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**Sent:** 16/07/2020 9:36:27 PM  
**Subject:** DA 9 Steinton Street Manly Objection - Word Document  
**Attachments:** Letter to Council re DA 9 Steinton Street.docx;

Attention: Kent Bull

Please find attached a Word document version of our objection to this DA2020/0702. I was unable to work out how to attach a Word document from the online submission option.

Regards,  
Vanessa

Sent my iPhone

Northern Beaches Council  
Planning & Development  
Attention: Kent Bull

Dear Sir,

**Re DA 2020/200702: Objection**

We object to this DA in its current form on the grounds that it materially breaches the controls and standards set out in the Manly Development Control Plan (DCP) and Manly Local Environment Plan (LEP). Furthermore, we urge Council to exercise a high level of care in its assessment of this DA given the unique context for this property:

- there are very high interdependencies with the adjoining residences as this property is one of six in a row of terraces of over 110 years of age (and one of the few remaining examples of such structures in Manly);
- is accordingly in the conservation zone and near specifically listed heritage items (on Pittwater Road); and
- is highly visible on the approach into Manly from the northern end of Pittwater Road and also in the foreshore scenic area and visible from the Manly ocean beachfront, and therefore also affects the Manly townscape.

**Significant breaches of the Manly DCP and LEP**

There are several significant breaches of the Manly DCP and LEP, none of which we believe are reasonable given a high level of modern family accommodation has been able to be achieved with less visually intrusive and more modest developments at two of the other terrace houses and approval has been granted for a third. Given three of the five other terraces have demonstrated the ability to conform to the DCP and LEP with fewer, less significant variations required, there is no reasonable basis for this DA in its current form to be approved.

Significant breaches with this DA include:

- Numerous breaches relating to streetscape and townscape, and especially the roof line under Part 3.2.2.2 (Retaining Significant Features and Landscape Setting) of the Manly DCP. We strongly support the comments in the 'Heritage Referral Response' dated 14 July 2020 regarding this DA. We believe this proposed development will have a material visual impact when viewed from street level given the relative (excess) scale and height compared with already approved developments in the row which have sought to achieve a less intrusive impact in this conservation zone.
- Excessive storeys – We characterise the DA as being for approximately 2½ storeys compared with the maximum of 2 storeys allowed in this R3 Zone under Part 4.1.2.2 of the DCP (Study on ground, Bedroom on middle level, and partially enclosed terrace on top level as indicated on Drawing No. DA09 in the 'Plans – Master Set', with the consequence that the rear ground level has a ceiling height equivalent to approximately 1½ storeys).
- Rear setback being extended closer to the rear boundary, which further breaches the minimum setback required under Part 4.1.4.4 of the Manly DCP. The DA for the 'first floor' addition will go approximately 1 metre closer to the rear boundary, further exceeding the minimum setback. Additionally, we would characterise the proposed rear setback as not being in line with the prevailing pattern of setbacks in the immediate vicinity.

- Very significant loss of amenity to neighbours under Parts 3.4.1 and 3.4.2 of the DCP – our rear yard will lose all sunlight which will also detrimentally impact our internal living as our living area backs onto the rear yard (Drawing No. DA12).
- Involves demolition of buildings which have common walls and roofs - the proposed demolition of the former outhouse structure (now shed) at the rear shares a common wall and roof with our former outhouse (now shed) and there is no reasonable need to demolish instead of repurpose this structure. The plans include an outdoor shower in that location and this could be achieved through repurposing. We demonstrated through our renovation that retaining the structure and repurposing is achievable. We have an irrigation system in that shed which we reasonably believe would be damaged through demolition of the common wall and roof.

Furthermore, we believe the relevant height limit that should guide Council consideration of this DA is not the cited 11 metres which applies in this zone but what currently prevails in the row through existing completed developments, namely a lower figure which reflects either:

- i. the front roof ridge height of all the six terraces (which is what we have followed and demonstrated through our redevelopment can achieve high quality family living); or
- ii. the above with an allowance for a slightly higher limit towards the rear and in line with that previously approved for 7 Steinton Street which has demonstrated that height and setback from the front does not visually affect the front streetscape (aside from a sky light).

Given the above, we disagree with numerous statements and conclusions in the Statement of Environmental Effects. In particular, we believe this application breaches:

- at least half the Aims and Objectives of the DCP in Part 1.7 (namely, objectives d, e and f);
- six of the seven elements in Part 3.1.1.1.a) of the DCP regarding streetscape (the only element not breached is vii)) which specify what would be Complementary Design and Visual Improvement; and
- at least three of the five objectives (namely 1-3) of the Heritage considerations in Part 3.2 of the DCP given the site is in a 'Conservation Area – General' and very close to specifically listed Heritage items at 80 and 82 Pittwater Road. This 'contemporary response' is neither "complementary" nor "respectful", as claimed in the Statement of Environmental Effects, and will adversely affect the row of terraces and the locality.

### **Inaccuracies and omissions in DA**

The Application also contains inaccuracies and important omissions, some of which will be more readily identifiable to neighbours than by desk top assessment if that is the process used to assess this application (such as the proposed old outhouse/rear shed demolition). Specifically:

- On the cover page summary box on the 'Plans - Master Set' under DCP it states the rear setback is unchanged. However, the proposed 'first floor' rear extension is closer to the rear boundary than the existing building's rear footprint.
- We do not understand how on the form 'Application for Development Consent, Modification or Review of Determination 19/20' as required by the Environmental Planning and Assessment Act 1979 that the item at 2.8 'Certification of Shadow Diagrams' could be ticked as completed when the documentation does not address sub point 4 in that list because no detailed shadow diagrams have been included for our property and we are an immediate neighbour. We do not understand how detailed diagrams for the eastern neighbour (at 7 Steinton Street, provided in Drawing Nos.

DA15-17) and southern neighbour (at 45 Whistler Street, provided in Drawing Nos. DA18-20) have been included but ours, as the western neighbour, have not.

- We are surprised that on the cover page summary box on the 'Plans -Master Set' the breach of the maximum number of storeys is not noted as it is an important standard and control.

These errors and omissions underscore the need for Council to carefully assess this Application.

#### **Final remarks**

As has been demonstrated by DAs approved for each of 3, 7 and 11 Steinton Streets (with the building works completed for 7 and 11) modern day accommodation suitable for a family can be achieved in a way which respects the conservation value of this unique row of six terrace houses and seeks more modest variations from the Manly DCP and LEP. Any approval for work which goes beyond the variations already granted for these prior approvals would fundamentally damage the integrity of this entire row and destroy one of the few pockets of remaining such terrace rows in Manly. **We urge Council to reject the application in its current form.**

Finally, we would anticipate that any approval for modified work that conforms more closely to Council standards and controls would require an independent dilapidation report be carried out on our property prior to any work commencing (and which includes the former outhouse/rear shed) given the common walls and roof overlaps.

Yours sincerely

Beenders and Holloway  
11 Steinton Street, Manly