
Sent: 21/08/2020 4:56:37 PM
Subject: Attn: Catriona Shirley - Objection to DA No. 2020-0838 86 Quirk Street Dee Why - 21.08.20
Attachments: Objection to DA No. 2020-0838 86 Quirk Street Dee Why - 21.08.20.pdf;

Dear Catriona

Please find attached our submission on behalf of the owners of 84 Quirk Street Dee Why, Mr and Mrs Harris.

Regards

Eugene Sarich

URBANESQUE PLANNING PTY LTD

A: Suite 16, 895 Pacific Highway, Pymble 2073

T: (02) 9440 8900

M: 0419 250 600

W: www.urbanesque.com.au

Northern Beaches Council
PO Box 82
Manly NSW 1655

21 August 2020

Attn: Chief Executive Officer, Ray Brownlee

Dear Mr Brownlee

**OBJECTION TO DEVELOPMENT APPLICATION No. 2020/0838
PROPOSED DEMOLITION OF AN EXISTING SINGLE DWELLING HOUSE AND THE CONSTRUCTION OF
A DWELLING HOUSE INCLUDING A SECONDARY DWELLING AND A SWIMMING POOL.
PREMISES – 86 QUIRK STREET DEE WHY**

Urbanesque Planning has undertaken a review of the above application for Mr S and Mrs N HARRIS who are the registered proprietors of No. 84 Quirk Street Dee Why. No. 84 Quirk Street is the immediately adjoining property to the west of the subject site.

Whilst we acknowledge that the subject site may be developed in a manner that is permissible within the R2 Low Density Residential zone, redevelopment must occur in a responsible manner and in a way that is compliant with Council's controls and does not unreasonably impose upon the amenity of the adjoining and nearby residents.

The development has shortcomings that lead us to the conclusion that the development should not be approved in its present form. The shortcomings include:-

- **The issue of view loss for neighbouring properties.** Analysis of view loss within the Statement of Environmental Effects (SEE) is insufficient and inaccurate.

With respect to 84 Quirk Street we provide the following analysis as it relates to the planning principles in *Tenacity v Warringah Council (2004)* ("Tenacity").

Step 1 - What views are to be affected?

"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured."

Comment

The view to be affected is a whole view, of the iconic Dee Why coastline and Long Reef Headland which includes the interface between land and water. This view is available from the living room, kitchen, and the rear veranda. The view of the same from the master bedroom and rear boundary is even more expansive and uninterrupted. The expectation for view retention in this case is very high and reasonable given the views are classified as of high value under the "Tenacity" planning principles and by the owners and the views contribute significantly to the value of the property.

Step 2 – How are the views obtained and assessed?

“The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”

Comment

The views in question are obtained partially over a side boundary but are also directly over the rear boundary. In this manner they are not typical side views. The views from the kitchen, dining, living and outdoor area are enjoyed from a standing and seated position. Views from the master bedroom are enjoyed both in a seated and standing position.

Step 3 - Where is the view enjoyed from?

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

Comment

The most highly valued views are enjoyed from the living, dining, kitchen, and outdoor areas on the ground floor and the master bedroom on the first floor of the dwelling. The views from the master bedroom are highly valued as they permit uninterrupted views of the Dee Why coast and Long Reef Headland. The views obtained from the living, dining area, kitchen and outdoor area are also highly valued as these areas are of high use. The proposed development will cause significant, unnecessary but avoidable intrusion into the view. The quality of the view will be significantly reduced, if not completely eroded because the sightlines to the coastline will be obscured if the development is approved in its present form. The view loss for whole of the property is severe. Refer to Figure 4 which illustrates the inappropriate bulk and scale of the proposed development as well as the existing sightlines from 84 Quirk Street.

Step 4 - Is the proposal reasonable?

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all 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. With a complying proposal, 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”.

Comment

As bulk and scale is the major contributor to view loss, the scale of the proposed development must be assessed for its reasonableness or otherwise. The considerable bulk and scale when compared to adjoining properties can be seen in Figure 4. In order to maintain a harmonious streetscape and to minimise the potential for view loss, a

reasonable design approach would be to reduce the bulk and scale to be consistent with adjoining properties.

There appears to be inconsistencies between the side setbacks as stated in the statement of environmental effects and as indicated on the accompanying architectural plans. The statement suggests that side setbacks of the secondary dwelling are compliant at:-

Proposed Development	Proposed	Allowable
Side set back east	1.1m (as stated)	0.9m
Side set back west	1.237m (as stated)	0.9m

The architectural plans indicate that there is to be a concrete block retaining wall bordering the secondary dwelling that appears to run along the property boundary. This is inconsistent with the above figures and the controls specified in section B5 of the Warringah Development Control Plan (2011) (DCP).

B5 Side Boundary Setbacks

Requirements

- 1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.*
- 2. Side boundary setback areas are to be landscaped and free of any above or below ground structures car parking or site facilities other than driveways and fences.*

This is clearly a non-compliance which contributes to the bulk and scale of the design and inhibits the views of adjoining properties. Such non-compliance has a significant impact and is considered to be unreasonable. Compliant side setbacks would facilitate improved view-sharing and help support the objectives of section B5 of the DCP – Side Boundary Setbacks: -

Objectives

- To ensure that development does not become visually dominant.*
- To ensure that the scale and bulk of buildings is minimised.*
- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- To provide reasonable sharing of views to and from public and private properties.*

Compliance could be readily achieved by increasing the setbacks along the eastern western sides of the secondary dwelling. This type of suggested solution represents a 'more skilful design' as expressed in Step 4 of the planning principle.



Figure 1: View of Dee Why beach from kitchen (standing position). This will be obscured by height of secondary dwelling and proposed privacy screening.



Figure 2: View of Dee Why beach from rear verandah (standing position). This will be obscured by the height of secondary dwelling.



Figure 3: View from master bedroom (standing position). This will be obscured by the first floor of proposed development.



Figure 4: Overlay of proposed development on aerial image of subject site. Bulk and scale of new design is considerably larger than those of adjoining properties. Source: www.google.com/maps

- **Failure to comply with the maximum landscaped area control as prescribed by the Warringah Development Control Plan 2011.**

The prescribed landscaped area for the subject site is 288.08m². While the plans indicate compliance, much of the landscaped area is over structure or less than the minimum 2m dimension. We ask Council to verify that the proposed landscaped area conforms to the definition. This is a contributory factor to the bulk and scale of the development, potentially contributing to view loss. A compliant development would provide for soft landscaped buffers and separation from common boundaries.

- **Failure to comply with the side boundary envelope control as prescribed by the Warringah Development Control Plan 2011.**

The proposed development encroaches the side boundary envelope to the rear of the primary dwelling. This non-compliance is indicative of the considerable bulk and scale of the design.

B3 Side Boundary Envelope

Objectives

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure that adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

A compliant building envelope would help lessen the view loss impacts to a degree but would not ameliorate the bulk, height and scale of the proposed primary and secondary dwellings .

- **Failure to comply with the wall height controls of the DCP.**

Warringah DCP 2011 B1 Wall Heights.

Objectives:

- To minimise the visual impact of development when viewed from adjoining properties
- To provide a reasonable sharing of views to and from public and private properties.
- To minimise the impact of development on adjoining or nearby properties.

Requirements

Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building

Proposal

Walls exceed 7.2 metres on the northern end of the building and are thus not compliant.

There is no justification given for non-compliance.

- **Failure to consider provisions relating to Private Open Space within the Statement of Environmental Effects.**

The statement fails to address DCP controls relating to private open space. Section D2 of the DCP states that:-

Requirements

1. *Residential development is to include Private Open Space for each dwelling.*
2. *The minimum area and dimension of private open space for dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms is to have a minimum of a total of 60m² with minimum dimensions of 5 metres.*

The secondary dwelling lacks a usable area of private open space. Further, it is not clear if the bedrooms and living room will achieve adequate cross-flow of ventilation or sufficient solar access owing to their subterranean orientation. The western bedroom attempts to obtain light and ventilation through the enclosed carport (noting there is structure over). This should not be supported.

Neighbouring properties (especially No. 84 and 88 Quirk Street) enjoyment of private open space is greatly reduced as they are overlooked by the proposed development which will be visually dominant. Visual and acoustic privacy for all neighbouring properties is greatly reduced. Large changes are required to the design of the proposed building to conserve private open space of neighbouring properties.

We strongly recommend that council seeks compliance with the private open space controls, both numerically and qualitatively. Compliance would minimise adverse bulk and scale impacts on adjoining properties.

- **Failure to comply with the excavation and landfill provisions of the DCP**

Warringah DCP 2011 C7 Excavation and Landfill

Objectives

To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.

Requirements

- Excavation and landfill works must not result in any adverse impact on adjoining land.
- Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.

DA Plans

Raising the natural ground level over the whole site with the only exception being the area between Quirk Street and the front of the dwelling is hardly no adverse impact. This is clearly not compliant.

Warringah DCP 2011 D9 Building Bulk

Objectives

- To encourage good design and innovative architecture to improve the urban environment.
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

Requirements

- 1) Side and rear setbacks are to be progressively increased as wall height increases.
- 2) Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.
- 3) On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:
 - The amount of fill is not to exceed one metre in depth.
 - Fill is not to spread beyond the footprint of the building.
 - Excavation of the landform is to be minimised.
- 4) Building height and scale needs to relate to topography and site conditions.
- 5) Orientate development to address the street.
- 6) Use colour, materials and surface treatment to reduce building bulk.
- 7) Landscape plantings are to be provided to reduce the visual bulk of new building and works.
- 8) Articulate walls to reduce building mass.

DA Plans

- The fill depth is 1.610 meters behind the secondary dwelling (see Drawing No. DA3004) and 0.532 meters at the main house (see Drawing No. DA3000). This is not compliant.
 - The fill depth under the building footprint is up to 1.259 meters (see drawing no. DA3000). This exceeds the maximum allowable fill depth under the footprint of a building and this not compliant.
 - The fill is not contained by the footprint of the building. This is not permitted.
 - 120 square meters of fill area is outside the footprint of the building. This is not permitted and is not compliant.
 - Excavation of the landform is certainly not minimised as the entire natural surface of the block excavated or covered with fill.
- **We dispute several claims made in the Statement of Environmental Effects as relating to view loss.**

These claims include:-

- “The cladded stud walls provide a barrier to the neighbours on the adjacent boundaries and the new rear terrace does not directly impact neighbouring properties with the addition of privacy louvres on each side of the deck.”
- “The secondary is to be excavated into the terrain with no privacy concerns or impedance of views”.

- “The pool area has been set as low as possible & follows the ground level with the outdoor living area sunk into the slab area with the top aligning with the pool coping”.

The existing sight lines of 84 Quirk Street can be seen in Figure 5. The installation of cladded stud walls along the eastern boundary and the height of the secondary dwelling will directly impede on the views enjoyed from 84 Quirk Street. We suggest that lowering the pool height will reduce the view impact to 84 Quirk Street as the proposed height is higher than that of the adjoining properties ground level. The owner has erected height poles on their own property to gauge the impact of the proposed development. The owner’s presentation is attached to this report.

The suggestion that the development will have no direct impact and there is to be no impedance of views is unfounded and incorrect. The applicant has not made any genuine attempt to provide a view loss assessment and therefore the design is incompetent.

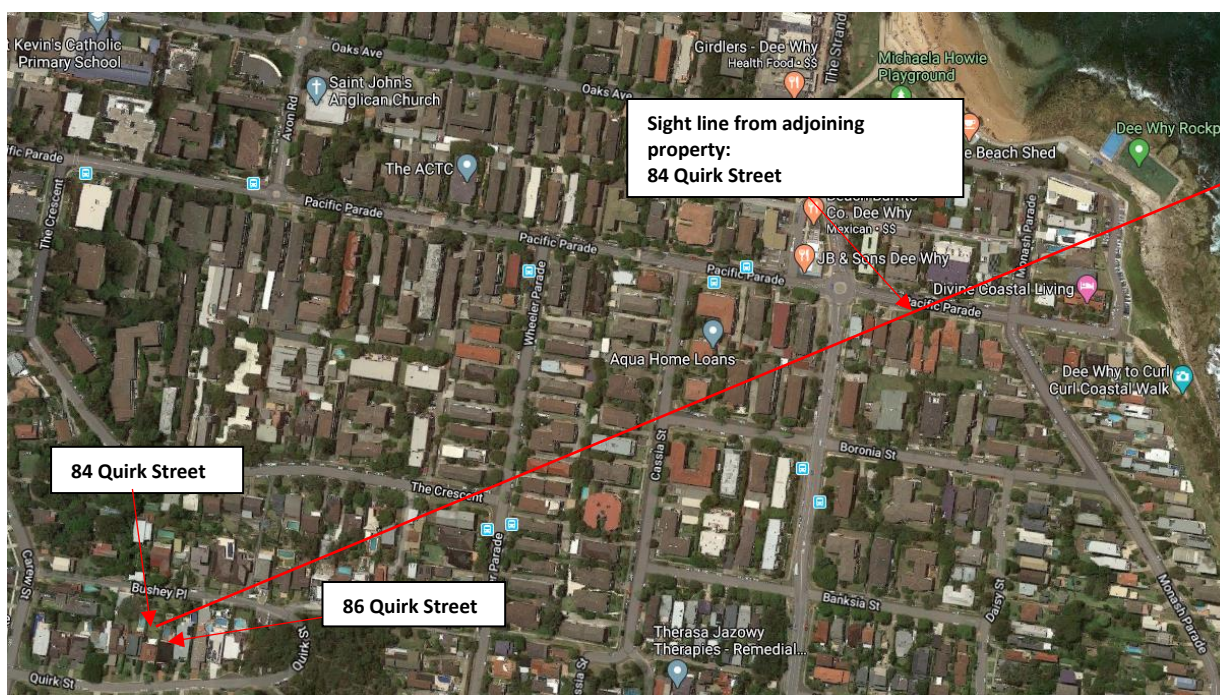


Figure 5: Existing sight lines from 84 Quirk Street to Dee Why coastline. Source: www.google.com/maps

Conclusion

Having regard to the extent and gravity of the non-compliances of the application particularly in respect of height, bulk, scale and view sharing principles, we consider that the application cannot be approved in its present form and it must be either substantially reduced in its scope or refused.

We note, The DCP states strict compliance with the numerical requirements of the DCP does not guarantee development consent. The proposed development must also meet the objectives of the DCP. The proposal in its current form does not achieve numerical compliance or meet the objectives of the DCP.

We request that council considers requesting the applicant erect surveyed height poles on the subject site for further assessment before any determination is made regarding the development application.

We urge the Council to refuse this application in its current form for all of the preceding reasons.

Yours faithfully,



Katherine McIntosh
Urbanesque Planning Pty Ltd



Eugene Sarich
Urbanesque Planning Pty Ltd