

Scott Bailey

Proposed Development: DA2025/0022

Demolition Works and construction of a five (5) storey Residential Flat Building with Basement Parking and associated Landscaping

Address: 101 North Steyne Manly. Lot CP SP 4518

Applicant: 101 Pty Ltd C/O Time and Place

I am writing on behalf of Marie Dewar, the owner of unit 1, 101 North Steyne Manly.

Not all owners have signed the DA application lodged by Time and Place.

The Court of Appeal outlined when the consent of the owner's corporation is required for a lot owner's development application in *Owners Strata Plan No. 50411 & Ors v Cameron North Sydney Investments Pty Ltd [2003] NSWCA 5*. Consent from owner's corporation *is not* required for a development application when work is wholly within boundaries of lot. However, consent from owner's corporation *is* required for a development application when works impact on common property

The DA is seeking to develop the entire lot impacting the common property and for that reason is required to have the consent of all owners before council can determine the DA.

I also reference the email and attachments forwarded to the assessing officer Maxwell Duncan on the 24/3/25 from Mathew Jenkins, Bannermans Lawyers, confirming Council not being able to determine the application without the consent of all the owners of the land for which the application has been made.

Under the new Part 10 strata renewal provisions in the Strata Schemes Development Act 2015 (**SSDA 2015**) there is no special power given to an owners corporation to lodge a development application over all lots.

It would appear council has already given a significant amount of time to the DA application already.

The Applicant has communicated with the Design and Sustainability Advisory Panel (DSAP) who undertook a review of the proposed development on the 22 August 2024 (1.2.1 applicants Statement of Environmental Effects)

Pre-lodgement Meetings were held with Northern Beaches Council on 2 occasions. The first meeting was held on the 17 October and the second meeting was held on the 4 December 2024. Meeting notes were circulated by council on both occasions. (1.2.2 applicants Statement of Environmental Effects)

In the coming days I intend to write to Councillors Cr Candy Bingham, Cr Sarah Grattan, Cr Bonnie Harvey to express concern that council is spending resources and rate payers' money assessing applications that it can't legally determine potentially holding up other applications.

I ask Northern Beaches Council to place a hold on the further assessment of DA2025/0022 until all owners have signed the consent.

Regards

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