

DA2019/0645: Amended Plans for 26 Whistler Street, Manly

It was dismaying to read through the documents pertaining to the amended plans for the above DA. The reason for this is that lengthy and elaborate justifications are put forward to convince Council that all is well and good regarding:

- building to a height of 30.01 metres (top of the lift overrun) – some 5.01 metres above the maximum zoned building height of 25metres
- exceeding the zoned floor space ratio of 3:1 by 41%
- depriving residents in the Manly National Building of views (I note that 4 units in the Manly National Building were inspected for this purpose)
- overshadowing in Whistler Street and Short Street Plaza

In other words, concerns about the bulk and scale of the proposed development are swept aside. To add insult to injury a new roof terrace outdoor area is proposed!

The lack of setbacks to the south, east and northern sides above the podium level remain. Such setbacks would at least maintain current access to afternoon sun and airflow to the Short Street Plaza.

My objections to the DA remain as follows:

Extending the building's footprint from a 4-level apartment block to an 8-level one with additional height gained from the lift overrun on the rooftop and now a roof top terrace outdoor area - this is plain and simple overdevelopment.

My proposed solution in my objection to the original plans stands, i.e.

Keep to the footprint as originally approved for this apartment block or build only to level 5 or 6 above ground level with greater setbacks from the southern and northern boundaries. This would temper adverse impacts of increased overshadowing, sun and view loss for neighbouring residents and businesses. Consult with ALL 'neighbours' to assess amenity impacts.

A further objection of mine to the original plans concerned excavating under the current ground level of the 26 Whistler Street carpark. I have read the Engineering Referral Response in this regard and can only assume that the additional supporting information provided about the absorption water tank, water discharge and ground water table levels means that I should now be reassured that all is well. Nevertheless, part of my proposal in this regard remains, i.e. that Council:

...impose a Condition for a Dilapidation Survey to be completed by the Developer for the Manly National Building.

The reason for this proposal is that the Manly National Building is a very large building founded on a high-level raft footing which may be affected by sudden changes in the water table.

I noted in my objections to the initial plans that:

Diagrams provided in the Application suggest that many Level 5, 6 and 7 residents will completely lose District and Oval views. A guesstimate by the MNB Building Manager is that 4 commercial lots on Level 5 and up to 36 residential lots on levels 6 and 7 will be adversely affected by the proposed development. Some of these residential lots are studios with no access to sea views. The sense of space currently afforded residents with District

views overlooking Ivanhoe Park and Manly Oval cannot simply be dismissed. Affected properties are likely to lose resale value and rental income for owners.

It is heartening to note that the developers actually did do some foot and camera work regarding the likely loss of views. Of the 4 units surveyed, however, one was an office on level 5, one a split level unit with sea views from a balcony on level 6, one a split level unit with sea views from a balcony on level 8 and finally one on level 9 – again a split level with sea views from the balcony. In other words, the selection of units does not include any units on level 7 or any west facing studios where the only views from lounge/dining/bedroom are of Ivanhoe Park and Manly Oval. This is a significant oversight.

The developer remains confident that the 26 Whistler property benefits from existing rights use. I appreciate that there would be many arguments and counterarguments about this proposition. The same would apply as to whether existing rights relate to land use only and whether or not there is automatic entitlement to a larger building which flouts current DCP and State Planning requirements.

As noted in my objections to the original plans, '***...it is a strange notion to the layperson that 'existing use' might hold despite demolition of the original building and excavation of the site***'.

I still feel strongly that even if 'existing use' is not contested, '***...it is surely not incumbent on Council to approve overdevelopment of the site...***'.

Lot Owner in the Manly National Building