
Sent: 4/08/2021 10:16:22 AM
Subject: FW: Submission in respect of DA 2021/1140

Hi Team,

Please register the below submission in relation to DA2021/1140.

Thanks
Adam

Adam Croft
Planner

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-----Original Message-----

From: David Webb
Sent: Wednesday, 4 August 2021 10:02 AM
To: Adam Croft
Cc: David Webb
Subject: Submission in respect of DA 2021/1140

We wish to make the following submission in respect to the above DA relating to 72 Carrington Parade Curl Curl :

1 View sharing :

The applicants appear to have based their revised plans on a comment from Commissioner Walsh from his judgement dated 25 January 2021 in the Land and Environment Court case (which dismissed the applicants appeal against councils decision refusing to grant the DA on several grounds)

The applicants quote Commissioner Walshs Judgement at 52,57 and 65 (which should in fact refer to 63)

We also wish to quote from Commissioner Walshs judgement as follows:

25 " Full ocean views are prominent and available to the east over the existing dwelling and then in an arc towards the north east

31 " Having considered the evidence from the experts I would conclude that the impact of view loss from 2 Gardere Ave would be severe were the proposal to be approved .From within the house there is severe view loss noting those areas as living areas which would be expected to

be commonly used and noting Tenacity's reference to kitchens(views from kitchens are highly valued because people spend so much time in them)"

34 " I should emphasise that here I am talking about the views from the deck generally .It is the case that if one stands at the very northern edge of the deck the high quality view to the ocean remains available.

But the enjoyment of the views from the more general use of the deck would be severely impacted by the proposal .The internal living areas would also be severely impacted "

We realise the new plans have been amended from the previous plans submitted and provision has been made for the western upper level wall to be set back further from the northern boundary .

The effect of this is to better the view from our balcony however because of the height of the wall and its position we will still lose all ocean views from our kitchen ,dining and most of the views from our lounge room ..both from a sitting and standing position .

In our opinion our deck is not an extension of our living area..our living area is our kitchen dining and lounge room ..we do not live on our deck

These are the rooms in which we reside and it is these rooms which will suffer catastrophic loss of views .

We believe Commissioner Walsh's views are contradictory and would not be supported by another commissioner .

We also refer to the report previously lodged from Symons Goodyer town planners dated 10 May 2019 in which they noted:

" The extent of the impact from within the living room and dining room of 2 Garder Avenue is devastating"

The town planner then made the observation that a more skilful design would enable the occupants of our house to look over the top of a structure that had been reduced in size at the western boundary .

The town planner also noted that the proposal failed to meet the Land and Environment courts planning principles for view sharing as set out in the Tenacity case .

It's in our submission the current proposal does not meet those principles .

In respect to the proposed terrace on the first floor we make the observation that the terrace appears to have a masonry wall extending from the western boundary to the far north eastern boundary.

Our comment here is that visually this wall will rise in appearance the further east it travels ..a better solution for us would be a glass wall which we could see through .

Landscaping :

1 The proposal is misleading as to landscaping compliance.

DA 900C states landscaping will be 81.51 sqm. The plan however acknowledges landscaping does not include paved areas , so that if you take out the 48.75 sqm of paved areas the actual landscaped area amounts to 32.75 sqm or 12% which is non compliant .

2 The proposal states banksias will be planted on the north west area to be landscaped .These trees grow to 12 meters and would totally block any remaining view we had of the ocean . This is totally unacceptable to us and if allowed would become the subject of an action under existing NSW legislation involving trees taking views .

Generally .

As discussed we and others have called for site poles which will show us the outline of the structure , including the wall of the proposed terrace and we reserve our right to made further submissions following the erection of those poles .

David and Anne Webb

2 Gardere avenue Curl Curl

Sent from my iPad