

1 June 2020

General Manager  
Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099

Attention: Catriona Shirley

Dear Catriona

**DEVELOPMENT APPLICATION – 205 RIVERVIEW ROAD AVALON BEACH  
APPLICATION NUMBER DA2019/1069**

We were surprised and extremely disappointed to hear that the design presented to the panel has failed to adequately resolve key planning concerns that you claim have been raised with us previously. All communications with council to date have given us and our client the clear impression that the planning concerns have been addressed in our amendments to the design. The issues related to the requested amendments have never been raised as issues with our design in any communication with us. On the contrary, through the Pre-DA process and post submission we have responded to issues raised and amended our design continually in order to achieve council's desired and stated outcomes. We acknowledged and appreciated the recommendation for approval in the assessment report.

We have reviewed the planning report prepared by Doyle Consulting Group on behalf of the neighbour at 203 Riverview Road and it raises no new issues other than the requirement for boundary planting which we are prepared to provide. We are prepared to consider a reduction of, or clarification of the detail to the garage screen and amendments to the colour scheme. We also believe there may be an amendment to the southern side access stair that will locate it on natural ground (with some compromises to public views through the carport). However, the reduction of first floor footprint requested by the panel will severely impact the amenity of our proposal and will not, in any significant way, address the planning concerns raised. We respectfully ask that these issues be reviewed, and in order to assist in the review we provide further information and clarification as follows.

**Reduction of First Floor Footprint**

We have reviewed the impact of reducing the floor area as indicated in your attached drawing and it will not result in any significant positive outcome and will not increase the amenity for the southern neighbour, which is primarily solar impact. We have prepared detailed solar animations of council's reduced design, the submitted design and the existing condition showing a complying side building envelope. The solar animation movie files can be downloaded from the following link for your review and assessment:

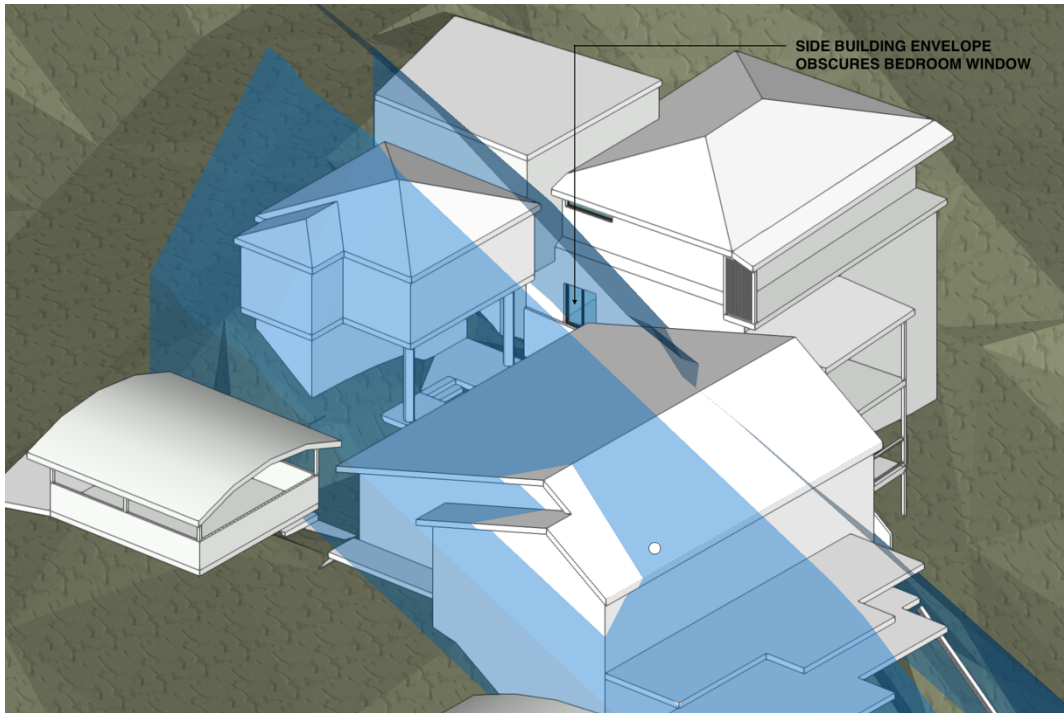
<https://www.dropbox.com/sh/idspet0e089unhz/AACIbHRza7q0xNxfNIX9yL3sa?dl=0>

These solar animations show what is illuminated by the sun at each point in the day on June 21. Any part of the building visible will be receiving sunlight at each point in time and any part of the building that is not visible will be in shadow.

The bedroom window at 203 Riverview Road that is impacted by shadow would not achieve any further sun with council's amendment other than a small sliver (less than 300mm) at the top of the window for a very short period, as shown in diagram 1 below. The complying side building envelope shows that a complying building would entirely shade the window in exactly the same manner as the submitted proposal, as shown in diagram 2 below. The increased setback proposed by the panel does not achieve any solar gain.



*Diagram 1: Diagram showing what is illuminated by the sun at 3:30 PM on June 21. Design with reduced first floor footprint results in only a tiny increase in sun.*



*Diagram 2: Diagram showing what is illuminated by the sun at 1:30 PM on June 21. Side building envelope in blue completely overshadows the bedroom window.*

With the 2.5 metre setback of the upper floor in the submitted design, and with the reduction in the gable roof of the existing building, the bulk immediately adjacent to the neighbour will actually be reduced compared to the existing condition. In terms of bulk and scale and view through from public domain this building has been carefully articulated and its presentation from both Riverview Road and Pittwater has been carefully considered and will not be detrimental. The proposed reduction in floor area will not significantly improve the performance of the building, in fact from design terms it will be difficult to make it look appropriate and part of the building. The loss of amenity on this floor would make it unviable to build, a small bedroom at this level is not appropriate or useful. The design of this level is determined by circulation, the stair and particularly the lift which has critical alignment in terms of excavation and access to the floors below, this is not an exercise in simply re-arranging spaces given the complexity.

One concession we would be prepared to offer is to reduce the width of the balcony to the red line marked i.e. aligned with the lift, as this will clearly allow no overlooking of the neighbouring property and would remove the requirement for a privacy screen.

#### **Southern Side Access Stair**

This stair is a service stair only and is not a thoroughfare or direct access that will be used on a regular basis. It provides important amenity in access to the rear yard for maintenance. The extensive native bush and eucalypts require removal on a regular basis and this cannot be done through the house. The proposed stair from the carport to the level below can be relocated towards the street so it is on natural ground as recommended by the panel. However, the proposed bins store currently proposed near the street would have to be pushed back and this may obscure public views through the carport. These views were emphasised as being important by council and are

readily achieved with the stair in the currently proposed location. We believe we can work with council to achieve a compromise solution that addresses all issues.

### **Project History**

In light of the recommendations from the panel we would like to restate some of the issues that have come up in the project up to this point.

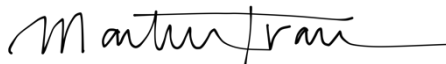
Our client first submitted a DA for this site in 2014. After a lengthy process, which was exacerbated by numerous changes in planning officers, a DA approval for alterations and additions was granted in late 2016. However, the works required excavating under the building to create a form of four floors straight up with no articulation, the large ground floor balcony extended to the southern boundary of 900mm with no privacy screening allowing sight lines into No. 203 and impacting their view north across Pittwater. The critical issue was construction required total demolition of the building, clearly not alterations and additions. The client appointed MHDP Architects to review the site and achieve an outcome with council. Accordingly, we developed a design that addressed all the issues raised in the previous applications and also critically opened up views across the building to Pittwater from the public domain. This scheme was amended on feedback from council at Pre-DA to achieve better public views and with a smaller upper floor footprint achieved better compliance and less bulk and scale. After DA submission and submissions from neighbours, height poles were installed for assessment. The proposal was amended once again to achieve complete compliance to the building height control, and we were able to demonstrate that no neighbours lost any view, in fact a number of neighbours achieved increased views to Pittwater. At this stage we understood we had addressed all of council's concerns.

In summary, while we are prepared to provide additional privacy screens where appropriate, reduce the top floor balcony width, relocate the southern stair and amend the colour scheme, we believe reduction in the first-floor footprint is an unacceptable compromise for little real gain for objectors.

While we always endeavour to work with council and particularly in this case believe we have done well in addressing all council's concerns, we would seek a Land and Environment Court hearing to resolve these issues which would be a waste of ratepayers and client funds, but we are confident we can present our scheme clearly and successfully in that forum. We therefore ask that council review and consider our proposal and would welcome a site meeting to directly address these issues.

Yours faithfully

p.p.



MARK HURCUM