

SUBMISSION

a written submission by way of objection

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prepared for

Dr Natasha Cook, 26 Cabarita Road Avalon

7 DECEMBER, 2023

NBLPP
Northern Beaches Council
PO Box 82
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RE: DA 2023 / 83
24 CABARITA ROAD AVALON
WRITTEN SUBMISSION: LETTER OF OBJECTION
SUBMISSION: TULLOCH

Dear Chair,

My client has asked me to write to you to request consideration of additional conditions of consent to reduce the view loss caused by non-compliant built form completely removing a sensational Pittwater view. This view will be completely lost.

I refer to the Assessment Report.

The view that will be completely lost is the view immediately behind the dining table in the photograph.

This view looks north across Careel Bay towards Sand Point, Palm Beach.

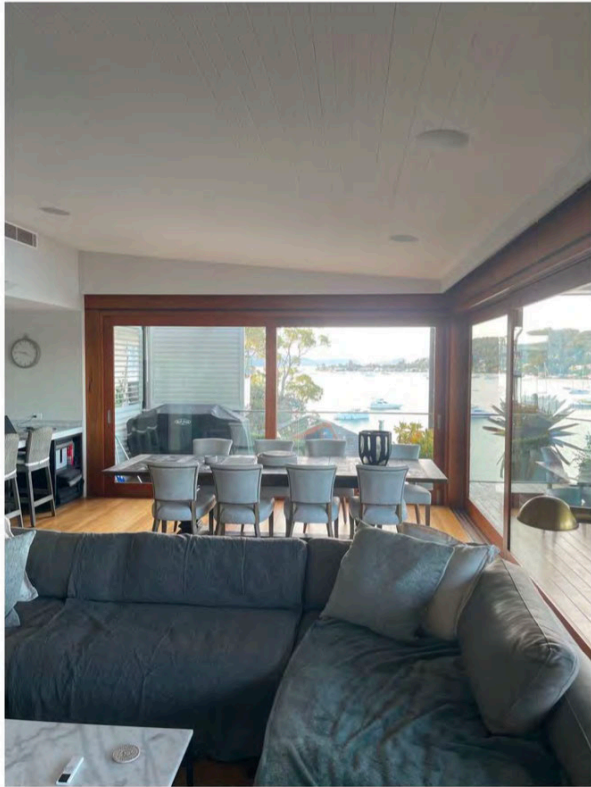


Photo 1: View from living area over side boundary

Existing: sensational view to the north

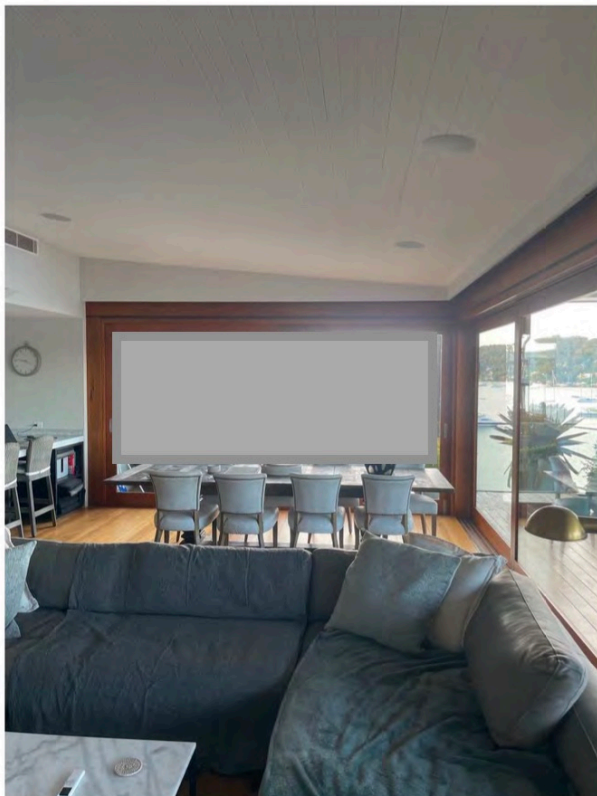


Photo 1: View from living area over side boundary

Proposed: built form removes the view

The Assessment Report suggests that this complete view loss to the north is a **'minor loss'**. I totally disagree.

In the totality of the view, I contend the loss is moderate or greater, as the view is of a headland view, contains land/water interface views to Sandy Beach, and a substantial amount of water view.

The view will be completely blocked by multiple non-compliant elements of built form, that is clearly identified within the latest set of DA drawings.

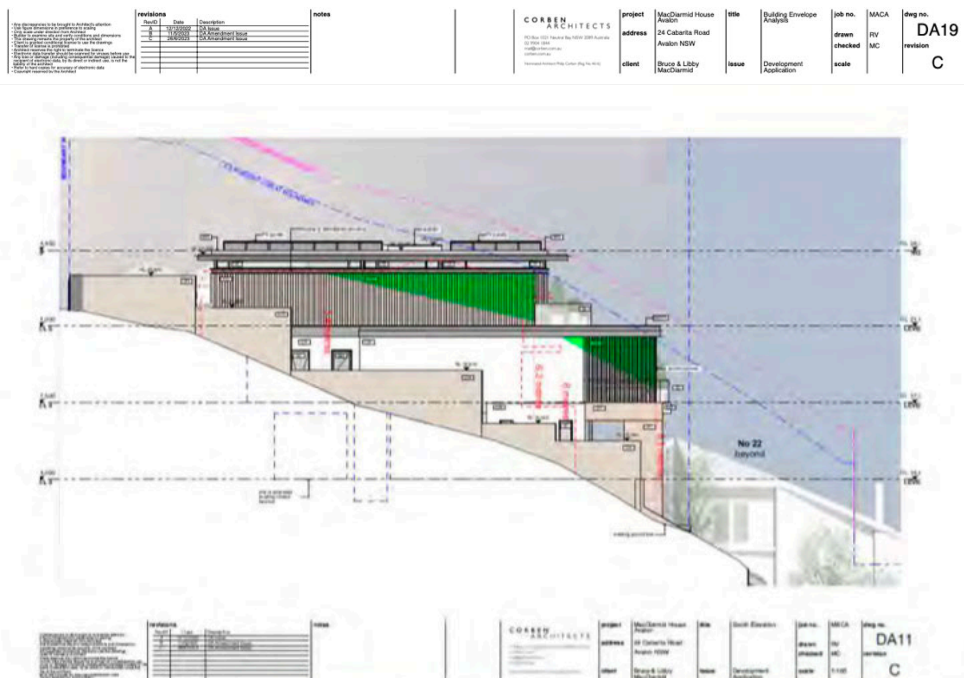
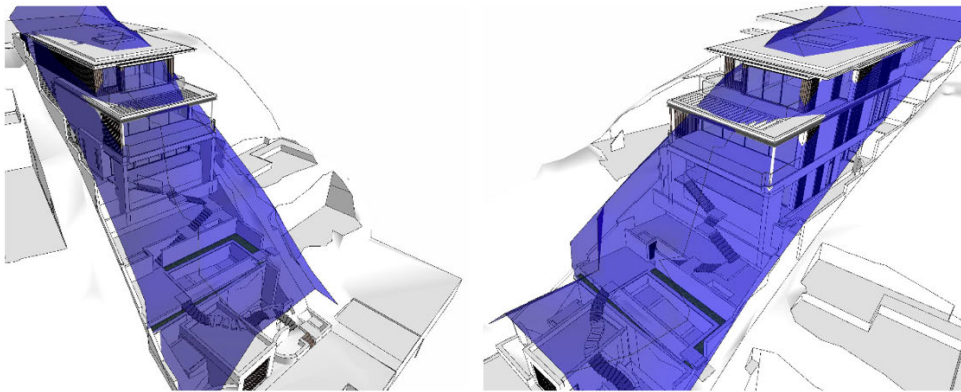


Figure 2: Representation of Side boundary envelope non-compliance at South Elevation

The non-compliant elements are clearly causing a view loss, moderate or greater.

In *Tenacity*, [Tenacity Consulting v Warringah Council 2004], NSW LEC considered Views. Tenacity suggest that Council should consider:

"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."

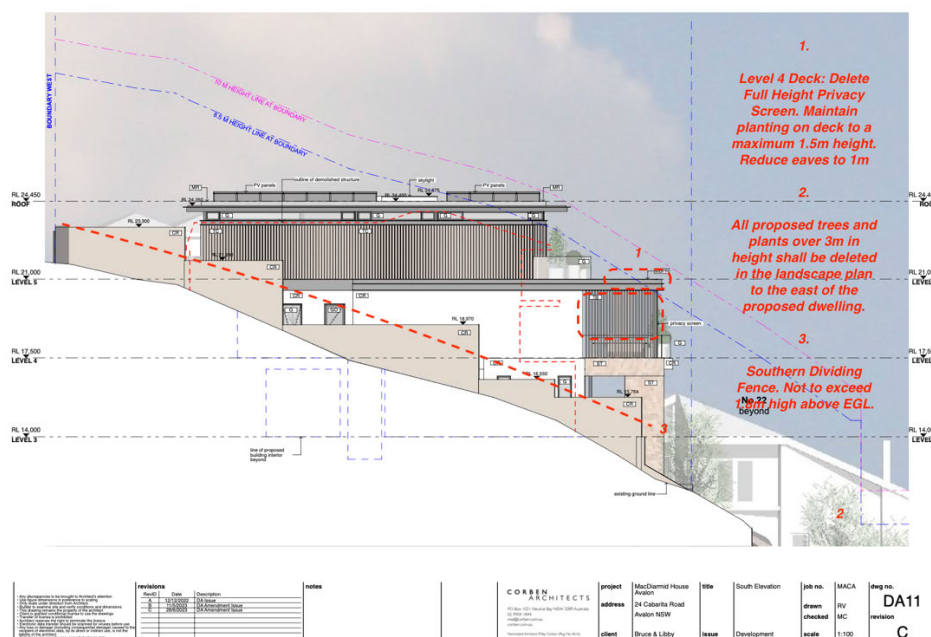
I contend, that the development breaches multiple planning controls and is unreasonable.

My clients contend that the impact on views arises as a result of non-compliance with one or more planning controls, as defined by the applicant's diagram above, and the view loss from the highly used rooms and decks from my client's property is considered unreasonable.

Furlong v Northern Beaches Council [2022] NSWLEC 1208 clearly showed that the protection of views across side boundaries is appropriate in some circumstances.

I ask the Panel to add a series of conditions to any consent to better share the view. Delete all zones that are non-compliant to envelope controls, that cause view loss:

1. Level 4 Deck: Delete Full Height Privacy Screen. Maintain planting on deck to a maximum 1.5m height. Reduce eaves to 1m, all to better share the view.
2. All proposed trees and plants over 3m in height shall be deleted in the landscape plan to the east of the proposed dwelling to better share the view.
3. Southern Dividing Fence. Not to exceed 1.8m high above EGL



I contend that the proposed development has gone too far, and these minor amendments to remove non-compliant zones of the proposal would have a considerable improvement to the view sharing outcomes.

Yours faithfully,

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

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