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**From:** Danielle Deegan  
**Sent:** 21/04/2023 10:34:15 AM  
**To:** Council Northernbeaches Mailbox  
**Cc:** [REDACTED]  
**Subject:** TRIMMED: DA2023/0299, 29, 31 and 35 Reddall Street, Manly  
**Attachments:** FINAL SUBMISSION DA2023\_0299 Reddall Street 20230421.pdf;

Hello

Please find attached a submission from 7 College Street, Manly (College Court, Strata Plan 68046) to DA2023/0299.

Regards

Danielle Deegan

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21 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 7 College Street, Manly (College Court, Strata Plan 68046), located to the south of the subject site.

I have inspected the subject site from the street and from College Court. I have also examined the relevant documents, plans and reports including the Statement of Environmental Effects (SEE) and the Assessment of View Sharing submitted 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 loss
- Bulk and scale, streetscape impacts
- Excessive site coverage, lack of deep soil landscaping and drainage issues
- Subdivision pattern, elevated swimming pools, excessive excavation
- Traffic and parking impacts

Overall, the development fails to comply with numerous planning controls, indicating overdevelopment, and results in unacceptable view loss.

## 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.

College Court is a three-storey residential flat building containing 10 apartments, all with balconies/terraces orientated toward views to the north. College Court is located to the south-west of the subject site. It has a street frontage to College St and partial frontage to Reddall Street, as shown in the Figure 1 below.



Figure 1: Subject site shown shaded yellow and College Court shown with red star (source: SIX maps)



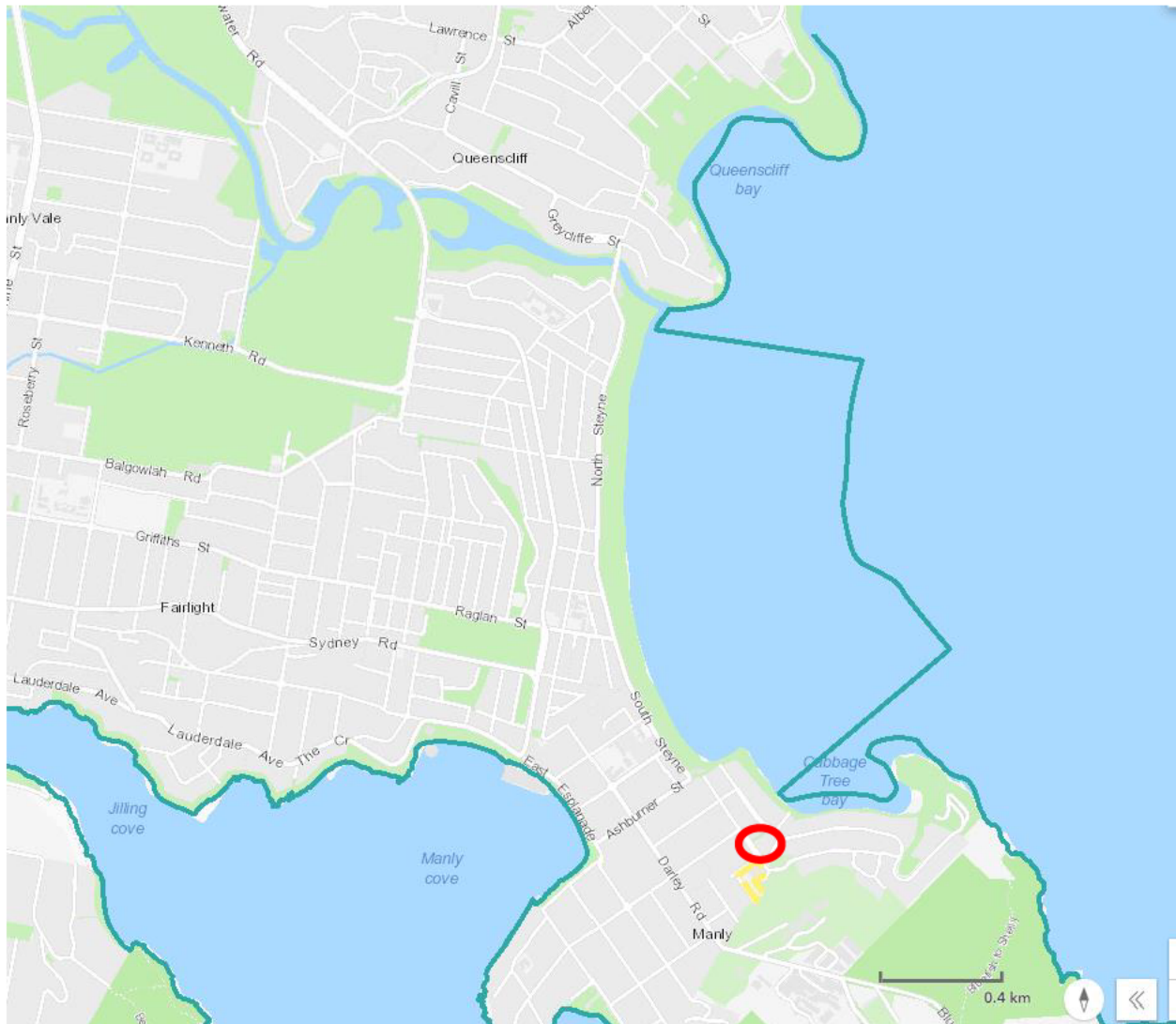


Figure 2. Site location indication context with North Harbour to left and Pacific Ocean to the right (source: NSW Planning Portal)

College Court is elevated and currently enjoys ocean and foreshore views over the subject site from its' north-east facing windows and balconies.

Figure 2 above shows the context of the site relative to the Pacific Ocean and its beaches, foreshores and headlands. Views from College Court include water views, land water interface views and views along the coastline of the northern beaches.

The owners of College Court 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 Manly Development Control Plan (MDCP). In particular, the residents of College Court object to the following non-compliances:

| MDCP control                   | Required    | Proposed         |
|--------------------------------|-------------|------------------|
| Front setback (Reddall Street) | 6m          | 3.2m – 4.3m      |
| 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 subject site should also be taken into consideration. In this regard the existing dwellings have a 4.5m setback (35 Reddall St), 8m (31 Reddall St) and 7m setback (29 Reddall St).

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 are therefore **non-compliant**. Compliance with a 6m front setback would push the three dwellings with frontage to Reddall Street, further down the slope, consequently lowering building height and reducing view 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.

- **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 dwellings on 29 and 31 have wall heights that exceed the maximum height by 600mm. It appears the raked skillion roof of 29 Reddall Street and the raked skillion roof of 31 Reddall Street protrude above the wall height plane. The non-complying wall heights contribute to excessive bulk and scale and consequently result 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 4 below shows a section through 31 and 8 Reddall Street.



Figure 3. Section B-B, demonstrating three storeys (source: Wolski Coppin Architecture)

The non-compliance with the number of storeys results in substantial visual bulk particularly where the basement levels protrude above ground level. The basement levels are particularly dominant in the College Street streetscape where they result in unacceptable visual impacts.

## 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 College Court 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 pushes the building up-slope, results in unacceptable view loss to the residents of College Court.

The owners of College Court request that building templates be erected on the site 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 with several of Council's planning controls 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.

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 north and north-east available from the apartments in College Court. These views are highly valued and are currently available over the houses directly to the north, including the existing roof of 35 Reddall St. The views are of Cabbage Tree Bay, beaches, foreshores and headlands extending all the way up to Palm Beach. The views of Long Reef Headland are considered to be iconic. Land and water Interface views are available.

## **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 College Court are obtained from north-east facing windows and balconies on the upper two levels of the building. Views are also available from the front entries of the ground level apartments and from the raised terrace of apartment 1. 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 balconies and adjoining living areas. Views from some kitchen windows will also be affected as a result of the proposed development. As noted above, views from kitchens and living areas are highly valued. The most important areas affected are the balconies which are used for day-to-living as well as entertaining. The views from these areas are highly prized.

The extent of the impact on views varies from minor to moderate to severe depending on the apartment and the vantage point within.

## **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:



The view analysis prepared by Richard Lamb provides a comprehensive assessment of the view impacts from the proposed development. However, in relation to the reasonableness question, only the development standard for height of buildings is taken into consideration. The non-compliances with numerous other planning controls have not been acknowledged or taken into consideration when considering the reasonableness of the proposal. Given the non-compliances with front, rear and side setbacks, wall height and number of storeys, the proposal is not a reasonable development and therefore the resulting view loss is also unreasonable. A compliant development and more skilful design would reduce view loss to College Court.

## BULK AND SCALE, STREETSCAPE

The streetscape presentation of 29, 31, 35 Reddall Street St is incongruous with the existing pattern of development along the eastern side of Reddall Street.



Figure 4. Reddall Street elevation of 29, 31, 35 Reddall Street (source: Wolski Coppin Architects)

The two storey presentation combined with the non-complying 3.2m – 4.3m front setbacks will result in an imposing visual impact on Reddall Street. Two storey development on a 3.2m – 4.3m setback is not consistent with the predominant pattern which generally includes more generous setbacks for dwelling houses with buildings within the 6m setback, generally limited to single storey parking structures.

Similarly, the streetscape presentation to College Street is also unacceptable with the above ground level basements, elevated terraces and retaining walls within the 6m setback and dominating the streetscape.



Figure 5. View from College Street (source: Wolski Coppin Architects)

## SWIMMING POOLS

Clause 4.1.9.1 of MDCP requires that swimming pools and spas must be built on or in the ground and not elevated more than 1m above natural ground level.

The proposed swimming pools are located above the protruding basements and are up to 3m above finished ground level. The elevated swimming pools give rise to privacy and visual bulk impacts and consequently do not satisfy the objectives of the swimming pool controls.

## EARTHWORKS

Clause 4.4.5.2 of the MDCP requires that basement parking areas be contained within the footprint of the building. The proposed basement extends well beyond the footprint of the each of the dwellings above. The excessive excavation required for the basements creates unacceptable change to the topography of the site and is therefore inconsistent with the objective for the control.

## SITE COVERAGE, LANDSCAPING AND DRAINAGE

The proposal lacks a suitable balance between landscaping and built form. The design, quantity and quality of open space does not respond to the sensitive character of the area and is not sympathetic to the natural environment.

The proposal does not comply with clause 4.1.5 of the MDCP as the proposal includes terracing which disrupts the containment of continual areas of open space. The elevated terrace areas are disconnected from the areas below thereby reducing the usability of the lower levels.

The proposal represents a significant increase in impervious area on the site. The proposal introduces two internal driveways and expansive basement areas. This results in a significant loss of area available for deep soil planting and increases the stormwater run-off generated by the site. It is noted the Council's Stormwater Engineers do not support the proposal.

The residents of College Court are concerned about the planting of the proposed *Backhousia myrtifolia* (Grey Myrtle) along the Reddall Street frontage. This tree reaches a mature height of 7m and could result in view impacts. It is requested that this tree be replaced with a species which achieves a mature height of 5m or less.

## SUBDIVISION PATTERN

The proposed subdivision does not maintain the character of the area or the established subdivision pattern and therefore does not satisfy the objectives for subdivision outlined in clause 4.4.8 of the MDCP. The predominant pattern in the area is long, narrow lots. The proposed subdivision includes generally smaller lots, some battle-axe, with limited depth. There are no other battle-axe lots in the vicinity. The awkward lot size contributes to difficulties complying with front and rear setbacks.

## TRAFFIC IMPACTS

Concerns are raised regarding the proposed driveways along College Street. While traffic restrictions prevent parking along College Street on weekends, during weekdays cars align both sides of the street restricting through traffic to one lane. It is requested that Council's traffic engineer review the appropriateness of this proposed vehicle entry/exit points.

The proposed number of parking spaces is considered inadequate to cater for the number of residents. This shortfall will lead to an increase in the demand for on-street carparking which is already in short supply. The additional traffic generated by the proposed development will add to the already congested local traffic network.

Concern is also raised over impacts to existing residents resulting from construction traffic, particularly given the amount of excavation proposed and the trucks required to export material from the site. Details of how access will be maintained for existing residents and emergency vehicles has not been provided.

## SOLAR PANELS

Solar panels are indicated on the roof plans of all dwellings; however, they are not shown in elevation or section. Concerns are raised that these solar panels may be angled resulting in additional building height and further view impacts.

## CONCLUSION

In summary, our client objects to the DA for the following reasons:

- Non-complying wall height, number of storeys and front setback
- View loss
- Bulk and scale, streetscape impacts
- Excessive site coverage, lack of deep soil landscaping, drainage concerns
- Subdivision pattern, elevated pools, excessive excavation
- Traffic and parking 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 Mr Warwick Dawson on [REDACTED] to arrange site access in order to undertake a detailed view assessment.

Yours faithfully,



Danielle Deegan  
**Director**  
DM Planning Pty Ltd