
Sent: 28/02/2020 10:52:08 AM
Subject: Documents related to DA2020/0068 submission by R&L Seeto
Attachments: R Lamb View Sharing Report 9 and 10 Surfside Avenue Avalon 27Feb20.pdf;
Online Submission - Seeto.pdf;

Hi Council team,
I am seeking your help to load the attached documents into the on line file for DA2020/0068, pertaining to the development for 9 & 10 Surfside Ave, Avalon.

I have made a submission on line as the owner of 8 Surfside Ave, Avalon and have referenced the attached document from Richard Lamb and Associates.
The attachment also includes a PDF version of our submission.

The deadline for submission is today and appreciate if you can let me know that these documents have been attached to the relevant DA website.

Thanks for your help.

Regards
Rick

Rick & Lou Seeto
Mob: 0414064955

Development Application DA 2020/0068

9 and 10, Surfside Avenue, Avalon



View sharing assessment

Report prepared for: L and R Seeto

by Dr Richard Lamb

February 2020

1 Purpose of this report

Richard Lamb and Associates (RLA) have been commissioned by the proprietors of 8 Surfside Avenue, Avalon, L and R Seeto, to provide an independent assessment of the likely effects on view sharing of the subject application. The author of this report is Dr Richard Lamb, principal and director of RLA.

I am a professional consultant and principal of RLA, a consultancy specialising in view loss, visual impacts and landscape heritage matters. A summary CV is attached to this assessment and submission. A full CV can be read or downloaded from the tab on the Home page of the RLA website at www.richardlamb.com.au.

1.1 Documents consulted

In preparing this assessment and submission, I have had regard to the following documents:

1. Development application plans Master Set available on the Northern Beaches Council DA Tracker.
2. DA Landscape Plan, prepared by Volker Klemm Landscape Design.
3. Development Application Report, prepared by Richard Cole Architecture, dated January 2020.
4. Survey plans, prepared by CMS Surveyors dated 29 May 2019.
5. Aerial imagery in Google Earth and SixMaps.
6. Photomontages prepared by Digital Line Pty Ltd, architectural illustrators, representing views from the south end and centre of the balcony and 1m inside the master bedroom at the first floor of 8 Surfside Avenue.

1.2 Background to assessment

This submission concerns view loss and view sharing impacts that would be caused to the dwelling at 8 Surfside Avenue, Avalon as a result of the construction of the proposed dwelling to replace 9 and 10, Surfside Avenue, Avalon.

I attended the property subject of this submission on 19 February 2020, in the morning, under bright sunlight conditions, made observations, and took a number of photographs from the internal and external living areas of the dwelling, of the subject site.

Photographs were taken from the first floor balcony and from the master bedroom on that level. I also had the benefit of a series of transparent block model photomontages prepared by independent architectural illustration firm, Digital Line Pty Ltd, who were commissioned to prepare the photomontages for the proprietors of 8 Surfside Avenue, to demonstrate the likely effects of the proposed building on views. The photomontages are included within this report. Digital Line Pty Ltd regularly provide photomontages service to RLA and I am very familiar with their methods of preparation of photomontages, having frequently supervised this work.

To simplify the discussion of the impacts, I have adopted the convention that the proposed development is north of the dwelling at 8 Surfside Avenue and that the immediate streetscape of Surfside Avenue that is relevant is to its east.

1.3 Potential effects of the proposed development

The proposal is for demolition of the two existing dwellings at 9 and 10 Surfside Avenue and construction of a single dwelling across both lots (the site), with extensive landscaped area to the west and north-west on the site. The dwelling overall is set toward the front of the site and is proposed to present a one-two storey façade to the streetscape. The overall height of the building in elevation to the street is similar to the existing dwellings on the site.

The proposed dwelling consists of three conjoined but largely separate pavilions, the central one elevated, with variable setbacks from Surfside Avenue and from the adjacent dwellings to the north and south. The smallest setback is on the south boundary adjacent to my clients' dwelling where the proposed southern pavilion of the dwelling has two living levels, the lower of which is extensively excavated into the site.

The proposed building is the equivalent of one storey above existing ground level on the boundary toward the front setback, adjacent to my client's dwelling. The setback to the boundary and to the line of excavation appears to be a minimum of approximately 1.3m. By comparison, the setback to the northern neighbouring dwelling appears to be a minimum of approximately 6m. It is not obvious why the decision has been made to minimise the setback on the south side of the site, given the very extensive area of the amalgamated site, the low built upon area in the application and the obvious potential to distribute the floor space differently and deal with the minor cross-falls on the site on such a large footprint.

The proposed dwelling pavilions also vary in front setback from the street, with the south pavilion adjacent to my client's dwelling being at the least setback (6.5m). The central and northern pavilions are set the same distance off the boundary at 9.96m. It is noted in the Development Application Report that the existing building at 10 Surfside Avenue has a front setback of 6.19m, which is less than the NBC DCP control of 6.5m. The southern pavilion is proposed at a minimum setback distance from the street at 6.5m, whereas the remainder is set back approximately 50% more. No justification is provided for this variation.

In my opinion, as the proximity of the building and the front setback together are most likely to be implicated in causing view loss from 8 Surfside Avenue, the reasoning for both can clearly be questioned. In addition, the proposed building is rectilinear in form, compared to the hipped roof form of the existing building at 9 Surfside Avenue, where there are views over the sloping hip ends. The proposed building set back only slightly less than the existing building, but being more prismatic in form is bulkier, is likely to cause greater view loss than the existing building, notwithstanding it is no higher.

2 Assessment of environmental impacts

2.1 Relationship between properties

The subject proposal is to the north of 8 Surfside Avenue, Avalon. It is separated from it by a minimal side setback, given the depth of excavation that is necessary to construct the proposed southern pavilion, which adjacent to the boundary, is effectively a whole storey below ground level. There is currently a raised, walled garden between the boundary and the existing dwelling at 9, Surfside Avenue.

The existing residence at 9 Surfside Avenue is set parallel to the north boundary of its lot. The location of the front face of the dwelling, which runs at 90 degrees relative to the north boundary, produces an increasing front setback from south to north on its lot. As a result, the higher 2-storey part of the existing dwelling at 9 Surfside Avenue, which has a gable facing the street, is set further back from the front boundary, opening the view, in particular from the south side of the balcony of 8 Surfside Avenue, toward the north. Although the south-east corner of the proposed southern pavilion is approximately at the same position as the south-east end of the gutter of the existing dwelling on 9 Surfside Avenue (Drawing DA02), the north-east corner of the pavilion extends further to the east, both because of the trapezoidal floor plate and the front setback being parallel to the street frontage.

The second and third pavilions, as noted above, are significantly more set back from the front boundary. It is likely that the more rectilinear form of the southern pavilion will cause view loss compared to the existing dwelling. There is a view down onto the roof of the south pavilion from my client's balcony. Although the roof is proposed to be copper-clad, the material of which will weather to a green colour of low sheen, the roof may cause glare as a result of the reflection of sunlight off the photovoltaic cells proposed to be on the roof.

The different in orientation between the two properties relative to the front boundary is significant in considering view sharing, as my client's dwelling is orientated to take advantage of the limited view to the north and north-east, by being rotated relative to 9 Surfside Avenue and making use of the view over the low south wing of the dwelling and between the two-storey part of the existing building and the front boundary. The height and bulk of the south pavilion and the setback from both the south boundary and the street are matters of most concern to view sharing.

However, one other feature of the proposed is also of concern in that regard, this being a Red Poinciana tree (*Delonix regia*) that is proposed to be planted in front of the south pavilion, according to the landscape plan. This species grows to a spectacular tree of umbracious form, ie. umbrella-shaped and is capable of growing high and wide enough to totally block any remaining view down the front setback of the development from 8 Surfside Avenue. Indeed it is capable of growing wide enough to overhang the footpath and even part of the street. In my opinion it is totally inappropriate as a canopy tree both in form and location. Given the almost forest-like proposed landscape proposed for the north-west and north part of the site, there would be substantial canopy to compensate in other parts of the site.

2.2 Effects of the proposal on views from 8 Surfside Avenue

8 Surfside Avenue, as noted above, is orientated to make use of the views, which are sequentially lost moving south down the street on the same side as my client's dwelling, as a result of adjacent development. The dwelling has been rotated relative the street frontage to make use of the views north and north-east and as such, makes use of views that are across the northern side boundary. The dwelling at 10 Surfside Avenue has also been located on the south side of its lot and rotated toward the north-east to open the view in the most valued direction.

The current views from 8 Surfside Avenue include part of the north section of North Avalon beach, the reserve behind, Bangally Headland in the distance, North Avalon headland, the wave zone off the beach, the land-water interface along the north shore of the bay and cameo views of parts of the ocean, visible over and between buildings on the east side of Surfside Avenue. The wider view north-west is a district view toward Careel Bay, a leafy district view.

The three photomontages show the following effects on views caused by the proposed development:

2.2.1 South end of the first floor balcony

The view from the south end of the balcony of 8 Surfside Avenue has been modelled employing Computer-Generated Images (CGIs) in the Development Application documents.

Two CGIs are shown on Drawing DA18, which is also on page 7 of the Development Application Report, along with a photograph from the balcony. I established by comparing the photograph to the composition of the view when visiting 8 Surfside Avenue, that the photograph had been taken from the north end of the balcony and not the location shown in the CGIs.

A real photograph showing the view from the south end of the balcony in the approximate location simulated in the CGI is attached (Figure 1). I established that even using a wide angle lens with a focal length of 24mm (see Figure 1), I was unable to encompass the horizontal field of view in the architect's CGIs. The computer's theoretical camera used to prepare the CGIs is therefore showing a field of view that is unrealistically wide and the items in the view that are smaller than in reality. The CGI also incorrectly predicts that the beach is essentially absent from the existing view.

A photograph taken from the same location as the CGI, using a 35mm lens, is attached as Figure 2. This lens gives a reasonable representation of the field of view available to the eye and of the relative size of items in the view. Note for example, that in the CGI, there is a house visible on

the right across the road, which is not in the 35mm image at all. In addition, the south wing hip of the roof on the house at 9 Surfside Avenue is visible in the CGI, but is only partly visible in the photograph.

A photomontage has been prepared using that image by Digital Line in a direct comparison of the existing and likely view as proposed.

It shows that the roof of the south pavilion in the proposed development blocks the view of the beach at north Avalon almost entirely and also impacts on the wave zone. Both the front and side setback and the overall height of the south pavilion are causes of view loss, as well as the length of the cantilevered roof that projects toward the street. The view lost is of highly valued items identified in Step 1 of *Tenacity* (see assessment below). The sloping surface of the roof is to be occupied by photovoltaic cells, that slope downward toward the viewer and are viewed from the south. There may be significant glare and reflection of light into my client's property.

2.2.2 North end of the first floor balcony

A photograph from the north end of the balcony, taken from the location from which the photograph on Page 7 of the Development Application Report was taken.

A photomontage has been prepared using that image by Digital Line.

It shows that the roof of the south pavilion blocks the view of the beach at north Avalon entirely, view of the northern foreshore of the bay, the entire wave zone of the beach and the foreground in the street.

Both the front and side setback and the overall height of the south pavilion are causes of view loss. If the proposed Poinciana tree is planted and grows as it is capable of doing, there would be virtually no remaining scenic items in the views.

The view lost is of highly valued items identified in Step 1 of *Tenacity* (see assessment below) and have significant impacts on a whole view. As noted in relation to the view from the south end of the balcony, the sloping surface of the roof in the foreground is to be occupied by photovoltaic cells, that slope downward toward the viewer and are viewed from the south. There may be significant glare and reflection of light into my client's property.

2.2.3 Master bedroom

A photograph is at Figure 4, taken from a point 1m inside the glazing line of the master bedroom at the north end of the house at the first floor.

A photomontage has been prepared using that image by Digital Line.

The photomontage shows that the roof of the south pavilion blocks the view of the northern foreshore of the bay and almost all of the water between North Avalon Headland and the viewer.

The front and side setback of the south pavilion are the main causes of view loss.

The view loss is of highly valued items identified in Step 1 of *Tenacity* (see assessment below) and causes significant impacts on the view. The photovoltaic cells proposed on the roof, as noted above, may cause significant glare and reflection of light into my client's bedroom.

3 View sharing assessment

As part of my analysis and as required by the Woollahra LEP, I have undertaken an assessment of the potential visual effects and impacts of the proposed development pursuant to the planning principles in the judgment of Roseth SC of the Land and Environment Court of New South Wales in *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (Tenacity)*. This section of this report includes my assessment of the application in relation to each of the steps in *Tenacity* and if necessary, consideration of each of the threshold tests in *Tenacity*. This is because most of the steps in the planning principle are predicated on the preceding step exceeding the threshold that is necessary before proceeding to the next step. This information is to provide clarity in relation to the conclusions of the assessment.

3.1 Application of *Tenacity* planning principle

Roseth SC in *Tenacity* defines a four-step process to assist in the determination of the impacts of a development on views from the private domain. The steps are sequential and conditional, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold is not met in each view or residence considered.

Step 1 views to be affected

The first step quoted from the judgement in *Tenacity* is as follows:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Prior to undertaking Step 1 however, an initial threshold in *Tenacity* is whether a proposed development takes away part of the view and enjoys it for its own benefit. If it does, the other steps in the planning principle, beginning with Step 1, may need to be undertaken. However, if there is no substantive loss, or if the items lost are not considered to be valued in *Tenacity* terms, the threshold is not met and there is no justification for proceeding to Step 2, or other steps beyond Step 2.

The proposed development will take away views for its own benefit, as the building is designed to make use of the views. The next step is then to consider the nature, quality and values of the views to be affected and analyse the composition of the views.

The value of a view depends on the visual components and valued features within it. In the specific context considered in *Tenacity*, the valued items contested included land, water, land-water interfaces or icons. Water views were considered more highly valued than land views, iconic views more highly valued than views without them and whole views more valued than partial views, in particular where the whole view includes not only land and water but also the land-water interface, making a whole view thereby more highly valued. While these items were identified in *Tenacity* as highly valued, this does not imply that items of lesser value can be ignored.

The view affected is contains local iconic items and is a whole view, in the sense of containing a continuous horizon, in views from the balcony and primary living areas directly adjacent to it and is highly scenic and valued by my clients. It contains water, land-water interfaces, icons and other highly valued items identified in Step 1 of *Tenacity*.

The proposal would therefore cause loss of highly valued features identified in Step 1 of *Tenacity*. The views affected and items lost are itemised above.

Step 2: From where are views available?

This step considers from where the affected views are available in relation to the orientation of the building to its land and to the view in question. The second step, quoted, is as follows:

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views to the north and north-east are enjoyed across the side boundary, from the front of the dwelling. They were assessed from both the standing and seated position. Vegetation on the balustrades and in the garden, limits seated views. Houses in the street seek to maximise views and commonly look across side boundaries to do so.

While the view is across the side boundary, it is also reasonable to expect that view to be shared, as the adjacent buildings appear to all share the potential view in that direction. It is also in the direction that views are intended to be taken away by the proposed development (ie. toward the north), and it would be reasonable to expect the views to be shared.

In my opinion the fact that views affected are across the side boundary does not justify either ignoring the visual impacts or devaluing them.

This analysis on this step shows that the threshold for proceeding to Step 3 is met, as the expectation to share the view from 8, 9 and 10 Surfside Avenue is a reasonable one.

Step 3: Extent of impact

The next step in the principle is to assess the extent of impact, considering the whole of the property and the locations from which the view loss occurs. Step 3 as quoted is:

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Step 3 also contains a threshold test. If the extent of impact is negligible or minor for example, there may be no justification for proceeding to Step 4, because the threshold for proceeding to considering the reasonableness of the proposed development may not be met. In that case the reasonableness question in Step 4 does not need to be asked and the planning principle has no more work to do.

The views affected in this case are from the only parts of the dwelling that have a view of valued items identified in Step 1 of *Tenacity*. The views from the balcony are considered primary views from important living areas. While the view from the bedroom might be given less weight, that does not mean it can be ignored.

The extent of impact would be moderate on the view from the south end of the balcony and severe on the north end of the balcony and master bedroom

The impacts are to be considered over the whole dwelling, as well as the views most affected, in Step 3 of *Tenacity*. In the case of my client's dwelling, there are no views other than from the first floor that have access to highly valued scenic items. As all of the views are affected negatively in relation to view sharing by the proposal, the overall impacts on the dwelling is rated as moderate to severe.

While the views are from bedroom, the impact on which is considered to be less significant than for living spaces such as the balcony, this does not mean that the impact can be ignored.

In my opinion, the level of impact on views from the first floor of 8 Surfside Avenue justifies proceeding to Step 4. I have considered the reasonableness of the proposal in Step 4 of *Tenacity*, below.

Step 4: Reasonableness

The planning principle states that consideration should be given to the causes of the visual impact and whether they are reasonable in the circumstances. As stated in the preamble to the four-step process in *Tenacity*, a development that takes the view away from another may notwithstanding be considered reasonable.

Step 4 is quoted below:

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. 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. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The proposed development is permissible with consent on the site. With regard to compliance with controls, the proposed development appears to generally be compliant with the controls of the greatest relevance to view sharing, being the development standard for height of buildings and the setbacks. I have no comment on the extent of excavation that is proposed as that is not within my expertise. However, if Council is concerned and if a lesser excavation is permitted, the final levels of the building may differ significantly from the current plans, leading to a higher south pavilion and greater view impacts.

In my opinion, the extent of view loss that the proposal would cause is not reasonable, notwithstanding it appearing to comply with the controls. In the context of the development complying with the development controls, the question with regard to whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours is relevant in *Tenacity*.

In my opinion the answer to the skillful design question is in the affirmative. A more skillful design is required, which is capable of providing more satisfactory view sharing by increasing both the south and front setbacks of the south pavilion so as to move the bulk of the building backward and away from the boundary, reducing the extent of the overhanging balcony roof to the street and decreasing the bulk and height of the south pavilion, to retain a view of the beach as is currently available. Given the size of the site and the low site coverage proposed, it is clearly possible to redistribute the footprint and revise the height and bulk of the south pavilion in the foreground of the views from my clients' dwelling, without affecting the development potential of the site, at the same time achieving a better view sharing outcome, that is reasonable.

A more skillful design would also delete the Poinciana tree and replace it with a species not capable of growing into the view lines and appropriately analyse and review the location of the photovoltaic panels, which may cause reflectivity nuisance to my clients.

4 Conclusion

In my opinion the application in its current form is not acceptable and Council would be justified in requiring it to be amended, on the basis that it causes view loss that is excessive and unnecessary.

The proposal has the potential to have moderate to severe impacts on view sharing and potential glare and reflectivity impacts from the photovoltaic cells proposed.

Further, the Council is urged to require the applicants to erect height poles, that depict the perimeters of the three pavilions, prior to a development assessment being made.

A carefully considered application of the planning principle in *Tenacity*, pursuant to the requirement for such an assessment under the Northern Beaches LEP shows that the proposal does not comply with view sharing principles.

The proposal is not considered to be reasonable. It causes view that requires a more skillful design than in the existing DA..

Please do not hesitate to call me if there are any questions of if you require clarification of any points,

Sincerely,

Richard Lamb and Associates



Figure 1;

8 Surfside Avenue, Avalon, existing view from the south end of the veranda, at the line of the glass doors.

The image was taken with 24mm focal length lens on a full frame camera. The location of the camera is similar to the virtual camera in the CGI prepared by the applicant's architect



Figure 2;

8 Surfside Avenue, Avalon, existing view from the same location as Figure 1, 35mm focal length lens used.

This image was used to prepare the photomontage from this location in the comparison on the next page



Existing view from the north end of the balcony



Digital Line Pty Ltd photomontage showing view from the north end of the balcony



Existing view from the north end of the balcony



Digital Line Pty Ltd photomontage showing view from the north end of the balcony



Existing view from the master bedroom 1m inside the glazing line



Digital Line Pty Ltd photomontage from similar position to Figure 4

Summary Curriculum Vitae: Dr Richard Lamb



Summary

- Qualifications
 - Bachelor of Science - First Class Honours, University of New England in 1969
 - Doctor of Philosophy, University of New England in 1975
- Employment history
 - Tutor and teaching fellow – University of New England School of Botany 1969-1974
 - Lecturer, Ecology and environmental biology, School of Life Sciences, NSW Institute of Technology (UTS) 1975-1979
 - Senior lecturer in Landscape Architecture, Architecture and Heritage Conservation in the Faculty of Architecture, Design and Planning at the University of Sydney 1980-2009
 - Director of Master of Heritage Conservation Program, University of Sydney, 1998-2006
 - Principal and Director, Richard Lamb and Associates, 1989-2019
- Teaching and research experience
 - visual perception and cognition
 - aesthetic assessment and landscape assessment
 - interpretation of heritage items and places
 - cultural transformations of environments
 - conservation methods and practices
- Academic supervision
 - Undergraduate honours, dissertations and research reports
 - Master and PhD candidates: heritage conservation and environment/behaviour studies
- Professional capability
 - Consultant specialising in visual and heritage impacts assessment
 - 30 year's experience in teaching and research on environmental assessment and visual impact assessment.
 - Provides professional services, expert advice and landscape and aesthetic assessments in many different contexts
 - Specialist in documentation and analysis of view loss and view sharing
 - Provides expert advice, testimony and evidence to the Land and Environment Court of NSW on visual contentions in various classes of litigation.
 - Secondary specialisation in matters of landscape heritage, heritage impacts and heritage view studies
 - Appearances in over 275 Land and Environment Court of New South Wales cases, submissions to Commissions of Inquiry and the principal consultant for over 1000 individual consultancies concerning view loss, view sharing, visual impacts and landscape heritage

A full CV can be viewed on the Richard Lamb and Associates website at www.richardlamb.com.au

Sent: 27/02/2020
Subject: Online Submission

27/02/2020

Rick and Louise Seeto
8 Surfside Ave,
Avalon Beach, NSW 2107

Re: Submission concerning DA2020/0068

The development application (DA2020/0068) has raised serious concerns regarding the view lines to Avalon and North Avalon beach from our front balcony, lounge/living and bedroom at 8 Surfside Ave. Following a review of the plans submitted in the DA we have 3 primary concerns:

1. View line obstruction caused by construction of the south end of the complex, particularly in the placement of the new dwelling at the front of the available block and with a minimal setback to our north boundary,
2. Proposed landscape plan that includes the tree Delonix Regia on the Eastern terrace – see further information attached below) and
3. We understand the current usage of 9 Surfside is as a weekender – after reviewing the DA plans the combined complex offers expansive living and garden areas. Is the intended use of this property known? Will it be let out for large events / functions (eg. Weddings) – this would be another major concern for us.

My wife and I have lived on the Northern Beaches for 27 years. We have raised our children in the area and believe it to be THE best place to live in the world. Like a lot of people I'm sure, we had always dreamed of living in a north east facing home with views of the beach and ocean. This dream always seemed out of reach and we have been very settled in Milga Road, North Avalon.

In December 2019, on the back of hard work and perfect timing, we were able to secure our dream home - 8 Surfside Ave, Avalon. To say we were thrilled to secure this fantastic location is an understatement. The opportunity to check out my favourite break, Off Rocks, from my bedroom in the early morning light is something that makes you pinch yourself to make sure it's real! To entertain friends and family and share this view of Avalon paradise among our closest and dearest brings a smile to both our faces. Securing this property was not an inexpensive exercise but one we thought worth it for the rest of our lives.

After receiving the notice of the DA for 9 & 10 Surfside Ave and reviewing the plans on the website, to say we were devastated is a massive understatement. Suddenly it appears our dream could turn into a nightmare.

While we are not against building and certainly the proposed development is a very tastefully planned complex – we cannot, and do not want to lose the dream view of beach, water, ocean and district views 8 Surfside offers, which was our primary motivation to

purchase this property. Had this construction gone ahead of our purchase we would not have had any interest in the property as the view was the major attraction – and drove our desire to secure 8 Surfside at the price we paid.

However, we are not architects or engineers – so we have had to engage, at our expense, a consultant firm specialising in Visual Impact, View Loss and View Sharing, Richard Lamb and Associates (RLA) to ensure we were looking at the right things to determine our loss of view and to ensure we were protecting our dream. RLA's report accompanies this submission for your review and assessment – refer submission document: [R Lamb View Sharing Report 9 and 10 Surfside Avenue Avalon 27Feb20](#)

We hope, with council and the Applicant's collaboration that our concerns regarding loss of views can be overcome and the Applicant can also achieve their aim of constructing a complex sympathetic to the area and the views enjoyed by many living in this unique cul-de-sac.

Regards,

Rick and Lou Seeto

Email: rseeto@ciena.com
lulufromav@yahoo.com.au

Mobile: Lou – 0414064955

Delonix Regia or Royal Poinciana (from proposed landscape plan DA 1 Revision C)

1. www.brisbanetrees.com.au 'Royal Poinciana, in a good climate grows up to 9 – 12m high they have a wide umbrella canopy that usually grows wider than the tree is tall'
2. www.australianplantsonline.com.au/royal-poinciana-delonix-regia.html indicates plant can grow to 10-15m high and 10m wide