
From: [REDACTED]
Sent: 26/07/2023 3:23:23 PM
To: Council Northernbeaches Mailbox
Cc: Natasha Cook; Gemma Spinks
Subject: TRIMMED: DA 2023 / 83 24 CABARITA ROAD AVALON WRITTEN
SUBMISSION: LETTER OF OBJECTION SUBMISSION: TULLOCH
Attachments: 24 CAB AMENDED WS 260723.pdf;

Kind regards,

Bill Tulloch BSc[Arch]BArch[Hons1]UNSW RIBA RAIA
[REDACTED]

SUBMISSION

a written submission by way of objection

Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA RAlA

prepared for

Dr Natasha Cook, 26 Cabarita Road Avalon

26 JULY, 2023

Northern Beaches Council
PO Box 82
Manly
NSW 1655

council@northernbeaches.nsw.gov.au

RE: DA 2023 / 83
24 CABARITA ROAD AVALON
WRITTEN SUBMISSION: LETTER OF OBJECTION
SUBMISSION: TULLOCH

Dear Sir,

I refer to Amended Plans submitted.

I refer to the earlier submission dated 10 February 2023 that remains the basis of my clients' objection.

The earlier submission summarised the main concerns.

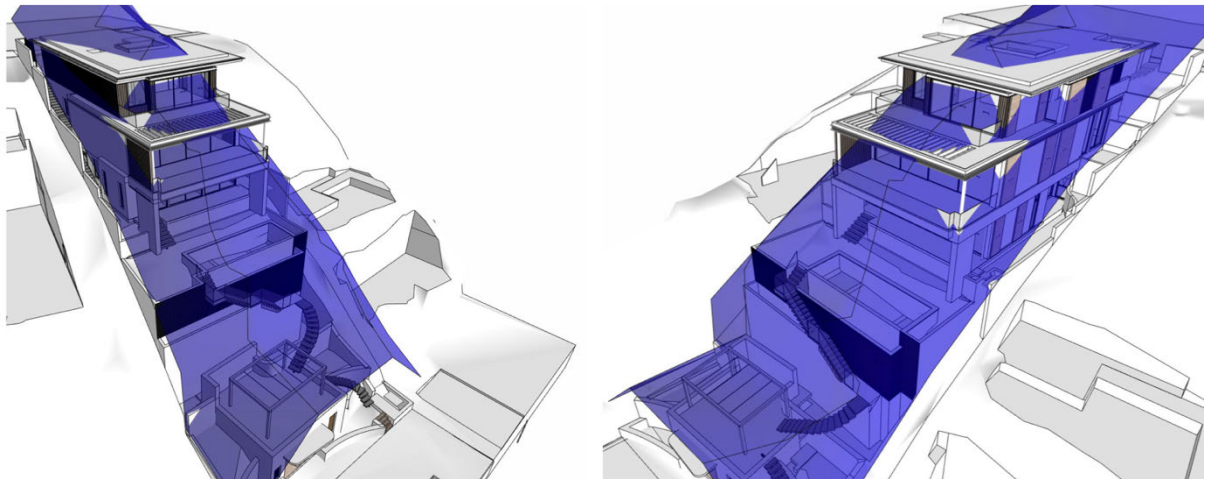
The proposed development represents an overdevelopment of the site and an unbalanced range of amenity impacts that result in adverse impacts on my clients' property.

- Adverse View Loss Impacts
- Adverse Solar Loss Impacts
- Adverse Visual Privacy Impacts
- Adverse Visual Impact Impacts

The proposed development fails to meet Council's planning controls, the objectives and the merit assessment provisions relating to:

- Building Height: Proposed 10.5m v Control 8.5m [23.5% non-compliance]
- Wall Height: Proposed 10.25m v Control 7.2m [42% non-compliance]
- Landscape Area: Proposed 60% v Control 48% [25% non-compliance]
- Number of Storey: Proposed Three: Control Two [50% non-compliance]
- Southern Side Setback: Proposed 1m to 2m v 2.5m Control [x2.5x non-compliance]
- Southern Side Boundary Envelope @ RL 24 and RL 21 Wall Height @ 9m wall height. Control 5.5m setback Proposed 1m to 2m setback. 3.5 to 4.5m non-compliance
- Unacceptable Works within Foreshore: The north-eastern corner of the Level 4 terrace, retaining walls, inclinators and the lowest landing, pool plant, building plant and rainwater tanks,
- Inclinators. <2m from boundary
- Southern Boundary Fences. Proposed 3m v Control 1.8m
- Front Fences. Proposed 1.6m v Control 1.0m
- Garage. >50% of plot width
- Waterfront Development: Boatshed outside of height controls, and contains a bathroom
- Excessive built form in southern 2.5m side setback zone
- Excessive excavation in southern 2.5m side setback zone
- Excessive fill in southern 2.5m side setback zone
- Excessive retaining walls in southern 2.5m side setback zone
- Failure to protect TPZ & SRZ of Neighbours Trees
- Excessive Excavation

The Amended Plans do little to resolve these matters.



The non-compliant elements are clearly causing a severe view loss.

One of the major concern for my client is view loss.

I contend the following:

1. The proposed development is non-compliant to height, wall height, and setback controls.
2. The applicant had failed to undertake an actual view impact analysis associated with my clients' property.
3. I contend that the proposal is inconsistent with the Land and Environment Court Planning Principle contained in *Tenacity Consulting v Warringah Council* and in particular the "fourth step" regarding the reasonableness of the proposal in circumstances where impacts arise from a development that breaches planning controls; and secondly whether a more skilful design could reduce the impact on views of neighbours.

My clients' ask Council to REFUSE this DA.

Yours faithfully,

Bill Tulloch

Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA RAIA
PO Box 440 Mona Vale
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