Sent:	5/07/2021 3:37:03 PM
Subject:	Objection (2) to DA2021/0668 - 95 Bower Street, Manly
Attachments:	Objection to DA20210668 - 95 Bower Street, Manly by Dr Richard Lamb.pdf;

Attn: Rebecca Englund

Pls see attached objection to DA2021/0668 for 95 Bower Street, Manly prepared by Dr Richard Lamb & Associates

Regards
Steve Donnellan
Director
Reddall Street Pty Ltd
(Owner of 29, 31 and 35 Reddall Street, Manly)

Development Application to Northern Beaches Council

95 Bower Street Manly

Objection to impacts on view sharing

Report prepared for:

Reddall Street Pty Ltd

Prepared by: Dr Richard Lamb

30 June 2021

RLA Ref: 150221

29 June 2021

Steve Donnellan
Reddall Street Pty Ltd
Suite 205, 350 George Street
Sydney NSW 2000

Dear Sirs,

DA 95 Bower Street, Manly
Advice on View Sharing

Thank you for the opportunity to be of assistance. I refer to the above development application, which proposes additions and alterations to 95 Bower Street, Manly. The development site (the Site) is to the east of two residences in which you have interests, being 29 and 31, Reddall Street, Manly

As you are aware, I am a professional consultant specialising in visual impacts, view loss and view sharing, with over 30 years' experience in design and assessment of developments. A summary CV is attached to this advice..

I am familiar with this part of Manly, having undertaken visual impact and view sharing assessments on sites in the immediate vicinity on a number of occasions in the past.

1 Visual Setting

The existing dwelling on the subject site does not appear to be of any particular aesthetic merit. It is on the south-west side of Bower Street and it faces the street. The underlying topography in the vicinity of the Site falls toward Bower Street.

The DA proposes a first floor addition across most of the footprint of the existing dwelling on the Site with gables at south-west and north-east ends and a short gable roof toward the street.

To the immediate south-east of the Site are two detached residences that face Reddall Street, being 29 and 31, Reddall Street. Both residences enjoy views to the north-east over the existing dwelling on the Site, toward Fairy Bower and the Tasman Sea.

2 Relationship between the Site and neighbouring buildings

The Site is irregular, with faces to Bower Street to its north-east and College Street to the south-east. The proposal is set toward the rear boundary of the site, with a narrow setback to the boundary.

29 and 31 Reddall Street have views from their rear yards and internal living areas that are partly confined by vegetation, toward the north-east, over the existing residence on the Site. Pam Walls of RA Walls Constructions, expert architecture illustrators, had taken photographs from surveyed locations in both properties, including ground level, from windows and from a rear balcony of 29 Reddall Street to assist in visualising the likely impacts of the proposed additions on view sharing (see Appendix 1 to this report).

Potential impact on views

The local topography in the vicinity of the Site, falls generally from Reddall Street toward Bower Street. The houses 29 and 31 Reddall Street have existing levels sufficient for standing viewers to have largely unimpeded views of the Site from the rear of the dwellings.

There is currently an expansive view, with almost uninterrupted views of the Tasman Sea to the north-east, partly punctuated by the roofs of buildings on Bower Street and The Bower as part of the foreground.

The proposed first floor addition to 95 Bower Street will remove a significant part of the foreground of the view and this is important to the scenic value of the view, as it assists in it being able to be interpreted as a whole view. A proportion of the water view currently available will be blocked by the roof of the proposed building on the Site. Activities on the water and the waterfront close to the viewers will no longer be available and the scenic value of the view will be devalued.

The effects of the proposed building on views from documented locations in 29 and 31 Reddall Street are shown in the graphics provided by Pam Walls in Appendix 1 to this report. The DA drawings were used to create a 3D model of the proposed building that was matched to existing survey reference points (see Appendix 1) and overlain on the photographs taken by Pam Walls from surveyed reference points. The accuracy of matching of survey points to the photographs is demonstrated clearly in the graphics prepared by Pam Walls.

The cause of the impact on views

The primary cause of the impact on views is the height and form of the proposed roof of the building on the Site. The pitched roof form and the long ridge over almost all of the footprint of the building maximises view loss, as the views from 29 and 31 Reddall Street are downward in viewing angle compared to the subject Site. As the ridge of the roof extends for what is effectively the whole length of the roof and is perpendicular to the view direction, view is lost looking in any direction at the roof. The simple shape, height of the roof and privacy screen to the roof deck are factors that exacerbate the view loss.

Having seen the initial modelling of the impact on the views prepared by Pam Walls, I requested that RA Walls Constructions model a realistic flat roof and a potential skillion roof design and overlay this

in the same way as the proposed development design was overlain on the original photographs. A conventional construction zone was included in both models to ensure that the hypothetical alternative designs were realistic alternatives to the proposed design in the submitted DA.

The skillion and flat roofed designs have very similar effects in relation to view sharing. Both would retain sufficient of the water and waterfront development to retain the sense of the view as a whole view and therefore retain the scenic qualities and values of the view. The alternative roof designs would not have any impacts on the development potential of the subject Site.

3 Application of *Tenacity* planning principle

Roseth SC in *Tenacity* defines a four-step process to assist in the determination of the impacts of a development on views from the private domain. The steps are sequential and in some cases conditional, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold is not met in each view or residence considered. I have applied this assessment to the views modelled and described above in relation to 29 and 31 Reddall Street.

Step 1: Views to be affected

The first step quoted from the judgement in *Tenacity* is as follows:

> *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg 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, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Prior to undertaking Step 1 however, an initial threshold, or pre-condition, in *Tenacity* is whether a proposed development takes away part of the view and enjoys it for its own benefit. If it does, the other steps in the planning principle, beginning with Step 1, may need to be undertaken. However, if there is no substantive loss, or if the items lost are not considered to be valued in *Tenacity* terms, the threshold is not met and there is no justification for proceeding to Step 2, or other steps beyond Step 2.

The proposed building would seek to make use of the access to views from the first floor addition and there would be view loss to back yard and middle living level viewing locations in both Reddall Street residences.

The view that is affected includes the foreground of buildings that assist in making the view intelligible and there is loss of a significant area of water. The effect on the view is that the water component is no longer perceived as a whole view. *Tenacity* specifically notes that whole water views are more valuable if the interface between land and water is visible.

As there would be view loss for 29 and 31 Reddall Street,, proceeding to Step 2 is justified and I have considered this further, in relation to Step 2.

Step 2: From where are views available?

This step considers from where the affected views are available in relation to the orientation of the building to its land and to the view in question. The second step, quoted, is as follows:

> *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.

Views that could be lost are obtained across the rear boundaries of the Reddall Street dwellings and would be lost in both standing and seated views. Views modelled are standing view eye heights, however seated views would be even more affected by view loss because of the lower eye levels.

Step 3: Extent of impact

The next step in the principle is to assess the extent of impact, considering the whole of the property and the locations from which the view loss occurs. Step 3 as quoted is:

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.

Step 3 also contains a threshold test. If the extent of impact is negligible or minor for example, there may be no justification for proceeding to Step 4, because the threshold for proceeding to considering the reasonableness of the proposed development may not be met. In that case the reasonableness question in Step 4 does not need to be asked and the planning principle has no more work to do.

In relation to both 29 and 31 Reddall Street, views from the private open space at ground level would be severe to devastating. The extent of impact on views from the middle level would be moderate. When considering views for the whole of each dwelling, including severe or devastating impacts on ground level views, the overall extent of impact on the dwellings would be moderate to severe.

This level of impact exceeds the threshold condition for proceeding beyond Step 3 and justifies proceeding to Step 4 in which the reasonableness of the impact is considered., I have considered the application of Step 4 below.

Step 4: Reasonableness

The planning principle states that consideration should be given to the causes of the visual impact and whether they are reasonable in the circumstances. As stated in the preamble to the four-step process in *Tenacity*, a development that takes the view away from another may notwithstanding be considered reasonable.

Step 4 is quoted below:

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 question should be asked whether a more skillful 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 extent of impacts in my opinion is moderate to severe on middle level views and moderate on upper level views of both residences analysed. Devastating view loss would occur for the private open space views of 31 Reddall Street. While it could be argued that substantial view loss would be inevitable for the ground level views of 31 Reddall Street with any first floor addition, that is not a justification for ignoring the impacts on middle level and upper level views of both residences, caused by the height and form of the roof proposed. In my opinion the current design of the building is not reasonable as regards view sharing.

We note that the proposal breaches the height limit as a 4.6 objection for height has been lodged for the verandah gable roof facing Bower Street and we are advised that there may be localised breaches at the southern ridge (College Street). However, the extent to which the design breaches the standard is not clear from the DA documentation or the Height Plane shown on DA18 and in addition the height dimensions are related to 'assumed ground level' rather than natural ground level as required in the LEP. Council should require this documentation to be amended, as without doing so, it is not possible to determine whether and to what extent the building may breach the control and therefore whether the Clause 4.6 request can be supported. Any breach is a significant matter for consideration where is causes view loss. The building even on the applicant's own view study causes view loss and the part of the building currently agreed to be above the height standard causes view loss (refer to View 5 of VS04, on the next page of this report, where it is evident that the non-compliant part of the proposed building blocks the view of water from the first floor living area of 31 Reddall Street).

If it can be shown that the height breaches do not lead directly to view loss, it is legitimate to consider the more skillful design question, which can only be asked where the proposed development is compliant with the relevant controls.

The two potential alternative roof forms mentioned above (flat or skillion) have been modelled by RA Walls Constructions as shown in Appendix 1. Both alternative roof forms provide a significant improvement in view sharing for both the middle and upper level views from 29 and 31 Reddall Street. However, the proposed privacy screen to the roof deck has significant impacts irrespective of the roof form. This feature should be significantly lowered or removed.

In my opinion the reduction in view loss and reinstatement of the sense of there being a whole view resulting from an amended roof form and reduction of removal of the screen to the roof deck would reduce the extent of impacts on the middle level views to moderate or below. As such, the alternative roof forms are more skillful designs, as they better share the views and have no impacts on the development potential or amenity of the building for future residents.

VIEW 5 | FIRST FLOOR

VIEW 6 | SECOND FLOOR

View loss caused by non-compliant area of proposed building which is above the height limit

Views From Number 31

FOR DA APPROVAL

your beautiful Home.

Notes
All levels, contours,survey and cadastral information provided by Land Surveyors
YBH was provided with all site information including measured drawing. All dimensions will need to be confirmed on site.
The dimensions and profiles shown on the drawings are believed to be correct. It is the responsibility of those working on site to verify the dimensions and profiles and locate all services on site prior to commencing work
All dimensions in millimetres Use figured dimensions only. Do not scale
If discrepancy exists notify designer immediately. All work shall comply with the Building Code of Australia, the rules and requirements of the Water Board, Council and the relevant Standards Association of Australia codes and specifications

Drawing Key

- New work
- New Walls
- Existing walls
- Demolish
- Fill

Project Name
95 Bower Street, Manly
Lot 81 DP8076

Client
Barrie + Ikuyo Feldman

Revision
A 17/05/21 Development Application

VS 04

Drawn by	Scale
DJ	1:100

richard lamb & associates

Summary

In summary, the building as proposed will cause significant impacts on view sharing and is not reasonable. However it could easily be amended with either a flat or skillion roof, which could be supported on the grounds of view sharing.

Taking all relevant matters into account, in my opinion the current building design is not reasonable and Council would be justified in either asking it to be withdrawn and amended to provide better view sharing, along the lines of the alternative roof forms, or refuse it.

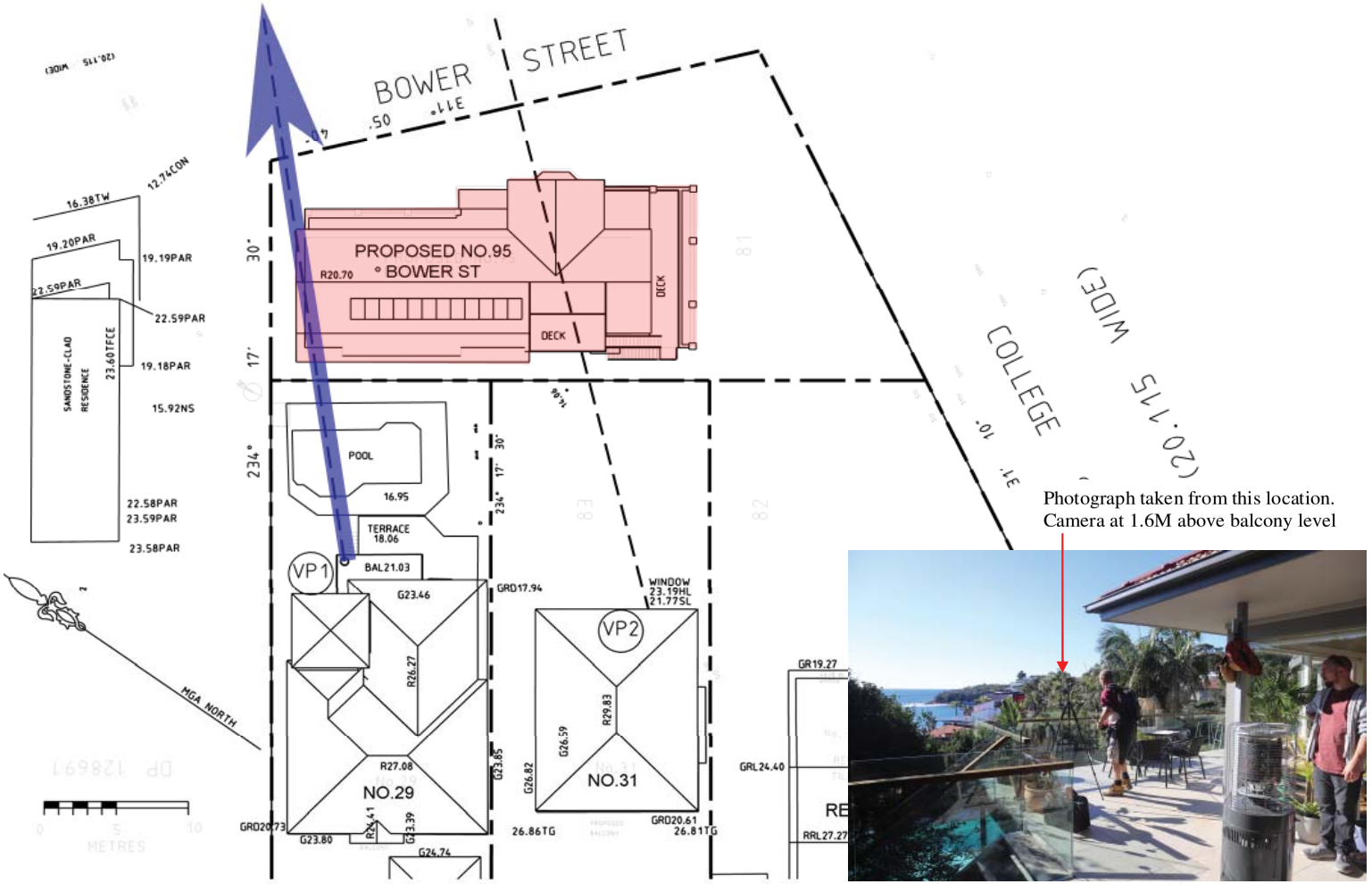
Please do not hesitate to call me if there are any questions with which I can be of assistance, or if you require clarification of any points.

Yours sincerely

Dr Richard Lamb

Photograph Ref:5600 taken 13 June 2021 at 10:24am with 50mm(35mm equivalent) focal length

View Point 1



Photograph taken from this location.
Camera at 1.6M above balcony level

Photomontage by Pam Walls
Based on Your Home Beautiful Drawings Rev:A-21.05.2021
Chase Burke Harvey Survey No:D15305-3:11/06/2019

View Reference Plan
View from No.29 Reddall St upper level balcony
Objection to 95 Bower St, Manly

View Point 1

Photograph Ref:5600 taken 13 June 2021 at 10:24am with 50mm(35mm equivalent) focal length

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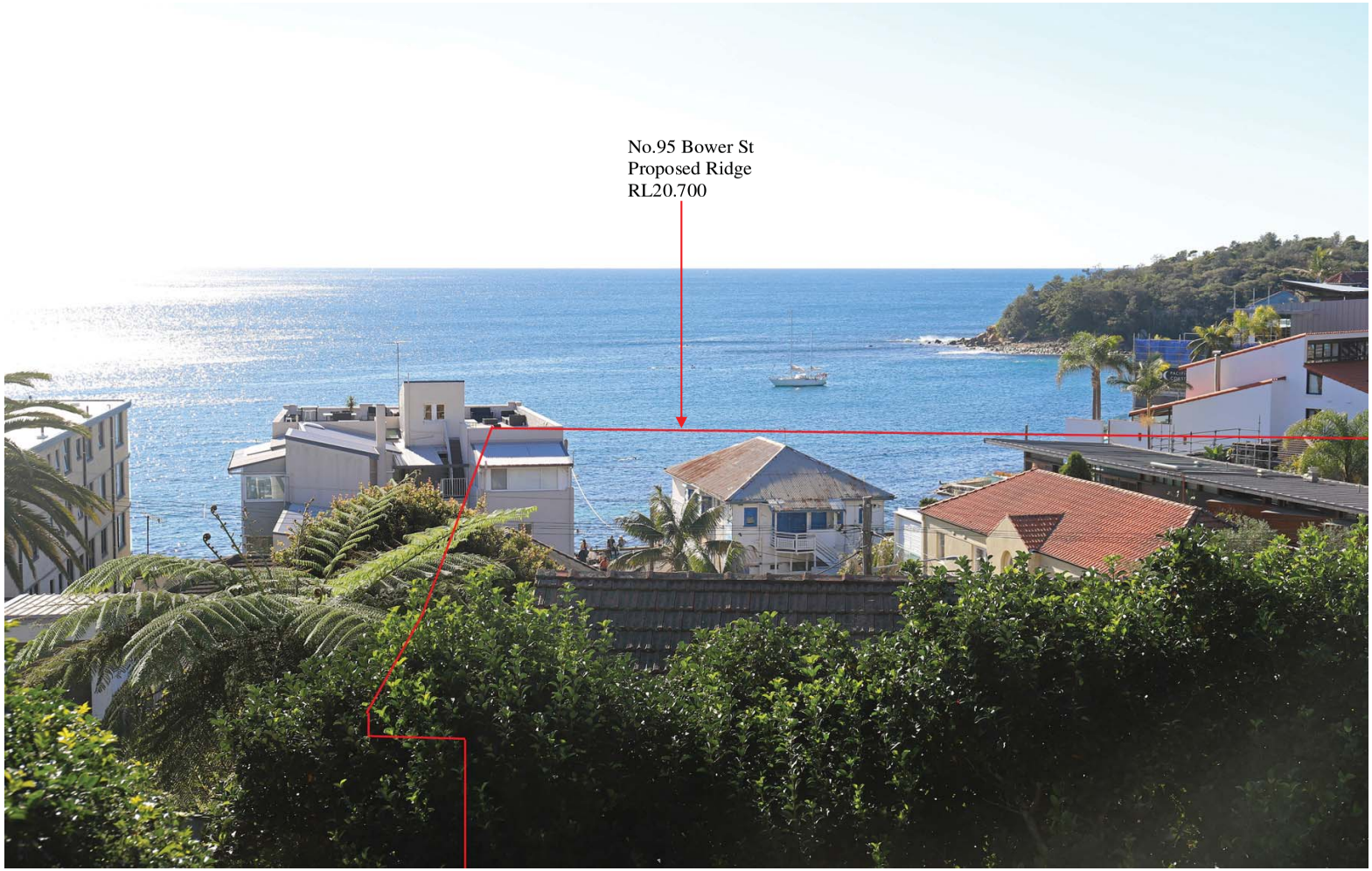

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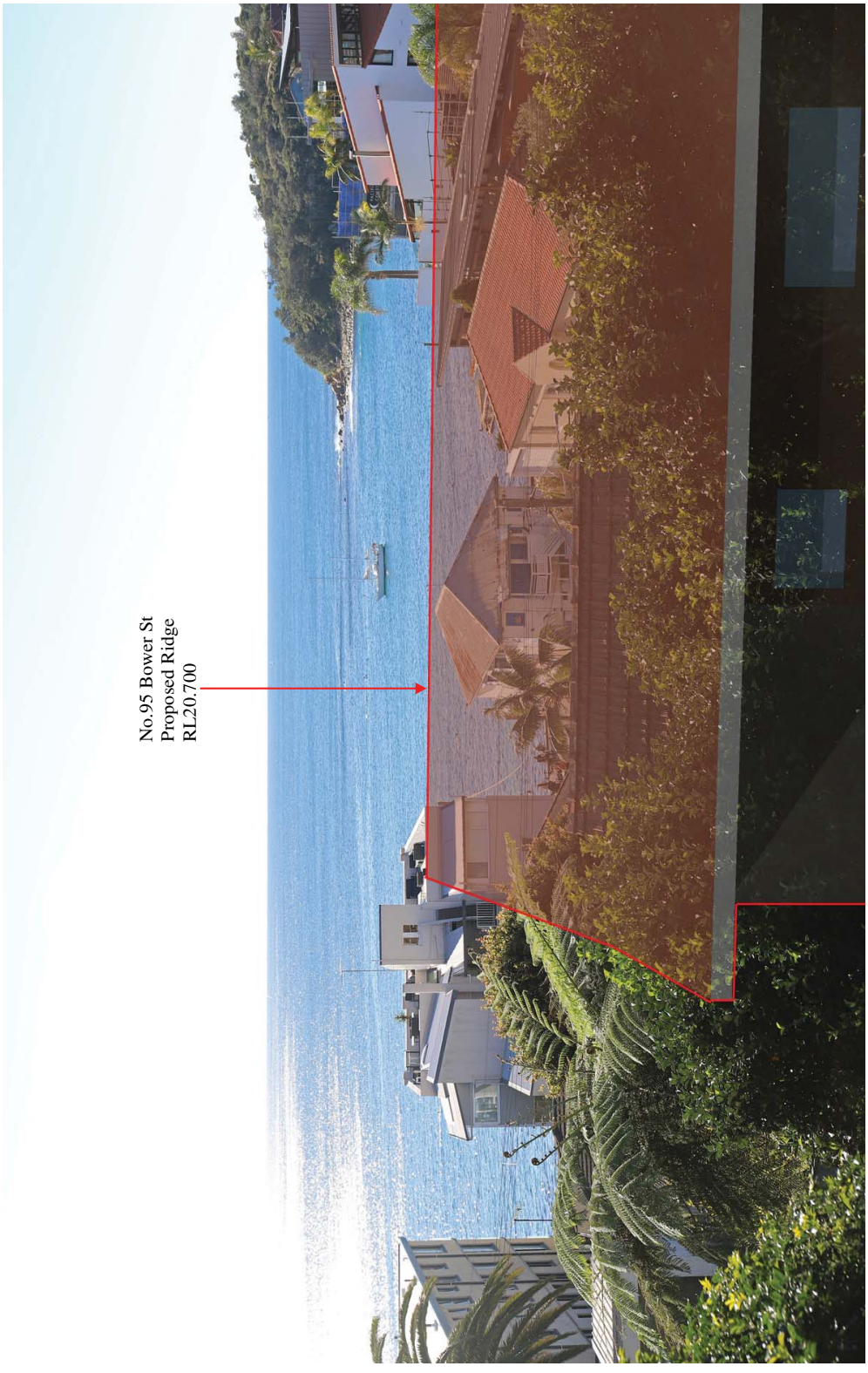
Photograph with proposed No.95 Bower St as red outline
View from No.29 Reddall St upper level balcony
Objection to 95 Bower St, Manly

View Point 2 29 Reddall Street upper balcony
The impact on the view is moderate. A flat or skillion roof design would be reasonable

View Point 1



Photograph with proposed No.95 Bower St as 50% transparency
View from No.29 Reddall St upper level balcony
Objection to 95 Bower St, Manly

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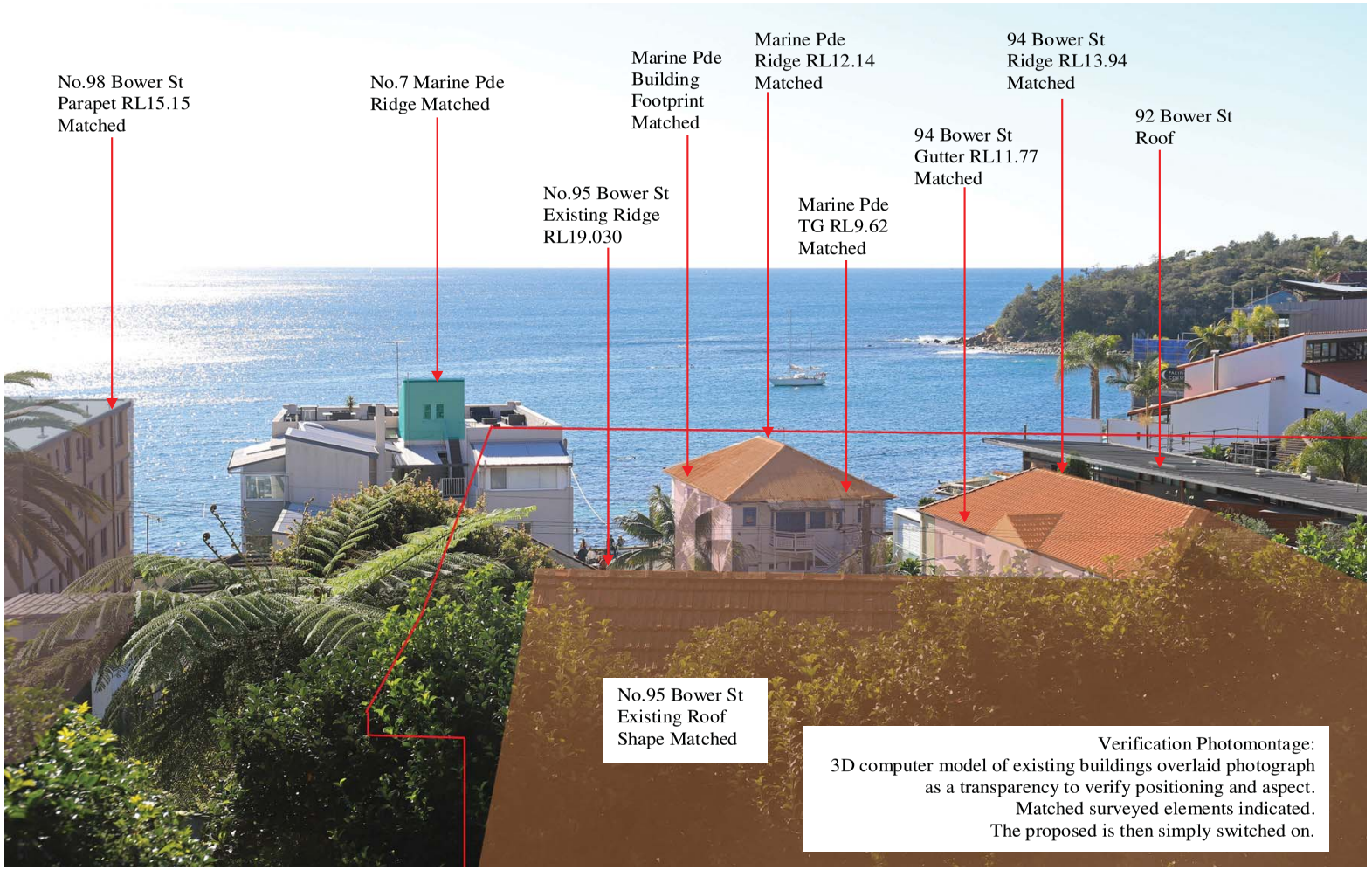
Photograph with 3D solid block model of proposed No.95 Bower St
View from No.29 Reddall St upper level balcony
Objection to 95 Bower St, Manly

View Point 1



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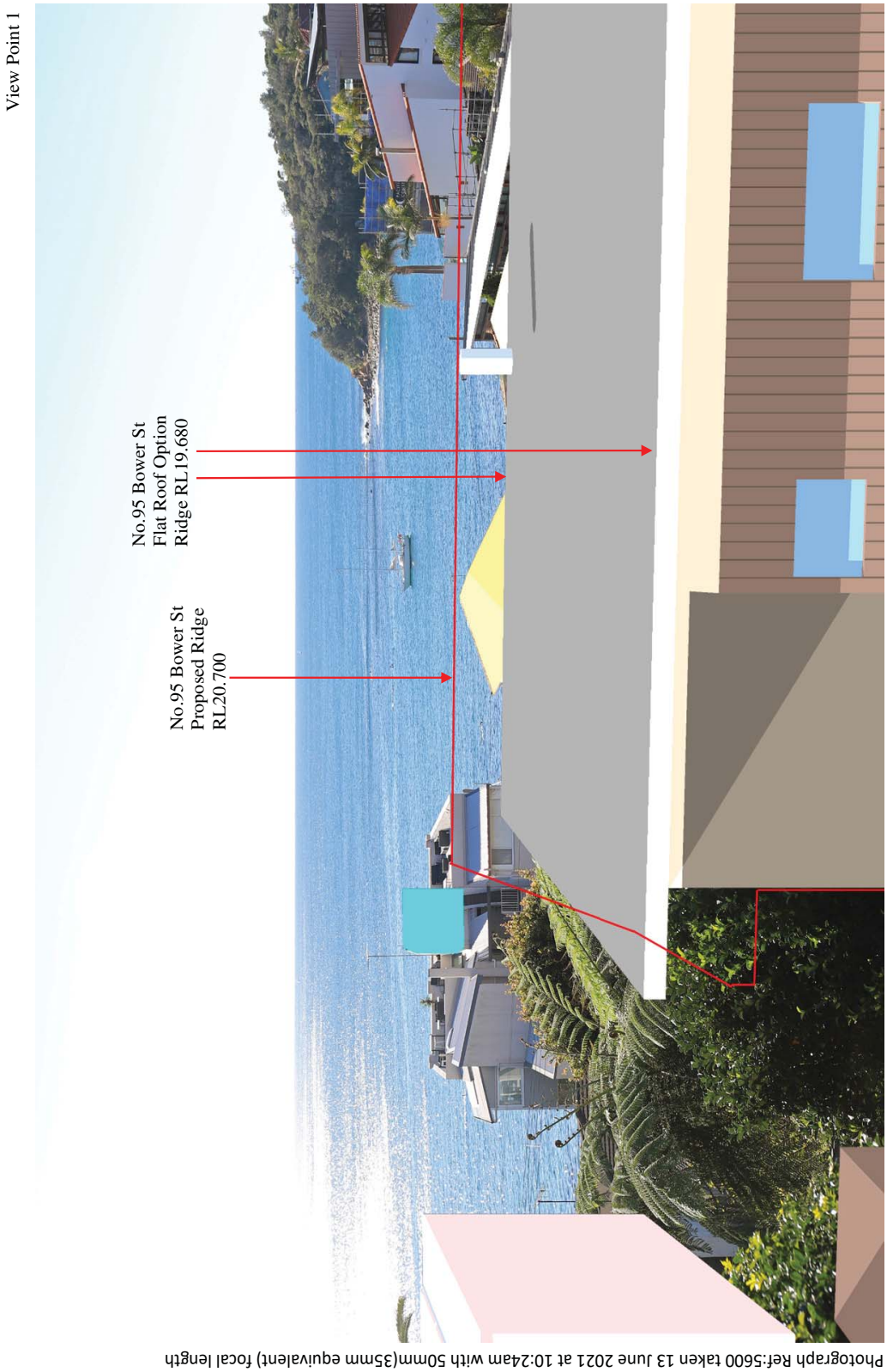
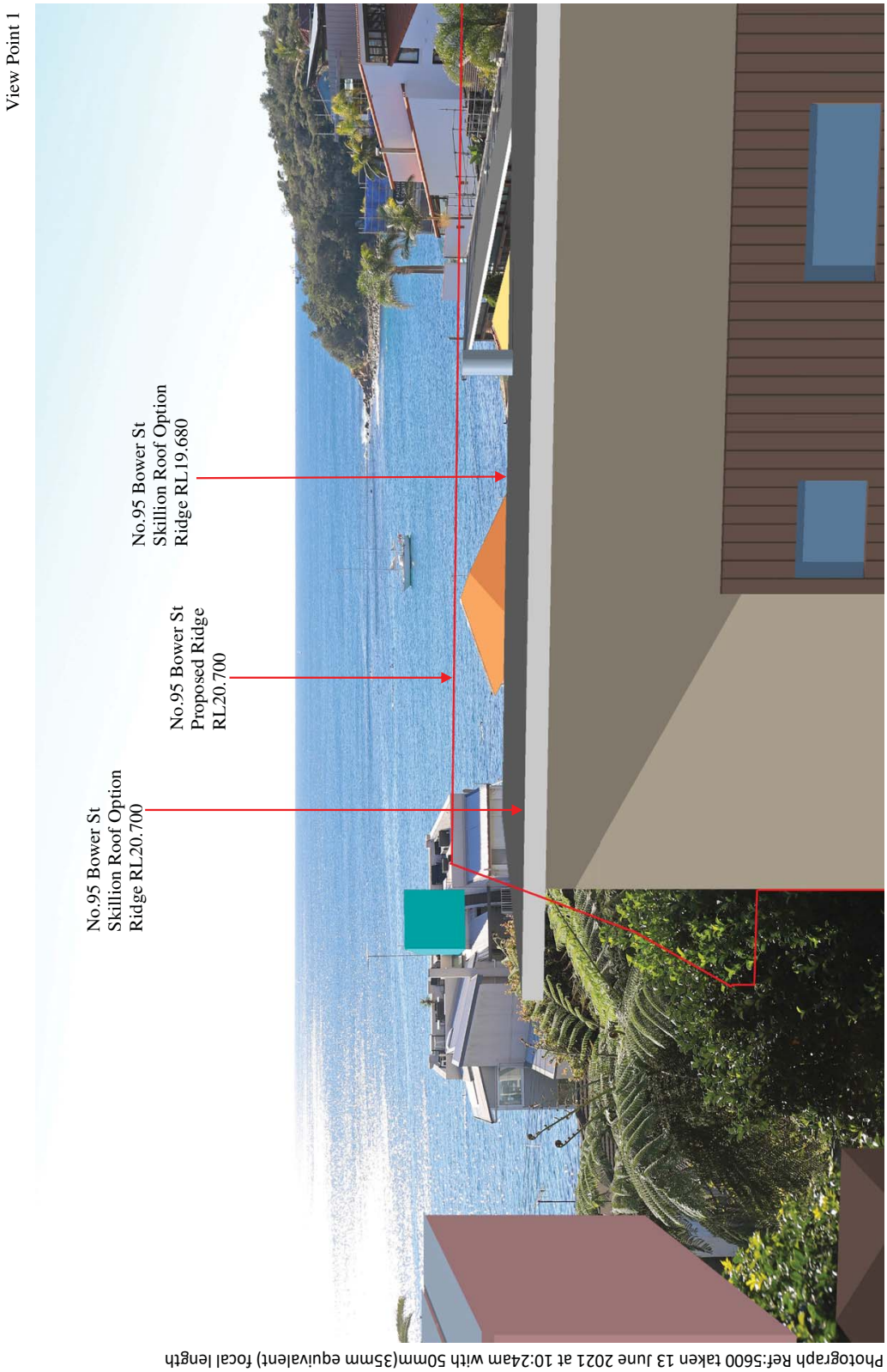
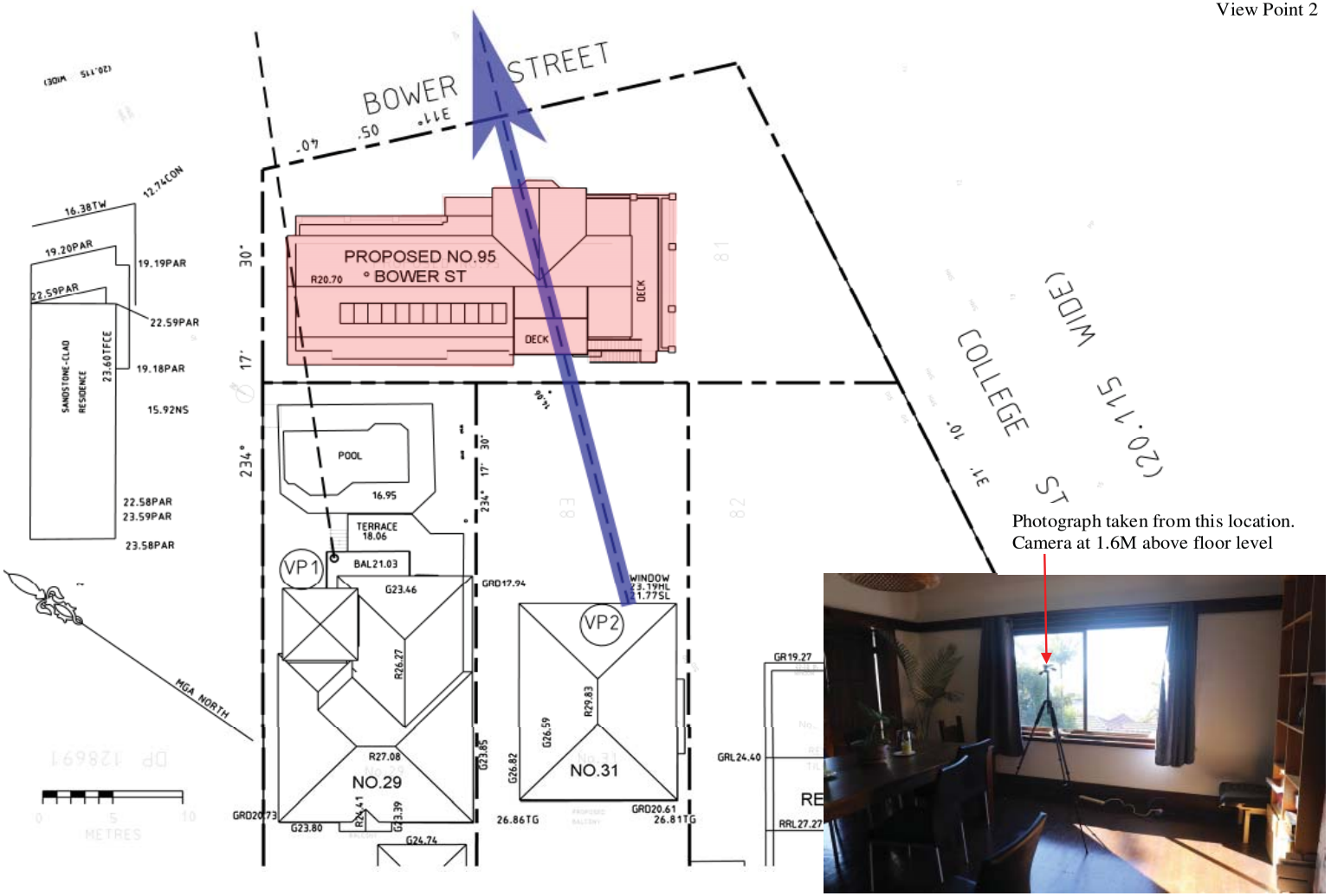
View Point 1 29 Reddall Street uppper balcony showing flat roofed alternative design



View Point 1 29 Reddall Street upper balcony showing skillion roofed alternative design



View Point 2



Photograph taken from this location.
Camera at 1.6M above floor level

Photograph Ref:5698 taken 13 June 2021 at 11:38am with 50mm(35mm equivalent) focal length

Photomontage by Pam Walls
Based on Your Home Beautiful Drawings Rev:A-21.05.2021
Chase Burke Harvey Survey No:D15305-3:11/06/2019

View Reference Plan
View from No.31 Reddall St middle level living area
Objection to 95 Bower St, Manly

View Point 2

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Based on Your Home Beautiful Drawings Rev:A-21.05.2021
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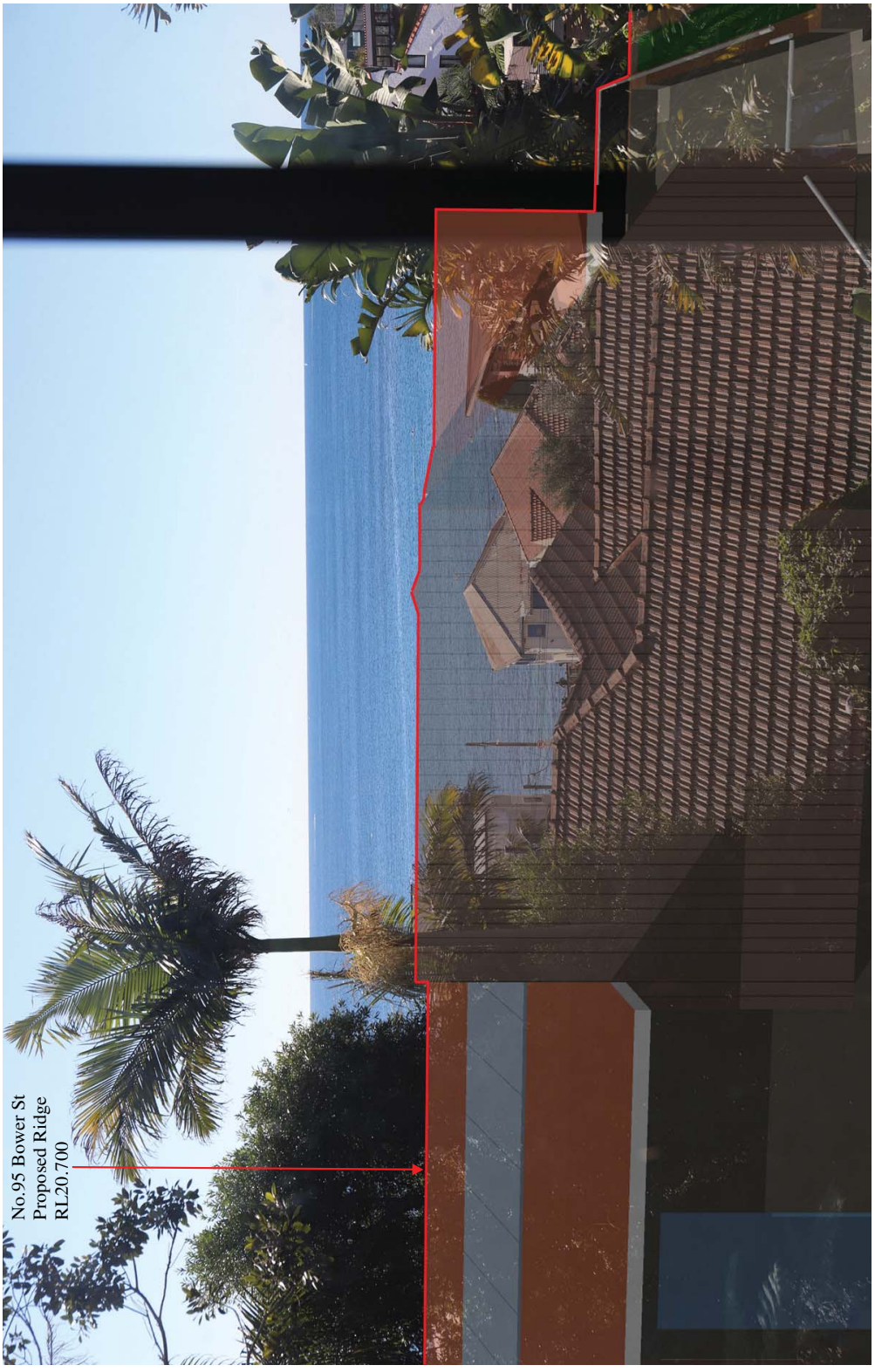
Photograph with proposed No.95 Bower St as red outline
View from No.31 Reddall St middle level living area
Objection to 95 Bower St, Manly

View Point 31 Reddall Street middle level living room
The impact on the view is moderate to severe. A flat of skillion roof would be reasonable

View Point 2



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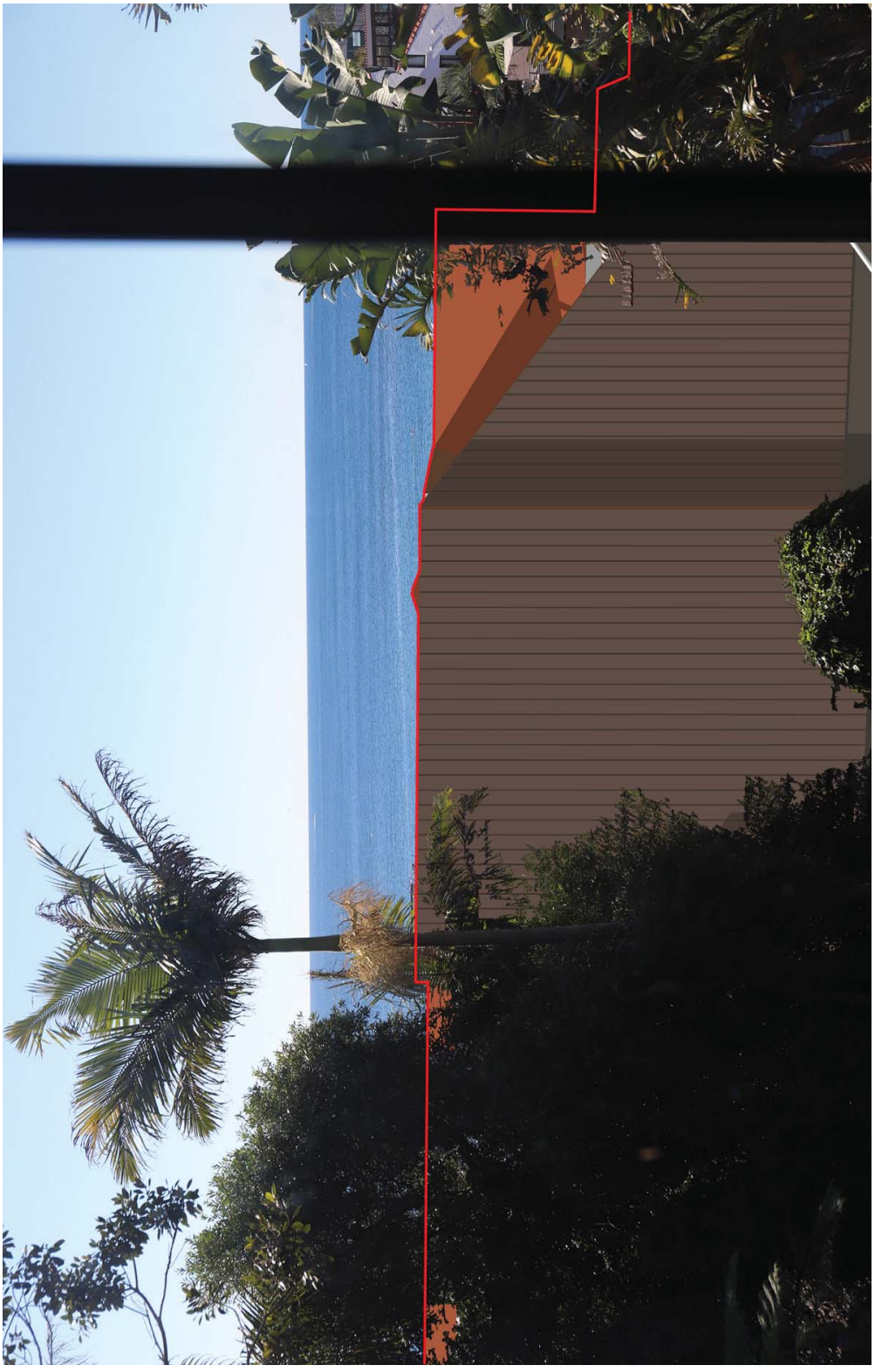

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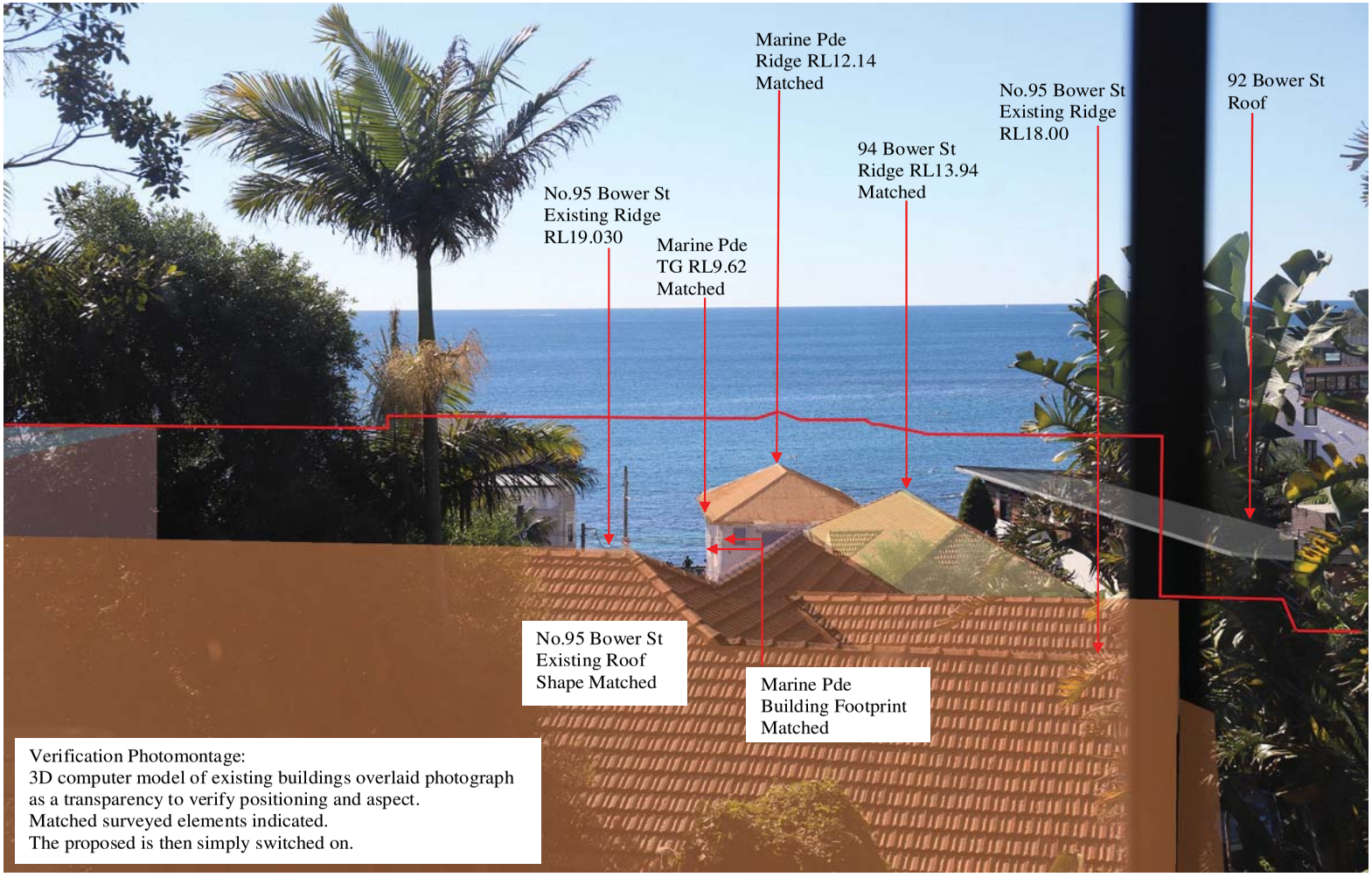

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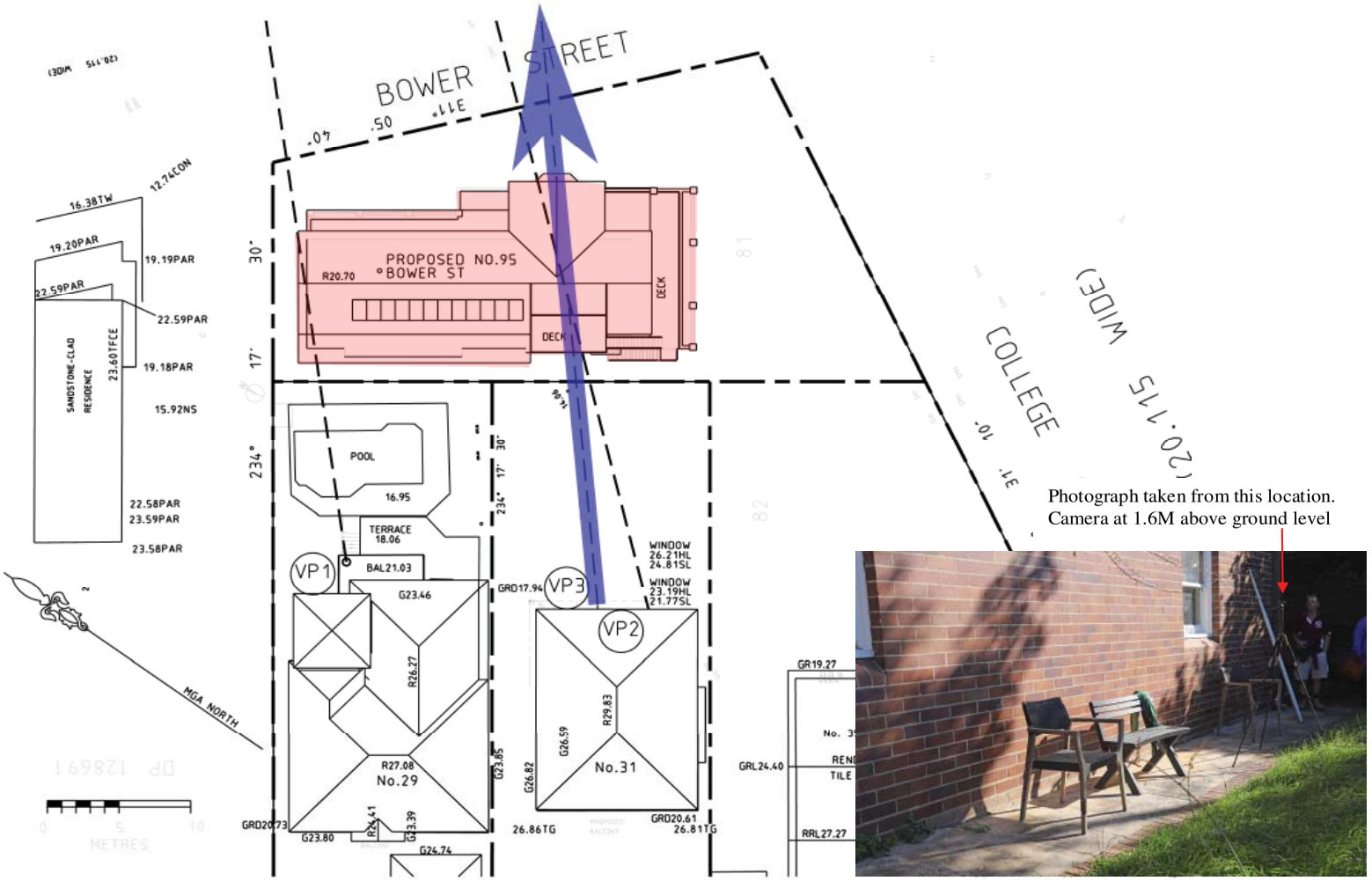
Photograph with 3D computer model of existing buildings as 50% transparency
View from No.31 Reddall St middle level living area
Objection to 95 Bower St, Manly

View Point 3

Photograph Ref:5745 taken 13 June 2021 at 12:03pm with 50mm(35mm equivalent) focal length



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View Reference Plan
View from No.31 Reddall St private open space
Objection to 95 Bower St, Manly

View Point 3

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Photomontage by Pam Walls
Based on Your Home Beautiful Drawings Rev:A-21.05.2021
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Photograph of existing view
View from No.31 Reddall St private open space area
Objection to 95 Bower St, Manly

View Point 3

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Photograph with proposed No.95 Bower St as red outline
View from No.31 Reddall St private open space area
Objection to 95 Bower St, Manly

View Point 3 31 Reddall Street private open space

The impact on the view is devastating and exacerbated by the roof terrace privacy screen, which should be significantly lowered or removed

View Point 3

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Photograph with 3D computer model of existing buildings as 50% transparency
View from No.31 Reddall St private open space area
Objection to 95 Bower St, Manly

Summary Curriculum Vitae: Dr Richard Lamb

Summary

- Qualifications
  - Bachelor of Science - First Class Honours, University of New England in 1969
  - Doctor of Philosophy, University of New England in 1975

- Employment history
  - Tutor and teaching fellow – University of New England
  - Lecturer, School of Life Sciences, NSW Institute of Technology (UTS) 1975-1979
  - Senior lecturer in Landscape Architecture, Architecture and Heritage Conservation in the Faculty of Architecture, Design and Planning at the University of Sydney 1980-2009
  - Director of Master of Heritage Conservation Program, University of Sydney, 1998-2006
  - Principal and Director, Richard Lamb and Associates,1989-2021

- Teaching and research experience
  - visual perception and cognition
  - aesthetic assessment
  - landscape assessment
  - assessment of heritage items and places
  - cultural transformations of environments
  - conservation methods and practices

- Academic supervision
  - Undergraduate honours, dissertations and research reports
  - Master and PhD candidates: heritage conservation and environment/behaviour studies

- Professional capability
  - Consultant specialising in visual and heritage impacts assessment
  - 30 year's experinence in teaching and research on environmental assessment and visual impact assessment.
  - Provides professional services, expert advice and landscape and aesthetic assessments in many different contexts
  - Specialist in documentation and analysis of view loss and view sharing
  - Provides expert advice, testimony and evidence to the Land and Environment Court of NSW on visual contentions in various classes of litigation.
  - Secondary specialisation in matters of landscape heritage, heritage impacts and heritage view studies
  - Appearances in over 300 Land and Environment Court of New South Wales cases, submissions to Commissions of Inquiry and the principal consultant for over 1500 individual consultancies concerning view loss, view sharing, visual impacts and landscape heritage

A full CV can be viewed on the Richard Lamb and Associates website at www.richardlamb.com.au