
Sent: 6/03/2020 11:24:06 AM
Subject: DA 2020/0077, No 1 Tabalum Road Balgowlah Heights - Objection by Doyle (No.4)
Attachments: CCF06032020 - Objection 1 Tabalum Road, Balgowlah Heights by Doyle (No.4).pdf;

Dear Sir

We attach Notice of Objection.

Yours Faithfully
James F Doyle and Frances M Doyle
Ph 0438066212

Doyle & Associates Lawyers & Dispute Resolvers, Suite 1, 200 Alison Road, Randwick NSW 2031. Ph. 9399 3055
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Northern Beaches Council

council@northernbeaches.nsw.gov.au Alexander.Keller@northernbeaches.nsw.gov.au

Re: 1 Tabalum Road, Balgowlah Heights NSW 2093

DA 2020/0077

NOTIFICATION OF OBJECTION TO DEVELOPMENT APPLICATION

Dear Sir/Madam

Your ref: Alexander Keller

We hereby object to the DA for a proposed dwelling and swimming pool as currently shown in the applicants' drawings lodged with council.

1. We adopt the technical objections lodged by the registered proprietors of No.3 Tabalum Road, Balgowlah Heights, Mr & Mrs Gazzilli.
2. In dealing with these objections, noting the statements from the registered proprietors of No. 3 Tabalum Road, Mr & Mrs Gazzilli relating to misrepresentations of fact, council at the very outset needs to satisfy itself of the correct natural ground levels (existing) at relevant points on the land comprising No 1 Tabalum Road, Balgowlah Heights. Council should have on record the stated ground levels for the existing residence for comparison. We note, because of the extensive rock in the area, the natural ground level is clearly defined. This is particularly the case with Nos. 2 and 4 which are both complying, but will be adversely affected by a non-complying No. 1. Council should carefully check measurements on the drawings to ensure they are accurately stated and represented on the drawings. (We note the content of paragraph 3 to the Notes of the Survey Report of Lee and Lethbridge).
3. It is obvious the existing residence is highly non-compliant. This is to be completely demolished. There is no justification for council to hide behind any existing non-compliant residence to justify a new non-compliant residence and other structures.
4. The sheer non-compliant bulk of the proposed development which is little different to that in the proposals in DA 2019/1180, clearly "degrade the amenity of surrounding residences." With a complying development at No. 1, it would still command magnificent, uninterrupted harbour views. However, the registered proprietor of No. 1 seeks to improve even further his views to the detriment of neighbours, including No. 4. The existing residence has blocked our westerly views of the harbour and an approval of the proposed development would further adversely affect us, inter alia, taking away our views of Chinamans Beach, which are currently seen over No.1 (not a side corridor), but will be obliterated if the proposed residence is approved and erected.

In that regard, we point out that No. 1 Tabalum and No. 4 Tabalum currently share with other lots in the street a view of Chinaman's Beach at Mosman. We presently enjoy a seated view from the rooms at the west of the second floor of our home and the recreational balcony adjoining them. This is an iconic view and its loss therefore amounts to a substantial reduction in the amenity of our property and adjoining residential occupiers. It would also result in a reduction in the value of our property.

It is our submission that if it were not for the non-compliance with development controls as detailed in the objections lodged by Bawmers and Gazzilli, that the loss of view from the front of No. 4, which will otherwise flow from the proposed development, would not be so severe. A more skilled design would provide Mr. Mooney with the same development potential and amenity, whilst maintaining the iconic view of Chinaman's Beach now enjoyed by our property.

We have read the comments of the Environmental Report writer (Plansite Pty. Limited dated January, 2020), the contents of which represent a biased and incorrect approach to the task of assessing environmental impact. In particular at page 19 which relates to the impact on our residence it cannot be said that the impact on outlook is "not significant" given our comments above and furthermore, when considering the existing structure it is clear that an alternative design would be adequate to provide the development potential and amenity sought by Mr. Mooney.

It should also be noted that even if the proposed height level were compliant, it does not follow that an envelope of 8.5 metres over the entire site should be allowed.

There is absolutely no justification for a property owner with existing commanding harbour views further compromising the views of their neighbours. This is not a proper sharing of views.

5. This being a proposed development on a sloping block of about 1:12 slope ratio, there has been absolutely no attempt to "generally step with the topography of the site" as required. The requirements have been ignored. We note it is necessary in most cases for the land to be "significantly sloping" i.e. 15% to 20% to exceed a two storey limit. (See comments in Tenacity appeal at paragraph 13). However, we note the details of the objection of Mr & Mrs Gazzilli in 4.1.2.2 at pages 68 and 69. The Environmental Impact Report seems, over and over again, to be self supporting and justifying in its conclusions without proper and reasonable regard to the facts.
6. In considering the general amenity concerns "to protect the amenity of existing and future residents and minimise the impact of new development," this has been completely ignored by the registered proprietor of No. 1. At the same time, council will be very aware that the registered proprietors of other properties along Tabalum Road, Balgowlah Heights, have generally been compliant for the mutual benefit of their neighbours. Council should carefully consider this and not prioritise the interests of one property owner to the detriment of the owners of adjacent properties and other properties in the street.

We submit the development application should be rejected outright and the registered proprietor of No. 1 Tabalum Road, Balgowlah Heights be required to re-submit a compliant development application.

Yours Faithfully,



James F Doyle and Frances M Doyle
Registered proprietors 4 Tabalum Road, Balgowlah Heights 2093.
6 March 2020