

From: [REDACTED]
To: [Council Mailbox](#)
Cc: ashley.warnest@northnbeaches.nsw.gov.au
Subject: DA2020/0320 - 58 Vineyard Street, Mona Vale - Submission in response to proposed development
Date: Friday, 8 May 2020 2:06:42 PM
Attachments: [DA2020032058 Vineyard Street, Mona Vale - Objection Submission.pdf](#)
[Photographs.pdf](#)


Dear Ashley,

Thank you for your notification of the proposed development DA2020/0320 at the subject premises.

Please accept my submission in response to the proposed development.

Kind regards

[REDACTED]



7 May 2020

Mr Ray Bronwlee
General Manager,
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Dear Sir/Madam,

**Re: Submission in response to notification of proposed works for DA2020/0320
Property: Lot 2 DP 514318 No. 58 Vineyard Street, Mona Vale**

I refer to your notification letter dated 20 April 2020 for development application no. 2020/0320 for alterations and additions to the existing dwelling, construction of a secondary dwelling, fence, carport and the relocation of a stormwater easement for the subject premises.

Please except my formal submission to object and obtain clarity to several items identified on the proposed plans for the development outline below.

Items nos 1 and 2

Loss of Water Views

Your attention is drawn to the merit issues of the impacts for the proposed new deck and it's associated roofing and privacy screen located to the northern elevation of the building on the first floor level in consideration to Section 4.14 Evaluation of the *Environmental Planning and Assessment Act 1979 and Pittwater 21 Development Control Plan*.

**Pittwater 21 Development Control Plan - Section C Development Type Controls - C1
Design Criteria for Residential Development**

C1.3 View Sharing

The proposed deck and its associated roofing and privacy screen does not demonstrate that view sharing is achieved, in particular, loss of water views to the east overseeing the Tasman Sea.

An assessment in relation to the impacts of the proposed works, the loss of views, in particular, loss of water views should be made to a Case Law, planning principle for view sharing – *Tenacity Consulting v Warringah [2004]* NSWLEC 140

The view from my entertaining deck located on the first floor level of the building has welcoming beautiful clear view corridor of the Tasman Sea that is enjoyed morning to midnight. Vegetation has already been established through this view corridor, with no

obstructions, the only visible obstruction is the existing deck which is acceptable as it has been there since the original build, back since the early 1970's.

The photographs accompanying this submission does magnify the real view. However, it is evident that the proposed deck structure with its full privacy screen proposed to the underside of the eave of the building will completely block/ obstruct, impacting on valuable whole water views from my building from a standing position and from a seated position.

I am accepting of the existing structure, if it were to be enclosed, however the proposed deck floor area is excessive by projecting out approximately, 3460mm – with the added roofing the structure - extending over 4 metres (no measurements depicted on plans) and the proposed full privacy screen on the western elevation of the deck in line with the buildings existing eave completely blocks out any accessible water views.

Therefore, the proposed deck structure and privacy screen significantly and unreasonably reduces the amenity enjoyed by the occupants of my premises.

If an complying development certificate application was to be lodged to an accredited certifier or Council accredited certifier, in relation to proposed deck structure to the northern elevation of the building on the first floor level the works would not satisfy the specific development standards of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and would be refused.

Section 4.3.1.3 View Sharing of the Statement of Environmental Effects (SOEE) prepared by Turnbull Planning International Pty Ltd, dated March 2020 is only support in part, water views will completely be lost by the enlarge of the deck with its full privacy screen. For your record the neighbours nor Turnbull Planning International Pty Ltd did not consult their proposed plans of the development nor carried out an inspection from building or premises. Consent would have been granted if asked and welcomed to discuss the structure.

C1.5 Visual Privacy

The reduction in size of the proposed deck structure provided to the northern elevation of the building would result in a better outcome to suit the amenity of the residential area and let alone my valuable water views. In addition, it would also improve privacy to the adjoining neighbouring premises to the north on Brinawa Street, Mona Vale who has habitable rooms facing this premises and a swimming pool on the boundary.

Item nos 3, 4 and 5

Pittwater 21 Development Control Plan - Section D Locality Specific Development Controls – D9 Mona Vale Locality

D9.3 Building Colours and Materials

Confirmation - The roofing material, colour and its reflectivity is not depicted for the secondary dwelling.

D9.14 Construction, Retaining Walls, Terracing and Undercroft Areas

The proposed deck structure provided to the northern elevation of the building exceeds the maximum height of 3.5m.

D9.12 Fences- General

Confirmation – Does the proposed western dividing fence, forward of the building line form part of the proposed building works for the application? Dividing fences fall under the *Dividing Fences Act 1991*. The SOEE does not go into detail and plans have no specifications.

Please accept my submission and make a fair and reasonable assessment in consideration to the impacts of the proposed building works. I am happy for you to conduct an onsite inspection from my premises to assist with your assessment at any time.

Confidentiality - I do not consent to my personal details made publicly available on Council's website.

Kind regards

A solid black rectangular box used to redact the signature of the submitter.





