 6.03m from the front boundary, less than Council’s required set-back of 6.5m from the front boundary. The proposal requests Council overlook the set-back requirement of 6.5m from the front boundary and allow the glass balustrades to sit in front of the required set-back. We question why it is necessary to breach this set-back planning control and why a more skilful design cannot be achieved.
11. Wall height breach. I refer to control B1 of The Warringah Development Control Plan (DCP): “Wall Heights. Walls are not to exceed 7.2 meters from ground level (existing).” Based on the amended survey plans, the underside of the proposed ceiling on the southern boundary of number 17 will exceed this requirement by 0.7m-0.8m. This is a breach of planning controls.
12. Landscaping breach. The current dwelling fails to comply with the minimum 40% landscaped area required [Part D1, SEE]. It would seem unreasonable, then, to add another structure to a build that has already breached this planning control, which is designed to balance green space with built space. We question how further building on an already large-scale structure can even be considered when the basic landscaping requirement fails to be met.
13. Economic impact. I refer to the EP & AACT – Section 79C: “It is considered that the new dwelling will not have a detrimental impact on the environment, social and economic status of the locality.” The consequence of view loss will directly affect the economic value of our property at 15 Robertson Road. Therefore, the development’s impact on us, as residents of the locality, is economically detrimental.
14. Public Interest. The proposal is not considered in our (the public) interest because it will significantly impact on the amenity of our home, by obstructing the highly valued view, as well as compromising visual and acoustic privacy.

With the above points in mind, we ask Council to reject DA2022/2284.

Sincerely,

Melanie Crea and Ben Symons, owners and occupants, 15 Robertson Road