
Sent: 11/12/2019 12:39:27 PM
Subject: Concerns regarding DA 2019/0081

Dear Mr Brownlee,

This letter is in regard to DA 2019/0081

I wish to express my concerns with several issues concerning this DA.

Communication

As of 9am on Wednesday 11th December, this Application was still showing the status as Advertised.

There are a large number of residents and friends who were vitally affected by the outcome of this proposed DA. Many registered to speak to the Planning Panel on Monday 9th December and took time off work to attend.

We were told to just wait until the decision was posted. We would still be waiting for a decision that was going to deeply affect us if a neighbour (who was not a registered speaker and had not made a submission for the current DA) received a voicemail from Benjamin Price telling him of the result. I tried to reach Benjamin by phone and left a voicemail but so far there has been no reply.

With the high level of public interest, I believe that at least one of the core group of objectors should have been made aware of the result by email, text or voice mail message earlier than this.

The panel noted that the Applicant amended their plans on the morning of the Planning Panel meeting. This amendment still did not appear with the documents for this DA as of 9 am today. How could the masonry wall which separates me from 307 and straddles our boundary line suddenly be wholly within the boundary of the subject land?

In the interests of transparency, I request the council to post this document.

The Heritage report, amended plans from developer and other documents were posted in the week prior to the notification of the date of the Planning Meeting to the objectors. Clearly others were given more notice of this Planning Meeting than objectors .

Heritage

The Planning Panel noted that there was inadequate assessment of the significant fabric of 307 Sydney Rd and the relationship between it and the other two buildings at 305 and 303 Sydney Rd that comprise the heritage listed item.

This raises a huge concern that the Council's own heritage officer chose to ignore the Manly Local Environment Plan 2013 guidelines and support significant demolition and new buildings that would essentially render the heritage building invisible. The previous Heritage report dated 17/5/19 was not in favour and suddenly a new Heritage officer recommended approval of the development. This report was posted on 27th November 2019.

The Heritage officer should be there to protect the interest of the stakeholders/ ratepayers to ensure that Heritage is protected, not to recommend its destruction based on information contained in a very

questionable Heritage report supplied by the developer. Council should not be naive enough to accept such a report at face value.

Noncompliance

This is the most concerning aspect.

On 4th July 2019 Benjamin Price emailed the developers to say that

"Council...has identified a number of areas of noncompliance that will not allow Council to support the application in its current form".

" Given the non-compliance with the development and the complete loss of views it is not considered that the development maintains adequate view sharing."

"The proposed setbacks do not comply with the minimum side or rear setback requirements of Clause 4.1.4. The proposal is therefore inconsistent with the objectives of Clause 4.1.4."

This email was posted to the website and mailed to me on 3rd September 2019, two months after it was posted to the developer.

The footprint remained the same, the noncompliant setbacks remained the same, the view losses remained devastating and there was still total loss of solar access to some residents of Boyle St. The devastating effect on the Heritage listed group remained the same.

The question would have to be asked why this development was suddenly recommended for approval by Council and why nobody insisted on adherence to Council building controls. It must be assumed that the Head of Town Planning was aware of Benjamin Price's recommendation for approval and signed off on it.

Clearly developers are always going to try to apply pressure to get their development approved. You could be forgiven for thinking that in this case they had a degree of success.

I am grateful for the impartial consideration by the Planning Panel which resulted in the rejection of this DA. This Heritage Listed Group of Buildings is safe for the moment.

I would welcome the opportunity to discuss any of the matters I have raised.

Yours sincerely,

Catherine Kell
0402 955749

