

SSD 6013. Mixed use commercial office building and public car park within the North West Plot

Submission by:

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Unit 2002 The Peak

2 Quay St

Haymarket NSW 2000

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Summary

The proposal now includes shadow diagrams in elevation.

There are numerous factual errors in statements by the proponent.

The proponent still does not understand that many units within the Peak are single aspect.

The proponent appears unaware that the DCP guidelines refer to sunlight between 9am and 3pm; and not the entire day up to sunset.

We object to the application on the grounds of overshadowing of neighbouring dwellings.

Detail

Timing of this Objection

Contrary to the requirements of the of Sydney Development Control Plan 2012 ("the DCP"), the overshadowing diagrams in the original EIS were in plan only (Appendix J, pages 74 - 80). The original EIS did not include any overshadowing diagrams in elevation. Therefore it was impossible to assess the extent of overshadowing of individual neighbouring dwellings within tall buildings, i.e. The Peak and The Quay. The elevation studies have now been belatedly provided during the Stage 2 SSDAs phase and a meaningful public response is now possible for the first time. Therefore this submission focuses on the shadow diagrams in the revised SSD 5878.

It is important to note that those elevation studies do flow through to each of the Stage 2 SSDs. As at the date of this submission, SSD3010, SSD6011 and SSD6013 are the only SSDs on exhibition for The Haymarket site.

Overshadowing Guidelines

The normally applicable guidelines are those set out in the DCP. These state:

" (1) Development sites and neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space.

(2) New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June. This control does not apply to windows on a side boundary or only separates from a side boundary or passageway.

(3) The development application is to include diagrams in plan and elevation that show the shadow impact of the proposal at 9am, 12 noon, and 3pm at midwinter."

Factual errors in statements by the proponent

Proponent statement	Location of statement	Actual fact
<i>At mid-winter (22 June) there is some additional overshadowing impact to the Markey City podium and to the western elevation of The Peak Apartments after 2 pm. There is no additional overshadowing during the morning period, or the early afternoon.</i>	SSD5878 RtS Report 16 July 2013, Section 2.8	That statement is misleading; in fact the podium additional overshadowing starts at 9 am and increases throughout the morning and early afternoon.
<i>At mid-winter (22 June) By 4pm, approximately 45-50% of the western elevation is in shadow, however the shadow has substantially moved off the northern façade such that only approximately 15-20% of the façade remains in shadow.</i>	SSD5878 RtS Report 16 July 2013, Section 2.8	That statement is false, as can be seen from the diagram. The proponent has confused the western and northern facades.
<i>All apartments in The Peak tower will continue to receive solar access for more than 2hrs during midwinter.</i>	SSD5878 RtS Report 16 July 2013, Section 2.8	The proponent fails to address direct sunlight specifically between 9am and 3 pm as per the DCP guidelines.
<i>It is also noted that the apartments on the northern and western elevations of the building are dual aspect.</i>	SSD5878 RtS Report 16 July 2013, Section 2.8	That statement is incorrect. All elevations and all floors of the Peak other than the penthouse floor contain some apartments which are single aspect. Only the corner apartments are dual aspect. Furthermore, the proportion of single aspect apartments is higher on the lower floors, and they are the floors which will experience greater overshadowing. It is disappointing that at this late stage in the development application process, and despite numerous site visits by the proponent, the apartment layout within the Peak is still not understood by the proponent.

Proponent statement	Location of statement	Actual fact
<i>At mid-winter (22 June) As the afternoon progresses the length and extent of shadow increases and by approximately 3pm approximately 40-45% of the western and northern tower elevations are overshadowed. By 4pm, approximately 45-50% of the western elevation is in shadow, however the shadow has substantially moved off the northern façade such that only approximately 15-20% of the façade remains in shadow.</i>	SSD5878 Appendix G. Response to Public Submissions. Proponent's Response	That statement is false, as can be seen from the diagram. The proponent has confused the western and northern facades.
<i>The extent of additional overshadowing to the northern and western elevations of The Peak is considered appropriate and reasonable. All apartments in The Peak tower will continue to receive solar access for more than 2hrs during midwinter.</i>	SSD5878 Appendix G. Response to Public Submissions. Proponent's Response	The proponent fails to address the direct sunlight between 9am and 3 pm as per the DCP guidelines.
It is also noted that the apartments on the northern and western elevations of the building are dual aspect.	SSD5878 Appendix G. Response to Public Submissions. Proponent's Response	That statement is incorrect. All elevations and all floors of the Peak other than the penthouse floor contain some apartments which are single aspect. Only the corner apartments are dual aspect. Furthermore, the proportion of single aspect apartments is higher on the lower floors, and they are the floors which will experience greater overshadowing. It is disappointing that at this late stage in the development application process, and despite numerous site visits by the proponent, the apartment layout within the Peak is still not understood by the proponent.
<i>9:00 - 1.00 NO IMPACT</i>	SSD5878 Appendix H. Supplementary Design Report Winter solstice - 22 June	That statement is false; in fact the podium additional overshadowing starts at 9 am and increases throughout the morning and early afternoon.
<i>2:00 – The western edge of the Market City podium roof is overshadowed</i>	SSD5878 Appendix H. Supplementary Design Report Winter solstice - 22 June	Most of the western and northern podium roof is overshadowed.
<i>3:00 – The Market City podium roof is overshadowed from the north west corner to the Peak Tower;</i>	SSD5878 Appendix H. Supplementary Design Report Winter solstice - 22 June	Almost the entire podium roof is overshadowed.

Proponent statement	Location of statement	Actual fact
<i>4:00 – The Market City podium roof is overshadowed from the north west corner to the in front of the north elevation of the Peak Tower;</i>	SSD5878 Appendix H. Supplementary Design Report Winter solstice - 22 June	True, and this has substantially been the case since 2pm.
<i>4:00 – 15-20% of the Peak Tower northern elevation remains in shadow since 3pm;</i>	SSD5878 Appendix H. Supplementary Design Report Winter solstice - 22 June	Actually 45-50% of the Peak Tower northern elevation remains in shadow since 3pm.
<i>4:00 – A portion of the Peak Tower north elevation (15-20%) now receives direct sunlight when compared to the maximum building envelope model – portions of which were previously overshadowed at 3pm.</i>	SSD5878 Appendix H. Supplementary Design Report Winter solstice - 22 June	The reduction compared with the maximum building envelop model can be seen from the diagram to be only about 10%.

Our submission

We object to the application on the grounds of overshadowing of neighbouring dwellings.