
From: Kerry Nash - KN Planning
Sent: 30/08/2023 2:27:24 PM
To: Council Northernbeaches Mailbox
Cc: James Lloyd
Subject: TRIMMED: Attention Alex Keller - Objection to amended DA2022.1164 34-35 South Steyne Manly
Attachments: KN59007 Objection to Further Amended Plans DA2022.1164 30 August 2023..pdf;

Council – please acknowledge receipt of the attached objection. Kerry Nash

KN PLANNING PTY LIMITED

Ref: KN590/07

30 August 2023

General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attention: Alex Keller

Dear Alex Keller

**Re: Development Application No DA2022/1164
34-35 South Steyne Manly
Objection to further amended proposed development**

KN Planning Pty Limited has been engaged by the owners of Apartments 633 (Ms Rosemary Dawson) and 733 (James and Susan Lloyd) in the Peninsula - Beachside building at 17-23 Wentworth Street Manly to prepare a submission of objection in respect to the further amended proposal embodied in Development Application DA2022/1164 on land at 34-35 South Steyne, Manly.

This submission should be read in conjunction with my earlier submissions dated 17 August 2022 and 1 March 2023 for both Apartment 633 and Apartment 733.

The location of the Apartment 733 relative to the proposed development site is indicated on the aerial photograph at *Figure 1*.

The primary concerns arising from the proposed development are:-

1. Unacceptable view impacts;
2. Building height non-compliance under clause 4.3 of Manly LEP 2013;

1. Unacceptable view impacts

It is reasonable to conclude after examining the View Impact Assessment Report prepared by Urbaine Design Group dated August 2023 that the latest amendments to the proposed development have increased the view loss impacts for both Apartments 633 and 733, as evidenced by their view assessments attached at **Attachment 1**.

The direct land/water interface views to the east of Manly Beach currently enjoyed from both apartments is totally lost – assessed by Urbaine as “moderate” impact - with the justification that distant ocean and headland views to the north offset the direct views to the east in the context of the totality of views under the *Tenacity Consulting* planning principle.

Such a conclusion is flawed as the distant district views are significantly of lesser value (in terms of quality of view) than the direct views to Manly Beach looking east.

The fact that the extent of view loss is directly attributable to a non-compliance with the building height standard by 40% is unacceptable in terms of the consistent application of planning policy by Northern Beaches Council, including the maintenance of views considerations under the objectives and controls in Part 3.4.3 of the Manly DCP 2013.

2. Building height standard non-compliance

The proposed development does not comply with the 10 and 12 metre height standards applying to the site under Clause 4.3 of the Manly LEP 2013. The extent of non-compliance is as follows:

Control 10.00 metres - RL15.00; proposal - RL16.30 (+13%) (front façade) and RL19.00 (+40%) (level 3 commercial);

Control 12.00 metres -RL17.00; proposal - RL19.00 (+16.6%) and lift overrun RL19.70(+22.5%).

It is the 40% non-compliance with the 10-metre building height standard that has the direct effect on the view losses to the east to Manly Beach currently enjoyed from both Apartment 633 and Apartment 733, as evidenced by the Elevations at **Attachment 2**.

The amended Clause 4.6 submission lodged with the amended development application dated 9 August 2023 is flawed and not well founded, as the amended proposal clearly fails to satisfy the objectives of the building height standard, in particular objective 4.3(1)(c)(ii) which states:

(c) to minimize disruption to the following:

(ii) views from nearby residential development to public spaces (including the harbour and foreshores)

For the reasons detailed in my Tenacity Consulting assessments in my earlier submissions to Council, the view loss impacts on Apartments 633 and 733 do not achieve the outcomes sought under objective 4.3(1)(c)(ii) of the Manly LEP 2013 and accordingly the clause 4.6 submission, as amended, fails to satisfy clause 4.6(3)(a) in the context of *Wehbe's "first way"*.

Accordingly, the clause 4.6 submission justifying the non-compliance with the building height standard fails and should not be supported by Council.

In summary, the proposed development, as amended, will have a devastating impact on the views currently enjoyed of Manly Beach from Apartments 633 and 733.

The substantial 40% non-compliance of the building height standard directly contributes to the view loss and is clearly contrary to the building height objective under clause 4.3(1)(c)(ii) of the Manly LEP 2013 thereby failing the requirements under clause 4.6(3)(a). Accordingly, the Clause 4.6 submission is flawed and not well founded and should not be supported by Council.

Such amenity impacts arising from the proposed development are unacceptable and would justify the refusal of the development application by Northern Beaches Council.

Yours faithfully



Kerry Nash
Director

cc James and Susan Lloyd; Ms Rosemary Dawson

Attachment 1



Site image



Photomontage of new proposal



Extent of development's visual impact indicated in cyan with red outline.



Comparison



Site image



Photomontage of new proposal



Extent of development's visual impact indicated in cyan with red outline.



Comparison

Attachment 2

Within the portion of the site that is subject to the 12 metre height limit, the proposed Level 3 roof has a height of 14.2 metres representing a variation of 2.2 metres or 18.3% with the lift overrun and integrated screened mechanical plant area having a maximum height of 14.7 metres representing a variation of 2.7 metres or 19.2%.

The extent of building height non-compliances within the 10 metre and 12 metre height limit zones is depicted in the following images.

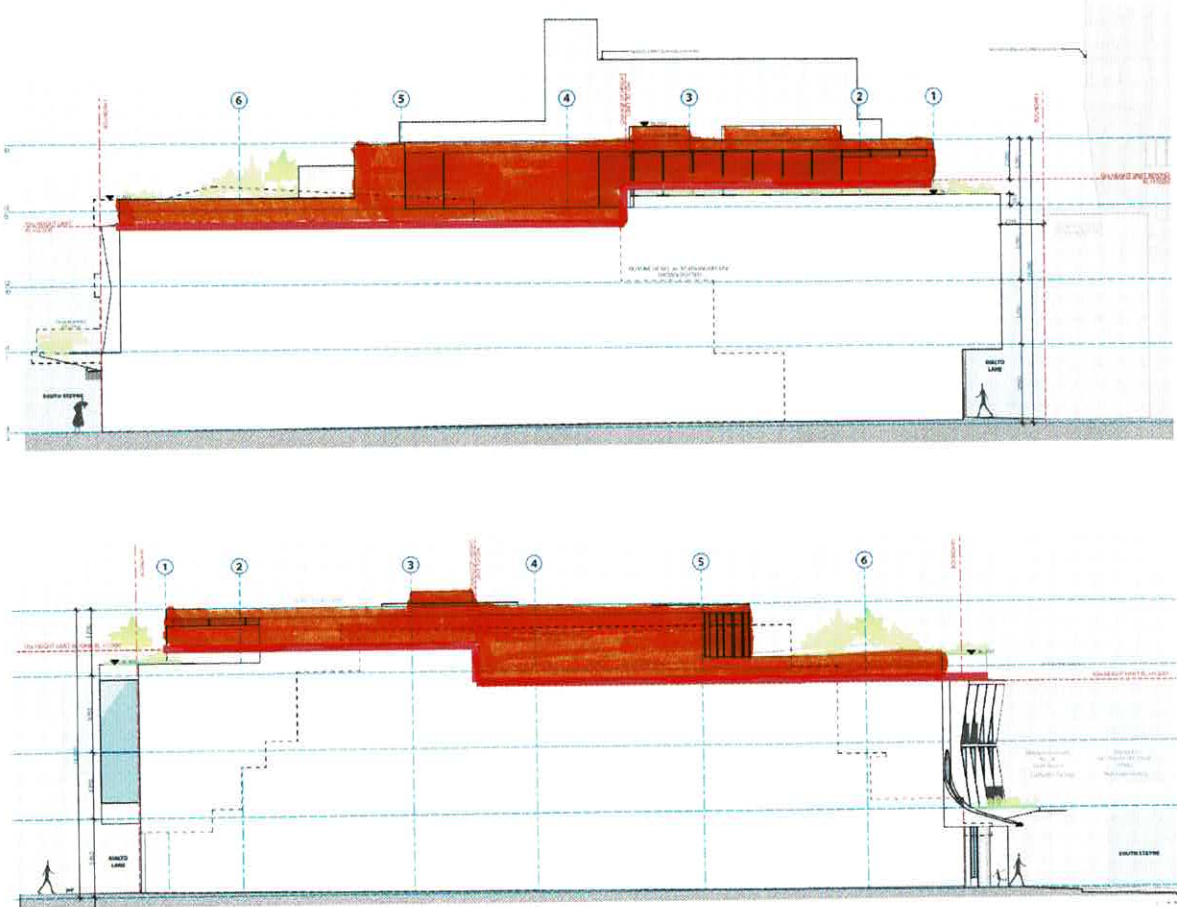


Figure 1 - Elevation extracts showing the building height breaching elements on the 10 metre and 12 metre height limit affected portions of the site.