
Sent: 10/04/2019 5:24:27 PM
Subject: DA2019/0083 - 29-33 Pittwater Road, Manly - Objection
Attachments: Objection - March 2019.pdf; 27 PITTWATER RD MANLY ELEVATION.pdf;

Hi Claire,

Please find attached a PDF copy of the objection previously forwarded to Council in hard copy.

For your consideration.

Regards

Greg Boston
B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)
Director



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22nd March 2019

The General Manager
Northern Beaches Council

council@northernbeaches.nsw.gov.au

Attention: Claire Ryan – Town Planner

Dear Ms Ryan,

**Notification Response – Development Application DA2019/0083
Alterations and additions to an existing mixed use development
29 - 33 Pittwater Road, Manly**

We have been engaged by the owners of No. 27 Pittwater Road, Manly (our client's) being the property located immediately to the south of the proposed development site. We note that our clients have recently obtained development consent (DA2017/1229) for the re-development of their land involving the construction of a residential flat building towards the rear of their property and the adaptive reuse of the existing heritage listed cottage as a serviced apartment.

Having reviewed the documentation prepared in support of the above development application, and inspected our client's property to determine the juxtaposition of adjoining properties and available view lines, we hereby object to the application in its current form on the basis of the absence of owners consent for the portion of the proposed development which projects onto our client's property, the uncertainty in relation to required BCA upgrade works and potential residential amenity impacts on our client's recently approved residential apartments associated with visual and aural privacy, view loss and overshadowing.

The following section of this submission will detail our considered analysis of the impacts arising as a consequence of the proposed development.

Absence of owner's consent

Reference is made to the accompanying survey reference 201118, dated October 2018, prepared by Conolly Surveying (Attachment 1).

This survey clearly demonstrates that a significant area of the existing building located at No. 29 – 33 Pittwater Road encroaches over the boundary and onto our client's property. We note that the proposed works rely on this encroaching section of wall for support with proposed/ required BCA upgrade window/ drencher works and facade treatment upgrades no doubt encroaching onto our client's property.

Suh works would represent development works located on our client's property triggering the need for owners consent from our clients for the making of the subject development application. We are instructed that no such consent would be granted for such works with our client's position being that all encroaching elements should be removed as a component of the current application.

In the absence of such consent there is no statutory ability for consent to be granted to the proposed development pursuant to the provisions of the Act.

Uncertainty regarding required BCA upgrading works

The existing building is constructed within immediate proximity of our client's common boundary with various window and balcony openings on a nil setback. Whilst the building will be upgraded to comply with the BCA, in particular where openings are located within 3 metres of the common boundary, we note that a number of existing essential fire safety measures including drenchers extend across the property boundary onto our client's property. Our clients are concerned that the replacement fire safety measures may again need to encroach upon their land and require a level of certainty as to what such upgrading measures will consist of, their location relative to the boundary and their visual impact/ aesthetics as viewed from our client's property.

We seek additional information in this regard.

Potential residential amenity impacts

Our clients raise concern that no consideration has been given to the impact of the proposal on their recently approved development (DA2017/1229) for the re-development of their land involving the construction of a residential flat building towards the rear of their property and the adaptive reuse of the existing heritage listed cottage as a serviced apartment.

It is apparent that the upper level additions proposed will impact on the solar access, view sharing and visual/ aural privacy outcomes afforded through approval of DA 2017/1229 with no consideration given to the same within the accompanying Statement of Environmental Effects.

We confirm that our clients are currently preparing the required documentation to satisfy the deferred commencement condition being the registration of a Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919 (NSW)) on the title of the land to ensure the on-going conservation of the heritage item in accordance with works outlined within the 'Schedule of Conservation Works' prepared by Heritage 21 (Issue 2 Job No. 8271), dated 19/10/2018.

As such, the talking up of the consent is both certain and imminent and to that extent potential impacts need to be considered. Accordingly, we request the preparation of shadow diagrams and a view loss analysis to enable an accurate assessment of potential residential impacts to our client's approved development. Privacy impacts also need to be carefully considered.

Please do not hesitate to contact me to arrange site access or should you wish to discuss any aspect of this submission.

Yours sincerely
Boston Blyth Fleming Pty Ltd

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston
B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)
Director

Attachments

1. Survey reference 201118, dated October 2018, prepared by Conolly Surveying.

ENCROACHING WALL SHOWN HATCHED
ENCROACHMENT SHOWN IN mm
NEGATIVE SIGN DENOTED CLEAR

RL 18.0

RL 14.9

RL 11.8

RL 8.7

APPROX GROUND LEVEL

PREPARED BY
Conolly Surveying
LAND & ENGINEERING SURVEYS
P.O. BOX 24
BEROWRA
NSW 2381
0412 466950

REFERENCE:
201118

DATE OF SURVEY:
OCTOBER 2018

SCALE:
1 UNIT = 1 mm

LEVEL DATUM:
A.H.D.

LOT 1 in DP515590 27 PITTSWATER RD MANLY

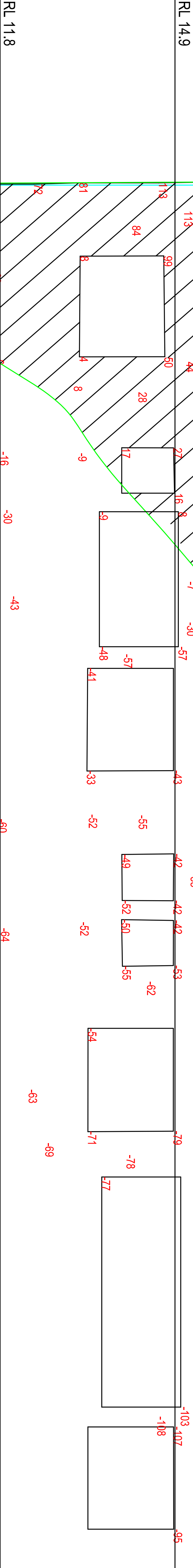
"ELEVATION LOOKING NORTH"

PREPARED BY	<i>Conolly Surveying</i>	REFERENCE:	201118
	LAND & ENGINEERING SURVEYS	DATE OF SURVEY:	OCTOBER 2018
	P.O. BOX 234 BEROWRA NSW 2581 0412 469550	SCALE:	1 UNIT = 1 mm
		LEVEL DATUM:	A.H.D.

"ELEVATION LOOKING NORTH"

ENCROACHING WALL SHOWN HATCHED
ENCROACHMENT SHOWN IN mm
NEGATIVE SIGN DENOTED CLEAR

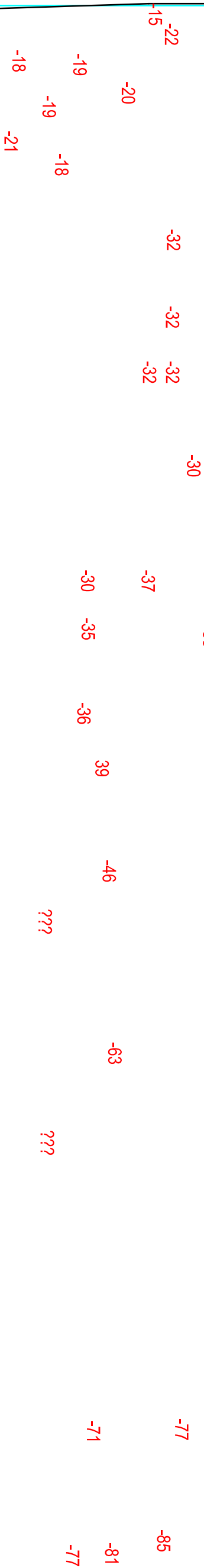
RL 18.0



RL 11.8

RL 8.7

APPROX GROUND LEVEL



PREPARED BY

Carroll Surveying

LAND & ENGINEERING SURVEYS

P.O. BOX 234
BEROWRA
NSW 2081
0412 466950

DATE OF SURVEY:
OCTOBER 2018

SCALE:
1 UNIT = 1 mm

LOT 1 in DP515590 27 PITTWATER RD MANLY

LEVEL DATUM:
A.H.D.

RL 00

"ELEVATION LOOKING NORTH"