
Sent: 22/09/2020 4:10:15 PM
Subject: Objection Amended Plans DA 2019/1475 - Development Assessment
Attachments: Freeman Submission.docx;

Dear Sir/Madam, please find Notice of Objection attached.

Regards

Scott Freeman

Objection to Amended Plans for DA2019/1475 Manly Lodge

I am the owner of unit 3/18 20 Victoria Pde Manly.

The proposed development as detailed in the amended plans will cause significant detrimental impact to residents and users of Victoria Pde including those residing at 18-20 Victoria Pde by reason of the following.

1. Increased bulk creating shading and reduction in visual lines of sight;
2. Increased noise;
3. Increased traffic hazard.

I support the redevelopment of the Manly Lodge, however the current development consent DA 167/2015 with existing non-compliances represents an appropriate balance between providing the owners of Manly Lodge a commercial opportunity to redevelop the Lodge and the impact to residents on Victoria Pde and that DA 2019/1475 should be refused

The amended plans fail to address many of the issues raised in the more than 40 objections previously raised with Council and in some instances, exacerbate issues previously identified such as noise.

Objection

1. Existence of Current Development Consent

The current development consent DA 167/2015 for the erection of a 3 story building which already exceeds statutory requirements is sufficient to provide a commercial advantage to the current owners while balancing the needs of residents.

2. Unique Proposal

Consideration should be given to the fact that the proposal provides for a unique arrangement in terms of a ground floor café/restaurant being located adjacent to ground floor residential premises. Any changes to the current operation of the café/restaurant (including capacity) may have a significant adverse impact to residents in the adjacent buildings.

3. Increased bulk resulting in shadowing and reduction of sight lines.

The proposal seeks to rely on the height of a number of existing residential buildings in Victoria Pde as justification for breaching the height restrictions however fails to acknowledge that the majority of examples cited are accompanied by significant set backs alleviating the impact of shadowing and reduction in line of sight.

Setback

The amended plans seek to justify the proposed set back by reference to the existing foot print, the set back of the adjoining building of 28 Victoria Pde and the more recent developments on the southern side of Victoria Pde.

Appropriate Comparators

It is submitted that the appropriate comparators for set back are the developments located at 34-38, 40 and 42-44 Victoria Pde and that the existing footprint and a comparison to 28 Victoria Pde should be excluded from consideration of an appropriate setback for the following reasons:

(a) Existing Footprint

It is important to note that the impact of the existing reduced setback is offset by the limited height of the existing building. Considered together, the impact both in terms of shading and lines of sight is significantly reduced. The more recent developments on the southern side of Victoria Pde i.e. (34-38, 40 and 42-44) which have exceeded the permitted height regulations have allowed for a significant set back to offset the impact of shadowing and lines of sight. In circumstances where the DA seeks to rely on the non-compliances of neighbouring properties with respect to height, a similar set back should be adopted.

(b) 28 Victoria Pde

Although 28 Victoria Pde has a limited set back, it was constructed in the interwar period. Future developments should build on the lessons learned over time and not repeat the mistakes of the past. It is submitted that the proposed DA should adopt a setback more consistent with those developments at 34-38, 40 and 42-44 rather than seeking to replicate a setback adopted during the interwar period.

(c) 34-38, 40, 42-44 Victoria Pde

It is submitted that these developments, build this century, are the appropriate comparators for consideration of set back. The constructions are consistent in that the setback to the building proper (i.e. excluding balconies) provides for adequate sunlight to the adjoining buildings and limited impact to sightlines.

Floor to Space Ratio

The Floor to Space Ration (FSR) in the amended Plan ie 1.5/1 is twice the permitted FSR ration of 0.75/1 and grossly inappropriate.

The increased bulk will contribute to additional issues such as noise in so far as it will cater for additional patrons and require a hire level of servicing.

4. Increased Noise

The amended proposal states:

"The reduced setback arrangement will make the street more vibrant with lively activity"

The amended proposal

- (a) provides for an increased restaurant area;
- (b) a cascading water feature on the south eastern boundary
- (c) a outdoor seating area at the rear of the building'
- (d) fails to identify the intended operating hours of the restaurant/café.
- (e) fails to provide sufficient accommodation for service vehicles to service the building from within the building structure. Servicing such as waste removal will take place on the street.

Café/ Restaurant

The existence of a café /restaurant on the ground floor adjacent to residential buildings on either side of the premises is unique to Manly.

While exceeding the scale of operation proposed in the amended DA, the most relevant comparators which combine the operation of an accommodation and restaurant café (ground floor) are the Novotel and Sebel. Both businesses operate on the Oceanfront and largely contain restaurant patrons within the building. (There is limited outdoor seating at the Sebel.) Containing patrons within the building it self will significantly reduce the noise impact to residents in the adjoining building.

In circumstances where council's environmental compliance team is currently addressing noise issues associated with the current operation of the café, Council should have limited confidence in the owner's willingness or ability to address noise arising from an expanded operation.

The café presently operates from 6am in the morning. Unlike the adjoining residents which include children, shift workers, and general office workers guest attending the hotel will generally be on holidays. The ability for the residents to have a reasonable night sleep will be significantly impacted in the event that the café/restaurant operates in the evening. Unlike residents in the adjoining building, guest at the hotel will generally be on holidays and less concerned about going to bed at a reasonable hour given the absence of a commute or ability to take a nanna nap during the day.

Cascading waterfall

The Amended DA provides for a cascading water feature immediately adjoining the property boundary of 18-20 Victoria Pde and in very close proximity to the bedrooms windows. No information regarding the acoustic impact of the cascading water feature and associated machinery to facilitate the water feature is provided. It is submitted that the water feature and machinery should be enclosed within the premises.

Outdoor seating area

There is no information regarding the use of the outdoor seating area including hours of accessibility or operation. It is likely that guests arriving from overseas may suffer from jetlag and seek access to these areas during times when the residents in adjoining buildings are asleep.

Service Vehicles

The amended DA fails to provide adequate accommodation and provision for Service Vehicles (including waste removal) to access the building from within the confines of the building. Instead it is proposed that the Service Vehicles will remain on the street (presumably double parked) with the waste receptors transported to the service vehicles. This will result in one or two things:

- (a) increased traffic hazards; or
- (b) waste services being performed off peak (at night) with the potential for increased noise disturbance to neighbours in order to limit traffic hazards.

Provision should be made within the confines of the building to accommodate Service Vehicles.

Lighting Plan

There is no lighting plan in relation to the outdoor seating area and I am concerned have regarding potential light pollution into the bedroom windows at 18-20 Victoria Pde.

5. **Deficient Acoustic Report**

The Acoustic report purports to rely on testing that took place on 11 and 19 June 2015 (a Thursday and Friday) and is more than 5 years old.

The report fails to reference the operation of a café on site for the very reason that no café of any substance was operating at the time.

The report does address the presence of the water feature.

The report does not address potential noise pollution at night arising from guests using the outdoor seating area on the ground floor.

6. Inadequate Driveway Width - Traffic Hazard

The Manly Lodge is located directly opposite the Manly Public School and a short distance from the roundabout and public cross walks at the corner of Darley Rd and Victoria Pde.

Victoria Pde is used during school hours to drop off and collect school children and is one of only 2 streets with traffic flowing in an easterly direction accessing South Steyne Rd.

The amended proposal provides for a single lane driveway 3.6m wide, far short of the 5.5 metre wide driveway recommended by council.

The failure to provide for a double driveway, is inconsistent with the provision that has been made for the other developments on the southern side of Victoria Pde (see 34-38, 40 and 42-44) and will give rise to traffic delays in Victoria Pde arising from:

- (a) lack of accommodation for service vehicles (delivery and waste management;
- (b) inappropriate accommodation from customers (currently double parking on Victoria Pde, while collecting takeaway and dropping off guests);
- (c) conflict between vehicles entering and exiting the driveway.

The proposed warning system provided in the amended report address only the potential conflict on the driveway itself and does not address the need for vehicles to wait on Victoria Pde while the conflict is resolved.

Having regard to the multiple issues addressed above and the existence of a current consent order, the amended DA should be rejected.

Scott Freeman

Unit 3/18-20 Victoria Pde.