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**Sent:** 15/05/2023 12:01:31 PM  
**Subject:** Development application 2022/1910 and amended proposal - Further Objection attached  
**Attachments:** Strata Owners SP69175-Further Objection to DA2022-1910-61 North Steyne Manly-15.5.23.pdf;

Hello at Northern Beaches Council,

On behalf of our clients, we attach our further objection to this development application.

Regards,

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15 May 2023

Chief Executive Officer  
Northern Beaches Council  
Council Offices  
DEE WHY NSW 2099

By email to - [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Dear Sir/Madam,

**RE: Further Objection to DA No. 2022/1910 – 61 North Steyne Manly – Amended Plans.  
Proposed Demolition and construction of a new 5 storey Non-compliant Residential Flat  
Building. Objection on behalf of the proprietors of the adjoining building No. 59 North Steyne,  
Strata Owners SP69175.**

## 1.0 Introduction.

We represent the owners of the residential flat building adjoining to the south, No. 59 North Steyne Manly being the Strata Owners Corporation SP No. 69175 and the individual strata lot owners.

This further objection is in response to the modified DA drawings and documents submitted to council and notified to us on 1 May 2023 and is in addition and support of the issues and concerns outlined in our first objection dated 14 December 2022.

## 2.0 Modified Drawings and Documents

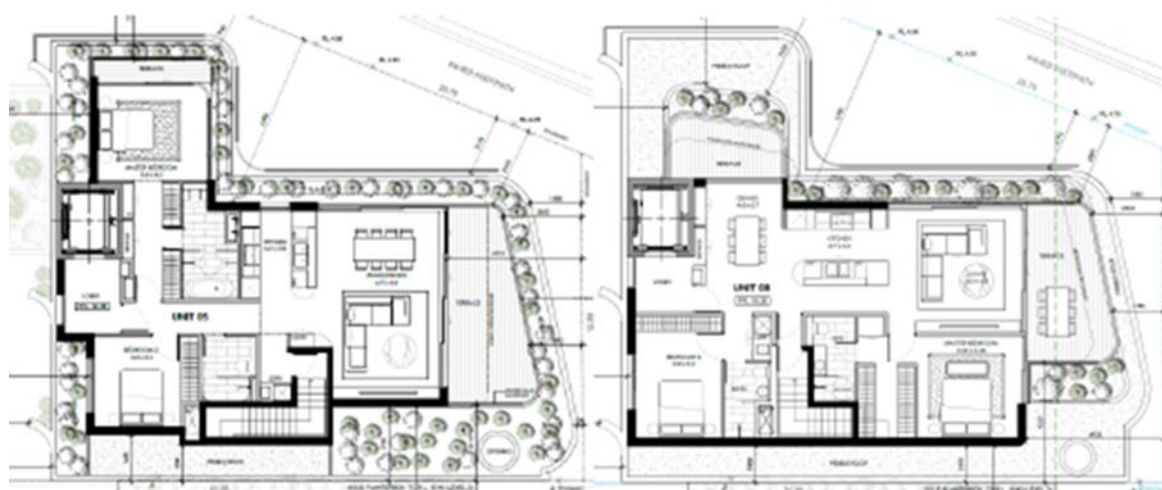
Having now reviewed the amended drawings and documents, we and our clients are dumfounded to now find that the applicant's modifications, contrary to that claimed in the Ethos Urban Addendum to their SEE, have not resolved the serious non compliances with Statutory controls including Breach of maximum height and maximum floor space ratio, or residential amenity, or BCA Regulations compliance:

1. Significant and unacceptable breach of the MLEP maximum building height – by one whole storey.
2. Significant breach of the MLEP maximum floor space ratio (FSR)
3. Massing of the top floor (Level xx)
4. Loss of views.
5. Unacceptable amenity impact.
6. Stormwater management
7. Traffic management
8. Non-compliant BCA regulations nor designed provision for the BCA emergency fire pump house and isolation, nor designed provision for an emergency second exit from each of the proposed two storey basement.

The changes are minimal, do not address our concerns and are unacceptable to our clients. The changes made to the top level for example, are considered an affront by our clients and make the very bad proposal significantly worse with an even greater negative impact on our clients.

***It seems than in an endeavour to address one significant streetscape issue in Denison Street, the applicant, not being prepared to even reduce the proposed floor area (which in our opinion should be entirely deleted due to 100% non-compliance with the MLEP Statutory maximum height control, and failure to responsibly address the planning objectives) – has simply moved the proposed master bedroom to the opposite side further impacting our clients’ views and amenity.***

Refer to extract from the amended documents below Figure 1.



*Figure 1 Revision to massing of top floor (originally submitted on left, revised on right)*

### 3.0 Summary

1. The changes in the modified drawings and supporting material are minor, do not address the significant non-compliances or planning and amenity issues - and unacceptable. The applicant has failed to take the opportunity to appropriately address the statutory non-compliances and negative amenity concerns. A sensible redevelopment may be possible on this site but with the current DA, nothing positive has been achieved.

2. The modifications do not address the genuine concerns and objections outlined in our objection of 14 December 2022 and our onsite meeting with council’s assessment planner on 1 February 2023.

3. The proposed modifications to the top floor will result in an even greater negative impact.

4. The basement issues and the BCA Regulation requirements for secondary exits, isolated fire control pump and services are not addressed other than to claim they can be addressed at the Construction Certificate stage, and no design provision is included -

- From our experience, significant design changes will be required with loss of floor area in order to satisfy these regulations,
- Compliance will require a compliant location with isolated separate access.

- *These matters will occupy significant floor areas with a significant reduction in available basement parking and should not be left to a post consent stage and part of a Construction Certificate application or DA modification application.*

5. The modifications do not include Electric vehicle charging stations in a two levels basement carpark. Indeed, the issue is casually dismissed with the claim that the basement is capable of such:

- There are significant fire risks involved.
- Again, this is critical, will require a redesign of both basement levels – which must be done at this DA stage (if this DA is to proceed) and not at a later Construction Certificate CC stage or a later DA modification application. It will be too late by then.

6. This is a small, constrained corner site of 407.3m<sup>2</sup> with planning and traffic issues. The proposed development is excessive and non-compliant in the Statutory maximum height control and in its impact on neighbours resulting in unacceptable loss of views, privacy and amenity. The proposed development is an overdevelopment of a small site in a sensitive area. Further, the applicant:

- Has failed to recognise the nature of the site and the requirements of the applicable planning controls and planning objectives.
- Has failed the council planning staff request to significantly amend the proposal and submitted minor modifications only and continue with a grossly non-compliant proposal with unacceptable environmental outcomes.

7. The objection issues contained in our first objection dated 14 December 2022 remain. We ask that council staff and planning panel members revert to our detailed objection of 14 December – and refuse the application.

## 4.0 Conclusion

1. The modifications and documents submitted by the applicant have not resulted in any significant improvement or justification for this development, nor appreciate the objections received. Indeed, the modifications result in a further negative impact on our client's property and are unacceptable due to non-compliances and negative impact on our client's reasonable expectation to continue to enjoy existing views, amenity and privacy – all of which could be satisfied with a compliant scheme.

2. Our client's reasonable expectations are that ANY redevelopment of the subject small site:

- Shall comply with Statutory planning numerical controls , and the statutory planning objectives.
- Shall comply with the Manly DCP controls as far as is reasonably expected, and fully comply with the Manly DCP objectives including amenity, building bulk and views.
- Shall comply with all other applicable legislation including the Building Code of Australia and its Regulations – with the critical Regulations relating to emergency access/exits, fire and smoke isolation and isolated fire water supply/pump facility being designed in the DA drawings stage and not left for a later date for a Construction Certificate or a consent modification. These matters all occupy critical basement space and in our experience, will result in a significant loss of basement floor areas including carparking and individual strata owners' storage facilities.
- The reasonable and public expectations that a new residential flat building shall comply.

3. The proposal is unacceptable in its entirety for the extent of the numerous non-compliances and issues raised in our objection of 14 December 2022 and this further objection.

4. Our clients ask, and we agree, that council reject the application as it is now clearly apparent that the applicant has no intention of submitting a compliant proposal.

5. The DA proposal in our opinion, is incapable of being modified to responsibly address each of these planning non-compliances and issues raised in this submission. **This apparent ambit claim application must be rejected and consent refused.**

Yours faithfully,



Wayne Collins  
Director

**Qualification.**

This report is based on information provided by the instructing party, documents available on the Northern Beaches Council web site and relates only to the information provided at the date of issue of this report and planning legislation applicable at that date. Colco has made what it considers reasonable enquiries in preparing this report; however, it cannot confirm the accuracy of architectural drawings or supporting consultant's specialist reports. Colco accepts these documents in good faith. Colco cannot forecast an outcome of a consent authority.

Colco, officers, and staff were required to make judgements on matters which are or may be incapable of precise assessment – being subjective in which others may reach a different conclusion. The statements, opinion and conclusions expressed in this report are made in good faith, reasonable belief they are correct and not misleading; and always subject to the limitation of accuracy of instructions and documents provided. Colco disclaims all liability to the extent permitted by law.