
Sent: 2/12/2019 12:01:26 PM
Subject: Objection DS 1234/2019
Attachments: Objection letter.docx;

Dear Mr Collier,

On November 22nd I submitted an online objection to DA 1234/2019 proposing the addition of 438 additional outdoor seating for the two existing rooftop restaurants at the Manly Wharf.

I later realised that the online program did not accept the diagram referred to and included in my objection. This diagram forms a relevant portion of my objection as the diagram was to illustrate part of the Land and Environment Court's ruling made in 2013 regarding construction of the two restaurants which specifically precludes development on the two areas where the Applicant proposes to add seating, tables and high walls surrounding the seating.

I attach a full copy of my objection which includes the diagram and would ask that it be either included with my earlier online objection or lodged as a separate objection.

Thank you for your assistance in this matter and I would appreciate your advice as to how this will be accommodated.

Sincerely,

Tom Cameron
2 / 43-45 East Esplanade
Manly 2095
0419 617 124

I object to the proposed development because the Land and Environment Court NSW ruled in 2013 that the roof areas proposed as the outdoor seating venues are not to be permitted any development – see diagram and Items 51 – 53 from the decision below. Therefore, The Council should reject DA 2019/1234.

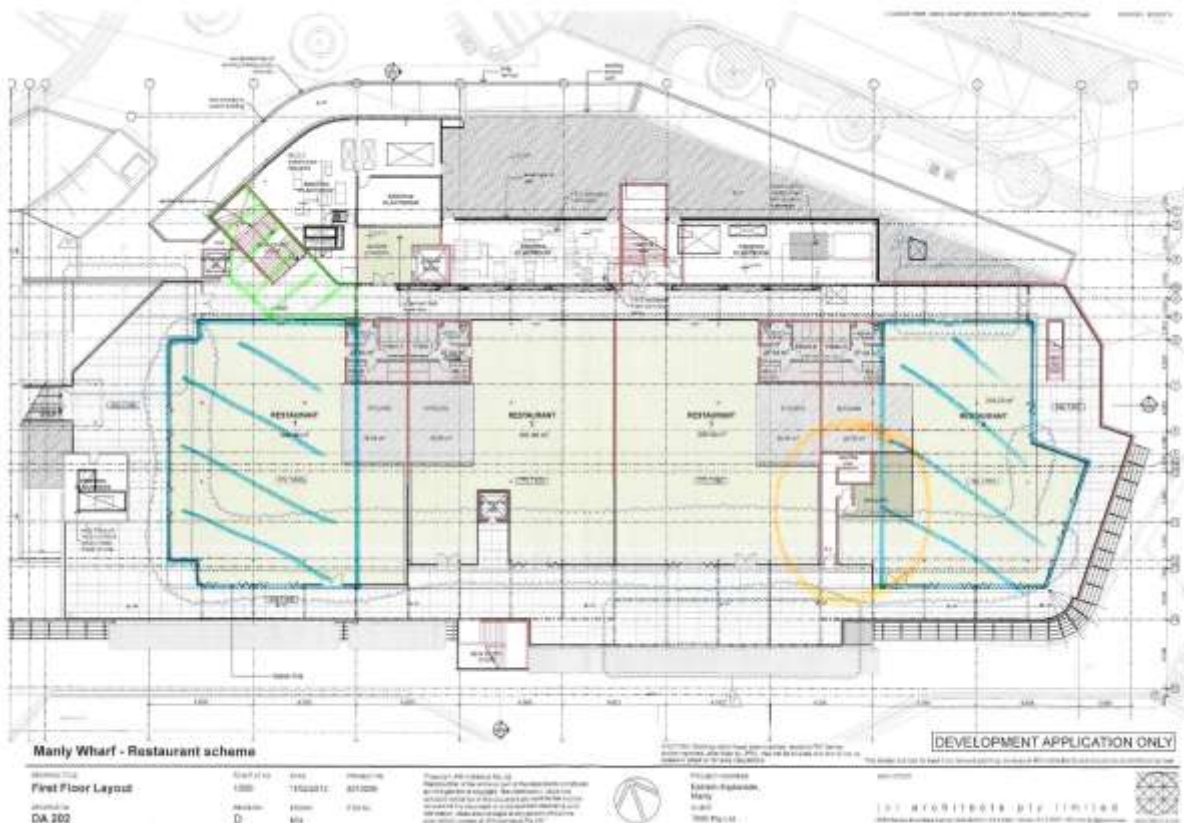
I further object to the DA because our apartment is directly across the street and our balcony is 50 metres from the outdoor area nominated for the 140 plus El Camino seats - which are to be occupied till at least 10pm. Our balcony is only 3 metres higher than the outdoor seating area and we will unquestionably be subject to significantly increased noise pollution should this development proceed

Furthermore, the addition of 400+ outdoor seats would exacerbate problems already identified and objected to regarding this and previous DA's for this site. These include alcohol accentuated objectionable behaviour, lack of public toilet facilities, increased policing cost to manage this behaviour, overcrowding in front of the hotel and in the ferry terminal areas, daytime traffic congestion with right turning delivery vehicles from East Esplanade, garish usage of colour, unsightly cheap pine exterior wall etc. etc.

TMG Developments Pty Limited v Manly Council [2013] NSWLEC 1099 [Decision Date 31/05/2013]

<https://www.caselaw.nsw.gov.au/decision/54a63a733004de94513dac29>

51 In order to assist the parties and those who might read this judgment to understand the nature of what I am describing I have prepared a diagram which I made available to the parties and which is reproduced below:



52 The above diagram notes four areas. Those two that are marked in blue outline and crosshatching are areas where there is not to be permitted any development and that includes at the eastern end the removal of existing structures on the roof and their incorporation, as is intended as I understand it, in the plant room facilities along the northern edge. That will in fact provide some compensatory relief for those premises at the eastern end and will enable, in a quite unintended form, some modest enhancement of views in furtherance of the objectives contained in cl 26(a).

53 At the western end, that which is marked in blue hatching, is also similarly to become flat surface whilst the green area, the area that requires to be roofed for access purposes, is to be consistent with that which was discussed with Mr Poole in his evidence where he indicated that it could be of a modestly lower roof height than that which was proposed for the restaurant areas, could be of a comparatively lightweight superstructure and could be roofed in clear glass. That is the nature of that which would be acceptable in that vicinity and it provides shelter from the elements for those accessing the proposed development that would be acceptable both from the lift and from the proposed entry stairs. The fourth area that I have marked is one that I have marked with an orange circle merely to indicate that it is an area that may require further consideration by the architect in any internal layout redesign is the removal of the blue hatched area at the eastern end leaves what I might describe as orphan elements in that vicinity.