
From: Ben Wheeler
Sent: 29/05/2024 8:47:12 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Objection Submission to DA 2024/0534 Att - Megan Surtees
Attachments: Objection 14 Bassett BW .pdf;

Dear Ms Surtees,

Please find our attached objection submission for the DA Lodgement DA 2024/0534 at 14 Bassett St, Mona Vale which is next door to our own property.

Let us know should you require us to provide any further information to assist council with its assessment. Whilst I have extensive experience as a residential builder our experience with town planning matters is limited. Access to our property will be absolutely made available should this be required.

I believe Zac Wilson from GLN Planning has also in contact regarding this DA for an extension on his submission. He has been appointed by ourselves and three other neighbours effected by this proposal to represent us in addition to our own submissions.

Our Mobile numbers should you wish to contact for any reason.

Ben Wheeler [REDACTED]
Shonagh Wheeler [REDACTED]
and our address is 16 Bassett St, Mona Vale.

Warm Regards

Ben Wheeler
[REDACTED]

[REDACTED]

29th May 2024

Ben and Shonagh Wheeler
16 Bassett Street
Mona Vale NSW 2103

Att: Megan Surtees
Northern Beaches Council

RE: Objection to Proposed DA 2024/0534 – Address : Part Lot 33 Sec B DP 6195 14 Bassett Street, Mona Vale NSW 2103

Dear Ms Surtees

We are writing in objection to the proposed development at 14 Bassett Street, Mona Vale.

We are immediate neighbours along the full western border of this property and owners of 16 Bassett Street, Mona Vale.

Our opposition to the proposed works is based on several concerns including:

1. Cumulative Effect of Proposal
2. Impact of the proposal on 16 Bassett Street, Mona Vale
3. Misleading References and Documentation in Submission

I note also that as a significantly affected neighbour, I have not been consulted about the proposed changes, denying me the opportunity to provide meaningful input into a project that will profoundly impact my family's quality of life and a significant depreciation of property value.

1. Cumulative Effect of the Proposal

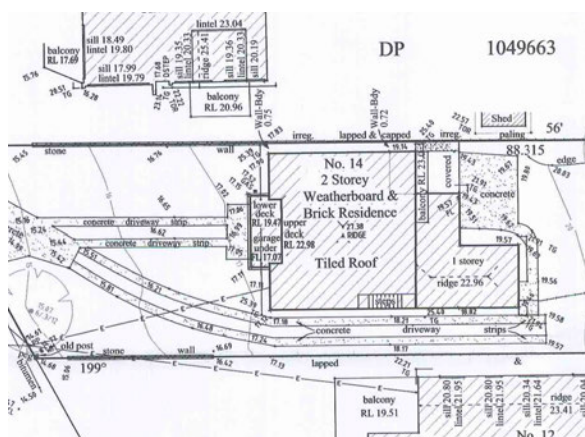
Our objection to the proposal comes from the impact that the current structure has imposed on our views, privacy, sunlight and amenity since its construction. I would like this to be noted as the change proposed with this DA, is a cumulative effect, to the enormous detrimental effects we personally have seen 14 Bassett St have on our property over the last 8 years.

The structure that currently stands was built under Complying Development and as such removed council and neighbours' right to have any influence over the impacts to our properties. A very similar structure in bulk and scale of almost identical impact on our property was lodged as a DA (NO114-14) prior and refused by council on the 25th of February, 2015 on twelve determinations including the following.

6. The development will have an unacceptable view impact on the adjoining property at 16 Bassett St. Consequently, it does not satisfy the controls and outcomes of section C1.5 'Visual Privacy' of Pittwater 21 DCP.
7. The likely visual privacy impact of the development are not considered to be reasonable or acceptable. Consequently, the development does not satisfy the controls and outcomes of section C1.5 'Visual Privacy' of Pittwater 21 DCP.
8. The development has an unacceptable character when viewed from the street due to the lack of any front door to the principle dwelling or entry path being visible from the street and the overemphasis of garaging, driveway and the work studio in the front elevation. This results in a commercial/industrial character rather than a residential character and is not in accordance with section D9.1 of Pittwater 21 DCP.
11. This development fails to meet a relevant outcome of the front building control relating to the equitable preservation of views and vistas under section D9.6 of Pittwater 21 DCP.

By far the biggest impact that the current dwelling has on our property is regarding views, our morning sunlight and amenity of our property.

Here is a before and after picture of the view from our first-floor bedroom with a supporting survey prior to the current house being built on the property. The previous dwelling is marked in green for context.



Our view is that 14 Bassett Street has added enough amenity and value as a direct cost from its neighbours and no further development other than within the existing structure should be considered fair or reasonable.

2. Impact of the proposal on 16 Bassett St, Mona Vale

Our Objection to the current lodgement DA2024-053 is for the following reasons.

- 1) Overshadowing
- 2) Privacy and Acoustic Impacts
- 3) Height of the proposal
- 4) Character, Bulk and Scale
- 5) Visual Impact
- 6) Additional Independent dwelling

1) Overshadowing

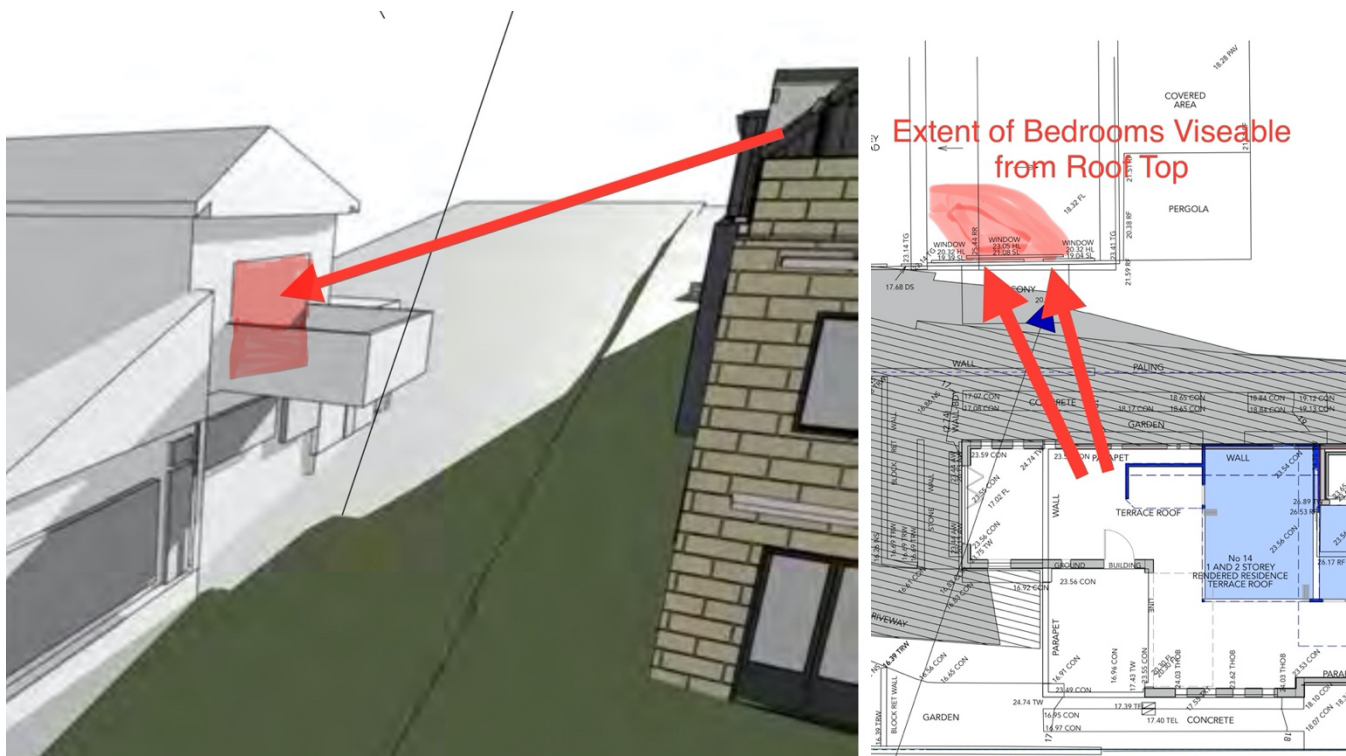
We assert that the shadow diagrams do not accurately illustrate the true impact of the proposed addition on our property. We lost the morning sunrise to the side of our house when the current dwelling was built. The addition of a third level and rooftop terrace including moving further back on the property will add considerable overshadowing. The largest impact to our property is prior to 9am which represents a notable period. The Sydney sun rises in Summer as early as 5.31am and in Winter 7am at the latest. We believe that our living room and private open space will be impacted greatly from loss of morning sunlight with the proposed addition.

2) Privacy and Acoustic Impacts

The pre lodgement PLM2022/0028 noted in part 'any windows located along the western elevation are to incorporate a minimum 1.7m sill height or be obscure glass to mitigate any potential overlooking to adjoining properties. The proposal shows a kitchen splashback window to the wet bar. Privacy and acoustic impact from a roof top terrace is difficult to control no matter how its designed, as it is an elevated perch over neighbouring properties. As such no rooftop dwelling or entertaining area should be reasonably considered.

The roof top terrace will likely result in increased noise pollution and impact on the surrounding neighbours due to the lack of natural noise barriers. The likelihood of extended hours of useage particularly during evenings and weekends, exacerbates this issue, posing a continuous threat to neighbouring properties including our own.

The current proposal has an elevated view directly into two bedrooms on our second level as illustrated below and has not been designed for privacy. In addition, the side staircase and upper level remove privacy from our private open space. Critically, the submitted documentation does not demonstrate critical view lines from the proposed development into adjoining spaces and windows in section drawings.



3) Height of the Proposal

The height of the proposal is out of scale and inconsistent with the area, It is against Environmental Planning Controls, and if approved sets a very dangerous precedent, and sadly irreversible overdevelopment to this coastally sensitive area.

Vaughn Milligan's Report states 'The non-compliance with the building height control arises as a direct result of the sloping topography of the site and position of the existing dwelling over previously excavated portion of the site. The site levels fall towards the road verge at the south-western boundary, with the building height variation of the upper floor occurring as a direct result of the existing dwelling location over the excavated area of the site combined with the sloping nature of the site.'

Contrary to this assertion the sloping topography is irrelevant. The existing first level has a ceiling height of almost 3000mm in height, and the existing second level has a ceiling height of almost 3200mm. The BCA requires only a 2400mm high ceiling (habitable room excl. kitchen) meaning that this building could be sitting almost 1500mm lower than is currently. It is therefore not fair or reasonable to further increase the impact on neighbouring properties. Furthermore, retaining walls can be utilised for sloping blocks instead of unnecessarily raising an entire finish floor level and structures above Planning Controls.

We believe that compliance with the height limit is both reasonable and necessary. The existing property is large enough without the additional proposal. Should a further living space be essential to the applicant's needs, then the height should firstly be taken from the existing two levels.

4) Character, Bulk and Scale.

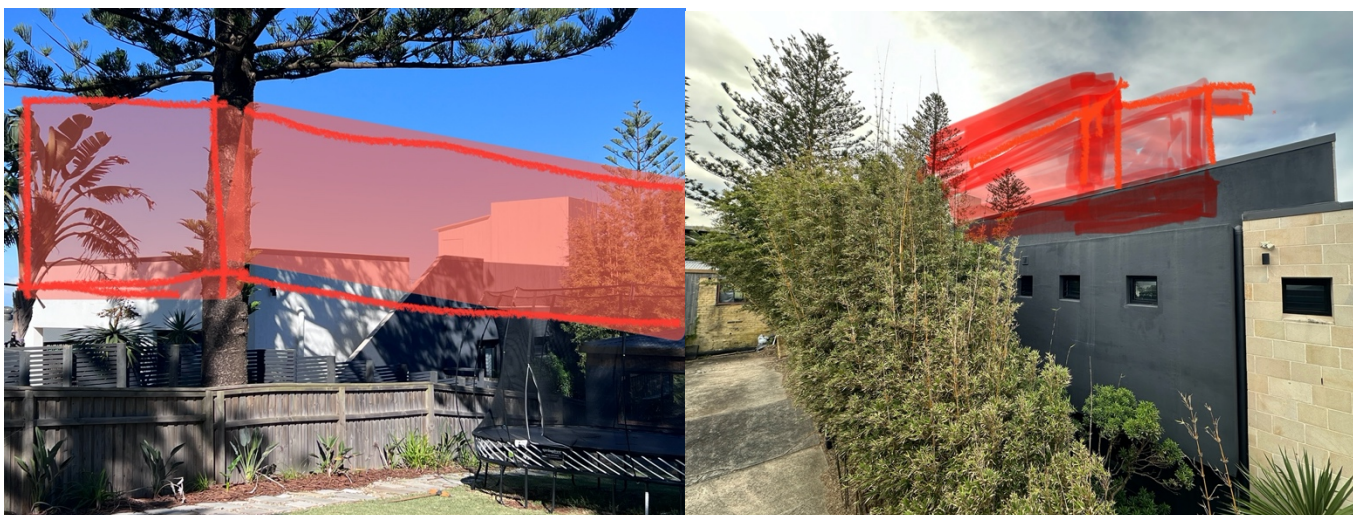
The sheer scale and nature of the existing structure is imposing as viewed from the side of our property due to a commercial/industrial appearance in nature more suited to a commercial district rather than a 'sensitive coastal location'. Architecture in these locations should fit sympathetically on the land. The lack of articulation between the current first and second level add to this, notwithstanding the substantially higher than standard ceiling height to both levels. Adding a third level to this already huge building has a massive impact visually from every angle, removing from our property much of our ocean and headland view and all the early morning sunlight

Section D9 Mona Vale Locality Statement referred to in section 6.5.4 of the statement of Environmental Effects note that 'Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity'.

This existing structure is already in opposition of this development control outcome let alone the additional impact of the proposed DA. The current standing dwelling has long been discussed as out of scale and character in the Mona Vale Basin Community and the proposed addition of a roof top terrace with additional bedroom and living spaces has complete disregard to the neighbourhood character.

5) Visual Impact

The proposed additional dwelling almost extends the entirety of the Western Elevation parapet wall, with additional bulk moving north of the rooftop parapet walls. The proposal visually will immensely impact the amenity from our house and rear yard, removing the remaining eastern skyline from above the existing property.



We have marked what we believe visually will be seen from our rear yard and upper floor balcony.

6) Additional Independent dwelling

There are numerous living areas on the existing property. The main house has a primary kitchen, three bedrooms and living areas on the second level and an area that can be self-contained on the first level with a kitchenette, bathroom and bedroom. There is also a secondary dwelling which is a self-contained cottage at the rear of the property equipped with a kitchen, bedroom, living area and bathroom. There is an additional self-standing building which the previous owners used as a recreation studio. The proposed addition of a fourth self-contained space suggests higher occupancy expectations. Importantly, all self-contained spaces can rely on independent external access and could suggest a separate intent for short-term accommodation. Furthermore, with regards to parking, the current property has an internal garage to house at best two cars, in addition to a parking bay alongside the driveway for another vehicle. What is shown on the DA submission plans with four cars to the existing garage is not practical. This will have detrimental impacts on neighbours regarding parking and amenity due to Bassett Street East being a short narrow cul de sac with limited on-street parking options for all residents.

3. Misleading References and Documentation in Submission

The plans and submitted reports we have found misleading and not an accurate interpretation of the impact to the affected neighbours. The Clause 4.6 report references existing unapproved items as well as insufficiently provides transparency, noting s6.7 of the EP&A Act contains provisions for councils to issue building information certificates in relation to building/s or works that may not have had development consent or approval. The importance of this information to the neighbours and council is paramount in determining the true impact of the proposal. I have noted the following items as issues of content within the submission.

- 1) Existing Lift to Rooftop
- 2) Existing Staircase
- 3) Misleading Reference
- 4) Unclear Scope on the Plans
- 5) Reference to Pre Lodgement Notes PLM 2022/0028

1 Existing Lift to Rooftop

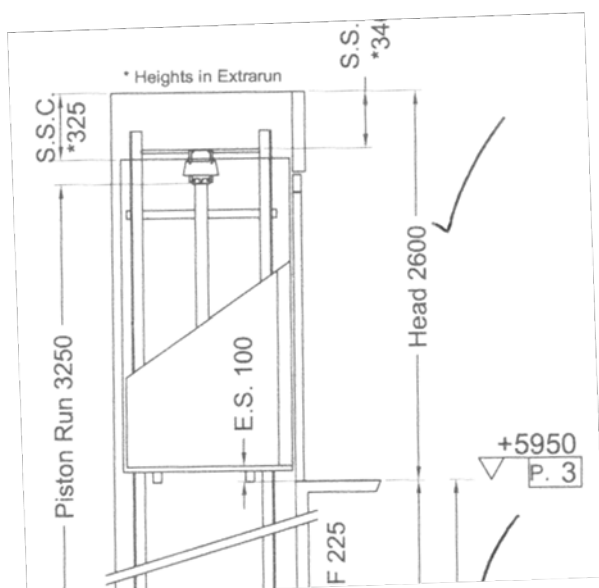
The Clause 4.6 Report states;

‘The maximum building height in this portion of Mona Vale is 8.5m. The existing dwelling (lift shaft) stands at a maximum height of 9.87m (RL 26.89).

The proposed additions and alterations to the first floor level will see a new skillion roof form which encompasses the existing lift to integrate it within the new first floor level. The height to the roof level over the lift will be up to 10.170m, which presents a 1.67m or 19.64% variation to the building height development standard,’

I assert that the ‘existing lift’ being used as an existing benchmark reduced level is not accurate due to it being misleadingly ‘an overrun’ under the CDC construction works. I was shown correspondence with council from a neighbour that this has been raised as an issue to Council prior to this DA being lodged. It would appear to us that this may not have been considered upon certification of the existing building.

A ‘lift overrun’ is required above the lift car for the mechanical function of the lift. As a licensed builder I have installed similar lifts into residential projects with a requirement of approximately 340mm in height above the lift car. If similar had been considered for 14 Bassett Street, this would have easily fitted within the second level of the home with a 3200mm ceiling height and without the requirement to go onto the roof terrace. I have attached the relevant part of the lift shop drawings by way of example. The lift overrun is also accessed by lifting the ceiling from within the lift car. It would therefore appear that an external shelter on the outside of the ‘lift overrun’ implies that this lift is intended to service the existing rooftop.



Example: The above image is part of a lift shop drawing from a residential lift illustrating the lift overrun requirement.



Current lift shaft and external shelter

2 Existing Staircase

I would assert that the visible external staircase on the western elevation was unapproved. We have requested and are currently waiting upon a copy of the CDC plans from Council to ascertain whether this was approved. We request as part of this DA process for Council to review if this was approved. We have issue that they would be used as an existing access to the rooftop dwelling as it further supports the use of the space for an additional independent dwelling.

The Pre-Lodgement Notes PLM2022/0028 state “The deletion of the internal staircase adjacent to the lift would reduce the bulk and scale of proposal along the western elevation and provide increased setback reducing the visibility of the structure when viewed from Bassett St. Our view would be that this is difficult to enforce and removing external access would be a more effective planning strategy. Also would this have been suggested should council be aware of the structures status in relation to approval?

3 Misleading Reference

The submission refers to the proposal as a ‘First Floor’. Labelling the third level a ‘first floor’ diminishes the amenity of the existing lower level. The existing entry and ground level, amongst a garage, laundry and storerooms, also includes living spaces such as a bedroom, wet bar (kitchenette) and bathroom. This is by any standards a level of a house.

4 Unclear Scope on the Plans

The extent of proposed extension is unclear in the submitted plans. The plans do not clearly delineate the proposed additional footprint from the existing second level walls, thereby misleading its full extent. I would expect proposed new walls to be clearly highlighted on a submission to accurately assess the impact of the proposal. The Upper Level extends beyond the existing rooftop structure further impacting neighbours from both existing and proposed levels.

5 Reference to Pre-lodgement Notes PLM2022/0028

The current application refers to the Pre-Lodgement PLM 2022/0028. This pre-lodgement document submission was arranged by the previous owners (who I note are listed as two of the current applicants for this DA). The previous owner communicated with myself on a design whilst preparing for a submission. I have kept a copy of those preliminary plans produced by Tone Wheeler, who I understand is the original architect. That design had the proposal set well within the existing envelope on all sides and roof line minimised along the western elevation so as to reduce its height impact. We find the reference to that pre lodgement PLM 2022/0028 astounding when it predates the new ownership by almost two years, it has been entirely discarded and bears no resemblance other than the street address to the current proposal.

Summary/ Final Note

Residential amenity includes access to sunlight, daylight, and privacy. A high standard of residential amenity should be achieved in any proposed alterations and additions. The amenity of adjacent buildings as well as the building subject to alteration should not be adversely affected. Hence, given the elevated nature of the proposals siting and design, we contend undue amenity impacts arise on our property and include overlooking, visual privacy issues, overshadowing and noise related impacts.

Further, we are of the opinion the proposal negatively impacts the appearance of the building by way of excessive height, bulk, scale and incompatibility of design in the locality. We contend no part of the rooftop terrace, any permanent or temporary structure installed, or furniture placed on it shall exceed the 8.5m maximum height of building development standard set by the Pittwater Local Environmental Plan at any time.

External access stairs have not been integrated with the dwelling design and located to have minimal visual and amenity impact on our property.

The submitted documentation does not clearly illustrate all neighbouring buildings, their window locations, room types and location of external living areas and private open spaces. Hence, the extent of impact (view lines) from the proposed rooftop terrace cannot assess the level of overlooking to our property. Taking the above into consideration, it is unclear what (if any) design measures have been included to minimise amenity impacts including but not limited to overlooking, overshadowing, noise, and built form visual impacts.

The Proposed DA Submission results in adverse impacts on the amenity of neighbours and the surrounding area in relation to overshadowing, parking issues, privacy, acoustic pollution, character, view loss and visual bulk.

One of the Objectives of R2 Low density Residential Zone is ‘to ensure a high level of residential amenity is achieved and maintained’. In this case it is clearly not being achieved with the proposal. We are further concerned about the precedent that this would set to our community.

Warm Regards

Ben and Shonagh Wheeler