
From: Graeme Gallard
Sent: 14/11/2022 6:19:57 PM
To: Council Northernbeaches Mailbox
Cc: [REDACTED]
Subject: DA 2022/0653 1 Bellevue Pde. North Curl Curl

Third objection submission 14/11/22.

Previous objection submissions dated 01/06/22 & 27/10/22

We object to the amended plans for alterations and additions to 1 Bellevue Parade North Curl Curl.

Having viewed the plans and noted only a slight reduction in building height the issues raised by us and the neighbours in previous objection submissions (4 & 6 Bellevue Parade) have not been addressed.

Non height compliant: The roofline of the amended DA still breaches the 8.5m height limit.(As per Clause 4.3 in the Warringah Local Environment Plan 2011).

The consequences of this are obvious that the views of North Curl Curl Beach and ocean surrounds will be lost forever.

View sharing: The concept of view sharing and reasonableness to views was determined by the Land and Environment Court decision in Tenacity v Warringah Council 2004(ironically three houses away from this proposed DA)

The impact of this DA on our views and our neighbours has been detailed in previous objection submissions.

Needless to say the amended DA's bulk and scale fails the precedent for view sharing in Tenacity v Warringah Council 2004 and Council's own LEP (clause 61)which states that "development is to allow for reasonable sharing of views.

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.

Given that the impact on ours and neighbours views could be classified as severe then the unreasonableness of the DA is evident.

The DA in its present form should be refused as being non compliant with regards to height ,bulk & scale (no setbacks on the eastern, northern & western sides) and the principles of view sharing.

To not do so would create a terrible precedent.

Graeme & Leonie Gallard

8 Bellevue Pde

North Curl Curl

[REDACTED]