
Sent: 15/01/2020 11:05:42 AM
Subject: OBJECTION TO PROPOSED DEVELOPMENT DA2019/1475 - Ricardo Aravena, 3/28 Victoria Pde, Manly
Attachments: DA2019-1475 Objection Points for Owners.docx;

Please include my objection to the proposed development DA2019/147.

I am the owner of an apartment next to the proposed development, in unit 3/28 Victoria Pde, Manly.

Aside from the obvious objections to the amount of additional noise that would come with such a large development in a residential area, and the annoyance of the noise from the construction, I also strongly object to the loss of natural light we will receive in the lower units, which is already quite low.

I've attached the objections shared by all the owners who reside here and have been contactable.

Hoping for the best from my council,
Ricardo Aravena, owner of 3/28 Victoria Pde, Manly.

1. Acoustic Privacy:

1.1 Objections:

- The proposed design of the balconies 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 balconies on the north east side of the proposed development present a high probability of noise and cigarette emission that will impact residents of 28 Victoria Parade.

- The proposed use of the roof-top as a recreational area for commercial enterprise will cause a detriment to the residents of 28 Victoria Parade no matter what time of day. The acoustic assessment provided in the application states that use of this area will be prohibited after 10pm by the hotel, however the ability to enforce restriction on these proposed hours of usage are unlikely to be satisfactorily adhered to, particularly if the area is leased for private parties. The residential zoning of this area means that families with young children, shift workers and individuals who work from home will be severely impacted at all hours by the uncontrolled and unnecessary noise generated by this 24 hour commercial establishment.

- 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.

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.

- 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 has been no acoustic assessment of the noise from the intended roof-top outdoor speakers or pool pump located on this level, however it has been indicated (not guaranteed!) that the speakers will be positioned facing away from neighbouring windows. However given that residential properties directly face this proposed area from three different angles, it is hard to believe this will be possible. The impact of noise reverberation within the close proximity of all three adjacent properties has also been ignored in this assessment.

- There has been no acoustic assessment of the impact of noise from patrons using their balconies along the north-eastern boundary line. They are 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 conversation, phone calls, music and traffic.

2. "View Creep" & Natural Light

2.1 Objections:

- The height of the property is above the legal limit of 11m according to the Manly Local Environmental Plan 2013. The proposed breach of height by 44% for the lift over-run, 39% for the fifth-floor level and breaches across a further three areas of above 30% 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 availability of natural light to residents on the north-eastern boundary line will 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 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. It has been stated on page 60 of the application that the proposed height of 15.74m will *'not contribute to any adverse view loss impacts to the neighbouring buildings, in particular the immediate adjoining neighbours at nos. 18-20 Victoria Parade and no 28 Victoria Parade. It should be noted that any existing views as appreciated from the south of East Manly Cove Beach and to the north of Manly Beach are not considered to be views worthy of retention.'* This statement is erroneous and completely incorrect. 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 reference to the external lighting plan for the roof-top area that would highly likely impact residents on the north-eastern side with artificial light pouring into the rooms all night.

3. Landscape Plan:

3.1 Omissions:

- There has been no mention of a 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 22 spaces for 49 rooms. 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.
- There has been no impact report of the proposed planting of trees and their potential for root damage and leaf litter to the garages at the rear of 28 Victoria Parade. Responsibility needs to be established for their maintenance and impact on neighbouring properties.

4. Hours of work for demolition and construction:

- 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.

4.1 Omissions:

- There is no information provided regarding the approved days and hours of work for demolition. Work on the weekend will severely impact residents of 28 Victoria Parade and other adjacent properties.

- There has been no information provided regarding the impact of drilling underground to the foundations of our building. Given the close proximity of the two properties, the consequences of drilling and excavation to our 87-year old building have not been considered. While a dilapidation survey of our building has been recommended, there is no mention of liability of repair if damage occurs or the impact of dust and mess during the demolition and construction phase to our property. Residents will be unable to open their windows on the north-eastern side of the building for this duration of this lengthy construction due to the dust and noise, thus limiting the availability of fresh air and light to living spaces on the boundary.