
Sent: 2/10/2021 8:10:10 PM
Subject: Submission: Maiolo - DA2021/1408
Attachments: Maiolo - Objection.pdf;

Hi

I'd like to make a formal Submission to the Assessing Planner on DA2021/1408.

My contact details are contained in the attached PDF submission. My name is Cosimo Maiolo living at 20 Addison Road, Manly, 2095.

Please let me know if you require any further information.

Thanks,
Cosimo
0411575738

2 October 2021
Cosimo Maiolo
20 Addison Road
Manly NSW 2095

Re: DA2021/1408 - Objection to Development Proposal at 16 Addison Road, Manly, NSW, 2095;

Dear: Maxwell Duncan; Planner; Northern Business Council

1. *Contraventions of New South Wales State law in proposal.*

The existing posited technical assessments on this proposed development application demonstrably show a range of problematic issues of consideration for the local government council and neighbors. For instance, the proposed “Boatshed’s” compliance with local law must be further explored, the proposal contains a non-compliant building height which would lead to a raft of privacy and obstruction of view issues for surrounding residents, there are proposed improper wall heights and foreshore building line compliance issues, and as a whole the proposal undoubtedly lacks compatibility with surrounding developments in that it would be totally incongruous with its surroundings due to the intrinsic overdevelopment nature of the proposal. Additionally, there are grave privacy issues due to glass material construction. Together, these issues amount to an incontrovertible conclusion that the application should not carry on due to potential contraventions in the proposal of New South Wales state law. Specifically, the proposed development appears to breach provisions of the following pieces of State legislation and Government standards:

- (a) the Manly Local Environmental Plan 2013,
- (b) the Manly Development Control Plan 2013,
- (c) the Sydney Regional Environmental Plan – (Sydney Harbour Catchment) 2005, and
- (d) the NSW Government Department of Planning’s official Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005.

Non-compliance with environmental law, development law, and waterways development law can also be a grave threat to the local ecosystem and fairy penguins. Importantly, Environmental, Social and Governance (ESG) factors should be taken into account here and it should be noted that the development threatens to have a harmful impact on all. This proposal will have a negative impact on the environment in that it threatens the species of penguins, lizards, other aquatic animals, and native trees. The social detrimental impact is from a complete loss of privacy – most especially considering the owners’ past behaviour of renting out their house routinely (see Appendix A) on holiday home rental sites. And to conclude, the development would detract from the governance aspect from the perspective that there are potential violations of law inherent in the proposal. ESG considerations should be paramount in formalising a conclusion on this proposal.

2. *Indications of Intent to utilise residence as a duplex/separate legal dwelling (i.e. not single family home) for purposes of short-term holiday rentals - based on past disturbances caused when owners rented out residence; the residence ownership structure; and the proposal facts*

I’d like to highlight a material proposal fact that there are two laundries on two separate levels and a kitchen and a “bar” also on a separate level. The clear inference here, based on past owner behaviour of continually engaging in renting out their house on the short term holiday rental website www.propertyproviders.com.au (see Appendix A), is that the true purpose of this development is to maximise the property’s rental income potential via renting out the different levels as separate legal residences, both equipped with the requisite housing equipment to support discrete groups of renters, to large amounts of people on a website such as Airbnb or on the past website the owners used to rent out this residence frequently: www.propertyproviders.com.au (see Appendix A). The implication of this is that this development proposal as a single-family home would be inaccurate. To reaffirm this viewpoint, we’ve had personal engagements with the owners raising concerns due to troubles caused when the owners of the property rented out the existing house on a multitude of

occasions on www.propertyproviders.com.au (Appendix A). I am thus fearful that there are serious reasons to consider that true purpose of this redevelopment is to commercialise the property in a way that would make it easier and more lucrative for the home owners to rent out and more functional for the home owners to rent out – with total disregard to any surrounding residents. Specifically, there was a past situation where our family was forced to broach the rental topic in a discussion with the home owner because some former vacationers who rented the existing residence became disorderly later in the evening and engaged loud discussions in which profanity was noticeably apparent. I'd also note there were often a dozen people or more at the residence at one time when it was rented out and the extent to which the rental company enforces capacity limits on persons or background screens the renters is unknown.

It is my understanding the development proposal is intended to build a single-family home. Based on the separate levels of the proposal and past owner behavior, it seems quite clear this development it intended to be a duplex or legal separate dwelling and if this is the correct intention then the applicant should re-review their submission and alter it to account for a duplex that gives the right to rent out the separate dwellings. If this proposal proceeds as a single-family home, the council should place a single-family home restriction (section 88B) so that the applicant cannot rent out the residence to two separate parties.

To augment the point regarding potential exploitation of the new residence for commercial investment purposes, it should be delineated that the listed property owners of this submission per Appendix B are: Owner #1 Sarah Penelope Joyce and Owner #2 Nicholas John Fairfax with the applicant listed as Patrick Adrian Joyce. From publicly available information, (Appendix C), we can see an Australian Proprietary Limited Company called FFUT3 Investments Pty Limited incorporated with the Australian Securities Investments Commission in an Industry described as *Other Financial Investment Activities*. This company has Nicholas John Fairfax (residence owner #2) listed as CEO and Patrick Adrian Joyce (applicant *and* related party to owner #1 Sarah Penelope Joyce) listed as director. This is evidenced via Appendix D.


Therefore, there is direct linkage of the ownership structure of the residence vis-à-vis the ownership structure of the Australian company that engages in Other Financial Investment Activities. One could thus question the intent of the development and whether it is being leveraged as a commercial investment opportunity, considering past rental behavior by the owners, whereby the proposed development is intended to exploit the residence for commercial investment activity by maximizing its short-term rental value.

The ramifications of commercialising the property would be profound for all nearby residents as it would be enormously damaging for their day-to-day wellbeing in terms of right to basic privacy, overall safety due to a continued stream of unknown people entering and existing, and ultimately it has the potential to increase negatively impactful disturbances in the neighborhood.


Yours Sincerely,

Cosimo Maiolo

5:34 propertyproviders.com.au



BACK TO RESULTS


House in Manly  VIEW MAP

4 BEDS 2 BATHS 1 PARKING 6 PEOPLE

Little Manly Cottage Perfect For a Family Holiday

Gorgeously chic holiday shack overlooking Little Manly Beach.

Perfect, prized and private position - this gorgeously chic luxury property is positioned less than 10 minutes walk to Manly's Ferry



Little Manly Cottage Perfect For a Family Holiday

Manly, NSW

4 BEDS 2 BATHS 1 PARKING 6 PEOPLE

FROM \$6,548.00 selected dates

VIEW

5:28



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5:29



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5:30



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5:34



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- Master bedroom with king size bed, walk in wardrobe and ensuite
- Second bedroom with single bed with built in wardrobes
- Third bedroom with double bed
- Family bathroom with separate bathtub and washing machine
- Brand new kitchen with all mod cons looking over the bay through large windows
- Chic and stylishly furnished open plan living and dining room with water views
- Spacious outdoor entertainment area with multiple levels that winds down to the ocean and ocean pool
- Off street parking for two cars
- Exclusively managed by Property Providers - an award winning, locally licensed agency and active member of REINSW and HRIA.

Top Five Things The Owners Love About Their Home:

1. Waking up to a beautiful sunrise over the national park.



5:34



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Top Five Things The Owners Love About Their Home:

1. Waking up to a beautiful sunrise over the national park.
2. Having a cup of tea and looking over the water to see the activity on three beaches Little Manly, Store, and Quarantine Beach.
3. Within 10 minutes walk, you can catch a fast ferry to the city or enjoy many Manly shops, cafs, bars and restaurants of Manly.
4. Diving into the water from our backyard where you can snorkel and see a variety of fish and the occasional penguin.
5. Entertaining around our ten seater table surrounded by an eclectic Australian art collection.

Home Truths:

- The washing machine and dryer are located in the master bathroom.
- The backyard can be challenging in heels given the number of stairs and unevenness of the pavers.
- There is an old ocean pool at the front



5:35



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any other unique requirements that the guest may have. If the calendar is blocked out, it may be possible to make the property available upon application. If you are booking directly through a 3rd party portal and you do not have direct contact with us at the time of purchase, you will be required to sign Property Providers Accommodation T&Cs, provide valid photo ID and a copy of your credit card before we can release the keys to the property. Property Providers warmly welcomes customer queries, should you have any questions or concerns please contact us via enquiring on the property or calling us.

Bedding Configuration

Bedroom 1

- 1x Kingsize

Bedroom 3

- 1x Queensize

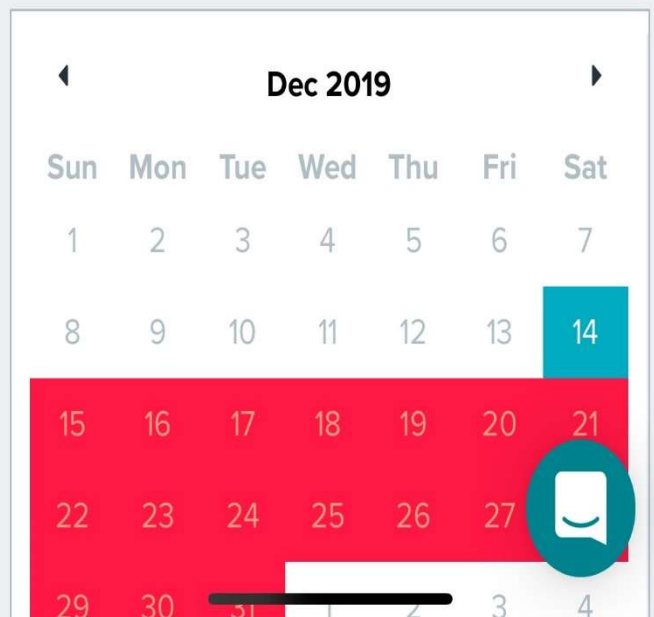
Bedroom 2


- 1x Queensize

Bedroom 4

- 1x Single

Availability





northern beaches council

Menu

Application Number: DA2021/1408

Description: New - Demolition works and construction of a dwelling house including a boatshed.

Application Type: Development Application

Status: **Advertised**

Submitted: 17/08/2021

Notification Period: 03/09/2021 to 03/10/2021

Cost of Work: \$ 2,327,583

Officer: Maxwell Duncan

Submissions: [Make a submission](#)

Location | **People** | Events | Documents | Show All

People

- Applicant - Patrick Adrian Joyce
- Owner - Sarah Penelope Joyce
- Owner - Nicholas John Fairfax

Appendix C – Company Investment Activity, https://www.dnb.com/business-directory/company-profiles.ffut3_investments_pty_limited.5df8f2e882a19b9618ec4a5644f9a23c.html

FFUT3 INVESTMENTS PTY LIMITED

Company Profile Get a D&B Hoovers Free Trial

PROPRIETORSHIP | SUBSIDIARY

Financial Statements

- Credit Reports
- Top Competitors
- Company Snapshot
- Related Companies
- Available Contacts - Free Plug-in!
- Industry Information

Address: L 31 50 BRIDGE ST SYDNEY, NEW SOUTH WALES, 2000 Australia [See other locations](#)

Company Description: FFUT3 INVESTMENTS PTY LIMITED is located in SYDNEY, NEW SOUTH WALES, Australia and is part of the Other Financial Investment Activities Industry. FFUT3 INVESTMENTS PTY LIMITED has 4 employees at this location and generates \$587,136 in sales (USD). (Employees and Sales figures are modelled). There are 16 companies in the FFUT3 INVESTMENTS PTY LIMITED corporate family.

Key Principal: NICHOLAS JOHN FAIRFAX [See more contacts](#)

Industry: **Other Financial Investment Activities**

Get in Touch with 3 Principals*

A D&B Hoovers Subscription is your foot in the door to FFUT3 INVESTMENTS PTY LIMITED contact information.

NICHOLAS JOHN

FAIRFAX

Chief Executive Officer

PATRICK ADRIAN

JOYCE

Director

SHIMON

FRIEDGUT

Secretary