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**From:** Chris Grayson  
**Sent:** 8/12/2023 2:18:24 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** TRIMMED: Development Application DA2023/0617 – Objection Submission to Council - Revised Plan 16NOV23  
**Attachments:** DA2023\_0617 Objection 2 Letter v08122023.pdf;

Hi,

Please find attached objection submission in relation to the proposed development application 'DA2023/0617' lodged with the Northern Beaches Council on 24/05/2023, and revised submission on 16 November 2023 .

Please confirm receipt of this email.

Regards,  
Chris Grayson  
2/72A West Street, Balgowlah



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## Development Application DA2023/0617 – Submission to Council

Dear Claire Ryan,

We, Chris Grayson and Claire Simon, residents of 2/72A West St, are writing to formally object to development application 'DA2023/0617' lodged with the Northern Beaches Council on 24 May 2023, with revised plans lodged on 16 November 2023. Despite the applicant having been provided with the 'Design and Sustainability Advisory Panel Report - DA2023061' (DSA Report) recommendations, the revised proposal still includes numerous areas of non-compliance with the report, as well as Manly LEP 2013 and Manly DCP 2013 standards.

### Summary of concerns – specific details below

- Bulk and scale of development
- Inappropriate setbacks
- Loss of Privacy
- Overshadowing
- Shared footpath safety
- Misrepresentations on submitted plans

### Considerations for council

We request that the council take into account the following considerations when assessing the development application;

- **Bulk and scale of development** - that the council impose a reduction of the FSR to align with the Manly LEP 2013 and existing neighbouring buildings (i.e. 72A & 72B West St, and 20 Angle St). Enforce minimum landscaped area requirements to allow for appropriate flora along western boundary.
- **Inappropriate setbacks** – that the council enforce minimum required setbacks as required under the Manly DCP 2013. Require relocation of garbage room due to close location to living areas.
- **Loss of Privacy** – that the council request revision of window and balcony locations for U101 to ensure that sightlines into living and bedroom areas do cause privacy concerns for residents in building 72A and future residents of U101.
- **Overshadowing** – that the council request accurate certified shadow diagrams be submitted to demonstrate the true impact on habitable rooms for 72A & 72B West St, and ensure these are available for the public to review.
- **Shared footpath safety** – that the council consider public safety related to the shared footpath, and reduce the number of units and associated carparking facilities.
- **Misrepresentation on submitted plans** – that the council request accurate, complete and representative plans that are made available to the public for review.

## Bulk and scale of development

As detailed in the revised Master Set Plan, pg11, the proposed development has a gross floor area of 681m<sup>2</sup> resulting in a floor space ratio (FSR) of 0.81:1. This is significantly greater (>62%) than the prescribed ratio of 0.5:1 under the MLEP 2013. This is non-compliant with Recommendation 3 of the DSA Report '*Comply with the permissible FSR to achieve desirable built form outcomes*'. As well as we believe this demonstrates that the proposed bulk and scale of the building is out of keeping with the Northern Beaches Councils aims under the Manly LEP 2013, particularly 1.2(2)(a)(i) "*to promote a high standard of urban design that responds to the existing or desired future character of area*", and 1.2(2)(b)(ii) "*to ensure high quality landscaped areas in the residential environment*".

## Inappropriate setbacks

The proposed development lacks compliance with the minimum required (Manly DCP 2013) setback and DSA Report Recommendation 2 '*Comply with SEPP 65 ADG side and rear setback controls to maintain development potential equity for adjoining sites*' of 3.0-meters on the western boundary. As demonstrated below the revised Master Set Plans do not comply with 3.0 meter setback from the boundary and 6.0-meter setback between buildings. In addition, the existing structure where highlighted below is a ground floor carport which does not extend to a Level 1 height, a misrepresentation within the revised Master Set Plans.

Furthermore, the revised location of the Garbage room results in a permanent structure setback less than 1m from boundary and less than 1.5m from the entrance to 2/72A and living and outdoor courtyard locations for 72A, as a result there would be daily and close occupancy to the proposed Garbage room. Nor is there an adequate location for bins to be set out for collection along south-west side of site (on Sydney Rd).

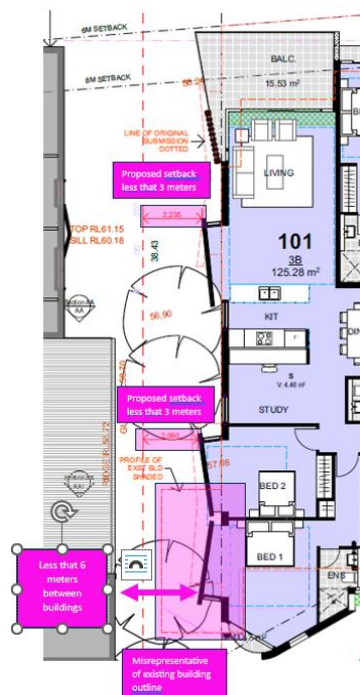


Figure 1: Plans - Master Set 'Level 1 Floor Plan' pg4

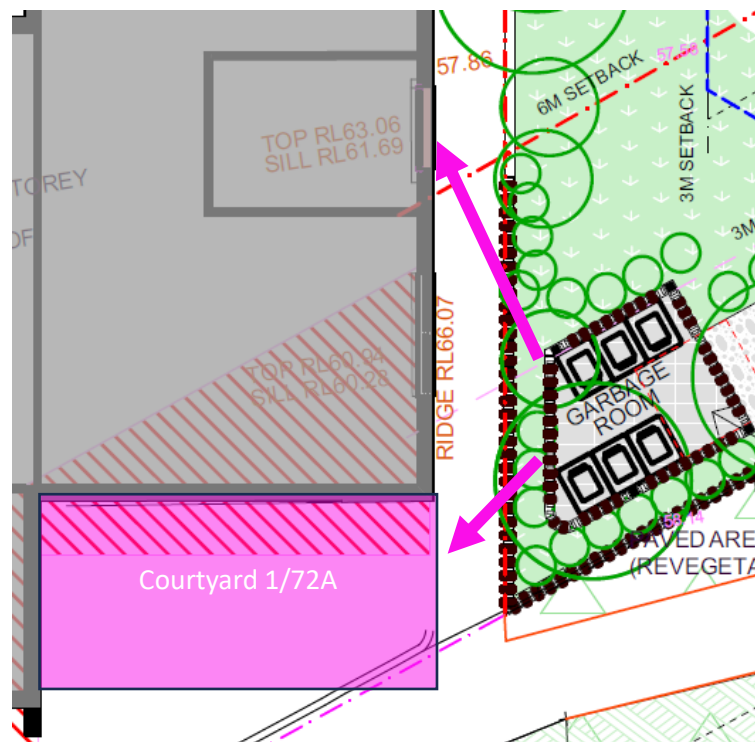


Figure 2: Garbage Room inappropriate location and close to 72A living areas.

## Loss of Privacy

The proposed windows and balcony on Level 1 for Unit 101 (Bedroom 1) have direct sightlines into our (2/72A West St) living space raising concerns of both our privacy, but also the privacy of prospective occupants of Unit 101. In addition, Unit 101 slight lines from window and balcony would have an elevated sightline into 1/72A West St Bedroom 2 and Living area.

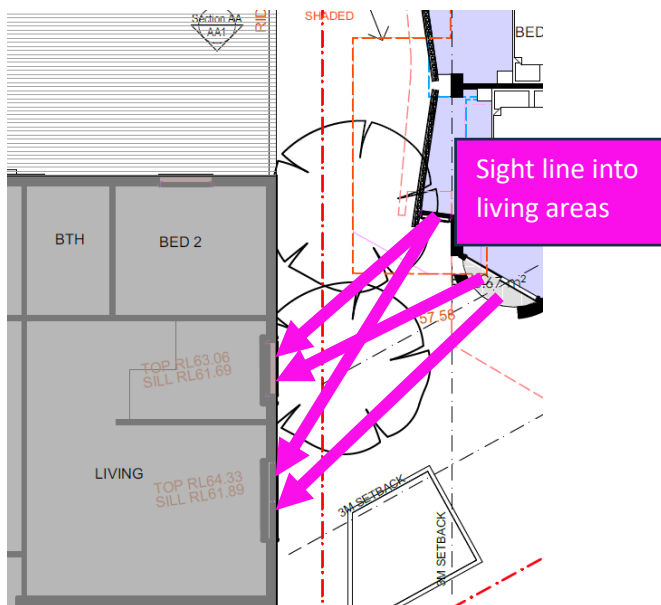


Figure 3: Sightlines between Level 1 Unit 101 Bedroom and 2/72A Living Room

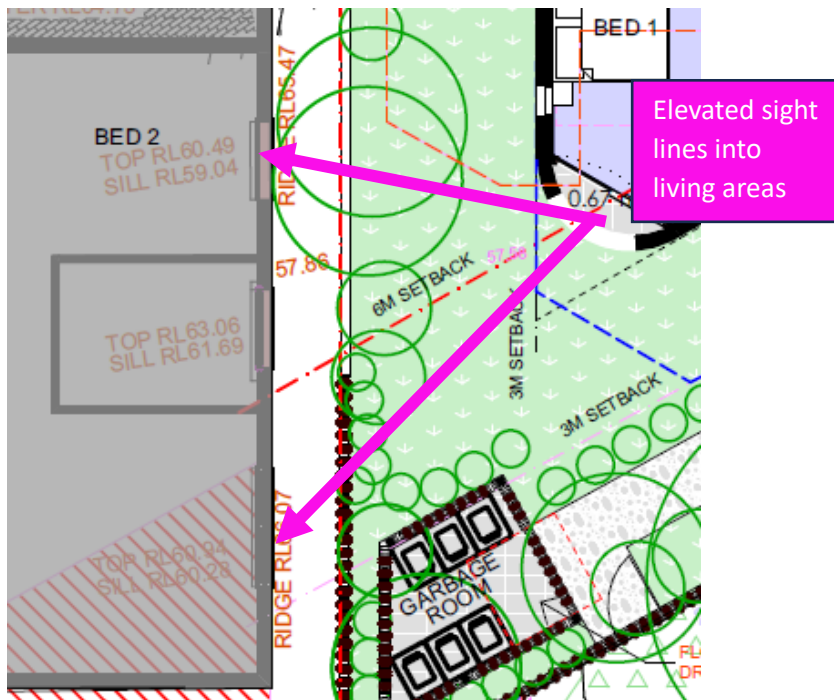


Figure 4: Elevated sightline from Unit 101 into 1/72A bedroom/living area

### Overshadowing

The proposed developments bulk and encroachments of setbacks as noted above, raises concerns of overshadowing and natural light access to our (2/72A West St) Living space, Bedroom 2 and Access foyer (ground floor). The shadow diagrams submitted (Master Set Plans, pg19-20) are limited in to the 'view from sun' and their potential impact, we believe they do not represent an accurate reflection of shadowing. We would request that accurate certified hourly shadow diagrams be submitted to demonstrate the true impact on habitable rooms for 72A West St.

### Shared footpath safety

The proposed development includes parking facilities for 11 cars spaces which represents a material increase (275%) on existing vehicle traffic from residents at 22 & 24 Angle St. The proposed development details plans for parking facilities to enter/exit via Angle St using a shared public footpath that connects Angle St and Sydney Rd. We have concerns regarding the safety of the local community (including primary school aged children) who use this shared footpath daily to access key infrastructure in the area, such as; Stockland Balgowlah Shopping Centre, Northern Beaches Balgowlah Boys Campus, Saint Cecilia's Primary School, and Manly West Primary School. The current use of this shared footpath is the most direct and safest access to this infrastructure, and the proposed increased usage raises public safety concerns.



*Figure 5: Shared public footpath between Angle St and Sydney Rd*

### **Misrepresentation on submitted plans**

In addition to the misrepresentations highlighted above regarding setback distances, we believe further misrepresentation existing within the submitted documents. These include;

- The 'Report – Design' misrepresents the density of neighbouring properties: 11 a. Wolski Coppin Architecture ['Report – Design' p.6] incorrectly states that “the neighbouring existing residence at 72A + 72B West Street which has a density of 1 unit per 138.87m<sup>2</sup>, the proposed development has a density of 1 unit per [139 (per 'Plans – Master Set – Amended')] m<sup>2</sup> which is not too dissimilar considering it involves the amalgamation of two sites”. In fact, 72A – 72B West Street has an approximate site area of 600m<sup>2</sup> [SIXmaps] consisting of 4 units, and therefore a density of 1 unit per 150m<sup>2</sup>. Furthermore, the amalgamation of two sites is irrelevant and does not serve as a mitigant for non-compliance with the density requirement, nor does it reduce the impact on future and existing residents. 3.
- The 'Report – Statement of Environmental Effects' p.7 misrepresents the surrounding properties, showing photographs of properties in the locality as comparable despite being subject to different (less stringent) density controls [Manly DCP 2013], open space controls [Manly DCP 2013], and building height controls [Manly LEP 2013]. This is an attempt to minimise the severity of non-compliance and the perceived impact on the prevailing streetscape and amenity of the precinct.



- Plans – Stormwater, pg3 – That an unapproved drainage easement along the southern boundary of 72 West St be sufficient, considering that approval for proposed easement is not guaranteed to be approved.
- Plans – Revised Master Set, pg3 – The existing plans do not include a courtyard that exists for unit 1/72A West St (as demonstrated below). Therefore, appropriate considerations related to the area have not been included in the submission including Garbage Room location.

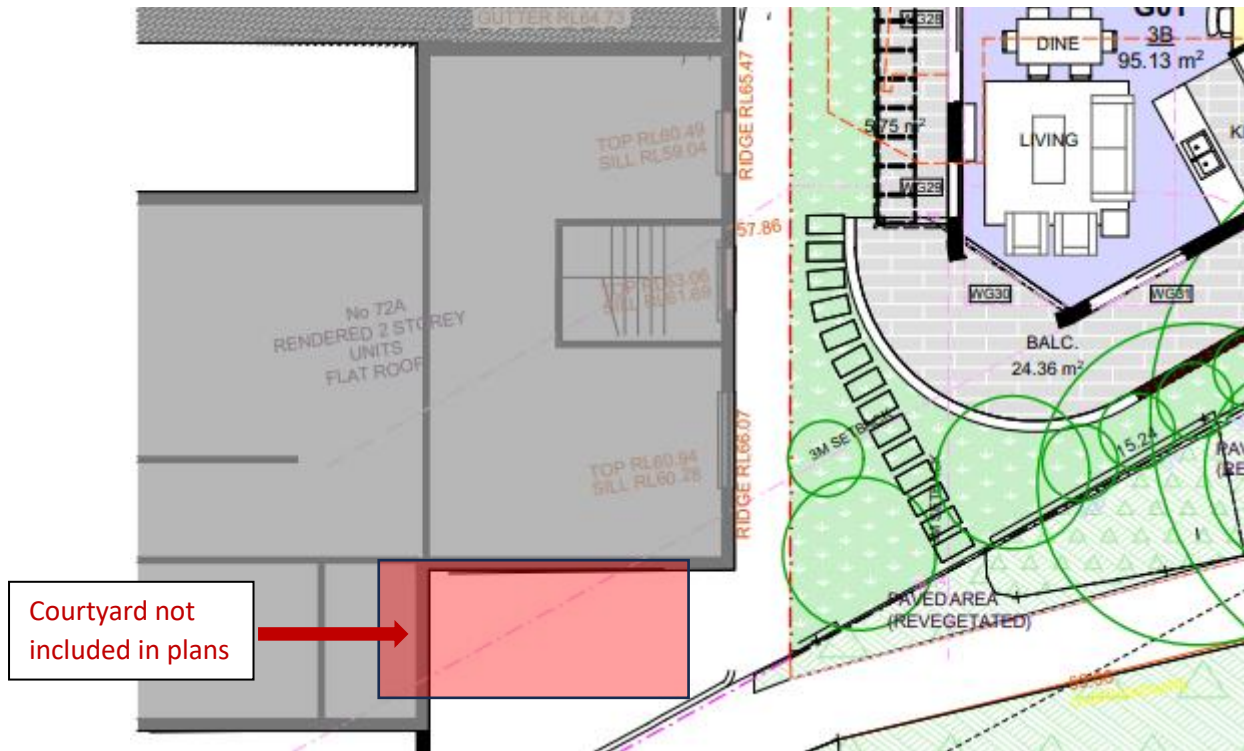


Figure 6: Plans - Master Set 'Ground Floor Plan' pg3