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09/09/2025

MR Steve Baxter
15 Darley RD
Manly NSW 2095

RE: DA2025/1157 - 1 / 18 Victoria Parade MANLY NSW 2095

Formal Objection to DA2025/1157 - 18 Victoria Parade, Manly NSW 2095

Dear Sir/Madam,

I write to lodge a formal objection to Development Application DA2025/1157, which proposes the demolition of existing structures and the construction of a six-storey residential flat building at 18 Victoria Parade, Manly. As a resident of a heritage listed property within the Town Centre Conservation Area, I am deeply concerned that the proposed development is inconsistent with the statutory planning framework, undermines the heritage character of the locality, and will result in significant adverse environmental and amenity impacts. This submission outlines specific grounds for objection, supported by references to relevant planning instruments, including the Manly Local Environmental Plan 2013 (MLEP 2013), Manly Development Control Plan 2013 (MDCP 2013), State Environmental Planning Policies (SEPPs), and the Environmental Planning and Assessment Act 1979 (EP&A Act).

1. Flaws in the Heritage Impact Statement:

The Heritage Impact Statement submitted with the application, I have identified several critical omissions and weaknesses:

- **Lack of Visual Impact Assessment:** The statement does not include photomontages, elevations, or sightline diagrams to demonstrate how the building will appear from public viewpoints. This omission makes it impossible to assess the true visual impact on the conservation area.
- **Minimal Analysis of Streetscape Character:** The HIS provides only a generic description of the area and fails to analyse key architectural elements such as roof forms, fenestration, setbacks, and materials - all of which are essential to heritage compatibility.
- **No Assessment of Cumulative Impact:** The statement does not consider how this development might set a precedent for future proposals that could further degrade the conservation area's character.
- **Overreliance on Mitigation Measures:** The HIS suggests that landscaping and façade articulation will reduce the impact of the building's scale. These measures are superficial and do not address the fundamental issue of excessive height and bulk.
- **Weak Compliance Argument:** While the HIS references Clause 5.10 of the MLEP 2013, it does not provide a clear compliance matrix or demonstrate how the proposal meets each requirement. Notably, it fails to reference Part 3.4 of the MDCP 2013, which contains specific

design controls for heritage areas.

Misapplication of Planning Policy:

While I acknowledge the intent of the NSW Government's Low and Mid-Rise Housing Policy to increase housing supply, this policy does not override existing heritage protections unless explicitly stated in a State Environmental Planning Policy (SEPP). The Town Centre Conservation Area remains subject to heritage controls under the MLEP and MDCP, and any development must comply with these provisions.

The developer's justification for the proposed height and density appears to misinterpret the scope of the policy and does not adequately reconcile it with the site's heritage designation.

Request for Refusal

Given the above concerns, I respectfully request that Council:

- Reject the current proposal on the grounds of non-compliance with Clause 5.10 of the MLEP 2013 and Part 3.4 of the MDCP 2013
- Require a revised design that responds appropriately to the heritage context and prevailing built form
- Conduct a thorough review of the Heritage Impact Statement and ensure that all required assessments are complete, accurate, and site-specific

I appreciate Council's commitment to preserving the unique character of Manly and trust that this matter will be given due consideration.

2. Breach of Height Control - Clause 4.6 Variation:

The proposed building height of approximately 18.5 metres exceeds the 11-metre maximum permitted under Clause 4.3 of the MLEP 2013 by 68%. This is a substantial breach that cannot be considered minor or incidental.

To justify this exceedance, the applicant has submitted a Clause 4.6 variation request.

However, the proposal fails to satisfy the key tests under Clause 4.6(4), which require that:

- Compliance with the development standard is unreasonable or unnecessary
- There are sufficient environmental planning grounds to justify the variation
- The development is consistent with the objectives of the zone
- The variation results in a better planning outcome than strict compliance

The proposed height:

- Is not justified by any compelling environmental or urban design rationale
- Conflicts with the R3 Medium Density Residential zone objectives, which promote low to mid-rise development that integrates with existing character
- Does not deliver a better planning outcome, as it introduces excessive bulk, reduces solar access, and disrupts the established streetscape
- Sets a dangerous precedent for future overdevelopment in sensitive heritage areas

3. Misapplication of the NSW Low and Mid-Rise Housing Policy:

While the NSW Government's Low and Mid-Rise Housing Policy encourages increased housing supply in well-located areas, it does not override heritage protections or local planning controls unless explicitly stated in a State Environmental Planning Policy (SEPP). The subject site lies within the Town Centre Conservation Area, which is protected under Clause 5.10 of the MLEP 2013 and Part 3.4 of the Manly Development Control Plan 2013 (MDCP 2013). These provisions require that new development:

- Conserve the environmental heritage of the area
- Respect the scale, form, and character of surrounding buildings

- Reinforce the architectural rhythm and materiality of the streetscape

The proposed development fails to meet these requirements and misinterprets the scope of the Low and Mid-Rise Housing Policy. Increased housing supply must be achieved without compromising heritage values or planning integrity.

4. Deficiencies in the Heritage Impact Statement:

The Heritage Impact Statement (HIS) submitted with the application does not provide a comprehensive assessment of the proposal's potential effects on the conservation area. The following aspects were noted:

- No visual impact analysis, such as photomontages or sightline studies, is included to demonstrate how the development may affect views within the conservation area.
- Limited streetscape character assessment, with minimal reference to the established built form, scale, and rhythm of Victoria Parade.
- No cumulative impact consideration, despite the presence of nearby developments that could contribute to heritage changes.
- Heavy reliance on basic mitigation measures, such as material selection, without addressing elements like bulk, scale, or spatial relationships.
- Lack of response to specific controls found in Part 3.4 of the Manly Development Control Plan (MDCP) 2013, which outlines requirements for development within heritage conservation areas.

These omissions suggest the HIS may not be sufficient for fully informed decision-making regarding the proposal's heritage impact.

2. Statutory Non-Compliance

Several statutory planning controls are not met by the proposal, including:

- Clause 4.3 of the Manly Local Environmental Plan (MLEP) 2013: The proposed building height exceeds the 11-metre limit.
- Clause 4.6 Variation Request: The justification provided does not demonstrate that compliance is unreasonable or unnecessary, nor does it provide evidence that the proposed height will result in improved planning outcomes.
- Part 3.4 of the MDCP 2013: The design does not address heritage character, scale, or streetscape rhythm as required within the conservation area.
- Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979: Issues regarding impacts on the built environment and site suitability have not been adequately addressed.

3. Broader Planning Considerations Approval of this application may establish a precedent for future developments that do not align with heritage protections and planning controls. This could influence the integrity of the Victoria Parade streetscape and affect the character of the Manly heritage conservation area.

5. Overshadowing and Loss of Residential Amenity:

The proposed development does not comply with MDCP 2013 - Part 3.2.4 Solar Access, which stipulates that private open spaces must receive a minimum of three hours of direct sunlight between 9am and 3pm during mid-winter. The submitted solar access diagrams demonstrate non-compliance, resulting in significant overshadowing of neighbouring dwellings and contravening Section 4.15(1)(b) of the EP&A Act. This impact will materially reduce the amenity of adjacent properties.

The building's height and proximity to the rear boundary are likely to cause substantial overshadowing of neighbouring homes, especially during morning and late afternoon periods - critical times for natural light. The resultant reduction in solar access may negatively influence

the comfort, energy efficiency, and overall liveability of surrounding residences.

The application documentation shows clear non-compliance with the Manly Development Control Plan (MDCP) requirement that private open space of neighbouring lots must receive at least 3 hours of direct sunlight between 9am and 3pm on 21 June (the winter solstice). Should existing properties receive less than this minimum, the MDCP requires that new development must not further decrease their solar access; unfortunately, this proposal fails to meet these standards.

Overshadowing from the proposed structure is expected to:

- Reduce availability of natural light in private open spaces and living areas
- Increase dependence on artificial lighting and heating, adversely impacting energy efficiency
- Diminish residential amenity and outdoor area usability
- Contravene established planning objectives safeguarding neighbouring properties

This impact is not an incidental aspect of development, but a direct consequence of excessive building height and inadequate setbacks. Such effects could be appropriately addressed through a more considered design approach.

Therefore, I respectfully request that Council refuse the application in its current form and require the applicant to submit a revised design that

- No Comparison with Existing Conditions: The diagrams illustrate only the proposed shadows without showing how they differ from current conditions. This makes it difficult to assess the true extent of additional overshadowing caused by the development.
- Missing Equinox Modelling: Shadow diagrams for the equinox periods (21 March and 21 September) are absent. These dates are critical for evaluating year-round solar access and are commonly used to determine compliance with planning controls.
- Limited Scope of Impact: The diagrams do not adequately show the effect on adjacent properties. In some cases, only partial views are provided, which obscures the full extent of overshadowing on neighbouring homes, gardens, and solar infrastructure.

These omissions hinder a proper assessment of the proposal and may compromise compliance with:

- Manly Development Control Plan (MDCP 2013) - Part 3.4 Solar Access and Overshadowing
- Housing SEPP - Clause 6.6 Solar Access
- Environmental Planning and Assessment Act 1979 - Section 4.15(1)(b)

I respectfully request that Council require the applicant to submit revised shadow diagrams that include:

- A clear comparison between existing and proposed shadow conditions
- Modelling for the equinox periods (21 March and 21 September)
- Full views showing the impact on all adjacent properties

6. Noise and Acoustic Impacts:

Concerns regarding acoustic privacy arise from the inclusion of rooftop entertainment areas and communal rear-yard seating. MDCP 2013 - Part 3.3.2 requires developments to minimise noise intrusion through thoughtful design and location. The lack of an acoustic impact assessment in the current proposal is a significant gap, as it does not address Section 4.15(1) (c) of the EP&A Act, which obliges careful consideration of site suitability.

This proposed design poses considerable risks to the acoustic privacy of nearby residents. Communal rooftop spaces and rear-yard seating typically generate elevated noise levels, especially during evenings and weekends, potentially disturbing the peaceful enjoyment of neighbouring properties.

Manly Development Control Plan 2013 - Part 3.3.2 explicitly mandates that developments "minimise noise intrusion through appropriate design and siting." The application fails to explain how communal spaces are designed or located to mitigate noise impacts. There is no

indication of acoustic screening, orientation strategies, or landscaping intended to reduce sound transmission.

Additionally, omitting an Acoustic Impact Assessment is a serious shortcoming. Such an omission directly conflicts with Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, which requires assessing "the suitability of the site for the development." Without a professional acoustic study, Council cannot reasonably determine whether the site is appropriate for noise-generating uses, particularly in a sensitive residential and heritage zone.

Given these shortcomings, I respectfully request that Council:

- Require the applicant to provide a thorough Acoustic Impact Assessment
- Reevaluate the layout and design of communal spaces to ensure compliance with MDCP 2013
- Consider the cumulative impacts of noise on neighbouring properties when reviewing the application

I trust Council will fulfil its duty to protect residential amenity and ensure development remains fitting and considerate of its context.

The inclusion of communal spaces and additional residents will likely result in increased noise levels, mainly during evenings and weekends. These effects are inconsistent with the established quiet residential atmosphere of the area and could diminish the acoustic privacy and comfort of neighbouring properties, including where I live.

Furthermore, the design lacks adequate measures for noise mitigation, such as acoustic screening, strategic positioning of communal areas, or management procedures for their use. Without these safeguards, the proposal risks undermining the tranquillity of surrounding homes and disrupting daily routines.

This issue is especially pronounced considering the heritage status where I reside, which is architecturally significant and cherished for its serene environment. The planned development appears to conflict with Clause 6.8 of the Housing SEPP, which requires that projects be planned to minimise noise and protect the acoustic privacy of neighbouring properties.

Accordingly, I respectfully request that Council require the applicant to:

- Relocate or redesign communal areas away from sensitive boundaries
- Incorporate acoustic treatments and a robust noise management plan
- Demonstrate total compliance with Clause 6.8 and all relevant acoustic standards

7. Overdevelopment and Site Saturation:

The proposed building footprint occupies approximately 44% of the 966m² site, which exceeds the intended density parameters for R3 zones as prescribed by MDCP 2013 - Schedule 1 Map B (OS2 classification). The development does not provide sufficient deep soil zones or landscaped open space, resulting in non-compliance with SEPP (Housing) 2021 - Part 2 Division 4 Landscaping Standards. The scale and intensity of the proposal are not commensurate with the site's capacity or its surrounding context.

This objection is submitted on the basis of substantial concerns regarding overdevelopment, excessive site coverage, and departures from the planning controls established in the Manly Development Control Plan (MDCP 2013) and the Manly Local Environmental Plan (MLEP 2013).

Specifically, the development seeks to establish a building footprint covering approximately 44% of the total 966m² site area (equivalent to roughly 425m²), representing a level of site saturation inconsistent with the intended density for R3 Medium Density Residential zones, particularly within areas designated as Open Space Area OS2 under MDCP Schedule 1 - Map B.

The principal concerns are as follows:

Excessive Site Coverage: The proposed 44% site coverage significantly surpasses the typical expectations for R3 zones, where coverage is generally anticipated to be between 30-35% to ensure adequate landscaping and provision of deep soil zones. Such overdevelopment adversely impacts both the environmental and visual amenity of the locality.

Inadequate Landscaped Open Space: The application fails to meet the requirements for landscaped open space as outlined in MDCP Part 3.3 - Landscaping and Open Space. This deficiency limits opportunities for tree planting, stormwater management, and passive recreational use.

Minimal Setbacks and Basement Excavation: The design includes insufficient setbacks and extensive basement excavation, resulting in a bulky built form that is inconsistent with the established character of the streetscape.

Non-compliance with SEPP 65 and Housing SEPP: The proposal does not align with the design principles of SEPP 65 and does not satisfy Clause 6.3 of the Housing SEPP, which mandates compatibility with existing built forms and neighbourhood character.

8. Environmental and Geotechnical Risks:

The site is affected by Class 4 Acid Sulphate Soils under Clause 6.1 of the MLEP 2013 and is mapped as flood-prone land under Clause 6.3. The submitted technical documentation does not adequately address excavation impacts, stormwater discharge, or groundwater contamination. MDCP 2013 - Part 3.6 Environmental Constraints requires detailed geotechnical and hydrological analysis, which is absent or insufficient.

The site is affected by Class 4 Acid Sulphate Soils under Clause 6.1 of the Manly Local Environmental Plan 2013 (MLEP 2013). Disturbance of these soils through excavation or drainage can result in the release of sulphuric acid, leading to groundwater contamination, infrastructure corrosion, and ecological damage. Clause 6.1 requires a comprehensive Acid Sulphate Soil Management Plan, prepared in accordance with the NSW Acid Sulfate Soils Manual. No such plan appears to have been submitted.

Additionally, the site is mapped as flood-prone land under Clause 6.3 of the MLEP 2013. Development on flood-prone land must demonstrate that it will not increase flood risk and must include detailed flood modelling and mitigation strategies. The current application lacks sufficient analysis of stormwater discharge and flood behaviour.

Under Part 3.6 of the Manly Development Control Plan 2013 (MDCP 2013), any development on environmentally constrained land must be supported by detailed geotechnical and hydrological studies. These are essential to assess soil stability, excavation impacts, groundwater movement, and stormwater management. The technical documentation provided is either absent or insufficient in addressing these critical issues.

Given the site's proximity to the foreshore and its classification under multiple environmental constraints, the lack of rigorous technical analysis poses unacceptable risks to public safety, environmental health, and long-term infrastructure integrity.

9. Traffic and Parking Deficiencies:

The basement parking layout lacks a swept path analysis and traffic generation modelling, as required under MDCP 2013 - Part 3.5. The proposed access arrangements may compromise vehicular and pedestrian safety on Victoria Parade, a narrow residential street. The design does not comply with Australian Standard AS2890.1:2004 and fails to demonstrate safe ingress and egress.

10. Water Management and Stormwater Deficiencies:

The water management strategy proposed is inadequate and fails to meet the standards required under relevant planning instruments, environmental policies, and engineering best practices. While the application includes basic stormwater infrastructure such as on-site detention (OSD) and rainwater harvesting, the documentation lacks the depth and rigour necessary to ensure long-term environmental performance and public safety.

1. Absence of Water Quality Modelling

No MUSIC (Model for Urban Stormwater Improvement Conceptualisation) modelling is provided to demonstrate pollutant load reduction or treatment efficiency. This omission breaches Council's Water Sensitive Urban Design (WSUD) Policy and fails to satisfy SEPP (Biodiversity and Conservation) 2021 requirements for water quality outcomes.

2. No Flood Evacuation Strategy

The site is partially located within a medium flood risk zone, yet the application does not include a flood evacuation plan or safe egress routes for residents. Clause 6.3 of the Manly LEP 2013 requires flood-compatible design and access, which has not been addressed.

3. Lack of Maintenance Plan for Stormwater Infrastructure

There is no long-term maintenance schedule for detention tanks, filters, or rainwater reuse systems. Without a formal maintenance plan, the risk of system failure increases, potentially leading to localised flooding and environmental degradation. This contravenes EP&A Act Section 4.15(1)(b), which mandates assessment of ongoing operational impacts.

4. No Groundwater Impact Assessment

The Engineering Design Report does not assess groundwater levels or potential interference from basement excavation. In coastal zones such as Manly, groundwater intrusion can compromise structural integrity and affect nearby vegetation and heritage assets.

5. Failure to Address Acid Sulfate Soil Risks

The site is mapped as Class 4 Acid Sulfate Soil under Council's planning maps. Excavation may mobilise acidic groundwater, yet no leachate containment or treatment strategy is proposed. This poses risks to both built and natural environments.

6. No Climate Resilience Modelling

The stormwater design relies on historical rainfall data and does not incorporate future climate scenarios or increased rainfall intensity. Council's Climate Adaptation Guidelines recommend use of AR&R 2019 projections, which are absent from the application.

7. No Integration with Landscape and Ecological Plans

The stormwater strategy is not coordinated with the Landscape Plan to support passive irrigation, bioswale integration, or ecological enhancement. This represents a missed opportunity to improve sustainability and biodiversity outcomes.

8. Inadequate Connection to Public Infrastructure

The proposed drainage relies on connection to existing kerb inlet pits on Victoria Parade, but no hydraulic capacity analysis is provided to confirm that Council's infrastructure can accommodate additional flows. This raises concerns about downstream flooding and asset overload.

9. No Assessment of Overland Flow Paths

The application does not include mapping or modelling of overland flow paths during major storm events. This is essential for understanding how water will behave across the site and surrounding properties during peak rainfall.

10. No Consideration of Heritage Impacts from Water Infrastructure

The placement and design of stormwater infrastructure have not been assessed for potential impacts on nearby heritage-listed buildings. Clause 5.10 of the LEP requires consideration of indirect impacts, including those arising from excavation, drainage, and groundwater changes.

These deficiencies indicate that the water management strategy is incomplete, lacks resilience, and fails to meet Council's environmental and planning standards. Without

substantial revision and additional documentation, the proposed development poses unacceptable risks to public safety, environmental health, and heritage integrity.

11. Loss of Views and Visual Impact:

The proposed structure obstructs existing view corridors, particularly those offering sightlines to the ocean and surrounding headlands. These views are a valued feature of the local environment and contribute meaningfully to the amenity of surrounding properties and the public domain. The bulk and scale of the development dominate the streetscape and are inconsistent with the established character of Victoria Parade.

This proposal breaches the provisions of the Manly Development Control Plan 2013 - Part 3.2.2 View Sharing and Visual Impact, which requires that developments:

- Preserve and respect existing views from neighbouring properties and public spaces
- Minimise visual bulk and avoid dominating the streetscape
- Respond sensitively to the surrounding built form and topography

Furthermore, the Design Verification Statement submitted with the application fails to adequately assess the impact on visual amenity, contrary to the principles outlined in State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development. Specifically, the proposal does not demonstrate compliance with the following SEPP 65 design principles:

- Context: The development does not respond appropriately to its visual and environmental setting
- Scale and Built Form: The bulk and height are excessive and visually intrusive
- Amenity and Aesthetics: The obstruction of views and loss of openness diminish the quality of the public and private domain

These deficiencies in both design and documentation warrant serious reconsideration of the proposal. I respectfully request that Council require a redesign that:

- Reduces building height and bulk
- Preserves key view corridors
- Enhances compatibility with the surrounding streetscape
- Provides a thorough and transparent assessment of visual impacts

12. Inadequate Landscaping and Tree Protection:

The submitted Landscape Plans indicate minimal allocation of deep soil zones and a lack of meaningful canopy tree planting. This is inconsistent with the requirements of Part 3.2.5 of the Manly Development Control Plan (MDCP) 2013 - Landscaping and Tree Preservation, which seeks to ensure that developments contribute to the green character of the area, support biodiversity, and provide adequate space for healthy vegetation growth. Deep soil zones are essential for sustaining mature trees and allowing for natural stormwater infiltration, while canopy trees offer shade, habitat, and visual amenity.

Furthermore, the accompanying Arborist Report fails to meet the standards set out in AS4970-2009 - Protection of Trees on Development Sites. This Australian Standard mandates the identification and protection of Tree Protection Zones (TPZs) and Structural Root Zones (SRZs), as well as the preparation of a Tree Protection Management Plan (TPMP) by a qualified arborist. The report submitted does not adequately detail how existing mature trees will be retained or protected during construction, nor does it provide sufficient mapping or mitigation strategies to prevent root damage, canopy loss, or soil compaction.

The absence of these critical protections poses a direct threat to the health and survival of mature trees on and adjacent to the site. This will result in:

- Loss of shade and increased heat island effects
- Reduced biodiversity and habitat for native species
- Visual degradation of the streetscape and surrounding environment
- Potential erosion and drainage issues due to insufficient vegetation
- Diminished residential amenity and community character

Given the ecological and aesthetic importance of mature trees and landscaped areas in our neighbourhood, I respectfully request that Council require the applicant to:

- Increase deep soil zones in accordance with MDCP 2013
- Include a revised landscape plan with appropriate canopy tree planting
- Submit a compliant Arborist Report that adheres to AS4970-2009
- Provide a Tree Protection Management Plan detailing retention and protection strategies for all significant trees

13. Non-Compliance with SEPP 65 Design Quality Principles:

The proposal does not adequately address the Design Quality Principles under Schedule 1 of SEPP 65, particularly in relation to context, scale, amenity, and sustainability. The absence of a Design Review Panel assessment is concerning given the building's height and prominence.

14. Impact on Pedestrian Safety and Public Domain:

The increased density and vehicular movements may compromise pedestrian safety, particularly near intersections and footpaths. The proposal does not include adequate public domain improvements or traffic calming measures, breaching MDCP 2013 - Part 3.5.2 Pedestrian Safety and Access.

15. Severe Loss of Privacy and Overlooking Impacts:

The proposed six-storey development will result in direct and sustained overlooking into my property, including my private backyard, living room, and bedroom areas. The upper-level balconies, windows, and communal rooftop spaces are positioned in such a way that they will have uninterrupted sightlines into my home and garden.

This represents a significant breach of the Manly Development Control Plan (MDCP) 2013 - Part 3.4.2 Privacy and Security, which requires that developments:

"Minimise direct overlooking of principal private open space and habitable room windows of adjacent dwellings through building layout, location and design."

"Incorporate privacy screening, window placement, and landscape buffers to reduce visual intrusion."

The design fails to incorporate any meaningful mitigation measures such as privacy screens, deep planting buffers, or recessed balconies, contrary to the principles outlined in State Environmental Planning Policy No. 65 (SEPP 65) - Design Quality Principles, specifically: Principle 4 - Amenity, which requires that developments "provide visual and acoustic privacy for residents and neighbours."

Principle 1 - Context, which mandates that buildings respond appropriately to their surroundings, including sensitive heritage areas.

The cumulative impact of multiple levels of direct visual intrusion will materially diminish the enjoyment and amenity of my home, which is particularly concerning given the heritage status of my property and its reliance on passive design principles. The intrusion into private living spaces is not only inappropriate but also incompatible with the established residential character of the conservation area, in breach of Clause 5.10 of the Manly Local

Environmental Plan (MLEP) 2013, which seeks to conserve the environmental heritage of the area.

16. Inadequate Waste Management Planning:

The Waste Management Plan and Operational Waste Report submitted with the application lack detail on bin storage capacity, collection frequency, and access for service vehicles. This is particularly concerning given the scale of the development and its proximity to narrow residential streets. Poorly managed waste facilities can result in odour, vermin, and visual pollution, breaching MDCP 2013 - Part 3.8 Waste Management and Section 4.15(1)(b) of the EP&A Act.

17. Lack of Universal Access and Mobility Provisions:

The BCA and Access Report does not adequately demonstrate compliance with AS1428.1:2009 (Design for Access and Mobility) or the Disability Discrimination Act 1992. The absence of accessible pathways, lifts, and adaptable units raises equity concerns and fails to meet MDCP 2013 - Part 3.9 Universal Design Principles.

18. Insufficient Wind Impact Assessment:

Despite the proposed building's six-storey height and its proximity to the foreshore, the submission lacks a dedicated Wind Impact Assessment. This is a significant omission given the potential for:

1. Wind tunnelling effects between tall structures
2. Downdrafts and turbulence impacting pedestrian comfort at street level
3. Wind amplification near communal rooftop areas and balconies

These risks are particularly relevant in coastal environments like Manly, where prevailing winds can be strong and unpredictable. Without expert analysis or modelling, Council cannot reasonably assess the development's impact on public safety, residential amenity, or environmental comfort.

2. Non-Compliance with MDCP 2013 - Part 3.3.1

The proposal fails to meet the requirements of Part 3.3.1 of the Manly Development Control Plan 2013 (MDCP 2013), which states that developments must:

- Respond to climatic conditions, including wind
- Ensure pedestrian comfort and safety
- Minimise adverse environmental impacts through appropriate siting and massing

The current design does not demonstrate how it responds to prevailing wind conditions, nor does it incorporate mitigation strategies such as deflection, buffering, or screening. This lack of consideration undermines the proposal's compliance with Council's design standards.

3. Site-Specific Risks

The site's location near the foreshore and its exposure to coastal winds heighten the importance of wind-sensitive design. The absence of wind modelling is particularly concerning given the inclusion of:

- Communal rooftop areas
- Elevated balconies and terraces
- Narrow pedestrian access points

These elements are vulnerable to wind discomfort and may pose safety risks without proper assessment and mitigation.

4. Request for Refusal

Considering the above deficiencies, I respectfully request that Council:

- Refuse the application on the grounds of non-compliance with MDCP 2013 - Part 3.3.1
- Require the submission of a comprehensive Wind Impact Assessment prepared by a qualified consultant
- Ensure that any revised design incorporates wind mitigation strategies appropriate to the site's coastal context

The proposal, in its current form, does not meet the standards expected of responsible urban design and risks compromising the safety and comfort of future occupants and the public domain.

19. Potential for Construction Phase Disruption:

The application does not include a Construction Management Plan, which is critical for mitigating noise, dust, vibration, and traffic disruption during demolition and building works. This omission affects not only immediate neighbours but also the broader community and breaches MDCP 2013 - Part 3.10 Construction Impacts.

Considering the above statutory breaches, amenity impacts, and procedural irregularities, I respectfully request that Northern Beaches Council Refuse Development Application DA2025/1157 in its current form. Alternatively, Council should require substantial amendments, independent peer review, and full public re-notification to ensure compliance with planning legislation, heritage conservation principles.