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**Sent:** 13/05/2021 1:32:21 PM  
**Subject:** FOR THE ATTENTION OF PENNY WOOD re DA2021/0318  
**Attachments:** Submission - 14 South Steyne, Manly.pdf;

Dear Penny

Thank you for contacting me the other day and making time to come to meet us at our property.

Please find attached a submission from the Town Planner we have had to commission...

The insights into the proposed DA are disturbing and clearly show a gross disregard for us as neighbours and Council and its processes, guidelines and size rules .

The proposed stairwell is above the already oversized internal space... Surely there are no grounds for which this can be approved.

We are suggesting that of the 9.3sq metres FSR that the internal is oversized, that this is used as an internal staircase or internal lift... an internal lift would only use 4sqm of the oversized allotment that the developer is seeking to take advantage of... Surely this is the only fair outcome, rather than allowing the developer to super size the restaurant at the neighbourhoods loss.

We look forward to meeting you on Tuesday to show you how manifestly unjust and impactful that approving an external staircase that will be 4 metres from our apartment and in use 17 hours a day will be to us...

Best regards Paul Hannan  
0438658619

#### IMPORTANT

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The General Manager  
Northern Beaches Council  
PO Box 82  
Manly  
NSW 1655

13 May 2021

Dear General Manager,

**Submission in Relation to Development Application – DA2021/0318 – 14 South Steyne, Manly**

We write on behalf of the owners of 46 Victoria Parade, Manly who are approximately 4 metres from the rear of the proposed additions to 14 South Steyne, where nearly every apartment owner of 46 Victoria Parade have already made individual submissions to Council objecting to this proposal. This letter is a further formal objection as a group to the Development Application (DA 2021/0318) lodged with Northern Beaches Council for the *alterations and additions to commercial development* on land at 14 South Steyne, Manly.

The owners' have strong concerns having reviewed the proposal. This submission summarises incremental aspects of the proposal which are highly concerning:

- The density and overdevelopment of the proposal;
- The stairwell interface with Dungowan lane and use of the rear part of the site;
- Noise and disturbance and impact to their amenity;
- Proposed management of the premises; and
- Waste Collection and Site Servicing.

The above-mentioned points are elaborated upon in the remainder of this submission.

**1. The density and overdevelopment of the proposal**

The proposed variation to FSR is supported by a Clause 4.6 objection, which is the appropriate mechanism for seeking such a variation. We submit that the proposed variation is not supported and cannot be justified. The variation of 3.3% to the FSR standard listed in the Manly LEP, is a gross disrespect of Council's controls, and is unnecessary in the context of site, and results in gross overdevelopment of the site with severe amenity impacts to its neighboring properties.

In this instance we believe that the Clause 4.6 Variation provided by the applicant fails to justify the building FSR non-compliances. This is simply driven by the need to create a more seating for a super sized restaurant. We are of the opinion that super sizing the restaurant will result in significant issues for the surrounding neighbours.

## **2. The stairwell interface with Dungowan lane and use of the rear part of the site**

The proposal seeks an open stairwell at the rear of the site that will be used by restaurant staff to go from floor to floor. The stairwell in addition to the dumb waiter is likely to be used for carrying food from the upstairs kitchen to downstairs patrons. It is also likely to be used for transporting of used dishes and cutlery for washing. Food waste and bottles will also be transported to the bin store at ground level. Deliveries to the kitchen will also utilise this stairwell. The rear of the site and the proposed stairwell is likely to be used by staff on their breaks including for smoking, and will inevitably include conversation amongst staff to the detriment of our clients amenity.

There is no doubt that this will be a highly utilised stairwell located 4m adjacent to residential dwellings and habitable rooms at 46 Victoria Parade. The proposed location of a stairwell that is open in such proximity (4m) to residential dwellings is totally out of character for the surrounding area and is not a reasonable proposition for a commercial use as proposed with a highly trafficable stairwell in close proximity to residential dwellings.

It would be good practice to forgo the proposed external stairwell, and to internalise access from ground floor to first floor through the provision of an internal lift. A standard lift size for a premise like 14 South Steyne would be 2m x 2m for a lift shaft. The provision of an internalised lift would result in the loss of approximately 6-8 seats for future patrons. This is not considered a significant loss to the operator, however, would overcome the concerns of our client by directing stairwells and associated foot traffic away from their dwellings.

We consider the stairwell was deliberately left open so as not to count to the overall FSR non-compliance at the site, because if it were to be designed to be enclosed as this would result in a enormous overdevelopment of the gross floor area for the site purely for the benefit of the owner to supersize their restaurant. This in our opinion shows a disrespect by the applicant for the Council controls which seek to ensure there is no significant overdevelopment to the detriment of the amenity of residential occupiers.

Our clients are unable to support the location of the stairwell at Dungowan Lane even if it were to be enclosed.

The only fair outcome is for a new lift or stairwell to be fully enclosed in the existing walls of 14 South Steyne and the rear of the block to be redesigned for adequate bin storage.

## **3. Noise and disturbance and impact to their amenity**

The increase in patrons and the concentration of services to the rear of the site will have significant noise and disturbance issues for our clients at 46 Victoria Parade. These include:

- Noise associated with transporting bottles and waste to the bin collection area.  
We would request Council to impose a condition of consent that no waste or bottle shall be taken to the bin collection areas outside if 7am – 7pm daily;
- Noise associated with staff either working or loitering at the rear of the premises;

- Noise from mechanical plant;
- Noise associated with returning used dishes to the kitchen;
- Noise associated with the grease arrestor located at the rear being pumped regularly.

We note from the review of the plans that there is an acoustic screen over the mechanical exhaust system, but the detail of this is lacking. We would request more detail should be provided of this screening. Our clients would not be adverse to the proposed change of height to the mechanical plant, should it be entirely enclosed and acoustically treated, and this should form part of the conditions of approval.

Council must consider the proximity of the residents of 46 Victoria Lane to this highly utilised servicing area.

#### **4. Proposed management of the premises and health and safety**

The proposal does include a Plan of Management. It is common practice for restaurants of this scale to operate under and approved Plan of Management. The proposed Plan of Management is unclear on how the operators will manage the following:

- Management of waste storage areas and cleaning;
- Liquor licensing details;
- Staff and personnel per patron number;
- Hours of operations
- Servicing and loading/deliveries;
- Safety and security
- Responsible service of alcohol;
- Cleaning of premises
- Smoking policy and designated smoking areas;
- Policy around ejecting patrons;
- Queuing in the street;
- Emergency evacuation plans;
- Food health and hygiene practices, including when transporting food on the external staircase adjacent a bin area.

It is evident from the list above that the following should be considered prior to granting of any development consent as these matters will impact upon the amenity of the adjoining neighbours, and the level of health and safety in the area.

To omit such important aspects of operations from their Plan of Management is both negligent and shows a blatant disrespect for surrounding residents, and Council.

#### **5. Waste Collection and Site Servicing**

The proposal does not appear to increase the existing bin storage area and in fact decreases it significantly, despite significantly increasing the number of patrons at the site. This is a direct result of the proposed external stairwell being located where increased bin storage could be provided.

We raise concerns that commercial waste operators will regularly block Dungowan Lane at collection times, which will also include increased noise and disturbance. In addition, Council would be aware that Dungowan Lane is used for traffic by residents of 46 Victoria Parade and the neighbouring Sebel Hotel, and any waste collection or deliveries will surely impact the use of Dungowan Lane.

We would request Council to impose a condition of consent that no waste or bottles shall be taken to the bin collection areas outside of 7am – 7pm daily. In addition, no waste collection can occur outside the hours of 7am to 5pm.

No detail is provided in terms of the number of proposed deliveries to the site daily and likely timing of deliveries. We would request Council impose a condition of consent that considers the impacts of deliveries to 46 Victoria Parade, and the likely timing of deliveries.

### **Conclusion**

We urge Council to reject this application for the reasons set out above.

Should you wish to discuss any matters raised in this submission, or seek to arrange access to the site for a visit to see first hand the potential impacts of the proposal, then please contact Matthew O'Donnell on 0417 024997 or [modonnell@modurban.com.au](mailto:modonnell@modurban.com.au).

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Mod Urban'.

**Matthew O'Donnell**  
**Director**  
**Mod Urban Pty Ltd**