
Sent: 20/10/2020 3:44:05 PM
Subject: DA2020/0077
Attachments: SUBMISSION 2a.docx;

Carly

Please see attached submission.

J.F. & F.M. Doyle
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Northern Beaches Council

Re: 1 Tabalum Road, Balgowlah Heights NSW 2093

DA 2020/0077

WRITTEN SUBMISSION TO NORTHERN BEACHES LOCAL PLANNING
PANEL

Dear Sir/Madam

Your ref: Carly Sawyer/Alexander Keller

carly.sawyer@northernbeaches.nsw.gov.au

We welcome the opportunity to make a further submission to Council's Panel in respect of proposed development of No. 1 Tabalum Road, having reviewed the Assessment Report and recommendations of Mr. Keller of Council.

MAINTAINANCE OF VIEW

We respectfully draw the panel's attention to the contents of our objection of 6 March, 2020. Regretfully, when Mr. Keller made his site inspection, no advance notice was given and it was not possible to grant him access to the first floor of our property, to enable him to view the impact of the proposals on the view currently enjoyed of Chinaman's Beach when seated on the western balcony and connecting sitting room of our residence at no.4. It is our submission that Mr. Keller has erred in forming the conclusion that the impact of the proposed development is **minor**.

Whilst Mr. Keller's report acknowledges that our property represents the 'direct view corridor', it fails to adequately distinguish the seriousness of this loss from the effect on neighboring properties on the eastern side of Cutler Road. To assist we have attached photographs taken from our western sitting room to demonstrate the corridor and the potential impact of the proposed development. (see annexure.)

Additionally, it is inequitable to allow the detracting of this significant, iconic view, which represents the outlook from the front of our residence, whilst enhancing the amenity at No. 1, where the proprietor already has the benefit of extensive, uninterrupted views in easterly, southerly and westerly directions; whereas in the case on No.4, the westerly and southerly views have previously been impacted by landscaping and development on the southern and western side of Tabalum Road.

It is easily possible for the proprietor of No 1 to further amend the design to prevent this loss of view whilst preserving the development potential and amenity sought in his proposal.

NON-COMPLIANCE WITH DEVELOPMENT CONTROLS

We are also concerned that the development requirements in respect of the height of the proposed residence are exceeded in the proposal. In that regard we draw your attention to the submission of Mrs. Patricia Bawmer of 14 October, 2020. There is no express or implied justification for the Panel or the Council to depart from development controls in this regard.

The premises at No. 1 occupy a significant position in an ecologically and environmentally sensitive position. There is no basis for non-compliance with an 8.5-meter height restriction and other controls. In his report at pp 10-11, Mr. Keller states,

This issue has therefore been considered by revisions to reasonably accommodate considerations by an inclusive design approach for the proposal. On balance the proposal is consistent with the objectives of the DCP and LEP and merit consideration has been made of the design in so far that issue is not considered to warrant refusal of the application subject to conditions

It is our submission that this conclusion is not supported by factual considerations, but rests solely on the unsubstantiated opinion of the reporting officer that the objectives of the controls are met. There is insufficient reason stated to override the proposed significant non-compliance, nor to establish that the objectives of the controls have been met.

Yours faithfully,

James F & Frances M Doyle

Registered Proprietors 4 Tabalum Road, Balgowlah Heights

20.10.2020

ANNEXURE



Figure 1: Direct corridor view from level 1



Figure 2; Loss of view