

My objections to DA2019/0645 for 26 Whistler Street are as follows:

1. Overdevelopment. Extending the building footprint beyond the current one (from a 4-level apartment block to an 8-level one). 'Existing use' does not preclude consideration of bulk and scale and impacts on neighbouring buildings.

***Solution – 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.***

Note: Proposed building height including the height of the air-conditioner plant enclosure and lift overrun has not been provided.

2. Excavating under the current ground level 26 Whistler Street carpark. This is of concern not only in view of the recent Mascot experience, but the fact that the planned excavation may interfere with the water table. The terrain could be quite problematic and potential problems may emerge for the Manly National Building (MNB). Despite the assurances in the application about the safety of the proposed excavation, there are no guarantees about the procedures planned. The extended excavation of the carpark could place more people at risk than would benefit from this excavation.

***Solution: Either retain only the existing ground floor carpark with no further excavation, or if excavation is approved, impose a Condition for a Dilapidation Survey to be completed by the Developer for the Manly National Building.***

Note: Impact of demolition and excavation on the existing Short Street underground carpark does not seem to have been addressed.

Some more specific comments on these two points follow (I make these comments on the basis of being a lot owner in the MNB):

#### 1. Overdevelopment:

The impression gained from the Development Application for 26 Whistler Street is that of overreach in terms of height, density and scale. 'Existing use' is used to justify maximising the building envelope over and above the interests of neighbours and the wider Manly community. The proposed development is nothing like the existing building in terms of bulk and scale. If the height were reduced by two or three storeys with greater setbacks from the southern and northern boundaries there would be less overshadowing, loss of sun and loss of views for neighbouring residents and businesses.

#### **Impacts on neighbouring residents and businesses are not seriously considered in the Application**

It is as if 26 Whistler Street sits on an island with only two neighbours: 48-52 Sydney Street and the Electricity Substation. 26 Whistler Street and the MNB are situated in close proximity to each other, separated by Short Street Plaza. Impacts on other neighbours, residents and businesses in Whistler Street and Short Street Plaza, including the MNB, are not seriously considered.

Engagement with affected Owners at 48 Sydney Street is reported, however, **no such consultation has been attempted with the MNB Owners or businesses and residents in**

**Whistler Street.** A direct result is that possible structural or amenity impacts have not been assessed. This omission surely needs to be addressed.

The proposal for 26 Whistler Street doubles the height of the current building envelope and largely infills the open space (podium) adjoining the electricity substation. The change is from a 4 storey building to an 8 storey above ground building plus an underground parking garage. Where once there were 24 apartments and 24 car parking spaces, it is proposed to build 41 apartments, 57 car parking spaces, 41 storage cages and 24 bicycle racks. This is a substantial increase to the existing building footprint. **The number of car parking spaces, storage cages and bicycle racks seems excessive for the proposed occupancy.**

Atop this proposed new 8 storey above ground structure, to be built to 25m, there will also be the lift overrun and the screened rooftop enclosure housing 28 air conditioning units. **The proposed actual height of the 26 Whistler Street development is not provided** as building height by definition includes plant and lift overrun. **This information is essential to enable a realistic assessment of impacts on all neighbouring properties.**

As it stands, the proposed height far exceeds that of adjacent properties as well the two current redevelopments at 21 Belgrave Street and 21 Whistler Street. It does not 'fit' comfortably with these new redevelopments. As well, the proposed development is larger in terms of size and number of units compared to 48 Sydney Road and the heritage Electrical Substation. There is lack of engagement of the building with Short Street Plaza. Both the MNB and 48 Sydney Road have this engagement through ground level commercial properties. A partial 'shop top' design fronting Short Street Plaza would rectify this.

The Applicant contends that the site has 'an existing non-conforming use benefiting from existing use rights' and that 'rebuilding/enlarging/intensifying of the existing building does not constitute abandonment of existing use'. This suggests that Council's more recent controls do not directly apply. It does seem contradictory for the Applicant to take advantage of current height limits in the proposed rebuild (25m) while not adopting a more sensitive approach to current planning controls. Also, it is a strange notion to the layperson that 'existing use' might hold despite demolition of the original building and excavation of the site.

Even if 'existing use' is a given, it is surely not incumbent on Council to approve overdevelopment of the site and lack of consideration for neighbouring residents and businesses in Whistler Street and Short Street Plaza (including the MNB)? Surely the building controls put in place by Council since the initial redevelopment of the site need to be considered?

It is argued that 'existing use' permits a **Floor Space Ratio of 3.96:1** (excluding the basement carpark) against the Zone standard of 3:1. So, many more units are proposed at 26 Whistler Street than are currently the norm. This would mean that the development is at odds, not in keeping with, current redevelopments in the neighbourhood. **If the two upper levels of the 26 Whistler Street proposal were deleted the FSR would drop to the 3:1 standard which acknowledges current Council guidelines.**

As noted above, impacts on Whistler Street owners/residents and businesses, Short Street Plaza owners/business and MNB owners/residents and business do not appear to have been seriously considered in the Application.

This is illustrated by the following quotes (drawn from Statement of Environmental Effects):

**The development:** ‘We have formed the considered opinion that most observers would not find the proposed development by virtue of its height and setbacks offensive, jarring or unsympathetic in a streetscape context’. (p28)

**Shadowing:** ‘The development will not give rise to any unacceptable shadowing impact on any adjacent open space areas and will not give rise to any adverse wind effects.’ (p.42)

**View loss:** ‘Having inspected the site and its immediate surrounds we have formed the considered opinion that the proposed development will not give rise to any unacceptable view impacts from surrounding properties.’ (p.30&39)

The above **conclusions have no metrics** to back them up.

- It is hard to believe that neighbouring **Whistler Street residents and businesses** will not be **overshadowed** and lose much of the limited sun they currently enjoy. There is no advice that they were taken into account or consulted.
- It is hard to believe that **Short Street Plaza**, refurbished by Manly Council to create a welcoming vibrant communal space including a raised grass platform will not be subjected to loss of afternoon sun and **increased overshadowing**.
- It is hard to believe that the substantial increase in height and bulk of 26 Whistler Street will not exacerbate the **wind tunnel effect in the Plaza**, decreasing its attractiveness to residents and visitors alike.

The existence of **Girdlers**, by now a very popular restaurant in the Plaza which has built on Council’s upgrade of the Plaza with an outdoor seating area is **not acknowledged**. It will likely enjoy **overshadowing and a cooler climate**. At present children can play safely on the grass while parents relax at the restaurant. Will there be sufficient sun to sustain the already struggling grass?

As noted above, the actual height of the proposed building (i.e. including lift overrun and screened rooftop enclosure to house 28 air conditioning units) is not provided in the Application. It is therefore **hard to estimate exactly how many commercial and residential lots in the MNB would be impacted by loss of sun and views** if the DA is approved as it stands. 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.

***Solution*** – *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.*

Note: Proposed building height including the height of the air-conditioner plant enclosure and lift overrun has not been provided.

## 2. Excavating under the current ground level 26 Whistler Street carpark

Concerns are raised in the Application about possible adverse effects of demolition and excavation works on buildings immediately adjoining 26 Whistler Street, however, the MNB structure is not considered. The following could also adversely impact the MNB structure:

- **vibrations** during demolition and excavation may cause movement/settlement of sands beneath surrounding buildings.
- Breaching the **watertable** may similarly cause movement/settlement of sands beneath surrounding buildings.
- Estimation of **excavation depth** ranges between 2.8m and 3.3m below the existing surface level. **How close will this excavation be to the established basement carpark under Short Street Plaza which services 48 Sydney Road?** This basement carpark sits parallel to 26 Whistler Street. Visual inspection suggests it is very close to the proposed excavation at 26 Whistler Street. This does not seem to have been addressed in the DA papers.
- **Ground water** has been encountered at a 4.7m depth at the corner of Raglan and Whistler Streets, however, it is acknowledged that this could vary following periods of heavy rainfall and tidal fluctuations. At some points in the documentation it is stated that excavation will be between 1.6m and 1.8m above the water table. However, there is also mention of **piling that is to be beneath the groundwater table** and a statement that **the lift pit may protrude below the groundwater level** and affect neighbouring properties unless professionally dealt with.
- An **absorption storm water system below the basement level** of the development is proposed.
- There is a **low risk of encountering acid sulphate soil** during the proposed works. Soil sampling and testing both before and during the works is recommended by the environmental consultant. Council proposes to impose Conditions to manage this risk.

It is recommended in the Application that **Dilapidation Surveys** be completed for the adjacent properties prior to demolition, however, this does not seem to include the MNB. Given the many unknowns canvassed in the Geotechnical Report there are particular concerns about the effects of dewatering and downdrag potentially causing differential settlement in the MNB structure.

***Solution:*** *Either retain only the existing ground floor carpark with no further excavation, or if excavation is approved, impose a Condition for a Dilapidation Survey to be completed by the Developer for the Manly National Building.*

Note: Impact of demolition and excavation on the existing Short Street underground carpark does not seem to have been addressed.

Lot Owner in the Manly National Building