
Sent: 26/10/2022 10:07:21 PM
Subject: Submission
Attachments: Subject DA 2022.docx;

> Dear Sir/Madam,
Please find attached submission for DA

Subject DA 2022/0653 1 Bellevue Parade, North Curl Curl

Please find attached our submission in relation to the amended DA 2022/0653 for 1 Bellevue Parade, North Curl Curl.

The amended plans have not addressed the fundamental issues concerning this DA.

1. Non-compliance: Although the planned pitch of the roof has been reduced the roofline still breaches the 8.5 metre height limited by at least 600mm.
2. Bulk & Scale: The plans exceed two storeys. A furnished & functioning lower level is mislabelled a basement in order to facilitate an additional storey. With the property sitting on an elevated position on the southern side of Bellevue Parade (artificially elevated with road works many years ago) and with plans showing no setbacks this contrasts in both bulk & scale with surrounding properties.
3. View sharing :The concept of view sharing has been ignored by the applicants as evidenced in their DA by the Statement of Environmental Effects. Under section D7 Views quote "Dwellings on the opposite side of Bellevue Parade are elevated and distant from the subject site. Viewing by the surrounding properties should not be interrupted by the proposed works." Our beach & ocean views will be severely to moderately impacted (Maxwell Duncan has photos) with our neighbours in similar to much worse positions.

The determination for what is equitable view sharing is best summarised in the Land & Environment Court ruling in Tenacity Consulting v Warringah Council with a four part assessment process.

A: Assessment of the views to be effected.

We will lose both ocean & beach views (the most highly valued).

B: What part of the property are views obtained.

We will suffer view loss from standing in our lounge room looking across the front boundary.

C: Extent of the Impact:

Beach views will be severely effected whilst ocean views moderately.

D: Assessment of the reasonableness of the proposal causing the impact:

In conclusion the DA is non-compliant with regards height, bulk & scale & view sharing as above. To quote the Tenacity case "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.

On this basis the amended DA should not be approved in its present form.

Regards

Graeme & Leonie Gallard

