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**Subject:** Fwd: REV2021/0014 321-331 Condamine St Manly Vale  
**Attachments:** Planning Letter 1808 v3.pdf;

**From:** Lauren Kelly <[laurenkel@me.com](mailto:laurenkel@me.com)>  
**Date:** 18 August 2021 at 10:42:36 am AEST  
**To:** [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)  
**Subject:** REV2021/0014 321-331 Condamine St Manly Vale

See attached submission

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The revised design for [REV2021/0014](#) has exacerbated the existing concerns for neighbouring residents. In particular, the revision of the landscaping plan.

- **Trees along the western boundary have been removed**, meaning that privacy impacts along Sunshine street would be further compromised. There are numerous balconies and windows now overlooking directly into properties along Sunshine street with no landscaping to soften the impact (see images below).
- With the removal of the vegetation from the artists impression, it is highlighted that there is **insufficient use of privacy screens** on balconies and windows along the western facade

Previous Design



Revised Design



Note: tree on the render is not part of this development and is across the road from it

- The landscaping on the non-height compliant 4th storey (planter boxes along the balconies – see images above) appear to have been **changed to a species that affords less privacy, compared to the previous plans.**
- The distance to 2 Sunshine Street had not been marked up on the initial plans. The revised plan confirms the **distance to be 6m which represents a 33% non-compliance to setbacks when transitioning from high to low density** per the ADG guidelines.

Additionally, since our response the 'Design + Sustainability Advisory Panel Meeting Report 27 May 2021' has highlighted the overdevelopment of this site based of FSR:

*"Building envelope controls apply to the site, with a height limit of 11m. This assumes a maximum 3 storeys.*

*From this, it is reasonable to interpret the maximum FSR applying to the site to be in the range of 1.0:1 to 1.5:1.*

*The **proposal is approximately 2.1:1 or 140%** of what would be considered a maximum amount of development to achieve good solar access and cross-ventilation.*

*The proposal has very poor (unacceptable levels) of natural ventilation and solar access, has units with single aspect facing an inhospitable main road, and poor outlook.”*

The feedback we previously sent through for REV2021/0014 on 10 May 21 is still largely relevant to the amended designs:

### **Insufficient setbacks along the western boundary which neighbour low density residential**

- Per the Apartment Design Guide (ADG) there **should be a 9m setback when transitioning from high density to low density residential** (6m+ additional 3m). On the western boundary the setback is only 6m.
- The height non-compliant 4th storey balconies are only set back to the west to 6m when as per the above point they should be 9m. Per the ADG, **balconies are included in assessing setbacks**. The developer seems to infer that standard should be taken from the internal wall, not the balcony.

### **Height non-compliance to the WLEP**

#### **Unreasonable privacy impacts to low density neighbours on the Western Boundary**

- Non-compliant height results in the building having an additional 4th storey of units which will overlook adjacent houses and backyards. The development appears to be maximising the number of units in the development to maximise profit, resulting in excessive privacy impact for nearby residents.
- The facade of the 4th floor along this boundary has large windows along the entire boundary length. Large windows over such an expansive space from a non-compliant floor imposes on neighbours in an unreasonable way.
- The height non-compliant top floor balconies (**liveable areas**) are not setback far enough per ADG standards (discussed above). This results in significant privacy impacts through additional overlooking into neighbouring properties.
- Significant risk that plants along the western boundary are not maintained or don't mature and the privacy impacts become worse for neighbours over time. Residents would likely prefer a view over the neighbourhood than plants, so are unlikely to maintain it over time.

## Excessive scale and bulk

- The building is significantly larger than buildings adjacent and will change the character of the area.

### Southern Boundary:

The development will sit adjacent to 319 Condamine St (undeveloped 2 storey) and 307-317 Condamine Street which uses step design to retain height compliance despite being '4' storeys. **For clarity the number of storeys above street level is a maximum of 3 as the street level rises to the west.** This proposal results in this imposing building along Sunshine Street and Condamine Street.

View from Condamine st on right shoes how this 4 storey building will impose on 319 Condamine:



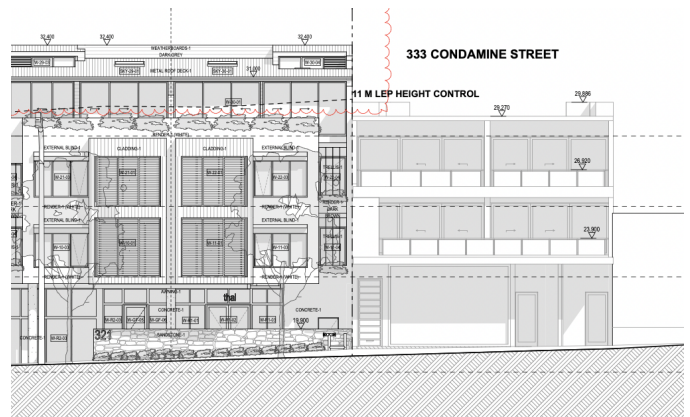
The development further to the south (307-317) uses a compliant design, which steps the height over the incline so its not imposing from Condamine Street and remains 3 storeys as the building inclines. REV2021/0014 is 4 storeys at the front to the back so will be over-scaled to buildings on the southern boundary which is a maximum height of 3 storeys (images below):



307-319 Condamine Street  
View from Sunshine St (3 storey max neighbours)

### Northern Boundary:

The non-compliant 4th floor imposes over the building to the north (333 Condamine Street):



### Western Boundary

2 Sunshine street (and houses further West) are all a maximum 2 storey low density residential. A non-compliant 4 storey building will excessive impose upon the houses along Sunshine Street.

- Developments in the adjacent blocks between Kenneth Road and King Street are largely compliant to the current WLEP. This building will sit on a relatively flat gradient (vs the sites in the area). Buildings further south between Sunshine Street and Dan Murphys/KFC have much steeper gradients which have allowed them to use a 'stepped' design to add compliant 4th storeys.

### **Local character**

- The excessive bulk and scale is inconsistent with adjacent buildings. We would argue that the large height and scale of the building makes the development inconsistent with 'shop top' housing as evidenced through the images above which reference scale. There is a risk that this large development changes the suburban character of this section on Condamine Street.
- This development is more consistent with recent developments within the commercial/industrial end of Manly Vale near Freedom Furniture. It is clearly not within the character of the locality to move these bulky designs further north of Kenneth Road when considering the existing context. We would argue these newer developments highlight the risk of overdevelopment on this site.

### **Parking**

- Additional units resulting from a non-compliance to the WLEP development will inevitably result in the ability of neighbours to park adjacent to their house and have visitors park close by. Parking is and will increasingly become a significant issue in the area due to:
  - Commencement of B-line bus attracting commuters parking on residential streets
  - Clearway operation on Condamine Street in the afternoon peak

- Overspill from existing developments along Condamine Street
- We would request the council do a parking study in the whole suburb to assess the communities ability to absorb much more development.

In addition, we disagree with the justification comments and conclusion reached in the Clause 4.6 Application. In our opinion, the document does not provide appropriate justification for the breach in the maximum height control and is not able to be supported by a consent authority. The document also fails to mount any credible argument that proposed building will not result in any privacy impacts to residents, despite asserting that this is the case.

This development exceeds the height controls for the area and this has a significant negative impact to neighbours and the community with:

- Unreasonable privacy impacts to neighbours
- Insufficient setbacks when adjoining low density
- Additional parking issues in area that lacks sufficient street parking
- Changing the character of the Northern end of Manly Vale

We're not opposed to sensible, sympathetic, and compliant development of the subject site; however, we reject the subject application for the reasons stated throughout this submission. It is our assessment that any future development proposal must:

1. Be designed to respect the site, locality, environment, and neighbours
2. Comply with the WLEP maximum height control.
3. Better consider the privacy impacts on neighbours
4. Comply with the Apartment Design Guide recommendation on setbacks when facing low density
5. Provide significant on-site parking including visitor parking. We do not accept that normal provisions are appropriate for this site.
6. Consider the inclusion of more 3 bedroom apartments which would enable more families to live within the development