
From: Danielle Deegan
Sent: 26/04/2023 10:46:09 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: DA2023/0299, 29, 31 and 35 Reddall Street, Manly
Attachments: FINAL SUBMISSION from 28 Reddall Street 20230426.pdf;

Hello

Please find attached submission from **28 Reddall Street, Manly** to DA2023/0299.

Please note this submission is from the **owners of 28 Reddall Street** on the DA Tracker. This is to distinguish this submission from another I have made on behalf of 7 College Street, (which I request be similarly annotated on the DA Tracker, ie. Owners of 7 College Street and not DM Planning).

Regards

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26 April 2023

The General Manager
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Attention: Mr Jordan Davies

Dear Mr Davies

LETTER OF OBJECTION TO DA 2023/0299

**Demolition works, subdivision of three lots into five and construction of five new dwelling houses with swimming pools, associated landscaping and parking
29, 31 and 35 Reddall Street, Manly.**

I refer to the above Development Application (DA) for 29, 31 and 35 Reddall Street, Manly (the development site).

I act on behalf of the owners of 28 Reddall Street, Manly, located to the west of the development site.

I have inspected the development site from the street and from 28 Reddall Street. I have also examined the relevant documents, plans and reports including the Statement of Environmental Effects (SEE) and the Assessment of View Sharing prepared in support of the DA.

In summary, we object to the proposed development for the following reasons:

- Non-complying wall height, number of storeys and setbacks
- View impacts
- Bulk and scale, streetscape impact

We consider the general form and massing the development to be inconsistent with the streetscape provisions and the maintenance of view provisions of the Manly Development Control Plan (the MDCP).

OUR CLIENTS' PROPERTY

Key aspects of our clients' property as they relate to their concerns are noted as follows and depicted in the figures below.

As seen in Figure 1 below, 28 Reddall Street is a 3 level residential flat building of interwar origin, containing 3 apartments, all with balconies/terraces orientated toward views to the east.



Figure 1. Street view of 28 Reddall Street

Unit 1 and 2 occupy half of the ground floor level while unit 3 occupies the whole upper level.

Figure 2 below shows 28 Reddall Street relative to the development site.



Figure 2: Development site shown shaded yellow and 28 Reddall Street shown with red star (source: SIX maps)

28 Reddall Street is elevated and currently enjoys ocean and foreshore views, including Fairy Bower, Cabbage Tree Bay, land water interface views and views of Shelley Beach Headland, over the development site from its' east facing windows and balconies.

Figure 3 below shows the context of the site relative to the Pacific Ocean and its beaches, foreshores and headlands.



Figure 3. Development site outlined in blue with 28 Reddall Street shaded yellow (source: SIX Maps)

The owners of 28 Reddall Street make the following objections to the proposed development:

SETBACKS, WALL HEIGHT AND NUMBER OF STOREYS

The proposed development fails to comply with planning controls contained in the MDCP555. In particular, the residents of 28 Reddall Street object to the following non-compliances:

MDCP control	Required	Proposed
Front setback (Reddall Street)	6m	3.2m – 4.3m
Side setback	6m	1m (pergola)
Wall height	7.2m – 8.2m	Exceeds by 600mm
Number of storeys	2	3

These non-compliances are discussed further below:

- Front setback**

There is no prevailing front setback along the eastern side of Reddall Street. Setbacks are varied with some single storey parking structures on nil setbacks and dwellings with more generous setbacks. The eastern side of Reddall Street is also the rear access to several lots with frontage to Bower Street. The setbacks of the existing dwellings on the development site should also be taken into consideration. In this regard the existing dwelling opposite (29 Reddall St) has a 7m setback.

The clause 4.1.4.1 (b) of MDCP states:

- b) *Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum **6m front setback generally applies.***

As there is no prevailing or consistent setback to Reddall Street, the applicable front setback is 6m. The proposed two storey dwellings on 29, 31 and 35 Reddall Street are setback 3.2m to 4.3m and will have an imposing impact in the streetscape. Compliance with a 6m front setback would push the three dwellings further down the slope, consequently lowering building height, reducing view and streetscape impacts.

In failing to satisfy the numerical requirement for a 6m front setback, the proposal also fails to satisfy the objectives of the control as follows;

Objective 1) - The reduced front setbacks do not maintain and enhance the existing streetscape. The proposed two storey facades will be visually dominating in the streetscape compared the existing buildings.

Objective 2) - The reduced front setbacks do not facilitate view sharing as they result in the siting of the proposed dwellings further up the slope.

Objective 4) - The reduced front setbacks limit the area available for effective landscaping.

- **Side Setback**

As seen in Figure 4 below, the proposed pergola on the northern side of 29 Reddall Street encroaches into the view corridor of Unit 2, 28 Reddall Street.



Figure 4. View from unit 2/28 Reddall Street with proposed overlaid 3D solid block computer model (source: Assessment of view sharing by RLA)

The encroachment results in the loss of water views from this unit 2. The potential to block views further increases if planting occurs above the pergola. The owners request that the pergola be removed or relocated to the rear of the dwelling where the pergola would not intrude on the view corridor.

- **Wall Height**

It is noted that wall height does not appear to have been plotted on the submitted plans. The maximum wall height applicable is 7.2m to 7.8m, whereas the proposed dwelling on 29 Reddall Street has a wall height that exceeding the maximum height by 600mm. It appears the raked skillion roof of 29 Reddall Street protrudes above the wall height plane. The non-complying wall height contributes to excessive bulk and scale and consequently results in view loss.

- **Number of storeys**

The MDCP states that buildings must not exceed 2 storeys. All five dwellings are three storeys, with the basement storeys extending beyond the footprint of the dwellings above. Figure 5 below shows a section through 29 Reddall Street and 9 College Street.

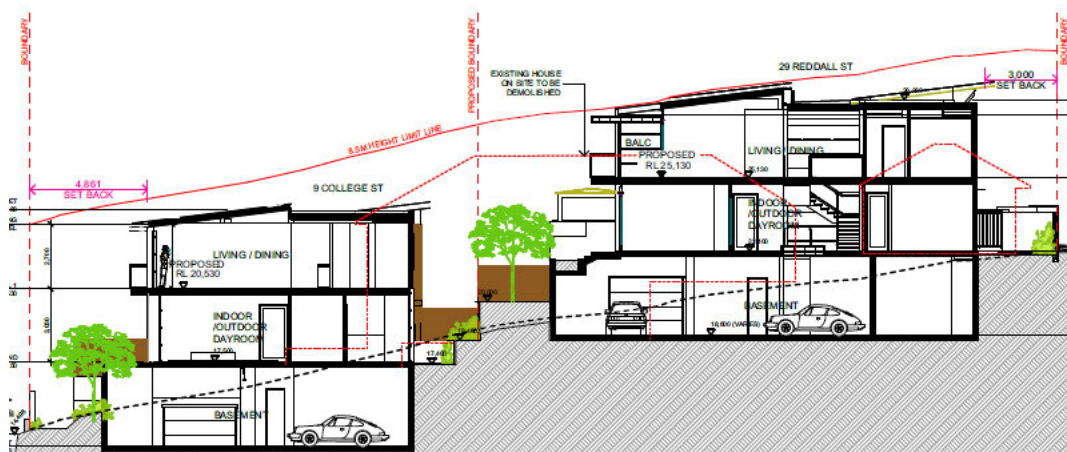


Figure 5. Section A-A, demonstrating three storeys (source: Wolski Coppin Architecture)

The non-compliances with the number of storeys results in substantial visual bulk particularly where the basement protrudes above ground level. The basement levels are visually dominant in the College Street streetscape where they have an unacceptable visual impact.

STREETSCAPE

The proposal fails to satisfy clause 3.1.1 of the MDCP in that the development, with its two storey façades on minimal front setbacks to Reddall Street, fails to recognise the predominant streetscape qualities, such as building form, scale and setback patterns. Further, the development fails to compliment the more generous front setbacks and character established along Reddall Street and in doing so fails to ensure the bulk and design of the development does not detract from the scenic amenity of the area as viewed from surrounding public and private land.



Figure 6. Reddall St streetscape (source: 3D Fly around, Wolski Coppin Architects)

Figure 6 above shows the additional building bulk to Reddall Street resulting from the two storey building height combined with the non-complying 3.2m – 4.3m front setbacks. The imposing wall-like appearance of the proposed development along Reddall Street is not consistent with the predominant pattern which generally includes more generous setbacks for dwelling houses.

VIEW LOSS

The proposed development does not satisfy the objectives for the maintenance of views stated in Section 3.4.3 of MDCP as follows:

Objective 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).

The design of proposed development does not minimise the loss of views from 28 Reddall Street or from public spaces.

The siting of the five dwellings do not allow views between buildings when viewed from Reddall Street. The proposed building height combined with the non-complying front setback to Reddall Street, which push the buildings up-slope, results in unacceptable view loss to the residents of 28 Reddall Street.

The owners of 28 Reddall Street request that a building template be erected on the 29 Reddall Street to accurately demonstrate the height, bulk and positioning of the proposed development and to assist Council in accurately determining view impacts.

As previously outlined, it is important to note that the proposal is non-compliant and therefore any view loss is unacceptable. While the development, as proposed, complies with the building height and FSR development standards, it does not comply with building setbacks (front, rear and side), wall height and numbers of storeys. A fully compliant development would have a lesser impact on views.

The view analysis prepared by Richard Lamb incorrectly removes existing vegetation from the post-development images. Figures 7 and 8 below show the before photo (taken in 2019) with the post development photo.



Figure 7. Photograph of existing view from 1/28 Reddall St taken 2019 (source: R.A.Walls Constructions)

Comment: Existing vegetation visible in the reserve identified by red arrow



Figure 8. View with proposed overlaid as 3D solid block computer model (source: R.A.Walls Constructions)

Comment: The post development image removes vegetation in reserve thereby overestimating the amount of view gain

Further concerns with the view analysis relate to the images used for unit 3. As noted in Figure 2, unit 3 occupies the whole upper level. However, the photograph used for the view analysis for unit 3, was taken from *survey viewpoint 03*. As seen in Figure 9 below, *survey viewpoint 03*, is the furthest from the development site and therefore the least impacted by the proposed development. The owners of unit 3, request that a view impact analysis be undertaken using an image taken from survey point 7.



Figure 9. Extract showing Location of survey points (source: CMS Surveyors)

Section 3.4.3 of the MDCP requires that the ultimate assessment of views and view loss be in accordance with the planning principle established by the NSW Land and Environment Court in *Tenacity v Warringah* (2004 NSW LEC 14). While a detailed assessment is not possible until the building templates are erected, a brief examination of the proposal against the four steps provided in planning principle is provided below:

1. What views are to be affected?

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

Presently there are expansive views of varying degrees to the east and north-east available from the apartments in 28 Reddall Street. These views are highly valued and are currently available over the houses directly to the east, including the existing roof of 29 Reddall St. The proposed development will impact on views obtained in an easterly direction towards the Pacific Ocean, Fairy Bower and its wave zone, Cabbage Tree Bay and the Shelley Beach Headland. The view impacts appear to primarily affect unit 2, however, further analysis from the southern end of unit 3 is required.

The view analysis notes that there will be no view loss to units 1 and 3 and minor loss of water horizon and headland vegetation to unit 2. The report finds that there will view gains to 28

Reddall Street as a result of the removal of vegetation, however, this conclusion is misleading as much of the vegetation erased from the photo analysis has been overestimated as vegetation has been incorrectly removed from adjoining reserve.

2. Where are the views obtained?

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The views from 28 Reddall Street are obtained from east facing windows and balconies of all three units. Views are available from both sitting and standing positions. The quality of view varies depending on the different vantage points within each apartment. The views are obtained across the front boundary and therefore there is a reasonable expectation that they be retained.

3. What is the extent of the impact?

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

The primary view impacts are from the balcony and living area of unit 2 and possibly unit 3. These areas are used for day-to-living as well as entertaining. The views from these areas are highly prized. The extent of the impact includes the loss of the Shelley Beach Headland and water and horizon views. The view impact to unit 2 is assessed as moderate.

In relation to 28 Reddall Street, the view analysis notes “view gain as a result of proposed removal of existing vegetation”. However, as noted previously, the view gains represented in the post development 3D solid block computer model, is inaccurate as it removes the existing vegetation located within the reserve. These images give a misleading outcome showing more water view gained than will be available.

View impacts from unit 3 have only been taken from the northern end of the balcony. Consideration should also be given the view impacts from the southern end.

4. Is the proposal reasonable?

*The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. **Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.** With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Comment:

As previously indicated the proposal fails to comply with a number of key built form controls, namely setbacks, wall height, and number of storeys. The view analysis prepared by Richard Lamb provides a comprehensive assessment of the view impacts from the proposed development, however the conclusions regarding Step 4 (reasonableness), that is, that the extent of view loss to 28 Reddall Street is nil and that the “*Tenacity Principle has no work to do*” is flawed. This is because the analysis only considers the development standard for height of buildings.

Given that there are several non-compliances with other planning controls, including setbacks, wall height and number of storeys, the proposal cannot be considered a reasonable development and therefore the resulting view loss is also unreasonable. A compliant development and more skilful design would reduce view loss to 28 Reddall Street.

SOLAR PANELS

Solar panels are indicated on the roof plans for 29 Reddall Street; however, they are not shown in elevation or section. Concerns are raised that these solar panels maybe angled resulting in additional building height and further view impacts. There are also concerns that the solar panels could result in unacceptable glare and reflectivity to the residents of 3/28 Reddall Street.

CONCLUSION

In summary, the owners of 28 Reddall Street object to the DA for the following reasons:

- Non-complying wall height, number of storeys and front setback
- View impacts
- Bulk and scale, streetscape impacts

The proposed development fails to meet both Council's planning controls and the merit assessment guidelines outlined in the planning principle for view sharing. The proposed development does not satisfy front, side and rear setback provisions, wall height, number of storeys, excavation depth or swimming pool provisions.

The proposal is out of character with the area and results in detrimental amenity impacts on surrounding properties. The proposed development represents an overdevelopment of the site and should not be approved in its current form.

Before determining this application our client requests that building templates be erected on the site and a view assessment undertaken by Council.

Please contact the Ms Michelle Hill on [REDACTED] to arrange site access in order to undertake a detailed view assessment.

Yours faithfully,



Danielle Deegan
Director DM Planning Pty Ltd