



northern
beaches
council

7 December 2021



Andrew Darroch
6/20 Wylde Street
POTTS POINT NSW 2011

Dear Sir/Madam,

Development Application No: DA2021/2075 for Alterations and additions to a dwelling house at 22 Ocean Road PALM BEACH.

I refer to your Application which is under assessment by Council.

The assessment of your application has revealed a significant issue, which prevents Council from supporting the proposal in its current form.

This is discussed below:

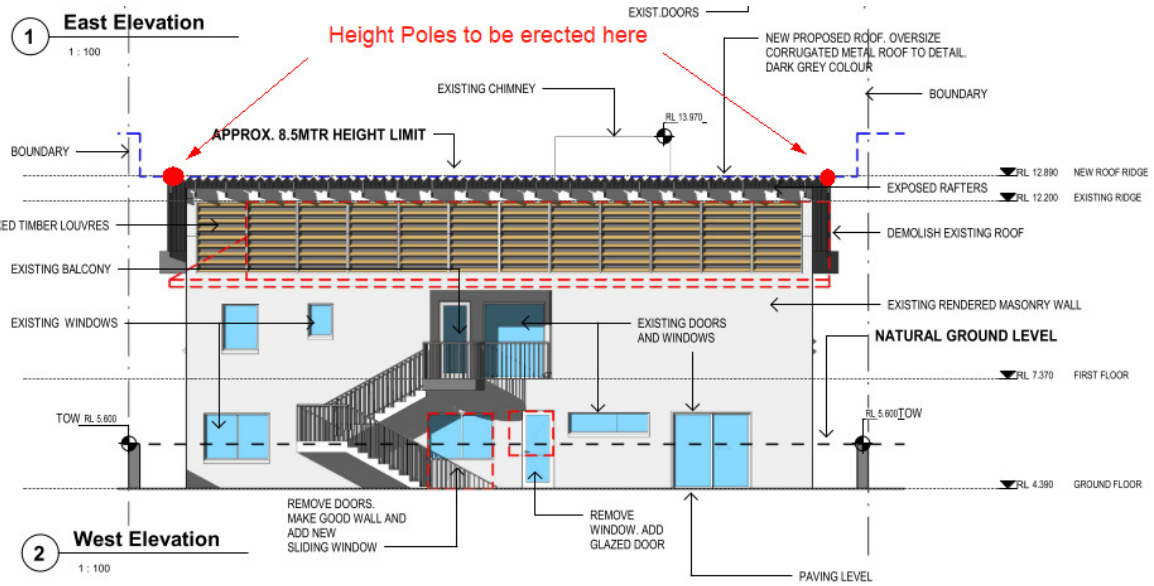
View Loss

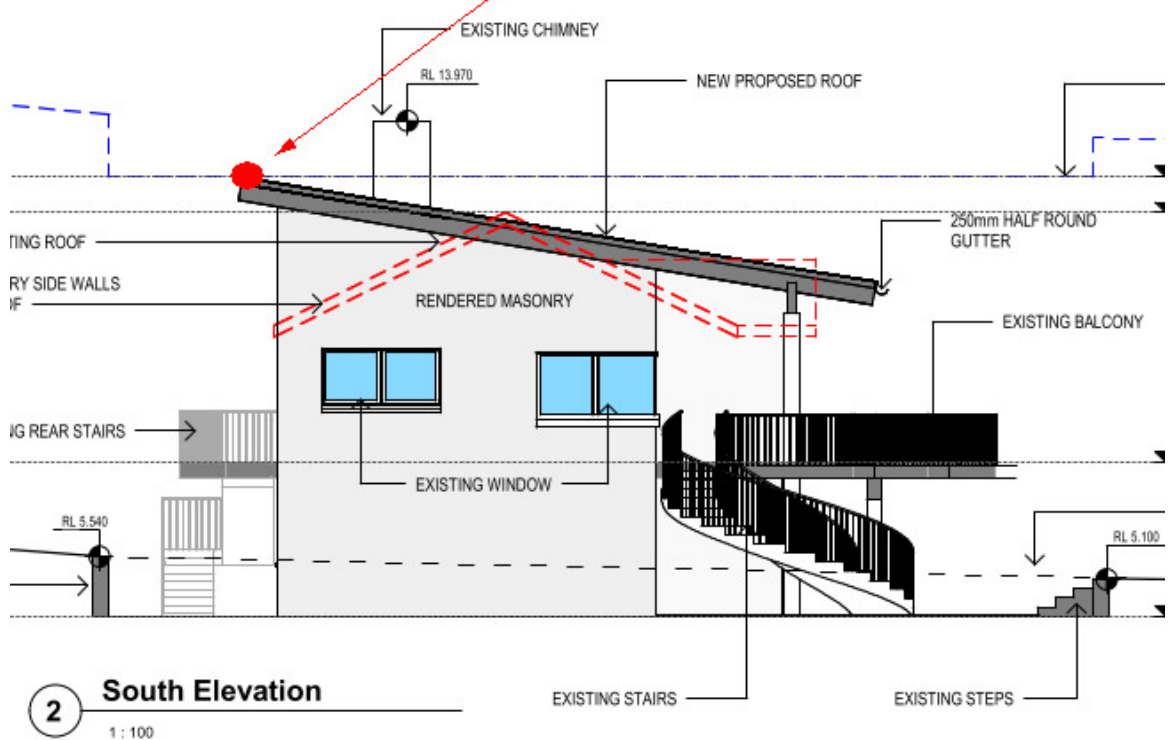
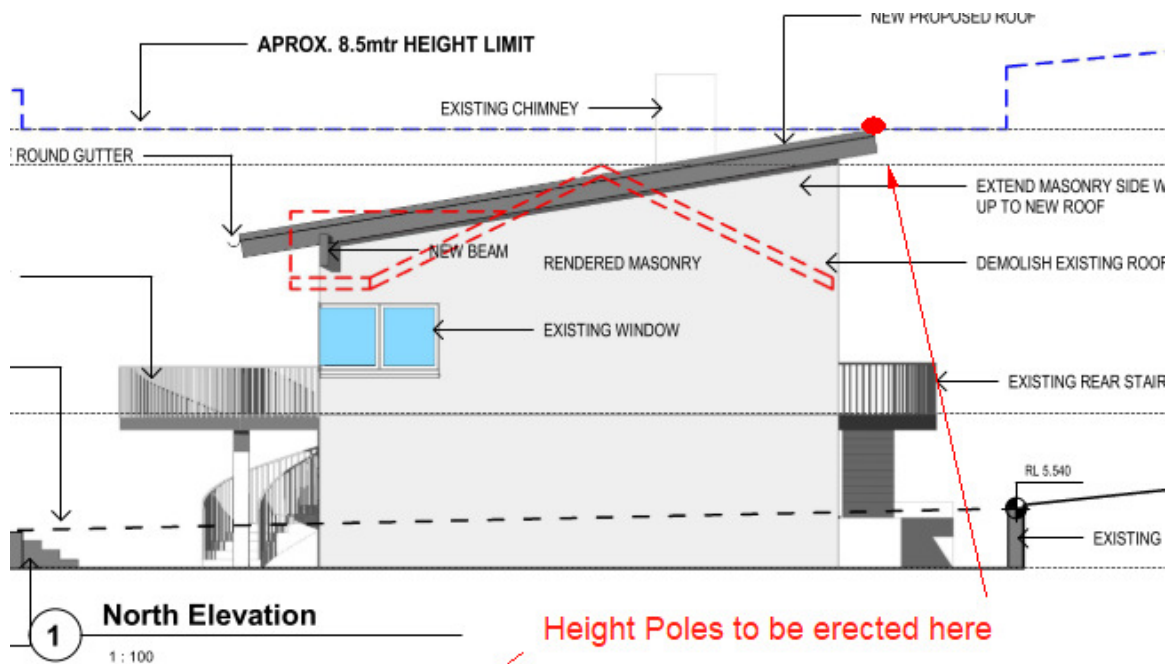
Council has received submissions from adjoining properties, in regards to potential view loss as a result of the proposed development. Council must undertake an assessment of the proposal against the view sharing planning principle outlined within the NSW Land and Environment Court Case of *Tenacity Consulting v Warringah Council (2004) NSWLEC 140*.

In undertaking a site visit at the subject site it was identified that the site and adjoining properties currently enjoy views to the east of the Pacific Ocean and other coastal landscape features to the north and south.

To accurately consider the extent of the view loss, Council requests that height poles be erected to represent the roof line of the proposal. The poles must be erected in the exact location identified on diagrams attached to this correspondence and accurately represent the finished height of the roof line.

The height of the poles must be certified by a Registered Surveyor and provide sufficient markers to make them easily identifiable when viewed from adjoining properties. The surveyor's certification of the height poles is to be documented in correspondence and plan, which must be submitted to Council to verify their accuracy. Whilst we note that poles have already been erected, we understand from previous discussions with the owner that these have not been verified by a surveyor.





Council is providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information addressing the issues by 21 December 2021 (14 days); or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or



3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by 21 December 2021 at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nick England on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'R. Piggott'.

Rodney Piggott
Manager, Development Assessment