
Sent: 13/12/2020 9:13:03 PM
Subject: Local Planning Panel Submission - DA2020/0824- 321 to 331 Condamine Street
Attachments: Planning letter copy v3.pdf;

Hi Carly,

Please see attached our submission for the independent planning panel this Wednesday 16 December.

We disagree with some of the facts that council have come to - does this get passed on to the council to review as well?

If you need anything further from us please let us know.

Thanks

Dominic Leonard & Lauren Kelly
8 Sunshine St, Manly Vale

Northern Beaches Council Planning Panel - DA2020/0824 - 321-331 Condamine St, Manly Vale

Although the council recognises that this proposal should be refused residents still have concerns around some of the conclusions the council have come to:

Privacy

The proposal does not present 'reasonable privacy impacts' (pg 45 assessment) which is exacerbated by a non-compliant building height.

- The ADG recommended set back should be 9m to the western boundary, as the 6m setback is required to be increased by 3m when a building adjoins a lower density zone. If approved, the community would expect that the non-compliant floors are at least in line with ADG recommended standards and set back 9m to the western boundary. If this is not met then it would be logical to conclude that this would result in an unreasonable loss of privacy, as the properties would have a clearer line of sight into our properties.
 - pg 28 assessment: *'boundary between a change is zone to a lower density area, the building setback is to be increased by 3m. The development does not provide any increase in setback in response to this control, nor does the proposal meet the minimum requirement of 6m'*
- The council is requesting only a 6m setback not the additional setback of 9m (6m+3m) when transitioning to low density residential per ADG standards. A reduced setback results in unreasonable privacy loss.
 - Pg 2 assessment: *'to the west falling shy of the required 6m building setback in accordance with the Apartment' this contradicts the statement from council on page 28 (see above)*
- Challenge that trees and planter boxes (page 13 & 45 assessment) are acceptable to maintain neighbours privacy to the west. Building design which is permanent is the only way to guarantee privacy. Trees and plants have a limited lifespan and trees take many years to mature.
- Privacy impacts are exacerbated by the non-compliant height and setback.

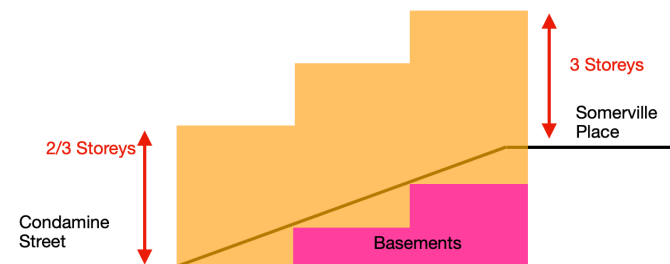
Non-compliant height & scale

We would challenge the assertion by NBC that the building height is 'compatible with the height and scale of buildings within the vicinity of the site.' when assessing the 4.6 variation (pg 44 assessment).

The 4.6 variation request refers to buildings in the area being '4 storeys' to justify height non-compliance:

- Pg 41 assessment: *'predominant 4 storey building presentation has been established by recently approved and constructed shop top housing development along Condamine Street including the buildings having frontage to secondary streets including Kenneth Road and King Street.'*
- Pg 45 assessment - *'a majority of properties have now been approved/ constructed with a 4 storey building form to Condamine Street. In this regard, we have formed the considered opinion that the height, bulk and scale of the development including its 4 storey form are compatible with the height and scale of surrounding and nearby development.'*

This mischaracterises development between King St and Kenneth Rd. Whilst the buildings along Condamine Street have four levels, due to the rising topography and setbacks, there is typically no more than 3 storeys as illustrated to the right.



See images of actual buildings below:



287 Condamine



319 & 317 Condamine

It's unreasonable to use these compliant 4 storey buildings as justification for a non-compliant 4 storey design. Reviewing the developments from south to north from Kenneth Rd:

KFC - 1 storey - compliant to LEP

Dan Murphys - 2 storeys - compliant to LEP

287 Condamine - compliant to LEP - 4 storeys stepped design up the incline, **only 3 storeys at rear**

289 Condamine - compliant to LEP - 4 storeys stepped design up the incline, **only 3 storeys at rear**

291 Condamine - compliant to LEP - 4 storeys stepped design up the incline, **only 3 storeys at rear**

295 Condamine - compliant to LEP - 4 storeys stepped design up the incline, **only 3 storeys at rear**

299 Condamine - compliant to LEP - 4 storeys stepped design up the incline, **only 3 storeys at rear**

303 Condamine - compliant to LEP - 4 storeys stepped design up the incline, **only 3 storeys at rear**

317 Condamine - compliant to LEP - 4 storeys stepped design up the incline, **only 3 storeys at rear**

319 Condamine - *undeveloped*

Sunshine Street

DA PROPSAL 321 Condamine st

333 Condamine - **3 storeys** - compliant to LEP

335 Condamine - *undeveloped*

337 Condamine - *undeveloped*

339 Condamine - *undeveloped*

343 Condamine - non compliant to LEP - 4 storeys at the rear

In the neighbouring 2 blocks, there are 9 shop top developments, all bar 1 appear to be compliant to the 11m LEP. However, the 1 non-compliant building (343) is unique in that it borders a church to the west not low density residential, so it was reasonable for this building to exceed its height limit.

Furthermore the developer uses precedents from the south end of suburb to justify non-compliance:

- Page 41 Assessment (4.6 Variation): *compatible with that of other recently approved and constructed 4 storey shop top housing development both within this street block and more broadly along this section of Condamine Street between Burnt Bridge Creek and King Street.*

Kenneth Rd acts as a clear boarder in the suburb. South of Kenneth Rd, Condamine St has premises to the east which form part of the industrial area. This area of Condamine acts as a transitional area, being a gateway to Burnt Bridge Creek Deviation (it's freeway "exit-like" and not residential in character). North of Kenneth is residential. Manly Vale is not homogenous, it's unreasonable to take the precedent at this end of Condamine and apply this to North of Kenneth Road.

We would add that the the current buildings under construction between Freedom Furniture and KFC look over-scaled in the space (area south of Kenneth Road) and demonstrate the risk in allowing buildings of this scale into the residential blocks of Manly Vale.

Parking

We don't believe the council has considered fully the impact on parking. The DA is compliant to the standard in providing parking spaces however a non-compliant height allows additional 9 units which exacerbates the current issues on Sunshine Street. Some residents of the building will have a second car and all visitors won't use the visitor spaces (required to go around the block down the rear lane to access).

Currently between 3pm-7pm when the clearway operates, the bottom end of Sunshine St can be chaotic and dangerous with customers of Condamine St businesses looking for parking spots. Sunshine sits at the centre of the retail area and therefore gets most of the impact of the parking issues during the clearway operation.

The developer is entitled to build within the LEP, but a more intensive development will not in the interests of the community. Impacts:

- Longer term it heightens the risk council will likely have to impose more time restricted parking.
- Local businesses will have greater parking issues during the clearway operation.

Precedent

Council have not addressed the impact that setting a precedent of a non-compliant height will set for future developments, as raised in our submission. There are still 4 undeveloped sites between Kenneth Rd and King Street and if this development is approved it is effectively allowing all of these sites to significantly exceed the height limit via legal channels.

Regards,

Dominic Leonard & Lauren Kelly