
Sent: 9/06/2023 4:32:15 PM
Subject: FAO: Alex Keller - Objection letter re: Amended plans for DA2022/0646 at 122-124 Queenscliff Rd, Queenscliff
Attachments: AMENDED PLANS objection letter 122-124 Queenscliff Road Queenscliff-DA20220646.pdf;

Hi Alex,

First of all, thank you for your time and site visit the other week, much appreciated. We have now gone over the amended plans for 122-124 Queenscliff Rd and liaised with Karen Buckingham. Please find attached our objection letter in regard to the amended plans for DA2022/0646.

As you know, we have deep concerns about the severe impact the proposed development will have on our amenity, primarily due to its bulk and scale. Therefore, we still have significant objections particularly as our concerns raised in our initial objection letter have not been addressed in the submitted amended plans. Hence, we would like our initial objection letter dated 22 June, 2022 to be continued to be included in the assessment of this DA.

In summary, we are particularly concerned about the severe impact the proposed development will have on our solar access, with an almost complete loss of sunlight to our private open space, as well as our primary living and dining area. As discussed during your site visit, we would literally have to sit on a chair in a corner of the pool in winter to get any sunlight at all...

The shadow diagram submitted with the DA is incorrect as it includes part of our property that is not private open space.

In addition, the proximity of the proposed development will also result in severe loss of highly valued water views of Manly Lagoon and district views at all floor levels of our house, and we have included our own VIA assessment in the letter attached to illustrate this.

We are also concerned about the loss of privacy to arise from the proximity of the eastern elevation, the balconies and the new windows added to the amended plans, which are directly overlooking our principal living space, as well as the roof top terrace.

Please see the attached objection letter for further details. Included in the letter are also suggestions for how to overcome these impacts.

If you wouldn't mind, please confirming receipt of this email by return e-mail would be much appreciated and please don't hesitate to contact us should you require any further information.

Kind regards,

Kristina Vikman
120 Queenscliff Rd
Queenscliff, NSW 2096
M: 0405 576 340

8 June 2023

The Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

By e-mail: council@northernbeaches.nsw.gov.au

Attention: Alex Keller

Dear Alex,

**Submission to Amended Plans - Development Application DA2022/0646
Demolition works and construction of a residential flat building at 122-124 Queenscliff
Road, Queenscliff**

Thank you for your site visit to my client's property to view the impacts on their amenity. The severe view loss, devastating solar impacts with almost complete loss of sunlight and solar access to their private open space (POS) and principal living areas, and erosion of their privacy is totally unreasonable and is brought about by the bulk, scale, and siting of the proposed development.

This submission is with regard to the Amended Plans submitted to Development Application DA2022/0646, dated 10 May 2023, on behalf of *Kristina Vikman* (my client).

The objection letter dated 22 June 2022 should continue to be included in the assessment of the subject DA. This is particularly relevant as the amended plans submitted have not addressed the unreasonable impacts to my client's amenity as outlined in the original objection letter.

Consequently, my clients still have significant objections, as summarised in this submission and following information needs to be submitted:

Karen Buckingham BA (Hons) MSc Spatial Planning MPIA
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- Certified shadow diagrams need to be amended to exclude the area to the front of my client's property which cannot be included as private amenity space – this was raised as in the original objection and as you confirmed at the site visit.
- A Visual Impact Assessment needs to be prepared and submitted demonstrating the view loss from my client's property by virtue of the proposed development.
- Height poles need to be erected and surveyor certified to fully assess height, view loss and overbearing impacts on my clients.
- Side boundary envelope plans need to be submitted.
- Location of air conditioning units and mechanical plant and acoustic conditions attached, if required.

Summary of outstanding objection

- Wholly unreasonable loss of solar access. The proposed development eliminates more than one third of the existing sunlight at winter solstice. There of no hours of more than 45% solar access to the private open space for any period between 9am-3pm at 21 June. The applicant's shadow diagrams and calculations are totally misleading and should be discounted. See commentary and figure 1 of this submission.
- Severe loss of highly valued water views of Manly Lagoon and district views as per the VIA assessment included at Attachment A of this submission. See commentary and figure 2 of this submission.
- Overbearing and visual impact, given the proximity of the proposed development from the side boundary of my client's property given the bulk and scale arising from non-compliance with the built form controls. See recommendations to address impacts.
- Significant concerns regarding the loss of privacy to arise by virtue of the proximity of the eastern elevation, additional windows and balconies and useable flat roofed terrace areas as designated amenity space contrary to DCP Control D8. Note that the amended plans include additional window openings directly overlooking my client's principal living space which was not included in the original plans.
- Amended plans continue to include a non-complaint development, as discussed in detail in the original objection letter – please reference.

Solar Impacts

DCP Control D6 requires that at least 50% of the private open space (POS) of adjoining dwellings are to receive a minimum of 3 hours sunlight between 9am and 3pm on June 21.

As highlighted in the objection letter dated 22 June 2022, the shadow diagrams and table submitted is misleading and incorrect as it includes land to the front of my client's property which cannot be included as private open space, as you confirmed during your site visit. The amended plans submitted include a 1% increase in the amount of sunlight a 12 noon. As per the previous assessment, there are zero hours of more than 45% sunlight to my clients POS. This is totally unacceptable and non-compliant. The shadow diagrams calculations submitted should be discounted. The calculation in figure 1 below detail the accurate calculation of solar access.

The overshadowing impact to my client's private open space is as follows:

Figure 1 – Objection letter calculations to demonstrate solar impacts on POS as per Amended Plans

SOLAR ACCESS	09:00	10:00	10:30	11:00	11:30	12:00	12:30	15:00	TOTAL HOURS
PROPOSED POS AREA	45%	35%	40%	22%	10%	9%	13%	14%	0 HOURS OF 50%

Source: own calculations from submitted shadow diagrams

Details of non-compliance against DCP Control D6 as per the planning principal established in the *Benevolent Society v Waverley Council* (2010) NSWLEC 1082 is set out in the objection letter dated 22 June 2022.

View loss and solar impact

The Visual Impact Assessment contained at Attachment A of objection letter dated 22 June 2022 provides justification for the refusal of the proposed development given the severe loss of highly valued water views. Given the lack of a submitted VIA, the following images should be considered to assess the anticipated view loss.

Figure 2 – View loss and solar impacts to the main living, dining room and kitchen area – source: client photos and images



Existing

District and water views from principal living area

Sunlight and solar access to dining room and kitchen window



Proposed

Loss of highly valued water views

Loss of expansive district views

Overbearing and oppressive impact

Sunlight and solar access to dining room and kitchen window will be entirely lost

Loss of privacy from proposed new windows openings

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Existing

District and water views from principal living area

Sunlight and solar access to dining room and kitchen window



Proposed

Loss of highly valued water views

Loss of expansive district views

Overbearing and oppressive impact

Sunlight and solar access to dining room and kitchen window will be entirely lost

Loss of privacy from proposed new windows openings

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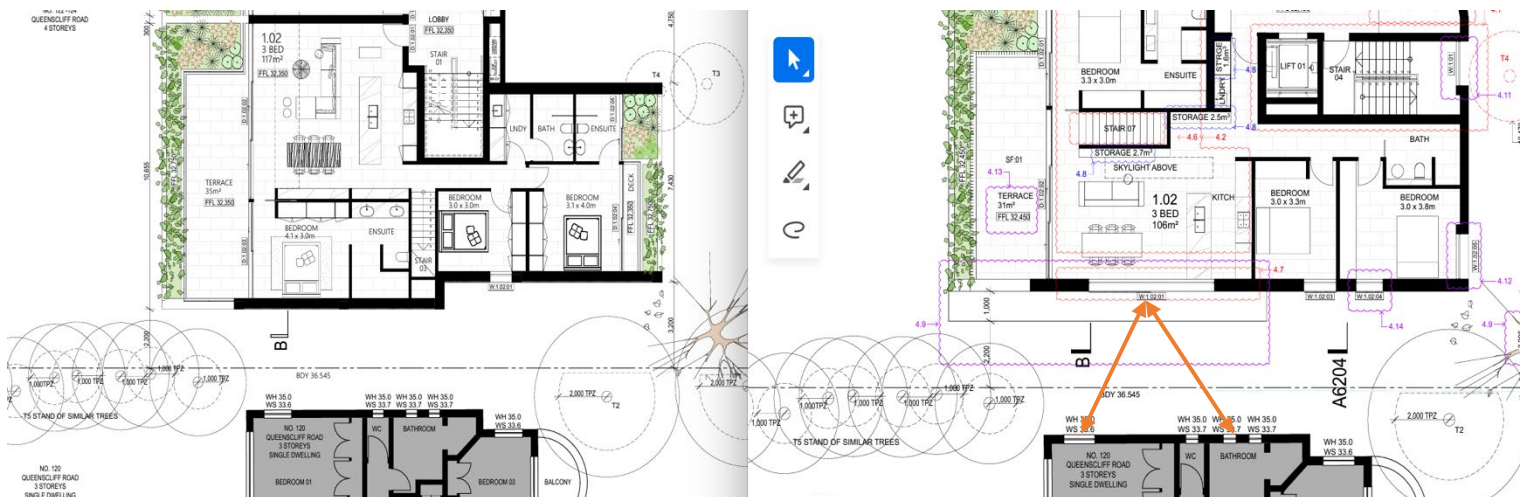
The proposed development will result in a severe loss of highly valued water views contrary to the objectives and requirements of DCP Control D7 and the established Planning Principle.

Visual and Acoustic Privacy

See objection letter 22 June 2022 for unreasonable visual privacy impacts from the rooftop terrace, balconies in close proximity and directly overlooking principal indoor and outdoor open space.

Amended plans include further unreasonable privacy impacts, as shown in figure 3. Expansive new windows opening are now proposed directly overlooking my client's property.

Figure 3 – Addition of two further windows level 1 floor, east elevation facing my client's bedroom windows – direct window to window overlooking at a close proximity



See amended compared to superseded plans drawing number A2203

Recommendations

- Suggested amendments to overcome the impacts on amenity including the following:
 - Pull back the side setbacks at the eastern elevation of the proposed development as the wall height increases and pull back the south eastern corner to assist with view sharing.
 - Remove the roof terrace and spa area proposed over the third storey (over Level 01).
 - Remove Level 01 or reduce the height to reduce the identified impacts.
 - Should Council approve the proposed development without requiring that Level 01 be removed, the internal layout of apartment 1.02 at Level 01 needs to be amended to remove the bedroom window.

Conclusion

It is respectfully requested that the proposed development be refused to address the concerns outlined in this submission or amended accordingly to mitigate against the harm expressed.

Should additional and or amended plans be submitted to address concerns expressed, my clients request that they be given an opportunity to comment accordingly.

Should the proposed development be determined by the Panel, it is requested that my clients be invited to provide representation.

I thank you in advance for your consideration of the concerns raised in this submission.

Kind regards,

Karen Buckingham *on behalf of Kristina Vikman*
BA(Hons) Planning; MSc Spatial Planning; MPIA
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