
Sent: 11/11/2019 3:04:13 PM

Subject: Response letter

Attachments: Response to Notice of Proposed Development - 19 Manly Rd Seaforth.pdf;

Hi Thomas,

Application No. DA2019/1139

Address: Lot 1 DP 204401

Please find attached a response letter to the above proposed Development at 19 Manly Road, Seaforth.

Kind regards,

Mario Sanzari

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RESPONSE TO NOTICE OF PROPOSED DEVELOPMENT

Application No. DA2019/1139

Address: Lot 1 DP 204401 – 19 Manly Road SEAFORTH

Dear Maxwell and Thomas,

We OBJECT to this Application and totally refute the statement on Page 3 of the Statement of Environmental Effects Report that there are “no adverse impacts are expected to be imposed upon any adjoining or surrounding properties” for the following reasons:

OVERSHADOWING IMPACTS

HEIGHT

The proposed Development has significant overshadowing impacts at 17A Manly Road resulting from the height of the building.

It's important to note in your assessment that 19 Manly Road is on a higher elevation due to the existing topography. In fact, the site falls approximately 5m from the existing rear yard down to the kerbside as highlighted on Page 5 of the Statement of Environmental Effects Report. 17 & 17A Manly Roads were constructed on a lower elevation to conform to Council building standards at the time and the height was also restricted to these standards. This is clearly evident by the construction of low interior ceilings on the upper floors at both 17 & 17A and a flat roof. The proposed pitched roof will also contribute to overshadowing which can be avoided by having a flat roof.

What's also important in your assessment is the set-back between both properties. For a particular height, there needs to be a minimum distance between the buildings and the boundary. In this instance towards the rear of 17A, there is less than a metre (90cm) between the building and the boundary. 19 Manly Road has just over a metre between the building and their boundary. Given the standard of a third of the proposed height rule, this means that the current proposed height will need to be reduced to be compliant with this standard.

The set back and 19 Manly Road being on a higher elevation makes the proposed height as non-compliant.

I also draw your attention to the Shadow Report and pages 11 and 12 of the Statement Environmental Effects report in relation to the building height particularly objective (d) which talks about solar access. This Development will have a significant impact on our property as we will receive NO solar light at all in the mornings or any part of the day. That means no solar light at all on the Northern side of the property i.e a loss of light inside and outside. Can you please explain how on page 11 that “the proposal is considered to be entirely consistent with the above objectives”? 17A Manly Road has a Solar Power System which runs on that side of the property where no sun will be received in the mornings due to overshadowing. Also, I totally refute the statements on Page 16 of the Statement of Environmental Effects report that “the proposal will also minimise the loss of sunlight to neighbours” and “the existing neighbours with adequate solar access.”

This Development will lead to increased electricity costs to us at 17A Manly Rd and we have discussed this with an independent solar expert and they believe that it would not be viable to keep the solar system due to the unsustainable future costs. The power system at 17A Manly Road is configured around solar so if we were to use more power through such appliances as a clothes dryer, it would be unable to cope and a power surge would switch all appliances off causing great inconvenience. Therefore, if there are no changes to the current proposed height, we are seeking compensation to replace the solar system with a total electricity run system so we are able to cope with the additional use of power. This will increase our carbon footprint and not be aligned with Council's 'Charge Ahead' – Simplifying Solar program to take action on climate change and supporting Warringah's growing clean energy sector.

SCALE (Size)

Floor space ratio

The proposed Development has significant overshadowing impacts at 17A Manly Road resulting from the scale of the building.

The Statement of Environmental Effects Report shows that the total gross floor area is proposed to increase to 301.1 metres squared which is non-compliant by approximately 51 metres squared. This is a 20% variation with the maximum permissible FSR requirement of the LEP. We believe this is too excessive and sets a dangerous precedence as the site is classified as zoned R2 Low Density Residential. On Page 11 of the Statement of Environmental Effects report, it says that "the proposal has been purposefully designed to have **limited impact** upon the amenity of surrounding residents and ensures that the neighbouring and surrounding properties with which it shares a common boundary with will not be prejudiced by the proposal." If this was the case, there would not be a need to exceed the maximum floor space ratio requirements under clause 4.4(2) of the LEP. As stated in the Northern Beaches website, **"our rules keep you and the community safe. They protect the look and feel of the Northern Beaches. If you are going to build on your property, whether it's a major project, a new house, or an extension, you need to follow the rules"**.

Privacy

Another concern is the lack of privacy from the Development. The Development shows the construction of 2 balconies towards the rear of the property and windows that will have views directly into the third bedroom and adjoining balcony, which we believe will encroach on our privacy. As stated on Page 15 under section 3.4 Amenity, "Careful consideration has been given to ensure the amenity of neighbouring properties by ensuring the privacy of neighbours and preventing current overlooking into areas of private open space." As addressed from our first concern with shadowing, the distance towards the rear of the property is only 90 cm as the rear of the building is very close to the boundary. In this Development, we would lose total privacy as the balconies look directly into the back deck, pool, bedroom and adjacent balcony. Also, the drawings show wood planks with spacings on the balcony which doesn't provide much privacy at all for residence at 17A. To decrease the privacy problems, we suggest you close off the side access door of the proposed Development. Also, what will also assist privacy is to plant mature trees which are tall enough to block out viewing over the fence. There is a lack of detail on this in the Statement of Environmental

Effects Report. It's important to note that 17 & 17A Manly Roads are under a Torrens Title and we cannot make existing changes to our building structure to decrease the effects of privacy issues due to the proposed Development at 19 Manly Road. The proposal will take away the appeal off 17 and 17A Manly Roads.

OTHER MATTERS

Asbestos & Dust Particles

Given the age of the building at 19 Manly Road, the presence of asbestos is highly likely. This is a concern as my daughter suffers from Asthma and respiratory conditions. There appears to be no mention of asbestos or the management of dust particles produced by demolition and construction in any part of the Development and we believe there needs to be a plan in place to address this issue. Scaffolding and netting will be required to reduce dust particles must be erected along the boundaries, as previously we have had tradies not being particularly caring in regards to materials and toxic matter scattered along 17A's boundary and property, due to the close proximity of the properties.

After Hour Construction

There appears to be no documentation in the Development about After Hours Construction. As 19 Manly Road is situated near the road owned by the Roads and Maritime Service (RMS), approval needs to be obtained should trucks need to enter and exit the sight as there was a 24 hour Clearway restriction imposed recently. Any use of the road will only be allowed at night which is outside the Council's permissible times of construction. In consultation with my fellow neighbours at 11 – 17 Manly Road who share a common driveway, no access will be allowed before, during and after any construction if it was to take place as 5 houses require continual access. We have condemned constant trespassing by couriers and tradies who always park in 17A's property and would jump the fence from previous and past residents of 19 Manly Road who do not ask for permission and this should be noted. Also, not only is a 24 hour clearway present at the front of 19 Manly Road but there is a major bus stop for all residents which also impacts visitors of the Spit to Manly scenic walk. I feel even a traffic management plan will not be sufficient to control deliveries and public transport to cope with the increased weekday traffic.

No Notification to Adjoining Neighbours

My fellow neighbours have not received notification about the Development specifically 17 Manly Road and 3 Mangarra Place, Seaforth (rear of 19 Manly Road). There will also be impact issues at 17 Manly Road by overshadowing as they also use solar power.

In conclusion, we believe this proposed Development has outcomes which are unsustainable and not in the public interest. The overshadowing impacts as a result of the proposed height and scale along with the encroachment of privacy are all factors contributing to these outcomes. Please consider these factors in your assessment of the proposed Development.

Yours Sincerely,



Mario Sanzari

17A Manly Road, SEAFORTH