
Sent: 30/11/2020 9:27:52 PM
Subject: DA2020/0824 - Attention Jordan Davies
Attachments: DA letter Council - 8 Sunshine.pdf;

Jordan,

Please find our response to DA2020/0824 attached. We trust this is clear but please do not hesitate to contact myself or Lauren Kelly should you have any questions.

Kind Regards,

Dominic Leonard & Lauren Kelly
0467 551 856

Attention - Jordan Davies
DA2020/0824
321-331 Condamine St, Manly Vale

We are writing to confirm our **objections** to the amended plans for DA2020/0824.

Our major concern is that this development is not in the public interest as it is non-compliant with respect to the height restrictions specified in the LEP. It is our belief that the LEP was developed by subject matter experts to provide the best outcome for the community as a whole, and we are concerned that developments outside of the LEP do not uphold the principles set down by these plans.

We are also concerned that this development could be used to set a precedent for the remaining sites to be developed on this strip of Condamine Street to also exceed the LEP height restrictions.

Allowing the building to go significantly over the allowable LEP level to facilitate a 4th story has negative impacts for the community, including the following:

A) Increased Loss of Privacy

1. The Reduced Level of Somerville Place has been identified as +19.4m to +19.5m on the road to the west of the proposed development. The LEP height restrictions would therefore result in a maximum RL of +30.4m.
2. "Floor to Floor" dimensions are typically 3.1m, so the Finished Floor Level of a compliant development should be +27.3m.
3. Level 3 of drawing DA-14, Rev B, Section 3, identifies that Level 3 is +28.4m. However, the drawing is inaccurate as this level does not relate to the finished floor level which appears to be at least 150mm above at +28.55m (see Figure 1). This results in a non-compliance of 1.25m.

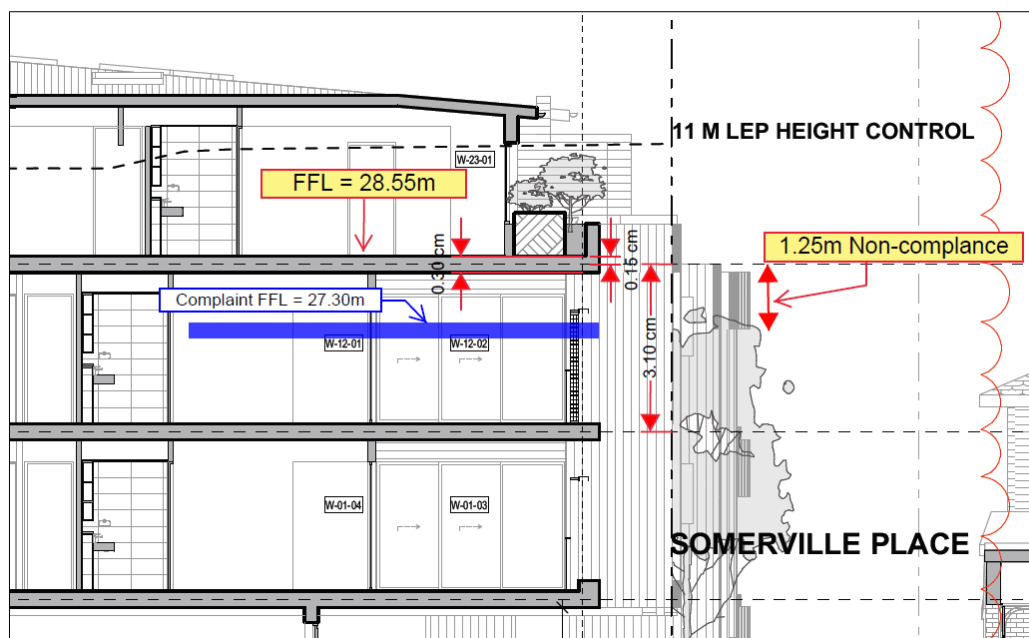


Figure 1: Extract from DA-14 Rev B Illustrating Non-Compliance

4. The rendered views from the 3D model appear to be selective (See Figure 2) and do not show the impact of the 4th storey on properties 4, 6, 8 and 10 Sunshine Street. We request that the 3D model is submitted in Revit (RVT) or Industry Foundation Class (IFC) format.



Figure 2: Extract from DA-12 Rev B Illustrating Lack of Privacy Screens

5. We do not consider that planter boxes are a substitute for physical and permanent screens, as installed on adjacent developments. Plants can be cut back, or can be allowed to wither resulting increased views into the rear of our property when compared to a compliant proposal.
6. An additional story means that people can now stand from a higher point, than would be the case for a compliant development, and look into our houses and backyards. The higher vantage point also results in more properties being impacted.

We object to the non-compliant proposal on the grounds that it increases our loss of privacy when compared to a compliant development.

B) Significant Visual Impact

7. The proposed non-compliant building height is not sympathetic with surrounding properties and significantly increases the Visual Impact to the properties on 2, 4, 6, 8, and 10 Sunshine Street.
8. Figure 3 illustrates the extent of the impact from a single view from the rear of 8 Sunshine Street if a compliant development were to be approved. Figure 4 illustrates the extent of the impact from the same view from the proposed development. This clearly shows that there is a significant increase in visual impact due to the non-compliance.

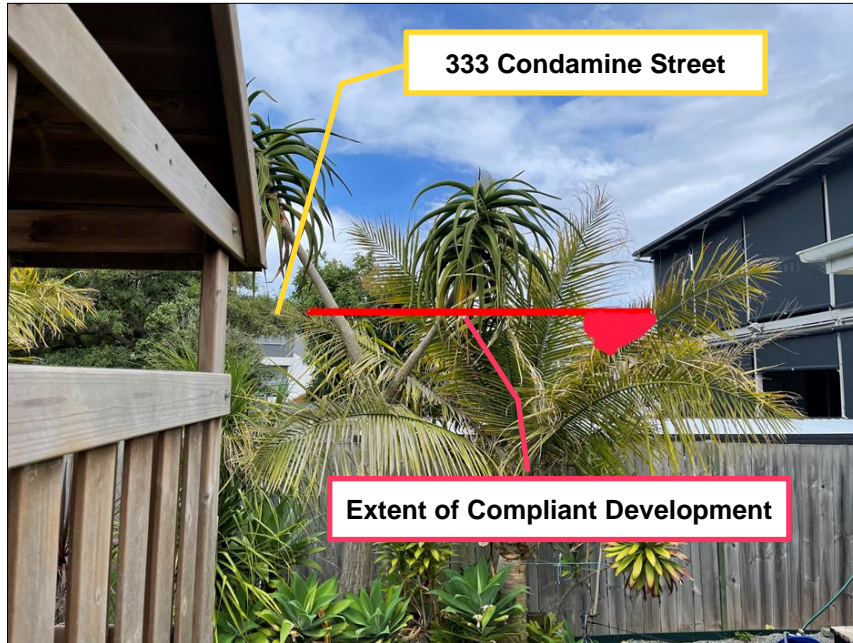


Figure 3: Visual Impact Expected from Compliant Development

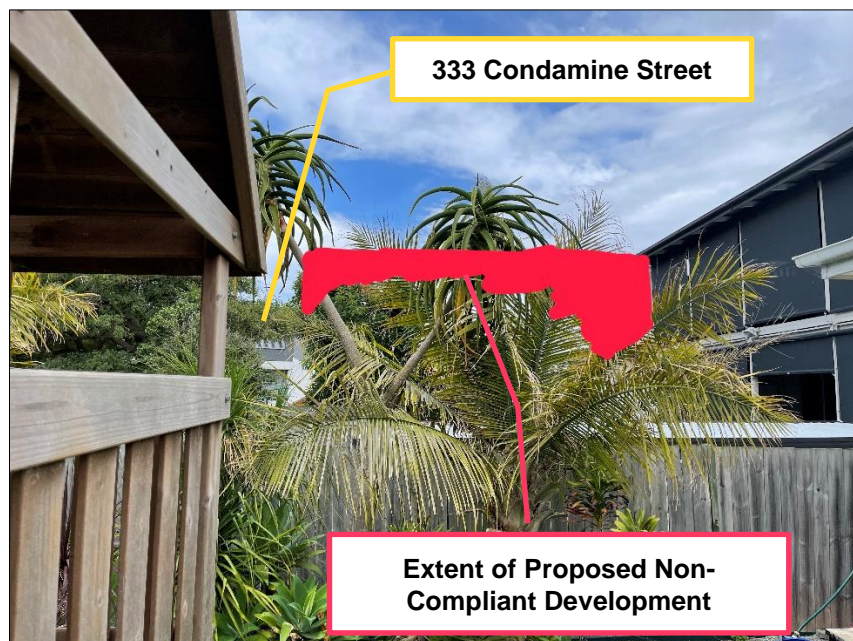


Figure 4: Visual Impact Expected from Non-Compliant Development Proposal

9. Unlike other buildings in the vicinity, such as 333 Condamine Street which has a flat roof, the proposed development has a roof increasing a further 2m in height which further increases its visual impact.

We object to the non-compliant proposal on the grounds that it increases the Visual Impact on our property when compared to a compliant development.

C) Objection to “Report - Clause 4.6 - Amended - Nov 2020”

10. The developer relies on shadow diagrams in relation to the Loss of Privacy and Visual Impact. This is an incorrect argument as the shadow diagrams are unrelated to the above. Nevertheless the shadow diagrams are relied on within the Report where the following is stated:

*“I have formed the considered opinion that the height of the development, and in particular the non-compliant height components, will not give rise to any **visual, view, privacy** or solar access impacts with appropriate spatial separation maintained to adjoining properties. In this regard, **I rely on the shadow diagrams** at Attachment 1.”*

The increased Loss of Privacy due to the non-compliance is demonstrated in Section A of this submission.

The increased Visual Impact due to the non-compliance is demonstrated in Section B of this submission.

11. The development uses precedents down to ‘burnt bridge creek deviation’ which encompasses development on sites that have rezoned from old industrial and commercial sites some distance away. We would ask the panel consider the streetscape along the buildings that are immediately adjacent. For consideration along the blocks immediately adjacent :

Currently, between Sunshine St and Kenneth Road the developed apartment buildings have a 4th story, but critically remain 3 stories at the rear overlooking Somerville Place. All use the natural incline to step the stories out so the building always has the height of 3 stories and privacy impacts to residents at the rear are within the LEP (See Figure 5, 6, and 7).



Figure 5: View on Somerville lane towards the South while standing on Sunshine Street



Figure 6: View of Somerville lane towards the East while standing on Sunshine Street



Figure 7: View of Somerville lane from Highview Avenue

Currently the neighboring building 333 Condamine Street is 3 stories with a flat roof in line with the LEP (See Figure 8 and 9).



Figure 8: 333 Condamine Street Viewed from Sunshine Street



Figure 9: 333 Condamine Street viewed from 8 Sunshine Street

The building on the corner of King St and Condamine St (343 Condamine St) is 4 stories at the rear, however, it overlooks a church an aged care facility, **not** low density residential (as is the case in this development) so cannot be used as a precedent.

12. The proposed building is significantly higher than the surrounding buildings and its oppressive height will be felt by the local community.

13. There is a statement in the Report that:

“we have formed the considered opinion that most observers would not find the proposed development by virtue of its height offensive, jarring or unsympathetic in a streetscape and urban context. In this regard, it can be reasonably concluded that the development is compatible with surrounding and nearby development and accordingly the proposal achieves this objective.”

We fundamentally disagree with this statement based on the view of the local community does consider that this development is unsympathetic to the local environment and that it is the options of these specific “observers” that should be taken into consideration.

14. The developer overlooks the key impacts that the non-compliant proposal would have on the residents who actually live to the west of Somerville place. Impacts to residents of Sunshine Street have not been addressed in a meaningful way by the developers.

15. The Developer has not addressed the fact that the northern facade which will sit significantly higher than the neighbouring building. This appears to be approx 3.5m higher than this building.

16. It is unclear why the report makes reference to ‘Whistler Street’ which is located in another suburb. The existing building already has retail business and is already activated. We question whether this report has truly considered the local environment and therefore its validity.

17. The development does conflict with R2 Low Density Residential on the western boundary. The Report only states no conflict with ‘the south side’.

18. The development does not provide an ‘environment for pedestrians that is safe’. Specifically the intersection of Somerville and Sunshine Street is not safe now due to cars not stopping at the stop sign in front of the footpath. Additional cars from more units will make it more unsafe. Specific details around this issue can be found in our initial joint community response dated 25 Aug 20.

We object to the “Report - Clause 4.6 - Amended - Nov 2020” as it is incorrect and cannot therefore be relied on to inform the decision of the council.

D) Issue with Amended Plans

The amended plans create additional concerns for residents as:

19. The plans further increase the height of the building beyond its zoning.
20. The building moves 1.5 metres to the west, further impacting the privacy of residents of Sunshine St.
21. Windows and balconies continue to overlook neighbouring properties and little effort appears to be made by the developer to consider how the building can be more sympathetic to low density properties adjacent.
22. The privacy impacts to residents can be demonstrated from the 3D renders which illustrate how the development imposes on residential properties when viewed from 2 Sunshine Street
23. Landscaping is being used to mitigate privacy impacts but there are no guarantees that these will actually proceed and be maintained on an ongoing basis.

E) Issue yet to be addressed

As per the joint resident response dated 25 August 2020 the following issues are still relevant (please refer to this document for specific details):

24. Parking for business and residents. Additional residents competing for the limited parking spaces on Sunshine Street will impact existing businesses and residents.
25. Loss of privacy is not satisfactorily addressed by the proposal.
26. Congestion and safety of Somerville Place. We feel this development would exacerbate the ongoing traffic and safety issues with Somerville place
27. Mechanical noise impacts from exhaust fans and air conditioning units on the roof.
28. Construction impacts. This includes the obstruction to pedestrians using the north side of Sunshine Street due to the building site, including schoolchildren.

We object to the proposed development as our concerns have not been answered.

Regards,

Dominic Leonard & Lauren Kelly,
8 Sunshine Street, Manly Vale, NSW 2093