
From: George Youhanna
Sent: 17/06/2025 8:19:16 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Submission to DA2025/0559 - No.1 Phyllis Street, North Curl Curl
Attachments: Submission to NBC 1 Phyllis Street North Curl Curl.pdf;

Dear NBC

Please find attached a submission on the above DA.

Kind regards,
George

George Youhanna
Principal
BTP, Grad Cert Urb Des, Grad Dip Law, MPIA



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17 June 2025

Chief Executive Officer
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attn: Ms Adriana Bramley

RE: Objection to DA2025/0559 – No.1 Phyllis Street, North Curl Curl

Dear Ms Bramley

I provide this submission on behalf of my clients, Peter and Danielle McDonald, who are the owners and residents of No.2 Phyllis Street, North Curl Curl.

1. View Loss

The primary concern raised with the DA is view loss. The provisions of Part D7 *Views* of Warringah Development Control Plan 2011 (DCP) apply to this development.

Part D7 of the DCP sets out the following objectives and requirements:

Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

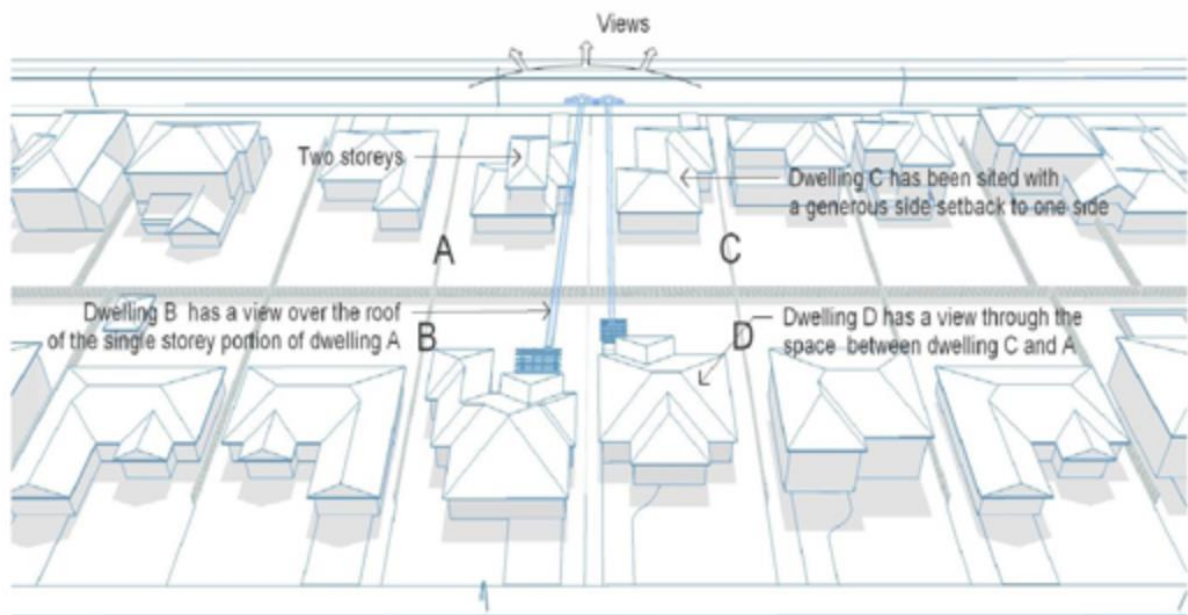
Requirements

1. *Development shall provide for the reasonable sharing of views.*

Part D7 of the DCP also includes a note stating that assessment of applications will refer to the planning principle established by the Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 (*Tenacity*).

Part D7 includes view sharing diagrams that provide examples of how view sharing can be achieved:

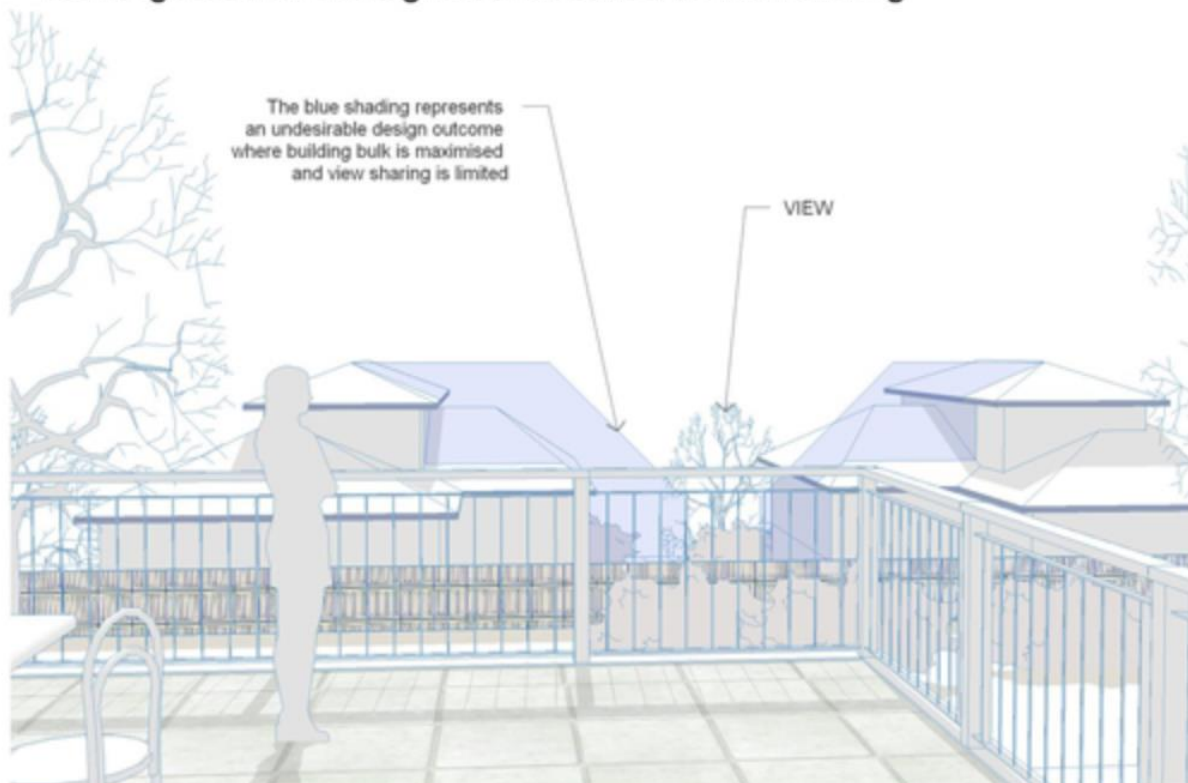
An example of view sharing on a flat site



The above diagram from D7 Views demonstrates how views can be achieved between buildings, in this case being a view from Dwelling D through the space between Dwellings C and A.

A further diagram from D7 Views provides additional guidance on building bulk and view sharing:

Buildings sited and designed to accomodate view sharing



The dwelling house at No.2 Phyllis Street, North Curl Curl directly opposite the subject site, currently enjoys Manly Headland views to the south between the dwellings at Nos.1 and 3 Phyllis Street, as shown below:





The views are obtained from the kitchen and also from the south facing balcony, and include the Manly Headland and headland/water interface (see photos above). The views are of high value and significance.

The application states that the eastern side boundary setback is in excess of the side boundary setback control of 0.9m. However, the 3D renderings submitted with the application indicate that the proposed operable timber screens when opened, fold out beyond the building envelope as shown in this extract from plan DA-026 prepared by LCG:



The bi-fold or concertina design of the operable screens is presumed to be identical on the Ground Floor and First Floor. Additionally, the Ground Floor and First Floor floor plans do not include any details of the operable screens.

In order to maintain view sharing, particularly in relation to the Manly Headland and headland/water interface views between the dwellings at Nos.1 and 3 Phyllis Street, the proposed operable screen design should be specified in the DA floor plans and elevations and the screens should be designed so that they do not open outwards from the building envelope. The use of internally folding screens or horizontal sliding screens would achieve the same privacy outcome, without adversely affecting existing views from 2 Phyllis Street as is currently proposed.

A related issue is that the front setback of the dwelling is being reduced to less than the 6.5m minimum requirement, which has the effect of closing off the visible separation between the dwellings at Nos.1 and 3 Phyllis Street, and therefore reducing the available views.

The proposed front setback at the north-eastern corner is proposed to be reduced to less than 5.86m, being less than the minimum 6.5m front setback requirement. Although there is a lack

of dimensions on the floor plans, it is estimated that the front setback is being reduced by over 2m due to the proposed northern balconies.

2. Conclusion

For the reasons set out above, the proposal will have an adverse impact on highly valued Manly Headland and land/water interface views currently available from 2 Phyllis Street, North Curl Curl. The issues can be readily resolved if the operable screens on the Ground Floor and the First Floor are designed so that they cannot open outwards from the building envelope. The front setback should also be retained on its current alignment, in order to maintain the separation and the valuable views between the dwellings at Nos.1 and 3 Phyllis Street.

It is noted that the proposal substantially breaches the building envelope control to the eastern side boundary and also breaches the 8.5m height limit. The requested minor amendments are not in any way unreasonable in the context of a substantial building with built form non-compliances.

Yours sincerely,



George Youhanna

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