

9 August 2021

Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam

DEVELOPMENT APPLICATION – DA2021/0556
39 ATTUNGA ROAD NEWPORT

The following is a response to the Objection prepared by Untapped Planning dated 22 July 2021.

In the opening statement the Planner states "Consideration of LEP and DCP requirements has shown several areas of non-compliance that contribute to the developments adverse impacts on surrounding residential dwellings". The use of plural here is incorrect, there have been no other Objections nor are there any impacts to other residents.

They then show a photo of the height pole standing below it looking up with no context. We attach photos of the height poles with context to show it is entirely consistent with the aesthetic value and scale of the built form on the headland.

4.3 Height

On a sloped site .5 of a metre in 8.5 is clearly minor. Amending the roof design and complying will not achieve any more amenity for No. 37 as demonstrated by submitted detailed shadow analysis.

Clause 4.6

The Objection does not acknowledge that this high point is well behind the rear building line and exceeds the side setback by 2m. There is no view or sunlight amenity lost as a result of the butterfly roof element.

C.1.3 View Sharing

It is a strange request for view analysis of the principal view from No. 37 to the Beach from the southern elevation as clearly the proposed works are to the East and cannot block the southern beach view of No. 37. This requires no detailed analysis, it is clearly obvious.

In fact, the proposal is a great example of view sharing as we have set the building well back from the rear building line and the side boundary to accommodate a secondary water view out of a side window looking directly into and across No. 39's private open space. Nowhere has the Objector or their Planner acknowledged this effort. A complying envelope would entirely obliterate this view and provide privacy to No. 39. From the outset we have endeavoured to maintain this view as this was original identified concern when we first met with this neighbour. We have continually increased this setback at each evolution of the building to accommodate their wishes in this matter.

The minor height and height plane non-compliances do not impact their view.

Solar Access

This matter has been addressed in our last submission with very detailed analysis using sun/shadow movies. We have demonstrated that the impact is minimal and that further the butterfly roof element does not impact the sun on the east windows at all.

No. 37 has excellent sun amenity to the north which is not compromised. Both the numerical and Objectives of Clause C1.4 are achieved by the proposed development.

D1.11 Building Envelope

"The height pole, refer Figure 1, shows how this portion of the structure will dominate 37 Attunga Road".

Figure 1 is entirely without context. We attach photos of the height pole in context both from the upper part of Attunga Road and the Beach which show the proposed height and bulk are entirely in keeping with the predominant built form and that the built form will not dominate No. 37.

In saying our statement was disingenuous, the Objector's Planner is not reading our full statement. Both the older building stock and the new building stock on this headland breach this Control because of the topographical constraints. Again, any view from the lower part of Attunga Road or the Beach demonstrates this clearly.

Summary

The Objector raises the following issues that need to be addressed. We provide notes in response.

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|--------------------------------------|---|
| Overshadowing | <ul style="list-style-type: none"> - Minimal impact to narrow east facing windows which would still be impacted by a complying envelope - The butterfly roof does not contribute to any shading of windows |
| Privacy | <ul style="list-style-type: none"> - Nowhere in any of their objections has any privacy impact been demonstrated. In fact the building has been designed to minimise overlooking to No. 37. Particularly the orientation and setback of the main balcony - carefully designed to protect No. 37's amenity, this has not been recognised. A typical balcony running the width of the building would have had significant impact. |
| Visual Domination and Visual Amenity | <ul style="list-style-type: none"> - The building exceeds the side setback, is highly articulated and is entirely consistent with the built form on Attunga Road. |
| View Loss | <ul style="list-style-type: none"> - If the building is redesigned to a conforming envelope the side view out of the eastern windows of No. 37 would not exist. The principles of view sharing have been applied here to maintain a good water view from this side window by exceeding rear and side setbacks. |

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The proposed design has been developed in consultation with Council via the Pre-DA process and with the adjoining neighbour over a significant period of time. The adjoining neighbour has not recognised any of the effort taken to minimise privacy and maintain a precious view. We ask for Council's support and approval for this very reasonable and contributory building.

Yours faithfully



MARK HURCUM

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