
Sent: 10/07/2018 5:08:01 PM
Subject: Submission for Mod2018/0294
Attachments: 20473A.1AC.pdf;

Attention Luke Perry

Please find attached a submission for MOD 2018/0294

Kind regards

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planning consultants

10 July 2018
Our Ref: 20473A.1AC

The General Manager,
Northern Beaches Council,
PO Box 82
Manly, NSW 1655

Attention: Luke Perry (Development Assessment)

Dear Sir,

**Re: Submission to MOD 2018/0294
Proposed Modification to DA367/2010
46 Victoria Parade, Manly**

1.0 Introduction

DFP Planning have been commissioned on behalf of the Strata Committee of 42-44 Victoria Parade, Manly to undertake an independent assessment of the Section 4.56 Application relating to modification of Development Consent DA367/2010 granted for demolition work and construction of a residential flat building relating at 46 Victoria Parade, Manly (the Site).

Following our independent review of MOD2018/0294, DFP have prepared this submission on behalf of the owners of 42-44 Victoria Parade and considers the cumulative effects of the proposed modification at the Site on the neighbouring site.

Many of the residents of 42-44 Victoria Parade have prepared individual submissions, identifying specific issues relating to the development and this submission should be read in conjunction with the individual submissions.

The following submission provides a brief site description and details the key amenity impacts the proposed Section 4.56 application will have on 42-44 Victoria Parade. These amenity impacts warrant significant amendment to the current application as will be discussed in the subsequent sections of this letter.

In summary, this submission finds that the proposal (in its current form) is not worthy of approval for the following reasons:

- Additional overshadowing impacts;
- Additional view loss;
- Privacy impacts;
- Additional bulk and mass; and
- Headlight glare intrusion.

2.0 Site and Surrounds

The Site is located on the southern side of Victoria Parade, is rectangular in shape and has an area of 613m² (see **Figure 1**). The site is currently vacant, however had previously contained a three storey brick residential flat building with pitched roof which was demolished in April 2015 (see **Figures 2 and 3**).



Figure 1: Locality Map



Figure 2: Aerial Photograph from May 2018



Figure 3: Historical Google Street View image from Nov 2009

To the south west of the Site is 42-44 Victoria Parade (see **Figure 1** and **2**) which is a five-storey residential flat building, containing 20 units (see **Figure 4**). 42-44 Victoria Parade has 10 units which face the Site (to the east) each with one large corner balcony and one smaller bedroom balcony along with large windows facing the Site.



Figure 4: 42-44 Victoria Parade

By way of reference for this submission, **Figure 5** identifies each of the unit numbers of 42-44 Victoria Parade which face east.



Figure 5: Unit locations (source: Urbaine Architecture, shadow diagrams)

3.0 Solar Access

The Applicant has prepared shadow diagrams for the proposed modifications. It is noted that there is a discrepancy between the previously modelled shadow diagrams and the shadow modelling which is presented in this S4.56 application as the shadow lines of the approved building are different when compared between the previous shadow diagrams and the new shadow diagrams.

Nonetheless, the new shadow diagrams clearly demonstrate additional overshadowing as a result of the roof amendments. In particular units 16, 13, 12, 9, 5 and 1 are further overshadowed by the proposed roof.

Unit 16 (level 3, front) will be further overshadowed at 9am and 10am. The amended roof will result in overshadowing of the large glass balcony doors which face east at 9am. This will result in a loss of sunlight to the main living area which currently receives a significant amount of sunlight from these glass doors. In addition, at 10am the new roof form will additionally overshadow the kitchen window and bedroom balcony and doors. These windows and doors are overshadowed by the approved development at 9am.

Unit 13 (level 3, rear) is also impacted by the additional overshadowing from the amended roof. The new roof will now generate overshadowing at 10am. Sunlight to this unit will be significantly reduced as the unit is currently overshadowed at 9am, while at 11am and 12pm the building begins to overshadow the balcony and the kitchen and bedroom windows. The amended roof therefore removes all sunlight access to this unit where previously a small amount of sunlight was provided at 10am.

Unit 12 (level 2, front) is impacted by the new roof from overshadowing to the bedroom balcony and bedroom window. The new roof will result in additional overshadowing at 11am, where currently significant solar access is provided. Sunlight to this unit will be significantly reduced as the unit is currently overshadowed at 9am and 10am, while at 12pm onwards the building begins to overshadow the balcony. The amended roof therefore removes sunlight access to this unit's bedroom balcony where previously a small amount of sunlight was provided at 11am.

Unit 9 (level 2, rear) is also significantly impacted by the proposed roof form. Under the approved scheme this unit only receives sunlight at 11am. Before 11am the unit is overshadowed by the approved building and after 11am the building overshadows itself. The new roof proposes to remove almost all solar access to this units windows and balconies.

Unit 5 (level 1, rear) has limited sunlight access currently, where sunlight would be provided between 11am to 12pm for less than an hour. The additional overshadowing from the modified roof would however remove this small amount of sunlight, especially to the bedroom balcony. Due to the already limited amount of sunlight available to this unit, the small reduction will have a significant impact resulting in an almost total loss of sunlight.

Unit 1 (Ground level, rear) has very limited sunlight access, with a small amount of sunlight being provided at 1pm to the courtyard. The additional overshadowing from the modified roof would remove this small amount of sunlight as the additional roof form will likely result in further shadow to the ground floor courtyard. Plan shadow diagrams have not been provided which would likely demonstrate this. Due to the already limited amount of sunlight available to this unit, the small reduction will have a significant impact resulting in a total loss of sunlight.

As a result of this overshadowing, it is recommended the original roof be retained. There has been no justification by the Applicant as to why a flat roof is required, in addition, there has been no justification as to why the overshadowing impacts resultant of the new roof form are acceptable.

In the original approval significant attention was given to the roof form to ensure sunlight would be retained wherever possible. As the approved building does result in significant overshadowing of 42-44 Victoria Parade, the areas of retained sunlight become essential to the amenity of the residents and further sunlight loss is not warranted nor justified.

It is noted that the new roof form results in a further breach to the maximum height and while the SEE does make some justification for the further breach against the objectives of the height development standards, there is no justification for objective (d), which states the objective of the standard as:

“to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings”

The additional roof height clearly results in additional shadow impacts to neighbouring private open space and habitable rooms as demonstrated in the shadow diagrams. There is no justification for why a flat roof rather than the approved hipped roof is required and the SEE does not provide any argument for why additional shadow loss as a result of the amended roof is an acceptable outcome in this instance.

4.0 View Loss

It is understood that in accordance with the required floor to ceiling heights of the Apartment Design Guide (ADG), being 2.7 metres, the floor levels are required to be amended. Floor to floor levels are now 3.05 metres. As the section plans have not been publicly exhibited it is not possible to determine what the floor to ceiling heights are, although it is noted that typically a 3 metre floor to floor height is sufficient for a 2.7 metre floor to ceiling height.

It is requested that floor to ceiling heights be a maximum of 2.7 metres and additional height, even if it is only 50mm each level increased the overall height of the building while also increases the heights of each balcony resulting in additional view loss. It is requested that balconies be constructed of glass as is consistent among other buildings along Victoria Parade and that planters be removed as these will further reduce views.

As the height of floor levels is increased the view loss is also increased. Under the current approval, views are partly retained between the top of the planter wall and the roof of the level above, however as each floor level is increased in height the top of the planter level is also increased and therefore views, especially views to the kitchen and bedroom windows and bedroom balcony are lost.

5.0 Privacy

Significant modifications have been made to window locations which results in privacy impacts from overlooking. Previously significant effort was made by the applicant to ensure windows facing 42-44 Victoria Parade were either highlight windows or had obscure glass on the bottom half of the window. These windows ensured that residents of the new building would not have direct views into the existing windows and bedroom balconies of 42-44 Victoria Parade.

Windows which were previously obscure glass are now no longer proposed to have obscure glass which will allow overlooking from bedrooms and a home theatre. It is requested that these windows have obscure glass to a height of 1.5 metres. The highlight windows which are now larger are still provided at a sill height of 1.8 metres which is above eye height and therefore will not result in any privacy impacts.

The new large windows in the centre of the elevation may also result in privacy impacts. These windows are 1.5 metres wide and 1.6 meters tall and will provide ample opportunity for overlooking from bedrooms. It is noted that sliding privacy screens are proposed however as these screens are not fixed there will be no guarantee that the screen will be placed in a position to maintain privacy to 42-44 Victoria Parade. It is requested that this screen be a fixed privacy screen to ensure privacy can be retained.

6.0 Bulk and Massing

The Applicant is seeking to enclose rear facing balconies on level 1 and 2, which is opposite the primary private open space of Units 5, 9 and 13 and will convert these balconies into bedrooms and living rooms. The additional bulk generated by the enclosure of the balconies will further exacerbate the scale of the building which already has a reduced rear setback.

A specific condition of the court was proposed in order to ensure an 11 metre setback of buildings and 9.5 metre setback of balconies to 14-47 Ashburner Street. It is noted that this a 4.25 metre setback of buildings and 2.75 metre setback of balconies to the rear boundary. The primary aim of this condition was to allow reflected and ambient sunlight to the rear apartments, being Units 1, 5, 9 and 13 as these units have reduced sunlight access.

By enclosing the rear balconies ambient and reflected light will not be reflected into the rear ground to third floor units as the enclosed spaces will block any reflected sunlight. The residents of Units 1, 5, 9 and 13 have indicated that their primary concern for their private open space in this instance is obtaining sunlight rather than gaining privacy. Due to the orientation of their own balconies and surrounding balconies privacy to the private open space is currently limited.

The modification should retain the existing balconies while also retaining the setbacks as identified in Condition 1 to ensure some ambient and reflected light is available to the primary private open space of Units 1, 5, 9 and 13.

7.0 Driveway Access

It is noted that the top of wall height along the western boundary is proposed to be RL6.45 which is a 1 metre reduction compared with the approved wall height. Concern is raised that headlights from cars entering the driveway at the rear of the Site will shine in the ground floor

and first floor units of 42-44 Victoria Parade. It is requested that the existing wall height of RL7.45 be retained to mitigate this potential impact.

8.0 Conclusion

In summary, this submission does not raise objection to some of the proposed modifications, being the internal rearrange of units, new unit mix, basement car parking changes, relocation of the waste storage room and deletion of the planter box and deck at the upper floor. Concern is however raised regarding changes which are described as being minor yet will have significant amenity impacts on the existing residents of 42-44 Victoria Parade.

Due to the amended roof form, the proposal will result in further overshadowing beyond what has already been approved. The SEE and supporting documents have provided no justification as to why the proposal needs to amend the roof. In addition, there has been no justification as to why the additional overshadowing is acceptable, particularly in relation to the additional height proposed. The existing approved roof should be retained in order to provide as much sunlight as possible.

View loss will also be generated from the new floor levels which are being raised. It is understood that floor to ceiling levels must be 2.7 metres, however the proposal is for 3.05 metre floor to floor heights. As generally floor to floor heights of 3 metres allow for floor to ceiling heights of 2.7 metres it is requested that the maximum floor to ceiling height be limited to 2.7 metres.

Privacy is also likely to be impacted by the amended windows. It is recommended that any west facing windows with sill heights below 1.5 metres be constructed of obscure glass and that the privacy screens proposed on the large windows in the centre of the building include fixed privacy screens.

The enclosure of the rear facing balconies on the first and second floor will result in reduced sunlight access for Units 1, 5, 9 and 13 which will primarily rely upon ambient and reflected sunlight as the approved development will overshadow the private open spaces of these units. The proposal should retain Condition 1 and should not include the enclosure of the approved rear facing balconies.

Finally, the existing western wall where it is adjacent to the driveway entry should be retained to a height of RL7.45 to ensure Units 1 and 5 are protected from headlight glare as cars enter the basement.

DFP Planning trusts that the information contained within this submission clearly outlines the flaws in the proposed modification and provides clear solutions to the amenity impacts which will result from this proposed modification, however should you have any further queries please contact Alicia Conlon on 9980 6933.

Yours faithfully,
DFP PLANNING PTY LTD



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PRINCIPAL PLANNER

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Reviewed: _____

