
From: GREG BROWN
Sent: 26/01/2022 7:14:52 PM
To: Council Northernbeaches Mailbox
Subject: DWVELOPMENT & PLANNING OBJECTION LETTER DA2021/2257
Attachments: 20212257 brown personal objection.docx;

Please post the attached objection letter to the website.

Kind Regards,



A handwritten signature in dark ink, appearing to read 'Greg', is written over a light green rectangular background. Below the signature, the name 'GREG BROWN' is printed in a black, sans-serif font.

GREG BROWN



GREGORY E BROWN

unit 806, 9-15 Central Ave, MANLY 2095



The General Manager,
Northern Beaches Council,
1 Belgrave Street,
MANLY 2095

DEVELOPMENT APPLICATION OBJECTION DA2021/2257

I am the lot owner and resident of unit 806 in the Pacific Waves building situated at 9-15 Central Ave Manly and I wish to lodge the following objections to the subject development application.

41 North Steyne

The submission states that the Manly CBD conservation area heritage provisions do not apply to this building and that it is not part of a consolidation for heritage purposes with the Steyne Hotel (75 The Corso Manly).

Yet further in the applicant's application documentation it appears to take the opposite view when trying to justify its position on another point.

These conflicting points were highlighted in the uploaded report prepared by The Design and Sustainability Advisory Panel dated 23/12/2021. This report in summary recommends against approval in its current format. **I support this decision.**

I firmly that alterations to the façade, building height and alterations to the internal Brackets bar should not be approved.

42 North Steyne

I believe that there is no community validating reason to raise the envelope height of this building other than to increase developer profitability. Contrary to what is submitted by the applicant there is no added benefit to the Manly CBD residential or business communities should approval be granted.

Whereas the loss of amenity to me as a lot owner and resident of unit 806 will be significant over the duration of the construction period.

The undated Hamptons Property Services report makes no mention of the Land & Environment Court Appeal decision referred to in Appeal reference 10571 of 2006. By definition therefore the applicant has not addressed the appellate judgment document in the Land and Environment Court Appeal Annexure A document 10571 of 2006 (Barecall Pty Ltd V Manly Council), in particular the section headed Additional Conditions to those set out

above, point 2. On the face of it, this judgement appears to place the following restrictions on this site:

1. No change to the floor space.
2. No change to build materials.
3. **No changes or alterations as per L & EC conditions.to the top floor**
4. **A permanent height limit on the site which Council has no authority to change.**

A copy of this document is attached.

I submit that The Hamptons Property Services report is materially deficient and further that Council has no judicial authority to override this Court decision.

The existing building has a ground floor public pedestrian walkway between North Steyne and Henrietta Lane which appears to have conveniently disappeared in the new proposal. I submit that this community facility should remain.

Project Construction Phase

The Varga Traffic Planning report dated 28/10/21 does not mention that the SP61139 common area opposite the proposed construction site is also used all day for parking by businesses on Sydney Road who are entitled to unrestricted access from the SP61139 common property onto Henrietta Lane.

The size of the works including specifically the underground carpark extension is far to large for the size of the site and the capacity of Henrietta Lane to manager construction traffic in conjunction with the already optimum capacity use of Henrietta Lane during peak morning and afternoon periods.

A solution suggested is to allow construction vehicles including readymix concrete trucks and associated pump vehicles to use Henrietta Lane from 5.00am through 8.00am in the mornings exiting via Sydney Road.

Parking on Henrietta Lane of concrete pumping machinery will be extremely disruptive to nearby users of facilities including the loading dock in the Pacific Waves building and should be refused.

This is unreasonable. Pacific Waves and for that matter the buildings situated at 43 North Steyne amongst others fronting the lane are predominately residential and residents including myself should not be disturbed before the normal 7.00am start.

The submission refers to possible use of the area above the council underground carpark to facilitate changing vehicle direction.

This area is common property of Strata Plan 61139 and any use thereof should not be taken into consideration in the application approval process. In any event there is an easement vehicle weight limit, amongst other restrictions, which for all intent and purposes would exclude construction vehicles and equipment from accessing it. Parents with young children attending the childcare centre situated at 4 Sydney Road Manly use this easement as an access route from the council car park lift entrance.

The Renzo Tonin report (27/10/21) addresses potential noise pollution. Appendix B, item 4 refers to Noise monitoring equipment.

The suggested acceptable noise limits are totally unreasonable and will seriously affect my peaceful amenity during the entire construction period.

In the event that approval is given, I request that permanent operative loggers be installed as appropriate within the Pacific Waves buildings which will monitor breaches of approved limits so that immediate action can be taken when inevitable breaches occur.

The Renzo Tonin report (27/10/21) also addresses vibration specifically in Section 5. This will most certainly be an issue to lot owners and residents because vibration will travel through the concrete structure affecting many units including mine causing some loss of amenity and potential damage. This has not been adequately addressed in the applicant's submission. I ask that the dilapidation report requirements (5.2) be inclusive of all lots within the Pacific Waves complex .

If approval is given, I ask that permanent operative vibration loggers be installed as appropriate within the Pacific Waves buildings which will monitor breaches of approved limits thus facilitating immediate action to remedy breaches including construction stoppage pending remedial action.

The Renzo Tonin report dated 27/ 10/21, 5.1, table 16 refers to remedial action being consider after sustained complaints are received. This approach will leave Pacific Waves residents unreasonably exposed.

We ask that all complaints be investigated within 24 hours of receipt as a condition of approval.

Post Construction

There will be an adverse effect on views from my balcony looking towards the Shelley beach area and headland in particular. Interestingly the proposed penthouse apartment will have uninterrupted views for which a sale price premium will be sought.

The applicant claims that proposed FSR changes are minor in nature. In my opinion this is not the case. **The proposed changes must be considered major** with the potential flow on effect within the Manly Conservation Zone if these changes are approved.

Traffic congestion on Henrietta Lane will once again be increased because of over development. There is already a problem with trucks park stacking awaiting delivery access from the middle to Raglan Street end of Henrietta Lane where my vehicles exit the Pacific Waves car park. A similar problem will apply to the two other residential carpark exits.

This problem will be amplified should this development be approved.

Yours Truly,

Greg Brown
unit 806 9-15 Central Ave, MANLY 2095
25/01/2022

