
Sent: 1/03/2019 10:44:01 AM
Subject: SP 10040. Mod2019/0029-DA367/2010
Attachments: objection for owners 240219.docx;

The manager,
Development Assessment
Northern beaches council

Re: SP 10040. Mod2019/0029-DA367/2010

46 Victoria Pde. Manly

Dear Sir/Madam,

I am the owner of Unit 7, 42-44 Victoria Parade.

I object to the above development application (DA) for the following reasons :

1. There is no justification for the change in the design of the roof as approved by the LEC & MIAP on 21st August 2014. Our owners had to spend considerable time, effort & money in order to receive a fair outcome to prevent overshadowing of our building.

The roof of the then DA was redesigned in order to provide sunlight to specific areas, reduce the effect of overshadowing and limit the potential for slippery pathways & fungus growth through lack of sunlight. This new DA reduces sunlight to the majority of buildings on the eastern side.

2. There is no justification for an increase in the height of the levels of each floor in the DA.

SEPP 65 and the Apartment Design Guide (ADG) are just that - guides.

They are not meant to override a significantly negative impact of shadowing and visual stifling of our amenity through concrete balustrades as is the case with this modification.

The fact that in this modification the developer has reduced the floor to ceiling height of the top floor to 2600 mm is evidence that a 2700 mm floor to ceiling height is **not mandatory and can be reduced if negatively impacting on neighbouring properties.**

It is noted from the drawings Section A 2424-A300 that each floor other than the top floor, has a ceiling height of 2.7 metres **with an extra 0.35 metres being added between each floor** – for the lighting and air conditioning as well as the Concrete Slab for each floor. Therefore the height of each level measures 3.05 metres from floor to floor.

This proposed 3.05 metres for each level is greater than the MIAP 2014 APPROVED DRAWINGS which showed a measurement of maximum 2.935 METRES.

These changes are further illustrated in the table below:

	Approved 2014	Proposed 2019	Difference 2014 to 2019	Comments
Ground Floor	5.525	5.53	+0.005	View affected
Level 1 Floor	8.460	8.58	+0.120	View affected
Level 2 Floor	11.395	11.63	+0.235	View affected
Level 3 Floor	14.330	14.68	+0.350	View affected
Level 4 Floor	17.265	17.73	+0.465	View & sun affected
Level 4 Ceiling	19.965	20.43	+0.465	Does not include air con and lights for Level 4 apartment. Increase will affect sun access Units 1 and 5

Base Pitched Roof at West elevation	19.965	20.50	+0.535	Increase will affect sun access Units 1 and 5
Roof Height	21.20	20.98	-0.22	The distance between Level 4 ceiling 20.43 and the roof of 20.98 is +0.55. This has to include the roof slab as well as the air con and lighting for Level 4.

Even though the roof height has been slightly reduced, the Floor Heights have gradually increased above those approved by MIAP in 2014. These new levels in turn increase the underneath height of the pitched roof as well by +0.535. These increases affect the view corridor for neighbours in the front and the solar access to adjoining neighbours in the rear of 42-44 Victoria Parade.

The DA requests 21.20 metres which is excessive and will have a severely negatively impact on the views of all owners on the eastern side of our building.

3. Our owners are entitled to the views they have paid for & enjoy. The increase in the levels of the balconies is totally unjustified & the use of full height concrete balustrading is an eye sore in addition to destroying much of each apartments view & sense of space.

“shared views “ was promoted by council as being fair when the last approval was granted. There is now no consideration for shared views.

I request that the NBC rejects any variation to the 2014 LEC approved plans.

Yours faithfully

Warwick Marshall