
Sent: 18/05/2021 1:13:49 PM
Subject: submission re: 78 Powderworks Road, North Narrabeen (DA2021/0333)
Attachments: 8 Amelia Place, NARRABEEN - submission.pdf;

Please find attached a submission regarding the development application lodged for 78 Powderworks Road, Narrabeen.

Kind regards,

Will

William Fleming
Planner



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17 May 2021

The General Manager
Northern Beaches Council

Attention: Thomas Prosser

Dear Sir,

**DEVELOPMENT APPLICATION DA (DA2021/0333)
PROPOSED DEMOLITION AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING
SWIMMING POOL
78 POWDERWORKS ROAD, NORTH NARRABEEN**

1.0 INTRODUCTION

I write on behalf of the owners of 8 Amelia Place in response to the development application lodged at 78 Powderworks Road. 8 Amelia Place is situated to the west of the subject site. I have reviewed the submitted documentation, visited my Client's property, and have a clear understanding of their concerns in relation to the subject DA.

2.0 VIEW IMPACTS

The main ground of objection is based upon the loss of views looking to the east and north east. The views are whole views that capture the interface between the water and land. The effect of the proposed development would be to completely eliminate the majority of these whole land and water interface views.

The views obtained from No. 8 Amelia Place can be described as highly valuable 'magnificent' (ocean and beach interface views) as can be seen in the image below.



Image 1 – View from the deck accessed from the primary living area. Eastern View Aspect.



Image 2: View from Balcony to the north-east

The defined principles for the analysis of view loss/view sharing in relation to the proposed development are discussed as follows:

Step 1 – Assessment of views to be affected

The judgement held that water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views.

As mentioned above, 8 Amelia Place currently obtains magnificent views looking east towards Narrabeen Beach and Lagoon, and north-east towards Warriewood and Mona Vale. The existing view is a 'moving landscape', rather than just a 'scenic outlook', given the activity on the beach, in the ocean and surrounding the mouth of Narrabeen Lagoon. The primary aspect of my Client's dwelling looks east and takes in panoramic views along the coastline.

The Statement of Environmental Effects provided does not provide any view loss analysis nor provided any demonstration that view sharing has been achieved subject to the planning principal.

Step 2 – Consider from what part of the property the views are obtained

The second step in the judgement is to consider from what part of the property the view is obtained. The affected views are obtained from the primary living areas, private open space deck areas and the master bedroom located on the first floor. All the views obtained are from both standing and seated views. Whilst the views are obtained over No. 78 Powderworks Road, which the judgement states are "*more difficult to retain*", all of the properties located in this area of Amelia Place are orientated in an easterly direction to capitalise upon these magnificent views. In this respect, we make the following points:

- The owner of 8 Amelia Place has no readily obtainable mechanism to reinstate the impacted views if the development as proposed proceeds; and
- All the properties situated in this locality rely on views over adjacent houses for their outlook, aspect and views towards the ocean and the beach.

The images below, in addition to those provided above, detail the existing view enjoyed by my client's.



Image 3: View from Kitchen



Image 4: View from Dining Room – seated



Image 5: View from Bedroom

Step 3 – To assess the extent of the impact

As mentioned above, the views from 8 Amelia Place are obtained primarily from the first floor living space, deck and first floor bedroom. Paragraph 28 of the judgement states that:

‘views from living areas is more significant than from bedrooms or services areas, although kitchens are valued more highly because people spend so much time in them.’

The photos provided accurately depict the views from 8 Amelia Place kitchen, dining room and deck. The primary living areas are located on the first floor to purposely capture the magnificent views capturing the panoramic views Narrabeen Beach and Lagoon, as well as further to the north-east. The impact to these spaces will be devastating.

However, in order to accurately depict the degree of view loss to 8 Amelia Place, it is imperative that the Council require the applicants to install height poles (templates) depicting the height the proposed works, so as to determine the extent of impact that would result from the proposed development. Furthermore, it is requested that the applicants provide a photomontage/wireframe view, in order to visualise the extent of the potential impact.

Step 4 – To assess the reasonableness of the proposal that is causing the impact

With respect to assessing the reasonableness of the proposal, paragraph 29 of the judgement states that where:

'A development that complies with all the planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.'

The architectural plans provided demonstrate that the proposal is compliant with the building height development standard. The plans in general are lacking basic details which will be discussed further in this submission. The statement of environmental effects states the development is non-compliant with either 1, or both, side and rear setback controls yet offers no indication as to what is non-compliant nor provides justification for any non-compliance. Furthermore, the plans provided do not show any prescribed setback controls or detail the proposed setbacks to the new dwelling on the site plan, which is contrary to the lodgement requirements. The judgement also stated that:

"With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable"

The proposed dwelling has not been skilfully design with no consideration, or any initial view sharing analysis undertaken, to potentially reduce view impacts to neighbours. The proposal incorporates a rudimentary dwelling design with pitched roof. No thought has been given to the amenity impacts of neighbouring dwellings by incorporating any design elements that may preserve view corridors through the site. The inclusion of an unnecessary pitched roof over a more flatter parapet roof design indicates the lack of design considerations with the proposal. The entire dwelling is proposed to sit on piers which adds extra unnecessary height and reflective of a less skilful design. A dwelling set into the slope, responding to the topography with design features that are conscious of view corridors would be a more skilful design.

We also note that the landscape plans indicates a cabbage tree palm in the south-west corner of the site. It is identified as having a maturity of 30m. This is situated directly in the view corridor enjoyed by 8 Amelia Place and request that this tree be deleted from the landscape plan.

It is considered that a more skilful design would result in a greater view sharing outcome than the current proposal.

3.0 DEMOLITION/PEST CONTROL

The subject site had a tree removed last year that was in poor condition and had obtained a tree permit to do so. After the removal of that tree, the dwelling at 8 Amelia Place began to experience damage caused by termite activity.

The proposal includes the demolition of the existing structures and it is requested that a thorough pest inspection is conducted prior to demolition to prevent further termite activity spreading to neighbouring properties.

5.0 DRIVEWAY/TURNING CIRCLE

The applicant has not provided any details regarding the proposed driveway extension and turning circle. The driveway is situated on a steep slope. The documents provided do not include any plans, cross sections or long sections demonstrating compliance with the Australian standards. No drainage details relating to how water will be managed with this increase in hard surface.

Currently, this driveway is being used by a tip truck that parks on the existing driveway as shown in the image below.



Image 5: View of existing driveway

The area proposed to site the driveway extension and turning circle is in area of sloping topography, as detailed on the survey provided. It rises in a south-westerly direction approximately 2m. It is unclear from the plans how the applicant plans to build a turn table and driveway extension in this locations without the need for any excavation?

The geotechnical report does not take into consideration the proposed driveway extension and turning circle. In section 11 of the report, titled Excavations, it states that besides the footings for the dwelling *no excavations are required*. It seems highly implausible that the driveway and turn table would not require any excavation.

6.0 DOCUMENTATION

The architectural plans provided are severely lacking detail. As previously mentioned, the plans shows no prescribed setbacks or proposed setbacks for the new dwelling. Lack of details with materiality and colours proposed on the drawings. Not all relevant RL's are included on the drawings. There are no proposed levels for all ridge lines, ceilings and floor levels.

The site plan provided is not a site analysis plan, as has been labelled. It lacks any details regarding views to and from the site, neighbouring view corridors or solar access path over the site.

7.0 SUMMARY

It is my clients' submission that the proposed works at 78 Powderworks Road are unreasonable, particularly in relation to the devastating impact to the existing magnificent views enjoyed by 8 Amelia Place. Furthermore, the development fails to provide for a reasonable sharing of views pursuant to the New South Wales Land and Environment Court defined principles for the assessment of view loss/view sharing (Tenacity consulting v Warringah [2004] NSWLEC 140). On this basis, the application should be refused.

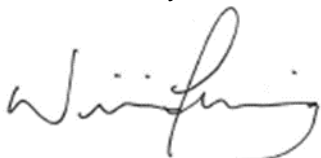
It is submitted that the applicants should be required to install surveyed height poles, accurately depicting the height and profile of the proposed addition, that accurately demonstrate the view loss arising to 8 Amelia Place.

Once the height poles are installed and/or if further information is submitted by the applicant to the Council by way of views analysis or amended plans, my client reserves the right to be able to make further submissions to the Council with respect to the issues raised in this letter.

The lack of detailing with the plans submitted also warrants a refusal, or to withdraw the application, to address the deficiencies with the application documentation.

Please don't hesitate to contact me should you have any questions.

Yours sincerely



William Fleming
BOSTON BLYTH FLEMING
BS, MPLAN