

4/08/2020

ATTN: ROBYN BEVILAQUA – Planner, Glamorgan Spring Bay Council

Dear Robyn,

We are writing regarding the ongoing Planning Application for 1533 Dolphin Sands Road, Dolphin Sands.

This letter is provided as an extension of mediation, and is subject to Section 17(3) of the *Resource Management Planning Appeal Tribunal Act 1993 (Tas)*.

Firstly we would like to thank Council for entering in to mediation relating to our development, including Council's representatives attending an onsite meeting where the extent and height of the original development, with the surveyor-marked poles at proposed heights, so that the building position and its visibility from surrounding area and the beach could be assessed.

Visibility from the beach is a point we took into close consideration with the original design process, working with our designer, Jason from Pinnacle Drafting and Consulting to maximise our views of the Freycinet Peninsula, whilst avoiding a building height that would appear visually obtrusive from the beach. This was an important point for us, as we are aware of the impact caused elsewhere in Dolphin Sands where **entire** houses stand out very conspicuously, as we walk along the length of the beach at Dolphin Sands.

With the assistance of our Surveyor and building designer, we have provided documentation which accurately demonstrates that the building, at worst, has visibility of approximately 1 metre over two small lengths of beach (less than 5m), through two small dips in the dune closest to the beach. And indeed, for the most part, has **minimal to nil visibility from the beach**, even at the waterline at low tide.

When we revisit the objectives of 34.4.1 from the Planning Scheme, regarding the protection and promotion of the natural values of the area, we feel we have committed to achieving this with the design we have proposed. So far, our proposal has been rejected based on:

P1: (a) building height must be unobtrusive within the surrounding landscape

AND

P2: (b) be consistent with surrounding pattern of development

The documents provided in the attached demonstrate that the proposed dwelling WILL NOT be visually obtrusive from any direction. It is very clear from the Building Height Objective, that any development proposal, does not need to be *invisible*, just not *obtrusive*. We have included photos from the day, within this document, which details the limited extent of the original proposal which would have been visible, and also indicates the extent of reduction now proposed, as the proposed 0.5m reduction in height is indicated by the extent of the pink painted 0.5m section top of the poles visible in the photo enlargements.

Furthermore, regarding being consistent with surrounding pattern of development (P2: b), the newly developed dwelling of our western neighbour, is far more visible from the beach than our proposed dwelling would be, even at our dwelling's originally proposed height and position. Please also see included photos of this structure for reference. It is also anticipated that when the neighbour's construction is fully completed, with 2 further pavilions to go on that site, its overall visibility from the beach will be further increased. This example could not be any more relevant from a surrounding pattern of development point of view, considering they are our direct neighbour and the development is one of the most recent in the entire Dolphin Sands precinct, which was approved under the same planning scheme.

In essence, we strongly believe, that with any literal interpretation of P1 (a) and P1 (b) of 34.4.1, our original proposed building fully meets the intention of the planning scheme. And we respectfully request that you give reconsideration to our proposal with all the preceding discussion points and supporting photography taken into account. It is worth mentioning that after we left the mediation meeting onsite, having agreed in-principle with you and Laura, Sarah and I reflected and discussed that we actually didn't feel entirely OK with dropping the building height at all from its original proposal. This is as a result of carrying out the erection of the height poles (as well as the line-of-sight diagrams) which demonstrated to us quite literally that the house is NOT going to be very visible at all at that original height. However, an agreement had been reached in-principal, to drop it by 500mm, and we were keen to honour this in good grace and as a method of compromise to all concerned. We remain committed to upholding this agreement and really hope it can be achieved.

To assist with summarising and evaluating our position on this, please consider the following factors to accompany the line-of-sight diagrams, as well as the relevant included photos:

- Relying on the dune contours without consideration of dune vegetation overestimates the visibility from the beach.
- During our on site meeting we were unable to see the building markers, at the **original proposed height**, from the waterline anywhere east of the building site.

- The low tide line of sights are a 'worst case' demonstration. In reality, a person would need to be walking along the beach;

- at the waterline
- at a low tide
- looking in a very specific direction

to visualise the very top of the building, over a short span of beach.

We would really like to be able to assist you with resolution of this matter, and welcome open discussion regarding any additional and/or current concerns you have that may be able to be eased. Feel free to call us directly if desired, otherwise we look forward to hearing from you via return email soon.

Please see below (over page), for your convenience, the relevant photos and line-of-sight diagrams for you to review.

Warm regards,

Tim and Sarah O'Connor

Tim: 0409966708

Sarah: 0410955950

Figure 1 (Same image zoomed in Figure 2) demonstrates the top of the southern corner of the roof just visible through a small dip in the sand.



figure 1



figure 2

Figure 3 (Same image zoomed in Figure 4) demonstrates the corner of the roof of the lounge area just visible through the same dip in the sand.



figure 3



figure 4

Figure 5. View from the beach of recently constructed dwelling at 1238 Dolphin Sands Road (immediate neighbour to the west).



figure 5

Figure 6. View from top of the sand dune adjacent to the beach in the Coastal Reserve of the first of 3 pavilions forming the dwelling at 1238. Additional pavilions are to be placed to the right of the pavilion shown.



figure 6

Figure 7 demonstrating the consistency of height between the dwelling at 1238 and the markers of our original proposed building height, when viewed from the Coastal Reserve.



figure 7

Figure 8 further demonstrates how the backdrop of the pine trees combined with the dark exterior colours of our proposal will make our building less obtrusive when viewed from the West, as it does not stand out above the tree line. The pine trees will obstruct the view of the building from the East.



figure 8