
From: Danielle Deegan
Sent: 2/02/2024 10:37:18 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Submission - DA2023/0987, 35-43 Belgrave St, Manly
Attachments: AMENDED PLANS SUBMISSION DA2023_0987 Belgrave Street 20240202.pdf;

Hello

Please find a submission to the notification of the amended plans for the above DA.

Regards

Danielle Deegan
Director
DM Planning

On behalf of SP 101407



DM Planning

2 February 2024

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

Attention: Mr Alex Keller

Dear Mr Keller

LETTER OF OBJECTION TO DA 2023/0987 – AMENDED PLANS
Demolition and construction of a shop-top housing development with basement parking
35 - 43 Belgrave Street, Manly.

I refer to the amended plans and documents lodged on 21 December 2023 for Development Application (DA) for 35 - 43 Belgrave Street, Manly (the development site).

I act on behalf of the owners of 'Porteno' at 26 Whistler Street, Manly (Strata Plan 101407), the recently constructed residential flat building located to the east of the subject site.

We have reviewed the amended plans and documents and wish to advise that the concerns raised in our original submission, dated 31 August 2023, have not been addressed and, in the case of building height, have been exacerbated by the amended proposal.

In summary, the reasons for objecting to the proposal are:

- Excessive building height
- Visual impacts
- View loss
- Overshadowing

My clients request that Council not support the proposal in its current form.

EXCESSIVE BUILDING HEIGHT

The amended development has not made any attempt to reduce the building height. Alarming, the amended proposal introduces additional building height in the form of an extended lift shaft and pergola above a new communal open space area.

The amended development reaches a maximum height of 18.27m, measured from existing ground level to the top of the proposed vaulted roof form at RL 24.070m, a variation of 3.27m or 21.8%.

The proposed roof top pergola and lift overrun structures have overall building heights of 19.9m and 21.57m presenting variations of 32.6% and 43.8% respectively.

The southern end of the Belgrave Street facing building façade has a parapet height of RL 23.27 representing a building height variation of 2.47m or 16.4%.

The extent of non-compliance is demonstrated in the extract of Streetscape Elevation by SJB Architects (Figure 1).



Figure 1. Belgrave Street elevation with lift overrun clouded red (source: SJB Architects)

The following issues were raised in the previous submission and remain applicable:

- **Vaulted ceilings at Level 4:**

While some of the curved ceiling features have been removed from the southern part of the building, the vaulted roofline remains. As pointed out previously, the vaulted parapet at level 4 extends to the edge of the building above the terraces creating an overbearing impact when viewed from the street. The openings at level 4 should be the same as the levels below, with flat roof elements introduced above the terraces. This would assist in reducing building height.

- **Rooftop terraces:**

The amended proposal retains the four private terraces (contrary to Council's request) and introduces an additional communal open space area to the rooftop with an accompanying pergola structure above. The pergola structure adds significantly to building height. The future owners of the private terraces will inevitably seek similar structures for protection from the sun, rain and wind thereby exacerbating the building height even further.

In addition, the introduction of umbrellas, outdoor furniture and landscaping to the rooftop could all potentially interrupt view corridors and/or contribute to visual clutter on the rooftop, when viewed from the upper-level apartments at 26 Whistler Street.

Rooftop terraces on a building that is already non-compliant with building height is unreasonable.

- **Lift overrun and mechanical plant equipment:**

Not only has the lift overrun not been eliminated, as previously requested, but it has also been increased in height by 4.17m by extending the lift to the rooftop to enable access to the new communal open space.

The previous request for the use of a zero over-run lift model has also been ignored.

- **Excessive floor-to-ceiling heights:**

The amended plans continue to incorporate excessive floor-to-ceiling heights including 3.535m at ground level and 3.25m to 4.35m at level 4. The NSW Government's Apartment Design Guidelines (ADG) require a minimum ceiling height of 3.3m for the ground floor retail component and 2.7m for the residential levels above. By adopting the minimum ceiling heights specified in the ADG, there is scope to reduce the overall height of the proposal by approximately 1m simply by marginally reducing the ceiling heights at each level.

My client objects to the overall building height arising from the unnecessary building features outlined above.

VISUAL IMPACT

As seen in Figures 2 and 3 below there has been no significant change to the perceived bulk and scale of the proposed development. The five-storey presentation of the proposal, lack of building setbacks at upper levels, combined with the vaulted ceilings will result in an imposing visual impact when viewed from all three street frontages.

Unlike *26 Whistler Street*, where the storeys above level 3 are setback from the street frontages, the proposed development extends to the boundaries on all levels. A 2.5m setback of the upper level from the street frontages (Belgrave, Whistler Street and Raglan Street) would minimise the visual impact of the top level and reduce the impact on the street and adjoining properties.



Figure 2. Amended perspective from corner Belgrave and Raglan Street (source: SJB Architects)



Figure 3. Original View from corner Belgrave and Raglan Street (source: SJB Architects)

VIEW IMPACTS

It is requested that Council not approve the building height non-compliance where it results in view loss. The *Visual Impact Assessment (VIA)*, prepared by Urbaine, in support of the amended proposal, acknowledges that the proposal will result in **moderate to high** view loss to apartments 601 and 701, 26 Whistler Street. However, the VIA incorrectly concludes that the view loss is 'acceptable'

because the proposal is a '*largely compliant development*'. However, as noted above, the proposal is not a compliant development as it significantly exceeds the building height development standard by 16.4% (Belgrave St parapet) to 43.8% (lift overrun).

In addition, the VIA does not provide photomontages of a fully compliant scheme (as requested in Council's RFI letter) to enable a comparison between a compliant and non-compliant development.

The amended proposal does not minimise the loss of views from 26 Whistler Street.

The unnecessary architectural embellishments, the generous floor-to-ceiling heights and structures on the rooftop (lift overrun, terraces, pergola and mechanical plant) all result in excessive building height and unacceptable view loss.

As previously outlined, it is important to note that the proposal is non-compliant with the building height development standard and therefore any view loss is unacceptable. A fully compliant development would have a lesser impact on views.

OVERSHADOWING

The excessive building height will result in unacceptable shadowing of the west-facing units at 26 *Whistler Street*. The Shadow Diagrams and View from the Sun Diagrams submitted with the amended plans show no change to the overshadowing of the west-facing units (26 Whistler Street), particularly the north-western balconies, in the afternoon hours in midwinter.

A compliant building height, along with the setting back of the upper level (as previously requested), would reduce the shadowing impacts to a reasonable degree.

CONCLUSION

In summary, my client continues to object to the DA (as amended) for the following reasons:

- Increased building height
- Visual impacts
- View loss
- Overshadowing

While my clients are generally supportive of the redevelopment of the site, they object to the unnecessary building height and resulting detrimental amenity impacts. While a building height of 5 storeys is generally accepted, several unnecessary design features (as outlined above) create excessive building height.

Given that the applicant has not made any attempt to reduce building height, my client's request that the proposed development, in its current form, be refused by Council.

Yours faithfully,

Danielle Deegan
Director
DM Planning Pty Ltd