

Richard and Paula Cansick
37 Attunga Road
Newport 2106

20 September 2021

Northern Beaches Council
PO Box 82
Manly NSW 1655

Dear Jordan,

Re: Development Application at 39 Attunga Road Newport

As a neighbour at 37 Attunga Road, Newport we would like to further object to the proposed development at 39 Attunga Road. Following amended drawings submitted by the applicant on 16 September 2021 and given Council is unable to do a site inspection due to current COVID-19 restrictions in NSW, we feel it necessary to lodge an additional submission to explain the full size and scale of the development from our perspective and its impact on our day to day living conditions. We have included photos in this submission so council can see the height poles from the internal areas of our house and the developments dominance.

We love our home and spend substantial time here which is the reason we feel so strongly about the proposed development. If the proposed development is built in its current form, we will look straight out into a brick wall from our main living area and from our home office/lounge area on the mezzanine level from where I work. We do not object to the site being redeveloped and welcome a house that fits with the current street surroundings and Council's building regulations. Our concerns are that the development continues to breach the building envelope and height controls, substantially affecting our solar access and views, and we are concerned about a loss of privacy due to the height and projection of the proposed balcony.

The current plans, including the butterfly roof, still do not meet the requirements of the building envelope and height controls. It is stated that the non-compliance is minor and does not impact adjoining properties which we dispute.

Assuming the plans submitted are correct, the current non-compliance to the side building envelope of the southwestern corner of the ground floor is approximately 2.3 metres from what we can interpret. The proposed building is over the maximum height level at 8.85 metres, increasing its size, scale and bulk. Council guidelines state that variation to the building envelope control should only be considered where the building footprint is situated on a slope over 16.7 degrees. The stated slope in the applicant's variation is only 14 degrees and therefore should not be eligible for variation especially in an area that is over the height limit and has a substantial impact on a neighbouring property. The butterfly roof, highlighted windows, and eaves are the main elements that add visual bulk to the side wall and result in much of the breach of the building envelope and height. Whilst we don't have any visual objection to the actual design of the proposal, we can't help but feel it's not the appropriate design for that block of land, and contravenes Council's objectives with their DCP.

It is noted that the reason for the non-compliance of the butterfly roof and highlight windows on the ground floor was to allow sun into the living area of 39 Attunga Road. We suggest this is at the expense of morning sun and light coming into the floor to ceiling window in the mid-section of the eastern side of our house and also creates unnecessary bulk and scale. A north facing highlight window would perhaps better facilitate their objective to bring natural light in, whilst reducing impact on our home.

We appreciate and acknowledge the changes made to the top floor. There is a gain in solar access at 10.30am. We do note that previous submissions clearly show existing sun on our eastern wall at 9am but this detail was not provided in the amended shadow drawings. We do not feel this variation has addressed

the main reasons for our objection. Our property will still be directly overshadowed by the height and scale of the main ground level and by the non-compliant butterfly roof that enhances the bulk and scale of the building.

The proposed southern balcony at 39 Attunga Road is 2.34 metres higher than our main living level greatly affecting our privacy. It will look straight into our south-eastern living room window, directly across our southern balcony and when at the furthest point will have line of sight into our master bedroom. Most of the properties on this side of Attunga have that rear facing balcony and generally speaking they are of a consistent height which helps to mitigate privacy issues between properties.

The proposed development will sit higher and further down the block than other houses along the eastern ridge of Attunga Road. For example, 41 Attunga Road has a similar main floor and balcony height to the proposed development at 39 Attunga however 41 Attunga sits much further back on the block as do number 43 and 45, even taking into account the natural fall of the land. The houses to the West are harder to draw comparisons from as the road curves to the south and there are unusually shaped blocks, such as number 33, that has a very narrow width at the northern side of the block requiring it to be built further down the block. Note, number 33 was approved by council before the current building envelope regulations were introduced in 2014.

We acknowledge that our house at 37 Attunga Road also sits further down the block. Its height is below the current required level as our roofline slopes away with the fall of the land and is substantially below the proposed development height. We note that various references have been made by the applicant and the architect that our house is non-compliant in relation to current building envelope regulations, perhaps to validate their own non-compliances. We would like to point out that the development of our house complied with the building regulations that were in place at the time as should any current development approval.

It is clear from the outset that the applicant submitted plans that were over the maximum height level and did not meet the building envelope control. This will result in a development that is huge in size, scale, and bulk that has a major impact on us and our property. The main objection for us has always been the height of the ground floor, the span of the butterfly roof and the extent to which it comes down the block to the south. The size and scale of the development dwarfs our house, restricting sun and light, reducing privacy, and blocking our ocean view.

While the applicant has now revised the plans various times, they are still non-compliant. It is frustrating, as a neighbour that has had a good relationship with the applicant, that the onus is on us to continually provide seemingly critical objections to ensure the development complies with Council's current building regulations.

In conclusion, given the building does not meet council's building envelope and height controls on the southwestern area, we respectfully request that the eaves of the butterfly roof are shortened to reduce the level of non-compliance and therefore the impact on our home, plus the southern edge of the proposed development be moved back 1500mm from the rear boundary to reduce the effects of overshadowing, reduce the bulk and scale, maintain our privacy, and preserve an adequate level of ocean view from spaces we live in daily. While we appreciate attempts by the applicant to maintain our view and sunlight to date, we believe these requested changes would not be of huge consequence to them but would make a substantial difference to us. If this was to occur, we would be happy to support the development at 39 Attunga Road.

Your sincerely,

Richard & Paula Cansick



Photo 1: Taken from western side of our house (37 Attunga Road) across our roof showing the dominating size and scale of the proposed development at 39 Attunga Road on adjoining properties. Please also note the height of the proposed development and how much further it sits down the block compared to neighbouring properties to the east.

Photo 2: Taken from the south on lower Attunga Road clearly showing dominating height and scale of proposed development and potential impact on 37 Attunga Road.



Photo 3: Taken from our back yard showing the south-eastern corner of our house and the height dominance over our property of the proposed development.



Photo 4: Taken from lower Attunga Road showing height and dominance of proposed development on adjoining properties including 37 Attunga Road.



Photo 5: Taken from our kitchen showing the floor to ceiling living room window on the eastern side of our house showing the substantial effect in the reduction of sun, light, and ocean views.



Photo 6: Taken from the Mezzanine level where my study and a lounge area are situated showing the impact the size and scale will have on 37 Attunga Road. It can be seen from this photo and diagram 5(above) that if the proposed development is moved back 1.5 metres it will have a substantial improvement on the size, scale, and bulk of the development therefore allowing improvement of the penetration of sun and light and preservation of more of our ocean views.



Photo 7: Taken from our south eastern window of the height pole 2 marking the tip of the southern balcony showing our privacy concerns and the height of the ground floor and balcony.



Photo 8: Again, taken from our south-eastern window showing our privacy concern of our dining and lounge area.





Photo 9: Taken from our southern balcony entertaining area showing the proposed development balcony height pole. It is clear from this photo that the ground level sits much higher and further down the block that neighbouring properties to the east. This clearly enhances the size and scale of the proposed development and is a cause of concern for a privacy.

Photos 10(left) and 11(right) show the proposed balcony height pole and our privacy concerns to our southern balcony and our master bedroom.

