
Sent: 22/09/2020 1:51:25 PM

Subject: Objection to development application DA2019/1475

Attachments: DA2019-1475 Objection Points for Owners (2nd round of objections).docx;

Dear Council,

I am an apartment owner from the neighbouring property next to the development from 3/28, Victoria Pde, Manly. Please note my objection to development application DA2019/1475.

Details for objections attached.

Best regards,
Ricardo Aravena.

1. Acoustic Privacy:

1.1 Objections:

- The proposed design of the windows on the north east elevation are in direct line of sight into the windows of apartments directly adjacent to 28 Victoria Parade thereby compromising the privacy of neighbouring residents. They are only set back 2.2m from the boundary line, and 4.95m back from the windows of the neighbouring residents of 28 Victoria Parade.

- The acoustic assessment is incomplete in its review of the impact of noise on residents of 28 Victoria Parade. After speaking with the author of the report, the data they have used from sensitive noise receiver in the centre of our building on the roof-top is from another report they were commissioned to write in 2015, and has not been updated for nearly five years. As a result their findings and recommendations provided are in-accurate and irrelevant to this current application. No attempt was made then or the developer to contact residents or the managing agent of our building to organise a comprehensive study of the noise impact from inside the affected apartments.

- The acoustic assessment failed to recognise the true impact of road traffic generated by the development. In their conclusions in 6.3 (page 15) they estimate a maximum of five trips per morning or evening peak hour, but this is based on no factual data and is at best, no more than guess-work. They have not assessed the traffic impact during constructions, where from recent experience of the development at 49 Victoria Parade, generated a substantial increase due to idling concrete mixers and demolition trucks queuing on the road to access the site.

-The acoustic assessment fails to recognise that ground floor residential premises are adjacent to the ground floor café on either side. The amended proposal states:

“The reduced setback arrangement will make the street more vibrant with lively activity.”

Neither the noise impact of this proposal, nor measures taken to reduce this noise have been considered in the new designs.

1.2 Omissions:

- The proposed placement of the mechanical plant and acoustic louvers on the ground floor on the north-eastern boundary will directly face the ground floor residents of 28 Victoria Parade at a distance of less than 10m. No acoustic assessment has been made of the impact of the machinery at this distance to the neighbouring residents.

- There is no acoustic assessment of proposed door mechanism to control access to the basement car park. Furthermore, there is no information regarding how the acoustic levels of a garage door would be controlled in order to mitigate the impact on residents of 28 Victoria Parade. The single-lane driveway will be less than 5m

from the windows of living spaces within 28 Victoria Parade. Given the 24-hour use of a hotel, there is a high probability of noise being generated at any time of the day or night from hotel guest traffic and waste services.

- There is no acoustic assessment on the impact of the proposed restaurant and cafe plan for the ground floor. Given the disturbance currently created by Hakan's cafe on the existing site, it is unlikely this will reduce with the new proposed site. No operating hours have been provided, nor the noise pollution currently caused by cafe patrons utilising the take-away service from the street commencing at 5:30am every day of the week. There is evidence of noise complaints already submitted to Northern Beaches Council from the existing café, and with the increased foot-print proposed, this will be further exacerbated by an increase in patrons.

- There is no detailed information provided as to the use of the ground floor rear garden area. The Landscape plans explain that,

"The rear space has a communal garden which is intended for passive activities."

The plans indicate wooden benches will be installed, but no mention of whether they will be used by hotel guests, and if so, their hours of usage. This area has a high probability of noise pollution to all adjacent residential properties. There is also no mention of external lighting, and any detrimental effects they might cause from the angle of their installation to neighbouring properties.

2. "View Creep" & Natural Light

2.1 Objections:

- The height of the property is still above the legal limit of 11m according to the Manly Local Environmental Plan 2013, and is unacceptable for a residential area. Using the medial height of the eastern end of Victoria Parade as a justification for this decision is not valid, and it is incongruous to the rest of the streetscape. The height of the street line to the south-west is all below the 11m limit and has not been taken into consideration.

- The floor space ratio of the amended plans (1.5/1) still exceeds the permitted ratio of 0.75/1 by two times.

- The availability of natural light to residents on the north-eastern boundary line will still be severely impacted. The only available natural light into living spaces are along this boundary, and the increase in height, will reduce the amount of light into these rooms significantly.

- There will still be a detrimental loss of view for every apartment on the upper north-eastern side across to Little Manly that will severely impact the value of the property. Despite reducing the foot-print of Level 3, the height of the building still exceeds the permissible 11m allowed. The top floor apartments enjoy extensive views across to Little Manly incorporating the iconic Norfolk Pine trees, the Manly ferry and the promenade. They are intrinsic to the value of the apartment, and any

loss from a non-compliant breach of height restrictions will have a detrimental effect. They state *'the existing views to the west that are appreciable from no.28 Victoria Parade are only visible from the existing bedrooms and are considered to be side views.'* The reality is these views are from living spaces and kitchens and are the only source of light to these rooms on this side of the building. The right to light as well as the inherent value of this outlook will severely impact the residents of 28 Victoria Parade if the building is allowed to exceed the limited height.

2.2 Omissions:

- There has been no shadow assessment report provided for no.28 Victoria Parade after the hours of 3pm. Our apartment block is situated to the east of the proposed site and will have a reduction in afternoon sunlight from the westerly direction with proposed height of the new building.
- There has been no view assessment report provided for no.28 Victoria Parade with the proposed third level exceeding the legal limit of 11m. Currently, apartments on the top floor enjoy extensive views towards Little Manly, including the iconic Norfolk Pine trees, ferry and promenade. A loss of this view will be detrimental to the value of the apartments.

3. Landscape Plan:

3.1 Omissions:

- There has been no mention of what structure will be the boundary fence along the driveway between 22 and 28 Victoria Parade where cars will enter and exit the hotel's car park. There is a high risk of guests attempting to park in our rear residential spaces given the limited spaces. This is already a problem for this building, with our driveway constantly blocked by patrons and staff of both the hotel and Hakan's Cafe. No information has been provided as to how they will distinguish between the hotel driveway entrance and the private driveway entrance of no.28.

4. Hours of work for demolition and construction:

4.1 Objections:

- The effects of noise, dust and drilling vibration will have a detrimental effect on residents of 28 Victoria Parade for an extended period of time. Our building houses families, shift workers and individuals who work from home, and the constant invasion of their everyday amenity from the impact demolition and construction less than 5m away will not only negatively affect the residents, but the landlords who will be unable to lease their properties next to a building site.

5. Traffic Management

5.1 Objections:

- The amended proposal provides for a single lane driveway 3.6m wide, far short of the 5.5 metre wide driveway recommended by Northern Beaches Council. Victoria Parade is used during school hours to drop off and collect school children and is one of only two streets with traffic flowing in an easterly direction accessing South Steyne Rd. The failure to provide for a double driveway, is inconsistent with the provision that has been made for the other developments in Victoria Pde and will give rise to traffic delays in Victoria Pde arising from:

- (a) lack of accommodation for service vehicles (delivery and waste management;
- (b) inappropriate accommodation from customers (currently double parking on Victoria Pde, while collecting takeaway and dropping off guests);
- (c) conflict between vehicles entering and exiting the driveway.
- (d) Airport pick-up drop off services currently used by hotel guests which park illegally.

- The new proposal has not recognised the issue of guest double parking in the driveway of no.28 Victoria Parade, directly adjacent to the hotel. Currently residents of no.28 have to deal with café patrons and hotel guests deliberately blocking access to their driveway, and in some instances using this private property to park their vehicles.

- The proposed warning system provided in the amended report address only the potential conflict on the driveway itself and does not address the need for vehicles to wait on Victoria Pde while the conflict is resolved.