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**Sent:** 3/07/2018 4:05:05 PM  
**Subject:** Attn Luke Perry Principal Planner  
**Attachments:** DSCN7429.JPG; DSCN8750.JPG;

Re Modification No: Mod2018/0294 – (DA0367/2010)  
SP 10040 46 Victoria Parade MANLY

Dear Sir

I object to the modifications referenced above

I live in Unit 5 on Level 1 (one above the ground level) of 42/44 Victoria Parade Manly and at the rear of the building. Our whole living space and small balcony looks east across the space at the rear of the old building at 46 Victoria Parade to Dungowan Lane. The development has a dramatic impact on this outlook and sunlight.

Because the small size of the block on oversized nature of the building and its proximity to the western boundary (refer Manly Council guidelines) the LEC recognised that daylight be provided, and that only open balconies at the rear of the property apply. All the approvals over the history of this development have maintained these conditions. In regard to the access to sunlight the LEC required the development to achieve this result and the shadow diagrams approved ensured this outcome was met.

The proposed changes are supported by drawings that are misleading. In particular I draw your attention to the shadow drawings. The council has provided us with a copy of the drawings to support the existing approval done by design cubicle 28 May 14 (DC) and those for the proposed modifications changes as provided by urbane ARCHITECTURE re ARC001 22 June (UA). In the existing approval the benefit of the approved roofline and the open area on level 4 can be seen in the pink area in the DC drawings. To simplify your review look at the 11 am drawing as the pink lines and the dotted line are the same and clearly shows the shadow at the top of the railing on level 1 of our unit 5 on the first level at the rear of the building. In the UA drawings however, this shadow has moved approx. 6 metres higher. This misleading drawing ignores the design features in the current approval that comply with the LEC conditions and provide sunlight not shadow at 11 am. (I have attached a photograph dated 23 June 2011 at 10.21 (7429) to show the significant sunlight in our apartment very close to the time and date required. Contrary to the UA drawings under the

approved plan this sunlight will be maintained).

The proposed development then goes on to increase the shadow up to over half way up level 4 glass balcony. So the changes take away the sunlight from 3 levels of apartments.

I implore you to respect and maintain the approved floor levels and LEC conditions and allow 3 levels of apartments to maintain their sunlight.

Please note the design of the building, On the eastern view of 42/44 Victoria Parade we have a setback area for our entrance area only and there is no setback for the rear apartments suggested by the drawings. Unfortunately the drawings do not show the entrance way for the building. The consequence of the setback in the drawings indicates shadow

in this area as the area is black in all the drawings and increasing from 9am. Attached is a date stamped photograph of the entrance way to 42/44 Victoria Pde pm 17 July 2014 at 9.43 am(8750 Lobby with former building in place) which clearly show blazing sunlight and the shadow in the entrance way. The black area suggests total shadow and I ask that you consider the reality of the photograph supplied and the consequent darkness we will have as a result of the proposed development.

We now seem to have a dispute between the professionals providing shadow diagrams as I am advised that the letter provided from Urbaine Architecture seems to be indicating that the originally lodged shadow diagrams were incorrect and that their remodeled diagrams are correct. Unfortunately we need to make our own assessment to comment on what is correct. I note however that if the earlier drawings are incorrect the current proposed changes be rejected and the developer be requested to re do the design to meet the LEC guidelines and provide sunlight to the neighbors at 42/44 Victoria Parade. and have a design to comply with the shadow drawings on which the current approval depends,

**Graham Butson**

5/42 Victoria parade Manly NSW 2095

3 July 2018







06.23.2011 10:21

Smart Money





2014.07.17 09:43