



northern
beaches
council

MEMORANDUM

DATE: 12/04/2024
TO: Development Determination Panel (DDP)
FROM: Dean Pattalis
SUBJECT: Item 3.2 – DA2023/1043 - 21 Battle Boulevarde SEAFORTH

The purpose of this memo is to provide further information to the panel in the context of concerns relating view loss and a variation to Clause 4.3A Special height provisions MLEP 2013, as raised by additional objection correspondence being submitted to Council by CPS Planning on behalf of the owners of 23 Battle Boulevard.

- **Clause 4.3A MLEP 2013**

Comment:

It is advised the applicant has submitted a new Clause 4.6 Report to council and written request to vary the development standard. This is in the context of the proposed new access driveway structure which contains elements that encroach the requirements prescribed by the standard. An amended Driveway Plan (Drawing No.A309) has also been provided. Despite the encroachment, the driveway is considered to be a low-lying structure resulting in a minimal impact to the amenity of surrounding properties and the public domain. The proposed access driveway is also similar in character to the existing access driveway immediately adjoining to the west at No.23. The assessing officer therefore generally concurs with the environmental planning grounds submitted within the Clause 4.6 Report.

- **View Loss**

Comment:

It is advised that some additional images which were taken during the site visit at No.23 were not originally made available to the panel members and may assist in the assessment. These images are copied below with annotations identifying the location of the proposed development. The assessment report found that existing rear-facing views from No.23 which provide panoramic water views of middle harbour are entirely unaffected as a result of the proposal. These are the most valuable views for retention in the context of Tenacity Consulting vs Warringah Council [2004]. Any perceived view loss over the eastern side boundary of No.23 towards the subject site is considered to consist of district/vegetation views only and is considered to be a negligible impact in accordance with the planning principle.

Figure 1: Image from corner of first floor balcony of No.23



Figure 2: Existing rear-facing views of middle harbour taken from first floor balcony of No.23 that shall be entirely unimpacted.



Figure 3: Eastern elevation of No.23 Battle Boulevard taken from the subject site (to provide perspective).



Recommendation –

No changes required to the recommendation or conditions contained in the assessment report.