
Sent: 14/04/2019 3:53:20 PM
Subject: DA2019/0309 257 Whale Beach Road
Attachments: 190410 Letter of objection to new DA.docx;

Dear Sirs,

Please find attached our objection to the DA under reference.

Would you please confirm receipt of same?

Regards.

Livio Panozzo
226 Whale Beach Road
0422 028 838

Livio PANOZZO

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To
The General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

11th April 2019

Dear Sir,

RE: DA2019/0309
Objection to Proposed Development of
257 Whale Beach Road, Whale Beach

This letter is to submit out objection to DA2019/0309. From the text of the submission we understand that the plans submitted are substantially the same as for DA2018/0797. Our objections remain substantially the same and they are:

- The effect on the views from the Northern Beaches Coastal Walkway for which we believe Council has already spent \$ 9.8 million.
- The effect on the views from our main outdoor living area.
- The overshadowing of 255 Whale Beach Road.

THE EFFECT ON THE VIEWS FROM THE COASTAL WALK
WALKWAY.

In brief, we object to this DA because it would not be just to allow any structure on this site that would obstruct the view from a public space while the whole site is be blessed with an unobstructed view of the beach and of the ocean

Keeping in mind that we are considering the same design as DA2018/0797, we refer to Council's Development Application Assessment Report (CDAAR) as applying to this latest DA. Council has identified Whale Beach Road as part of Council's Scenic Streets Register because, quoting from the CDAAR, "*it epitomises the streetscapes of Whale Beach where the common theme is recurrent splendid views of the beach and its surf, its headlands with the surf breaking on the rocks at their base and the escarpment to the west*". (Unquote.)

That same CDAAR also states that "*along the eastern footpath, the proposed development will obstruct views to the ocean, but the ocean horizon is expected to be retained*". Unquote. Note the use of the word '*expected*'; in other words, the proposed built form may obscure the view of the ocean horizon completely. Regardless of whether the view is completely of partially obscured, by inference, that statement affirms that the asset of the "*recurrent splendid views*" will definitely be affected.

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According to an article in Pittwater Life, Council has already spent ‘over \$9.8 million’ on enhancing the ‘*recurrent splendid views*’ and the access to those views. Council would now be irrational and derelict in its duties if it allows any built form to obscure the “*recurrent splendid views*”.

If this DA should be passed then a precedent will have been set for others to nibble away at this irreplaceable asset. This would be just the first step. Eventually, to the detriment of the Whale Beach area, the present splendid and iconic views will disappear behind built forms.

The building presently proposed for 257 Whale Beach Road, Whale Beach, should be redesigned so that this public asset is fully preserved for future generations

THE EFFECT ON THE VIEWS FROM 226 WHALE BEACH ROAD.

The photomontage shown in the CDAAR was made from our deck. It is misleading in that it was taken, while standing and from the south end of the deck. That part of the deck is a passage/access that is about 2.5mtres wide and 5 meters long, has three support posts down the middle, leading to main outdoor living area ... itself can't be called our main outdoor living area. The outdoor living area runs alongside the north side of the house. A photo taken at the front of our main outdoor living area, about 5 to 9 meters to the north of where this one was taken from, would be closer to being in front of 257 Whale Beach Road and would have illustrated a much more dramatic loss of view of where sand, sea and rocks meet.

In addition, the applicant's statement that (quote) *Existing views from the two/three story dwellings opposite on the hillside above are considered to be primarily retained* (unquote) is obviously a considered opinion made without the benefit of an onsite visit and should be ignored.

SHADOW DIAGRAM

It is our understanding that the shadowing of 255 Whale Beach Road will be increased. Shadow Diagrams are easily fudged as the undersigned has demonstrated to Pittwater Council in times past.

[On three or four separate occasions, as a result of our intervention, the architect for 228 Whale Beach Road presented revisions of a shadow diagram to the then Pittwater Council. Each time we presented our one and only original shadow diagram ... and we pointed why the architect's shadow diagram was incorrect and misleading. Finally the architect conceded that the shadow diagram I had prepared was correct ... and that is should be the one considered by Council.]

As a minimum, the long-time ratepayer of 255 Whale Beach Road deserves that the applicant's shadow diagram be subjected to scrutiny by an independent person who is competent in the design program used by the applicant's expert.

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CONCLUSION

- The building presently proposed for 257 Whale Beach Road, Whale Beach, should be redesigned so that the public asset of the *recurrent splendid views*” from Coastal Walkway is fully preserved for future generations.
- It is strongly suggested that the shadow diagram presented with this DA be subjected to scrutiny by an independent expert.
- For the benefit of this and future generations, Council must protect this unique community asset that Council itself has identified as being iconic.
- This should be done without exceptions lest precedents are established and, over time, the asset is nibbled away.

Do not permit the destruction of that which cannot be replaced.

We trust that the above facts will be receive due consideration.

Sincerely

A handwritten signature in blue ink, appearing to read 'Livio', with a long, sweeping horizontal line underneath it.

Livio Panozzo