

---

**Sent:** 8/04/2020 5:56:31 PM  
**Subject:** Objection to development modification  
**Attachments:** MOD2020 0101 Letter to Council.docx;

Dear Sir  
Please find objection attached  
Yours faithfully  
Graham Butson 0433 113 974

Unit 5 42-44 Victoria Parade

Manly NSW 2095

7 April 2020

Northern Beaches Council

Attention Renee Ezzy

Dear Ms Ezzy,

**Re MOD2020/0101 – DA367/2010**

**Lot CP,SP 10040, 46 Victoria Parade Manly.**

We object to the changes proposed in this Application in Section 1 and 2 below.

1: The applicant is applying for changes to third level on the northern end of the building with the introduction of glass at the front of the building. We ask that the concrete balcony on Level 3 be maintained as this was approved to provide some level of privacy to occupants in #42 and #46.

The application makes no changes to the southern end of the building yet the application includes shadow diagrams with shadows caused by proposed changes that impact the southern end of the building.

The shadow drawings are not relevant to the changes requested and should not be considered as part of this application. The applicant should be requested to provide shadow drawings relevant to the changes proposed.

If for some reason these drawings are to be included, we ask that you consider the following issues.

The applicant has provided 2 sets of shadow drawings with no identification as to drawing number or date of issue. This lack of date identification creates the same confusion they had with shadow drawings when they met with the panel in 2019.

There are 3 drawings in each set of shadow drawings and the drawings in each set show firstly what they claim is the approved drawings, secondly what they propose, and finally showing in red the differences between these two drawings.

**Note, there appears to be misrepresentation as they have used the word “approved” but none of these drawings agree to the Stamped Approved drawing supplied by Urbaine and dated 30 May 2019. (Remember that when looking at the stamped approved drawing the green shows the reduction in the shadow from the previous drawings and the approved shadow is shown in the grey.)**

The first set provided relates to the Design Cubicle Drawings and these drawings are no longer relevant because they were superceded by the Stamped Approved dated 30 May 2019.

The second set relates to the Urbaine drawings. Drawing 4 called “SHADOW CAST BY APPROVED DA + SELF SHADOWING USING URBAINE SURVEY MODEL OF NEIGHBOURING PROPERTY” does not agree to the approved drawings. We then have drawing 5 called SHADOW CAST BY NEW PROPOSAL and is addressed below.

The starting point should be the current approved shadow drawings by Urbaine dated 30 May 2019 (ASD30M2019) In these drawings as noted above the approved shadows is shown in grey and the green areas are improvements.

For clarity

When the approved shadow shown in grey in Urbaine drawings dated 30 May 2019 (ASD30May2019) are compared to what the applicant has called proposed in drawing 2 and 5 I note the following;

#### Comparing Drawing 2 to the ASD 30May2019 (with green reductions)

9am The same

10am The shadow at the Northern end is greater than the ASD30May2019

11am The same

12pm The same

**1pm At the southern end of our building Apartment 5 on the Level 1 and Apartment 1 on the Ground lose sunlight in their living areas**

2pm Improved sunlight on Southern end on their drawing compared to ASD30May2019.

These changes do not have any relevance to the application.

Comparing Urbaine Drawing number 5 called Shadow Cast by New Proposal to ASD30May 2019 (with green reductions)

9am Shadow is slightly greater on Northern end on Levels 2&3 than ASD30May2019

10am Shadow is greater on Northern end on Levels G,1&2 than ASD30May2019

11am Shadow is greater on Northern end on Levels G,1&2 than green ASD30May2019

12pm Shadow is less in rear apartment 1 at Ground Level.

1pm The same

2pm The same

When the application is only for changes to the Northern end of the building on the third level and they claim no affect to our building, we do not understand how there are changes to the approved sunlight and shadows at the southern end of the building.

That said if there is an increase in shadows the **application must be rejected as the changes do not meet Condition 101.**

2: In addition, we draw the panel's attention to the unauthorised vertical wall on Level 4 and the additional height of the exhaust vent on the roof as we did at the last hearing in March. These already 'built' changes are not in the approved drawings. We believe the shadow impacts of these additional builds are not incorporated in the supplied shadow drawings. The increase in height of the vertical wall between the open balcony and the sloped stairwell, plus the exhaust system above the open balcony on Level 4 will increase the

shadow and therefore the building does not comply with Condition 101. This wall needs to be reduced to 33 degrees to be in accordance with the Stamped Approved Roof Drawing 2424-A111 and the height of the exhaust to agree with the RL21 as shown on Drawing 2424-A111.

The Land and Environment Court and MIAP tried to maintain some sunlight to our already reduced solar access when they put Condition 101 in place.

**We ask the panel not to give any determination until the building is built in accordance with the current stamped approved plans and further no occupation certificate be given until the building is built in accordance with the approved roof and western elevation plans of July 2019.**

**Yours sincerely**

**Graham and Peta Butson (unit 5, 42 Victoria Parade)**