
From: Anna Williams
Sent: 20/12/2023 8:50:28 AM
To: Claire Ryan; Council Northernbeaches Mailbox
Cc: Adam; Shelley L'Green
Subject: TRIMMED: Submission DA2023/0617 22-24 Angle Street Balgowlah
Attachments: Submission Amended plans 22-24 Angle Street Balgowlah.pdf;

Good Morning Claire,


Please find attached a submission objecting to amended plans recently lodged for DA 2023/0617.

Can you please confirm that the submission is received and will be taken into account in the assessment, as previously discussed

Thanks and Regards.

Anna Williams,

Director
Blackwattle Planning



The CEO
Northern Beaches Council
council@northernbeaches.nsw.gov.au

Attention: Claire Ryan
Claire.Ryan@northernbeaches.nsw.gov.au

Dear Sir/Madam,

15 December 2023

RE: Submission objecting to AMENDED PLANS for DA2023/0617 Demolition and construction of a Residential Flat Building

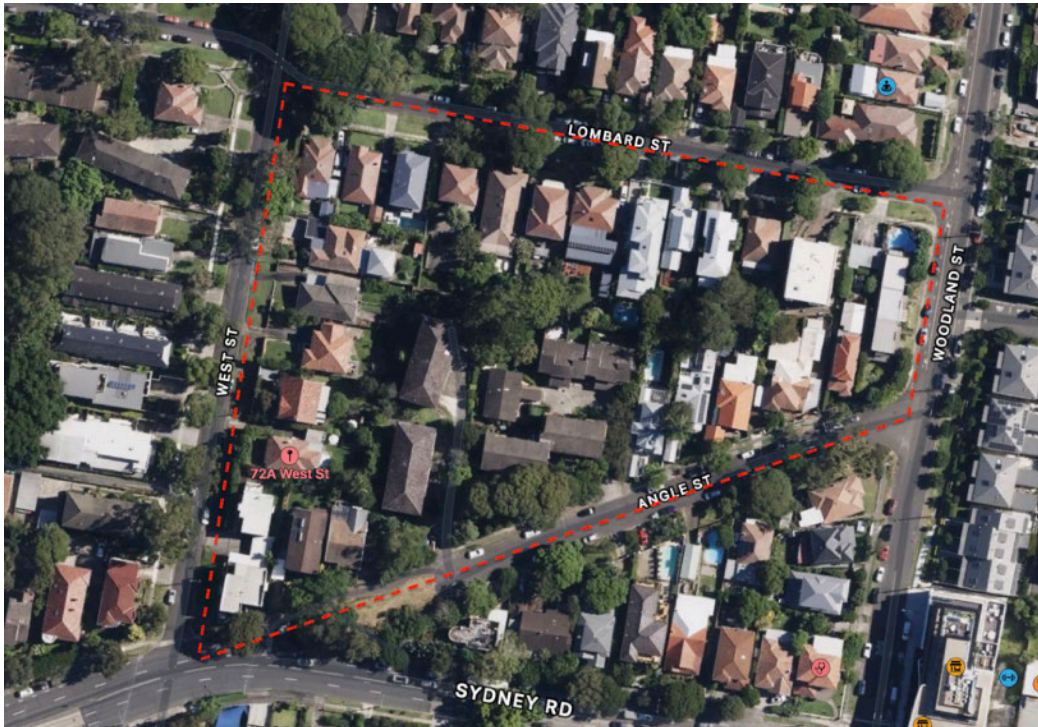
Thankyou for the opportunity to respond to the amended plans on behalf of the owners of 72 West Street Balgowlah.

We refer to our previous submission dated 30 June 2023 objecting to the original plans lodged with Council. Following our analysis of the amended plans, we raise ongoing and new submissions objecting to the amended design which will have a significant and adverse impact upon the amenity of occupants at No. 72 West Street immediately to the north.

The amended design and accompanying planning documents continue to rely heavily upon what the applicant believes is a good contextual fit. We cannot agree with the conclusions reached, with particular reference to the excessive floor space ratio proposed. The contextual analysis continues to focus on development on the western side of West Street, which has a significantly larger FSR allowance, whilst ignoring the relationship with the single dwellings which immediately adjoin its northern boundary.

We believe a proper reading of the context of the development site needs to consider and give substantial weight to the single storey dwelling at No. 72 West Street immediately adjacent. Together with the predominant housing typology of single storey dwellings in the immediate vicinity of the development site, a compliant or significantly lower FSR should be enforced to reduce the proposed unreasonable bulk and scale impacts upon No. 72 West Street.

As outlined in our previous submission, No. 72 West Street adjoins the two properties that form the development site on their northern side. Both 72 West Street and 22-24 Angle Street are part of a street block formed by Angle Street to the south, West Street to the west, Lombard Street to the north, and to a more minor extent Woodland Street to the east (marked in red on aerial photo below). Notwithstanding some smaller residential flat buildings, the predominant housing typology in this block is single storey dwellings.



In our view a proper contextual assessment upon which the design of the proposed development should be based must include and be significantly responsive to No. 72 West Street, together with the many single dwellings located in the immediate vicinity.

FSR Exceedance and Clause 4.6 request for variation

We continue to object strongly to the excessive floor space proposed, noting that it amounts to 263.7sqm more than permitted for the site. The bulk and scale impacts that arise as a result are not justifiable and we believe the application should be refused on this basis alone.

Within the R1 Zone, Manly LEP 2013 specifies a permitted FSR for particular residential precincts in Balgowlah ranging from 0.5:1 (as applying to the subject site), up to 0.75:1 for areas characterised by higher density building forms. The proposed development at 0.81:1 exceeds even the highest FSR anticipated under the LEP for the Balgowlah residential area. We believe it is wholly inappropriate for such a variation to be permitted in a residential precinct characterised overwhelmingly by single dwellings, and where one such dwelling adjoins the site downhill of the development site.

The bulk resulting from the development will be wide and overbearing in relation to the outdoor living spaces and rear yard of No. 72 West Street, and will substantially reduce the amenity through unacceptable visual impact and privacy impacts. Where currently the structures on the development site are broken in their mass and staggered in their spatial separation to the north, the proposed flat building will present a wide and essentially unbroken facade to No. 72 West Street.

Together with a non-compliant rear building setback, the design will dominate and completely overlook the rear yard of 72 West Street, with little to no prospect of the structure being adequately screened. Large lengths of balustrade over both levels of the building are proposed with minimal to no articulation, with a total of five of the six units having living rooms and associated balconies facing the rear yard of 72 West Street. The length of balcony space and balustrade looking onto the private open space of 72 West Street exceeds 20m.

We have examined the amended Clause 4.6 request made by the applicant to justify the significant variation, and provide the following comments:

- **The development remains inconsistent with the objectives (a), (c), (d) of the FSR Development Standard of Manly LEP 2013, as follows:**

- (a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*

And,

- (c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area*

The development site is located in a prominent position as viewed from West Street, being on the highest point of the land. The character of the eastern side of West Street remains predominantly of single dwellings. The proposed massing, additional floor space and unrelieved balconies of the development facing north towards West Street will be entirely inconsistent with this character. The applicant's supporting information appears to ignore the eastern side of West Street when describing the surrounding character, bringing the validity of the assessment into question.

Additionally, the applicant has argued that the presentation of the building to Angle Street and Sydney Road is meritorious as it '*has been designed to emulate the detached form of the existing two dwellings on the site, with two distinct front facade elements separated by a recessed central lobby*'. Regrettably, this design exercise has not been achieved on the northern elevation, which is arguably more critical given the adjacent single dwelling and predominate single dwelling character flowing to the north of the site.

We conclude that to meet both of the FSR development standard objectives, the development must respond to the single dwelling character of the eastern side of West Street. The excessive bulk and scale proposed contrary to this character is entirely inconsistent and arguments relating to character have focussed on higher density development further away whilst ignoring the built form immediately adjoining the site and in the immediate vicinity to the north. On this basis, the Clause 4.6 request has not met objectives (a) and (c) of the FSR Control and the request to vary the standard so excessively should be denied.

(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain

We acknowledge the increase in setback from the original proposal to 6m from the rear northern boundary. Unfortunately, the non-compliant design of the development over three storeys where only two storeys are permitted in the DCP means that the 6m separation to the rear boundary and adjoining private open space is wholly inadequate. This is exacerbated by the slope of the land which accentuates the height of the development as viewed from No. 72 West Street. The use and enjoyment of the rear private open space of No. 72 West Street will be entirely compromised by the tall and wide mass of the building, and expanse of balconies occupying the entire width of the building.

Noting the excessive floor space proposed beyond the development standard, we cannot conclude that adverse impacts upon the enjoyment of the land have been minimised. A compliant floor space (or at least reasonable reduction in the floor space) at the northern end of the development could substantially improve the proposed excessive impact.

Overall, it is clear to us that the proposed development has not demonstrated that the objectives of the FSR development standard are achieved, as is required for the Clause 4.6 request to be successful.

- **The application has not demonstrated sufficient planning grounds to justify the excessive additional floor space.**

The applicant has provided only one environmental planning ground to support their contention that the excessive floor space should be accepted. They argue that the excessive floor area is located centrally on the site where it *‘does not add to bulk or result in impacts greater than that from a complying development located on each of the subject sites.’*

With respect, the applicants Clause 4.6 request does not demonstrate this to be the case and we do not accept that it is. A compliant design of buildings on each existing lot would require a maximum 7.2m wall heights, and setbacks along the common boundary of the two lots of one-third this wall height (ie. 2.4m setback for each site). The resulting break in the built form from complying development either side of the central boundary would be approximately 4.8m in width and over at least two levels. This would be a substantial reduction in the floor space and resulting bulk presenting to the single dwelling and its private open space at 72 West Street.

We cannot agree then that the additional floor space is located *where it does not impact the adjoining occupants*. This additional bulk will be entirely obvious from the adjoining private open space, where it will be overbearing and oppressive in its expansive and unrelieved width.

In summary, we ask the Council to consider that the proposed Clause 4.6 is not well founded because the objectives of the FSR development standard are not met, and the applicant has not provided sufficient planning grounds to justify the excessive departure.

Manly DCP 2013 provides some guidance in its objectives relating to privacy. In particular, it is an objective of the policy to mitigate direct viewing between outdoor living areas of adjoining buildings.

The Landscape plan provided indicates screen planting proposed along the northern boundary. The planting proposed however is of species that reach maturity in height of only 1.5-2m. At maturity, this proposed screening hedge will barely reach the RL of the first floor slab level. No privacy will be achieved for No. 72 West Street from substantial overlooking at both the ground and first floor balconies, which run nearly the entire length of the building.

[illegible]

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Conclusion

In summary, we urge Council to reject the excessive floor space variation proposed as it results in clear impacts upon the single dwelling at 72 West Street and its private open space.

We remain concerned that all arguments relating to context and character made by the applicant appear to ignore the single dwelling immediately adjoining the site to the north, and the further numerous single dwellings that form the predominant building typology of the immediate vicinity. To base contextual analysis upon flat building developments on the opposite side of West Street at the exclusion of single dwellings immediately adjoining and in the direct vicinity of the site is in our view lacks veracity.

For all of the reasons outlined above, we request that Council reject the proposal in its current form.

Please feel free to contact us on 0418 622 598 or at anna@blackwattleplanning.com.au.

Regards,

Anna Williams,

Director

BLACKWATTLEPLANNING

anna@blackwattleplanning.com.au