
From: Samantha Stow
Sent: 17/06/2022 4:30:20 PM
To: Council Northernbeaches Mailbox; Council Northernbeaches Mailbox
Subject: Objection Submission: DA2022/0869
Attachments: Objection_DA2022_0869.pdf;

Dear Nick Keeler,

Please find attached objection in full to DA2022/0869

Kind regards

Samantha Stow


Attn: **Nick Keeler, Planner**
 Northern Beaches Council
 1 Belgrave Street
 Manly, NSW 2095

Mr & Mrs GJ & SB Stow
 505/9-15 Central Avenue
 Manly, NSW 2095

17th June 2022

OBJECTION: DA2022/0869

Lot 1 SP 69948 Shop 1/43-45 North Steyne MANLY

Description of works: Change of use to a food and drink premises, new interior fitout, mechanical ventilation exhaust and hours of operation

Attn: **Nick Keeler, Planner**
 CC: **Ashley Roberts**

Dear Nick Keeler

Please accept this letter as an objection in full to DA2022/0869

Upon review of this application, we find the application to be littered with inaccuracies, and more shockingly it is supported by unauthorised reports for different premises.

Both of the following reports within the application are for Shop 2, 43-45 North Steyne (which is a separate premise):

1. [Report – Acoustic](#): The Acoustic Report, Mr Steven Cooper, 11 November 2021
2. [Report – Kitchen Ventilation](#): Hugh Burns B.E. (Mech) UNSW, 23rd November 2021

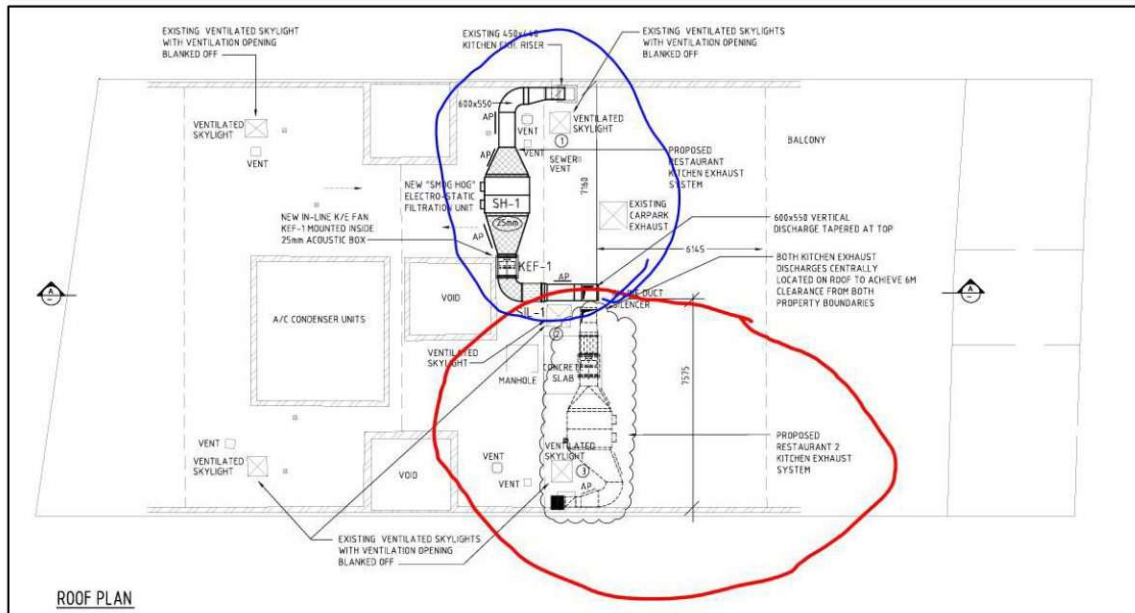
What makes the inclusion of these two reports for a separate premise even more distressing is that neither author/owner of each report have a) never given permission to use these reports b) have never been engaged by Dingo Partners Pty Ltd and c) neither author or any person from these companies have ever visited this site.

Both of these reports have been not been authorised for use to support this Development Application and have been used without consent. I have verified this directly with Hugh Burns (one of the report authors) in a phone call earlier this week. On these grounds alone, this entire application should be immediately rejected by Northern Beaches Council.

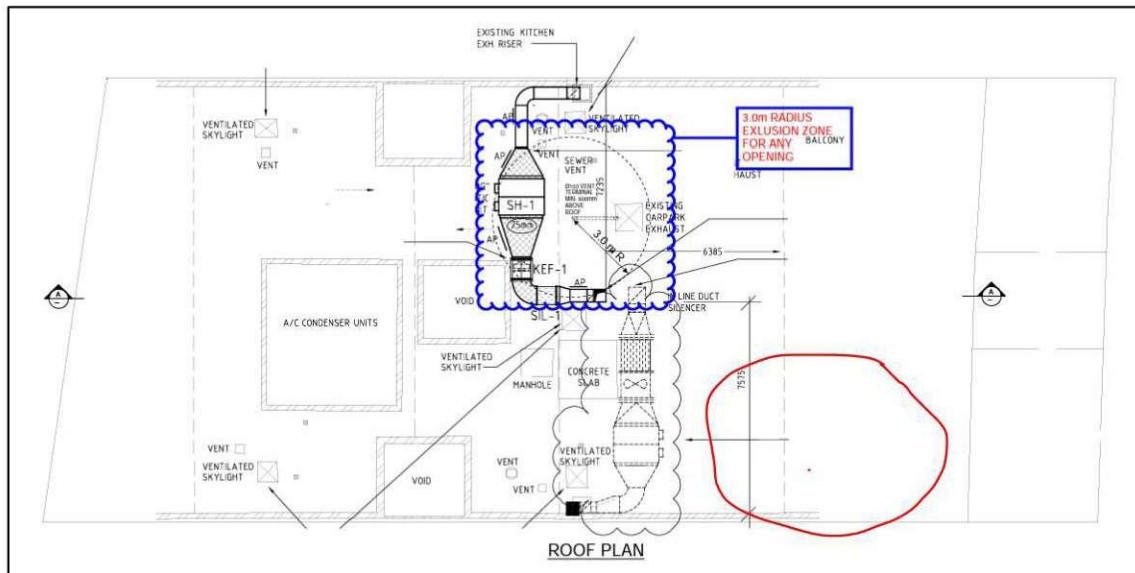
In addition to the unauthorised use of these 2 reports the application is littered with inaccuracies. Firstly the:

[Plan – Engineer Roof and Vent](#), is an out of date diagram which includes non-existent roof plant on the roof of 43-45 North Steyne. I note that this is exactly the same roof plan that was submitted with DA2018/1106, equipment designed by Richard Duggan Pty Ltd which was rejected and refused approval by council 18/02/2020. All reasons for refusal related to this same mechanical equipment installation as per this new DA. I note the only difference in the diagrams between DA2018/1106 and this current DA is that they have omitted the following wording which pertained to a proposed exhaust system for Shop 2 “Proposed Restaurant 2 Kitchen Exhaust System”.

Roof Plan from refused DA2018/1106: note I have circled the Non-existent roof plant pertaining to Shop 2 in red and the refused roof plant for shop 1 in blue:



Roof Plan from NEW DA DA2002/0869: I have circled the missing text for comparison



This is a completely out of date diagram showing Non-existent roof plant. These plans cannot be accurately assessed and should be resoundingly rejected.

In addition to the rejection on the grounds of inaccuracies I must also ensure that council are 100% aware of the existing conditions pertaining to the rooftop of 43-45 North Steyne which date back to DA25/00, June 2000: Condition 3 of the consent states the following: 'No air-conditioning equipment ducts vents plant machinery or any other devices of any kind are to be erected above the roof of the building.'

The submitted plans breach the consent conditions in DA25/00, June 2000.

The inaccuracies in this DA submission continue further in their [Report – Statement of Environmental Effects](#) as follows:

1. The 'Exhaust System' section on page 4, the applicant refers to the 'specification for the new kitchen ventilation system provided by Richard Duggan Pty Ltd Consulting Engineers'. They have referred to the kitchen ventilation system refused by council in DA2018/1106. They quote this refused system, yet have submitted an unauthorised report from Hugh Burns relating to an entirely different system which would see the plant and equipment pertaining to the exhaust be located whole in shop one and not on the roof at all (with exception to a small discharge flue)

2. Page 28 states the following:

"The ventilation unit is the exact same unit used in an adjacent tenancy without issue and council approved. It will not have adverse impact on the view corridors along North Steyne given the unit is sited centrally within the existing building envelope and is significantly setback from the front building edge of the building. The flue of the ventilation unit will be compatible with the building height planes of the neighbouring buildings fronting North Steyne. The operations of the premises as a food and drink premises with hours of operation from 7am – 10pm, Monday to Sunday will improve the street activation along North Steyne and will not give rise to any adverse environmental amenity impacts to the adjoining commercial tenancies and existing residential premises. In considering the above, Council consent should be granted to the proposed works."

The system in shop 2 has NEVER been approved by council; the above quote is inaccurate. Also, the system still has never been tested in a functioning restaurant, shop 2 has never opened for business since the 'Hugh Burns' system was installed

3. Page 27 states the following:

"The proposed change of use from a shop to a food and drink premises will not contribute to any significant noise generation from the subject premises or compromise the environmental amenity of the residential units above and the adjoining commercial tenancies. An acoustic report has been prepared by Stephen Cooper of the Acoustic Group as part of a ventilation system report being relied on by Hugh Burns for the adjacent tenancy, shop2 with the exact same ventilation system proposed for shop 1."

Council cannot extrapolate Steven Cooper's report for shop 2 and apply it to shop 1. Steven Cooper has never measured the external ambient noise levels for shop 2, he has never measured the size of the duct and possible noise caused by friction and vibration of noise rising in that duct as it passes through the residences above. He has also never measured the noise arising from the new plant and equipment wherever it may end up being located. Council therefore can only view Steven Cooper's report as irrelevant to this DA. I mention again that Steven Cooper has never visited the subject premises.

4. In the Compliance Table – 3.4.2.3 Acoustical Privacy (Noise Nuisance) and 3.9.3 Noise from Mechanical Plant they quote that the acoustic report has been prepared by Acoustic Logic, this report was part of the refused DA2018/1106 which was found to be comprehensively inaccurate and incorrect. Note that the applicant of this new DA has used an unauthorised report from Steven Cooper at The Acoustic Group.
5. A final point of confusion, the Statement of Environment Effects is the following question: Who is the DA applicant? The applicant is referred to as Dingo Partners Pty Ltd, yet the Statement of Environmental Effects states that the applicant is C.G.M.B Co. Pty Ltd

We conclude that this entire application is attempting to mislead council and should be immediately rejected. It is completely unclear what exactly they are trying to achieve and which reports provide any accurate details. Are they proposing installing a giant ventilation system on rooftop that has been previously rejected? Or are they attempting to propose something else using unauthorised reports and designs?

Northern Beaches Council cannot rely on any submitted documentation or assurances that Dingo Partners Pty Ltd (or C.G.M.B Co. Pty Ltd) will follow any submitted designs or plans let alone build anything accurate and compliant to council consents and approvals. We cannot even establish whether this proposed ventilation system is a rooftop junkyard (that has already been refused in DA2018/1106) or whether they are trying to replicate Hugh Burns and Steven Coopers system design.

Once again, please accept this letter as our objection in full to this shocking excuse for a development application.

Kind regards

Mr & Mrs Stow

505/9-15 Central Avenue (Pacific Waves)

