

ADDENDUM TO THE
STATEMENT OF ENVIRONMENTAL EFFECTS
VIEWS

PROPOSED NEW DWELLING
51 QUIRK ST, DEE WHY NSW

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Introduction

This Addendum to the Statement of Environmental Effects has been prepared to address Councils RFI pertaining to view sharing and the impact of the proposed development on the views from adjoining properties.

As previously stated in our SEE:-

“Due to the topography and ridge top location of the properties located here the majority of houses on the southern side of Quirk St enjoy magnificent views to the west, south west and south east from the ocean over Curl Curl to Manly and the south western suburbs. Given the north south orientation of these properties it is not possible to obstruct these views. The proposed design steps back at the upper rear level to retain a portion of the view corridor to the south west and the south east from the adjoining properties.

Therefore we conclude that there is no significant obstruction on views enjoyed from the adjoining and surrounding properties.”

Council have asked that we elaborate more on this aspect of the development to provide more information and context to the view sharing retained or affected by the proposal.

The proposed new dwelling is designed to minimize the impact on the adjoining properties by maintaining a compact building form and by stepping down the site in response to the sloping terrain. The building is setback from the street frontage to approximately align the 2 adjoining houses either side, and also provides generous setbacks from both side boundaries. The rear setback is approximately 21m to the GF rear wall and 22m to the upper level rear wall. Having carefully designed with these setbacks in mind the proposed design therefore minimises the degree of view loss from both adjoining properties. Both properties will continue to enjoy the cross view over the subject site.

1 Current Views

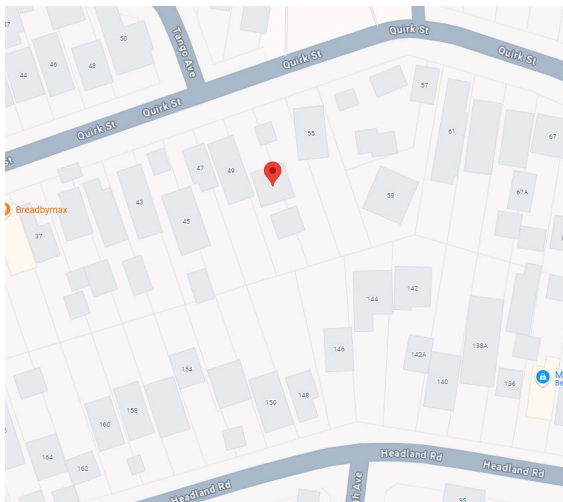
The site is situated at 51 Quirk Street Dee Why. The site is elevated and affords magnificent 180 degree views to the south towards Curl Curl Beach and Manly, south-west to the hinterlands and distant city skyline and south-east to the Pacific Ocean. The local topography slopes to the south from Quirk St and has a considerable fall from the front boundary to rear boundary of approx 8.0m. The 2 adjoining properties at no. 49 and no. 55 also slope to the south and both have the same panoramic views.

To the west of the site at 49 Quirk St is a large 2-3 storey dwelling constructed in the early 2000's. This is a contemporary brick dwelling with corrugated metal roofing which is 2 storeys high at the front and has a 3 storey scale at the rear. Verandahs and terraces are located at the rear of the dwelling to take full advantage of the expansive views south.

To the east of the site at 55 Quirk St is a double width block with a 1-2 storey brick dwelling with tiled hip roof forms, which appears to be of 1950's vintage, the house occupies the high ground, on the western side of the house is a detached single storey garage made from brick with a flat concrete roof (the garage has now been demolished and a new structure, presumably a garage, is under construction). The large yard behind the house comprises sloping terrain with rock outcrops and is relatively unbuilt upon. The Owners of no. 55 have recently planted a row of trees along the western boundary which have now reached a height of approx 4.0m, and if they continue to grow will block some of the view in the south westerly direction from no.55, this row of trees is now obstructing the views to the south east from no. 51 (the subject property of this DA) as well as sunlight access to no.51. The Owners of no. 55 seem not to have considered the impacts when they planted this tree line, including blocking their own view.

The existing dwelling at 51 Quirk St is a single storey weatherboard clad house with flat gable roof form. The detached garage sits in front of the house and is also a timber framed weatherboard clad structure with a flat gable roof. The house appears to have been constructed in the 1960's and is located almost in the middle of the site. The yard slopes to the south and steps at different levels to provide platforms for car access and paved recreational areas. To the rear of the house and site is the open turfed rear yard with some rocky outcrops and a large pine tree which dominated the vista. The existing house is

modest in size and is to be demolished to make way for the new dwelling.



Location Plan



Aerial View

2 Proposed Views

The Proposed Dwelling

The proposal is to construct a new 2 storey dwelling and granny flat on the site. The dwelling will be 2 storeys high and designed to be split level stepping down the site to take advantage of the terrain and slope and to reduce the impact on the adjoining neighbours. The upper level will comprise the garage, main entry, a study and the master bedroom suite, the split stairs will lead to the kitchen dining and living areas to the rear and then further back to the terrace at the rear of the dwelling facing to the south.

The lower ground floor will accommodate 2 bedrooms, bathroom and laundry followed on via the split stairway to the family room, yoga studio and the rear balcony areas.

Views are a shared amenity; our proposal has considered the impact on the adjoining properties and as such we have carefully designed the dwelling to respect the sloping topography and remain considerably below the height control for this area for the whole of the proposed dwelling. We have also maintained a considerable setback from the rear boundary line to minimise any view loss, the top floor rear wall is approx 22.0m from the rear boundary and the lower floor rear wall is 21.0m from the rear boundary, this allows for considerable view sharing from the adjoining properties and as a result does not obstruct the primary views from these properties. The proposed rear balconies have intentionally been designed to be an open structure without side walls or screening to allow the viewers residing each side of the development to see through.

View Impact Neighbouring Property at 49 Quirk Street

With regard to no. 49 Quirk St; there is no loss of view from the upper most rear terrace, this being the master bedroom level, the existing panoramic view is retained as the terrace floor level at no. 49 is higher than the rear portion of proposed roof at the rear of the new dwelling. This terrace level at no. 49 is at RL 74.99 and the new roof at the rear is at 74.49, thus maintaining no.49's 180 degree view from the ocean to the East to the distant West. From the mid-level lower rear terrace at no.49 (at RL 72.01), this being the kitchen and dining room terrace, once again, the majority of the existing view is retained from the east to the west apart from a small section of view to the eastern most headland. The proposed new floor level of the new dwelling; living and dining area; is at RL 70.49 which is lower than the terrace next door by approx 1.52m, this corner of the new build will obstruct some of the view when viewing in downwards direction to the east, this view comprises mainly roof tops, the extend of view loss in this direction would be considered moderate.



Eastern view

Southern view

South to Western view

Current view from rear upper level terrace/ bedroom @ no.49 – will not be obstructed by the new dwelling.

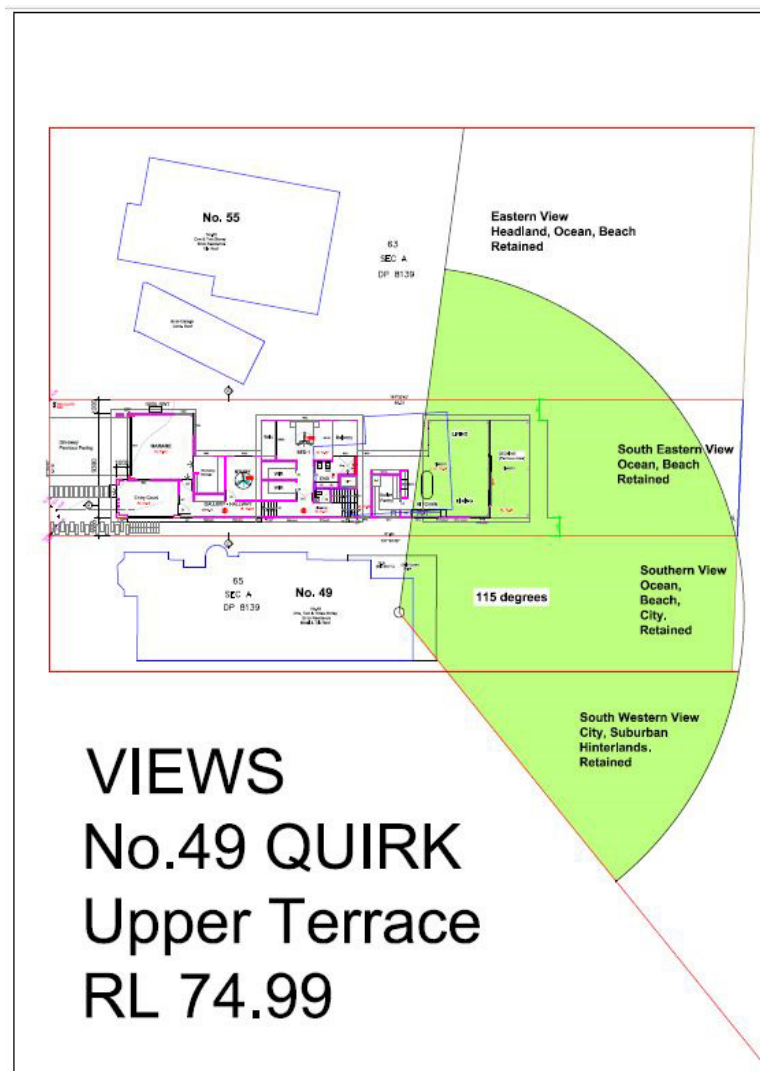


Eastern view

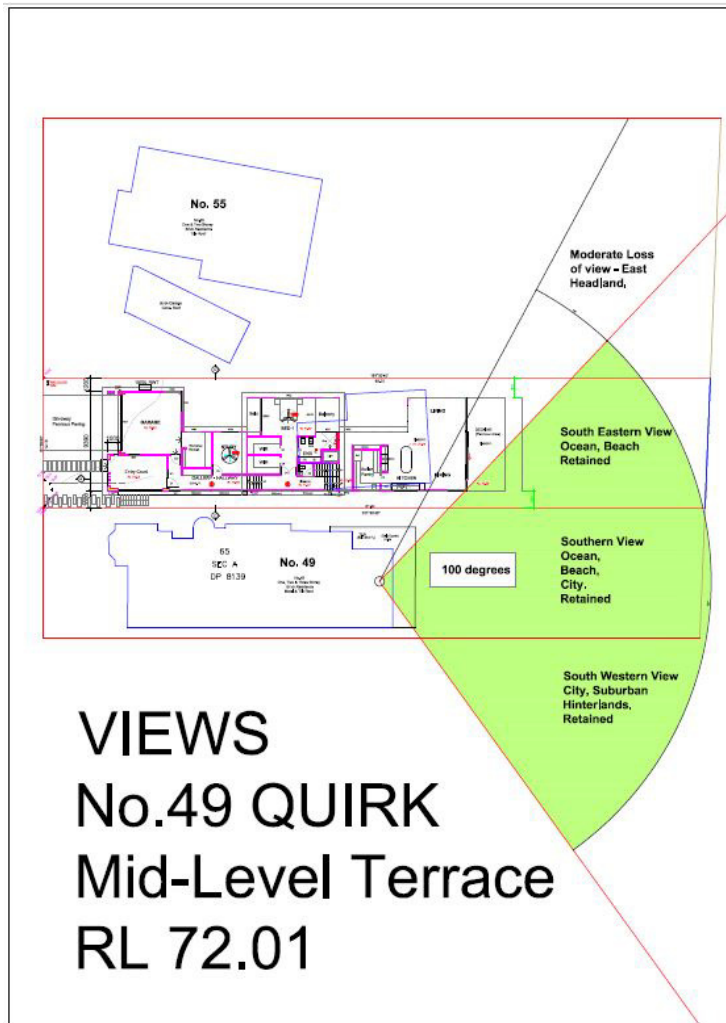
Southern view

South to Western view

Current view from rear mid-level terrace/ kitchen/dining @ no.49 – Eastern side lower roof top view will be partially obstructed. The primary southern views and western views will not be obstructed by the new dwelling.



No loss of views from Upper Terrace



Primary views retained to south east to south west. Moderate loss of view to East.

It is therefore submitted that the primary and iconic views to the south east, south and south west have been retained. There is no adverse impact by the proposed development on views enjoyed from this property.

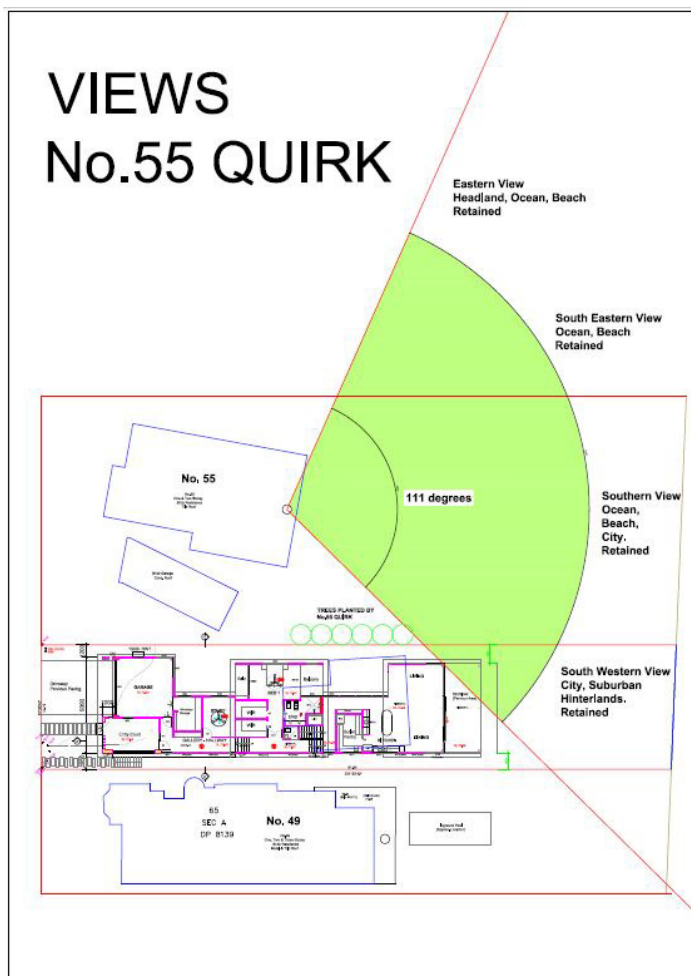
View Impact Adjoining Property at 55 Quirk Street

With regards to no. 55 Quirk St; there is no significant loss of view from the rear of the neighbouring dwelling; the floor level of this house appears to be higher than the proposed rear balcony by approx 1.0m. From inside the dwelling the majority of the existing panoramic views from the East to the South to the South West is retained; only a small percentage (estimated at less than say 3%) to the SW is marginally affected. This view is already partially obstructed by the existing cottage at no.55 as well as the line of trees planted along the western boundary by the Owners at no. 55 Quirk St.

Please note; unable to get photographs from No.55 Quirk St due to access not being permitted.



Indicative views from No.55 Quirk St to the south east – there is no loss of views



No loss of primary views

It is therefore submitted that the primary and iconic views to the east, south east, south and south west have been retained. There is no adverse impact by the proposed development on views enjoyed from this property.

3 View Sharing

The Tenacity View Sharing Planning Principal

The "Tenacity View Sharing Planning Principle" refers to the four-step assessment process outlined in the NSW Land and Environment Court case *Tenacity Consulting v Warringah Council* (2004) for evaluating the impact of development on private property views. This process helps determine if view sharing is reasonable by assessing the views affected, the nature of the impact, the loss of views in proportion to the whole property, and the overall reasonableness of the impact given the circumstances. The principle prioritises certain views, such as whole views over partial views and the inclusion of iconic features, while recognizing that developers are not legally entitled to a proprietary right to all views.

The four steps and the guidance provided by the Court in *Tenacity Consulting* is as follows:

Step 1 – Assess the views to be affected

Determine the nature and extent of the existing views – Most properties on the southern side of Quirk Street enjoy panoramic views to the south from east to west. These properties will continue to enjoy these view and are not affected by the proposed new dwelling.

Differentiate between the value of whole views versus partial views – the adjoining properties enjoy whole views and will continue to enjoy these views.

Consider the value of iconic or significant views (e.g., water views, views of heritage items, dominant landmarks) – Iconic and significant views are retained and the new dwelling will not obstruct these.

Step 2 – Consider how and from where views are obtained

Identify the part of the property from which views are enjoyed (e.g., living rooms, kitchens, balconies) – the main view from the adjoining properties are from the rear facing balconies at no.49 and the sitting room windows at no. 55.

Differentiate between views obtained from sitting or standing – these view are obtained from a combination of sitting and standing within the internal areas and the balconies.

Recognize that views from kitchens and living areas are often considered more highly valued – these views can still be obtained from the adjoining properties both sitting and standing.

Step 3 – Assess the extent of the impact for the whole property

Determine the overall severity of the view loss on the property as a whole, using a qualitative scale such as negligible, minor, moderate, severe, or devastating – the view loss caused from the development to the adjoining properties is minor; the primary view are retained from both properties.

Understand that view loss is not a proprietary right – this is not applicable as the primary views have been retained.

Note that a severe or devastating impact can still be reasonable in some circumstances – this is not applicable as the primary views have been retained for both adjoining properties.

Step 4 – Determine if the impact is reasonable

This step involves a judgement considering all relevant factors. It acknowledges that taking away views (even an entire view) can be a reasonable outcome, depending on the context and the need for development – in considering the overall design of the new dwelling and the steps taken to minimise the impact on the neighbourhood, the proposal successfully retains the primary and iconic view currently enjoyed from the adjoining properties.

Having considered the extent of the views shared by the adjoining propertied it has been determined that the new development does not obstruct the primary views obtained from the neighbouring properties and that both the significant and iconic views are retained; that being the headlands, the ocean beach interface, city views and suburban hinterlands.

This is demonstrated with the photographs and diagrams provided.

4 Conclusion

It is concluded from the view study carried out that there is no significant loss of views from the 2 adjoining properties.

No 49 Quirk St will retain its primary iconic views from both rear terrace levels and internal spaces at the rear of the dwelling.

No 55 Quirk St will retain its primary iconic views from the internal spaces at the rear of the dwelling.

The proposed development will maintain the existing primary views to the adjoining properties, accordingly we submit this document to assist Council with the assessment of this DA.

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