



PACIFIC WAVES RESIDENTIAL COMPLEX
STRATA PLAN 61139
9-15 CENTRAL AVENUE MANLY 2095
OFFICE OF THE EXECUTIVE COMMITTEE SECRETARY
Email [REDACTED] Tel [REDACTED]



Northern Beaches Council
1 Belgrave Street
Manly, NSW 2095

ATTN: Claire Ryan, Planner

OBJECTION: DA2023/1750

I write as Secretary of SP61139 (Pacific Waves 9-15 Central Ave Manly) the rear of which fronts Henrietta Lane opposite the Steyne Hotel. SP61139 contains 124 residences and this letter accordingly represents the lot owners of these residences.

Kindly accept this letter as a submission of objection to DA2023/1750

This letter addresses the Owners Corporation's concerns with the application to:

1. Increase the height of the building and
2. the installation of solar panels.

1. HEIGHT INCREASE

Neighbouring residents have previously, fought height increases to this building to preserve heritage and their views from residences across to the notable landmark of Shelly Beach. DA2021/2257 and its two subsequent MODs (referenced to be read in conjunction with this application), were only approved through the Land & Environment Court after amended plans ensured that views were retained. Conditions in the L&EC approval even went as far as restricting the landscaping plant height at maturity to avoid any impacts to views. The Owners Corporation objects to any further attempt to gain approval for yet another height increase. The view documents being part of this application are simply incorrect because they DO NOT include the revised plans that were approved in L&EC for DA2021/2257 and does not include the further revisions in MOD2022/0630 & MOD2023/0397. The owners Corporation requests that the applicant be asked to reapply with correct data so that rational analyses can be undertaken.

The clause 4.6 submission on building height the proposal clearly fails to satisfy the objectives of the building height standard and fails to even mention that this building is central to the Heritage, Manly Conservation zone and should not be supported.

Accordingly, the clause 4.6 submission justifying the non-compliance with the building height standard fails and should not be supported by Council.

The owners Corporation is concerned that if the application is approved the decision will be used to initiate further height creep, the end result may be the creation of an entirely new commercial use floor above existing. In addition, the flow on effect on other applications along South Steyne will be dramatic.

In our view Northern Beaches Council needs to make a stand now.

The application seeks height increases to install plant, machinery, and screening to the rooftop. The application lists several previously approved applications which state that they are to be read in conjunction. This is in our view a misrepresentation given the inaccuracies in the applicants statements.:

BC 2020-0600 – this is an incorrect reference, correct reference is **BC2020/0060** and must be considered null and void with this new application. This building information certificate approved air-conditioner units' retrospective of unapproved installation which significantly breached the RL/Parapet and impacted views. This units were PERMANENTLY removed in 2019 IRIS Capital General Manger Craig Hibbard confirmed to SP61139 lot owners in email 14/12/2020 quote in part "Further, former existing plant has been removed from the roof" (copy of this email can be provided to NBC if requested) and NOT temporarily removed as per notes on all subsequent plans/applications – note we, lot owners and residents have raised this issue multiple times in EVERY DA submission since BC202/0060 approval. In addition, screening to this area of the roof has NEVER been approved. All screening in DA2019/1403 covered new air-conditioning installations in other areas of the venue, planner Anne-Marie Young approved screening on the condition that all new units and screening must not exceed the RL of the venue/parapet (this was after her site visits to our residences and as per final stamped plans). Previous certifier has erroneously used DA2019/1403 screening approvals for screening in the relevant area. All new plant and screening approved in DA2019/1403 was below the RL/Parapet. The certifier has attempted to use condition 10 in the 'Notice of Determination' to further breach the building height with unapproved screening in this area. In addition, lot owners and residents liaised with both IRIS Capital for many months and the certifier: Tariq Sheikh, Building Regulations Consultant, City Plan to get these screening installations lowered (which they did) but the Owners Corporation maintains that they are still far too high. There are several options available to locate all plant and screening below the RL/parapet and not breach building heights or intrude further into the Manly Heritage Conservation zone. There is simply no reason or justification to have any plant or screening breach the RL/parapet with a multitude of open spaces existing and areas to build lower platforms across the venue and courtyard to house all the plant and machinery.

2. SOLAR PANELS INSTALLATION

The Owners Corporation is in favour of the installation of solar panels however the volume thereof must not make living near them a serious problem to both health and loss of amenity. In our view such is the case in this instance. The report supplied by the applicant's consultant highlights the impact on Pacific Waves residences by using a depiction of impact divided into three zones and describing the potential impact on residences which fall within each zone. The Owners Corporation's position is that the panels which create the yellow zone must be removed from the application and that the voluminous "minutes per year" impact by the green zone illustration must be seriously scaled back. The following image details what we believe is an acceptable scaling back.

The following adaption taken from the submitted solar panel setout and represents what the Owners Corporation consider to be a minimum volume adjustment to minimise somewhat the loss of amenity to lot owners and residents...

Image 16: From master plan, page 10. Solar panels highlighted in red request to remove from design and area in blue add panels below RL/parapet angled towards the beach and screening added below the RL/parapet.

This request to redesign is only a slight reduction in the footprint of solar panels, but this redesign will have a significant reduction on the impact to Pacifics Waves residences.

MATTERS OF GENERAL CONCERN

It is very difficult to actually highlight concerns because there are numerous ongoing requests which are based upon incorrect data supplied and or referred to. We ask that Northern Beaches Council actually audit the many development applications and approvals to ensure that the current application or anticipated further applications refer to formally approved prior applications.

SUMMARY

The proposed development will have a major loss of amenity impact on a large number of residences within Pacific Waves residential high rise building both in terms of diminished views and solar panel glare and if our fears of creep materialise will only get worse.

It is the view of the Owners Corporation which represents 124 residences that the amenity impacts arising from the proposed development are unacceptable and justify rejection which is profit driven at the expense of neighbour's quality of life.

Yours faithfully

GREGORY
BROWN
Secretary SP61139
22/01.2024