

St Aloysius College Redevelopment SSD 8669

I refer to the public meeting on the 8 August 2019.

I own and live in [REDACTED] Pitt Street. Following this public meeting, I would like to make the following submission.

1. Yet again the College has made a development application which gives it benefits at the cost of its neighbours. The college has form in this area and has been doing **creeping** enhancement of its property at the cost of its neighbours since the 1970s. Every few years it makes a development application which knowingly breaches planning rules that are in existence at the time and knowingly encroaches on the benefits enjoyed by its neighbours.

1.1. The school, which is a private school, runs its school operations under the cover of providing community service (except that, as demonstrated in another submission, hardly any of its students live in Kirribilli). It is not a community school and the school has no demonstrated social or religious connections with the people who live in Kirribilli. Just look at the local papers in the Kirribilli and you will see no evidence of any connection between the local people and the school.

1.2. The college knowing puts ambit claims in its DA because it knows that

a. its neighbours are basically normal decent people and if the school pushes its “commercial” school agenda as a community agenda, it may get away with some if not all it asks for (when in reality they should not get away with anything that comes at a cost to its neighbours).

b. its neighbours are individual owners of apartments who will not be as organised as they are. The individual owners also may not understand the impact of the DA on them nor they are likely to be as knowledgeable as the school (with an army of professionals it can engage). The school probably spends hundreds of thousands of dollars on the DA while its neighbours can afford to spend only a few hundred dollars to protect their interests). The battle that the neighbours have to fight is not even. It is heavily tilted in favour of the school and it knows that.

c. The school has no shame. Around 2008, the College submitted a DA that was going to significantly impact (as now) the iconic views of Opera House and Harbour Bridge of many owners in our building. The then owner of Unit 12 in the building was one of the affected owners. He made a submission against the development. He was a devout Catholic and he wrote to the College saying how could the school as a religious body could do this to him. He did not get a reply. When a campaign led to a strong objection from the owners in our building, knowing they were in the wrong, the school representatives did not even turn up at the North Council meeting where the Council, using the impact on unit 12 as an illustration, overturned that part of the development which was going to have such an impact on the owners of apartments in the building at 48 Upper Pitt Street. I note from the Public Meeting that the current owner of Unit 12 had to get up and **again had to talk about the impact on Unit 12**. In her presentation, that owner showed her decency while the College is a serial offender and shows no remorse, hoping to get away with what it wants. For this DA, the school must have known the view impact on a unit on Level Three (e.g. Unit 12) is far worse than a unit on Level Five (e.g.. Unit 27) and yet it misleadingly used Unit 27 as an illustration in its DA.

2. The Assessment Report discusses the impact of views in Table 11 (page 52). As far as the view impact on building at 48 Upper Pitt Street, the following can be said.

a. the assessment report says that the impact on views on level two, three and four are minor, but this is not correct. Any loss of view of any part of the Harbour Bridge and the Opera House should not be considered as minor since these iconic structures of Sydney need to be enjoyed as a whole and unimpeded. In addition, the assessment report is not very detailed. It does not even say how many apartments exist on the affected floors nor does it say how each of the apartment will be affected specifically. There are six apartments on each floor and therefore there are a total of eighteen apartments on these three floors. Each apartment is owned by a separate owner. Therefore eighteen owners are affected all individually in individual ways. But the assessment appears to have been done at a floor level. To say that “some views would be reinstateddepending on position” (of the apartment) leads to the hiding of losses that some individual owners will suffer. The assessment report seems to saying that if owner of Apartment A gets a gain and Owners of Apartment B makes a loss, the overall change is minor. This assessment is not very correct as it is being done at a floor level when it needs to be done at individual apartment (owner) level. How does it help owner Apartment B if he loses his views but owner of Apartment A is slightly compensated in terms of views because of the removal of the staircase.

b. the report says that the views from apartments on Level Five and above will be negligible. The loss of view is not negligible. Each of these levels have six apartments whose iconic views of the Opera House and the Harbour Bridge will be affected. Similar arguments about the loss of view as other floors above apply.

c. Any impediment on the iconic views of the Opera House and the Harbour Bridge because of the Glass balustrades should not be considered as acceptable. On Levels two to six there are thirty apartments. Given that the school under the cover of community benefit is doing a “Commercial Development with high fee paying students”, the impact that is going to occur on the iconic views of these many owners because the glass balustrade should not be considered as acceptable. Looking at an iconic view which is clear and unimpeded is far more desirable than looking through a glass. The school is a taker and not a giver. The school should not be allowed to take a bit at a time from the owners at 48 Upper Pitt Street which it has done since the 1970s and which over the last 50 years has become a significant loss to these owners.

4. I would like to submit that under the Tenacity Rules, step three, the impact of the DA on the iconic views of Opera House and the Harbour Bridge that are available from some or many of the the 30 apartments on levels two and above should not be considered as negligible or minor but much higher than that (including devastating in some cases when compared with the iconic views available currently from these apartments). I would like to submit that given this high negative impact under step three, the proposal should not be considered as being reasonable under step 4 of the Tenacity Rules. The mirage of Community benefit as put by the School is really a private benefit and should not outweigh the significant loss that its neighbours will suffer.

3. Because of the significant impact on my iconic views, the issue of roof top lighting and the issue of the roof top noise, I oppose this DA unless it is significantly modified and resubmitted by the school with their neighbours in mind. I have made this submission in my individual capacity.