

Susan Burton Phillips

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The General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655
Att: Claire Ryan

Tuesday 4 March 2025

Dear Claire,

**OBJECTION TO DEVELOPMENT APPLICATION 2024/1835
10-12 Clifford Avenue, 33-35 Fairlight Street, Fairlight
Proposed demolition of 4 dwellings and construction of 15 new apartments**

Long term Fairlight resident

Since 1997 I have been the owner of #5 Clifford Avenue, Fairlight and I join with my neighbours in objecting strongly to the development proposal lodged in relation to ## 10 and 12 Clifford Avenue and 33-35 Fairlight Street. I have lived in 5 Clifford Avenue with my children since 1997 and also for the last 12 years, with two of my grandchildren. Prior to buying this home I lived in Woods Parade, Fairlight and before that started my marriage in the first house we bought in 1979 in Griffiths Street Fairlight. I grew my children up in Fairlight for their whole lives and myself am a northern beaches girl born and raised and a Fairlight resident continuously since 1979. I grew up with the stories of what was allowed by Manly Council in the 1960s and 1970s and saw, myself, the annihilation of some of the character of Manly and surrounds from the, now notorious, conduct of that Council. I know that Council's decisions about neighbourhoods really matter to the quality of life of the people who make their homes and build their families, each contributing to what makes a precinct special, like ours.

Joint action with my neighbours

With my neighbours at #7 and #9 Clifford Avenue, in response to the over-development proposed at 10 and 12 Clifford Avenue with the Fairlight Street blocks, we commissioned the report by town planner Natalie Nolan which you have received. I entirely support Ms Nolan's findings and the concerns she outlined in that report and will not repeat them here. I am also privy to the concerns of my neighbours and entirely agree with every point they raise. The whole street is united by our dismay at the over-development proposed and the cynicism of the developers that they should submit such an inappropriate design. It stands out as a bidding tactic, designed no doubt to eventually achieve approval for a project which is beyond what is required but modified in light of the inevitable objections something on this scale would draw. It is breathtaking disrespect for what makes our

small neighbourhood so precious to its residents and an overt manipulation of Council's processes which should be rejected outright.

Those of us who have submitted plans for renovations to our homes have had to comply completely with Council's requirements as they stand – not submit plans which have no regard for the standards which the rest of us have had to meet. Should Council allow departures from its standards on this scale, then the character of our street and precinct will be lost as others move in to take advantage of such apparently flexible requirements. The character of our street with mostly single or duplex dwellings built from the 1920s on, is one of its most wonderful intangible assets. Overdevelopment on the scale proposed will be entirely destructive of this valued local character.

Traffic hazard

I live just below the point at which Clifford Avenue divides into a lower and upper concourse both of which are quite narrow. I observe daily the manoeuvres of vehicles using our street which must be relatively cautious in light of its configuration. The location of the driveway to the proposed development occurs at the point of highest risk. There are 34 or 35 parking places proposed for the site. The increased impact of the vehicles of visitors, trades and delivery services as well as an additional 35 residents' vehicles will be severe. Our street is already quite congested due to the lack of onsite car parking which is not a feature of our homes which were mostly built in the 1920s. It is frightening to contemplate traffic on the scale which will result from a carpark of the size proposed and the volume of traffic that the residents of 15 – instead of 9 - apartments will generate. As the 4 block site *will* be re-developed in some form, surely the safest ingress and exit point for vehicles would be Fairlight Street where none of the considerations caused by a narrow dead-end street arise?

There are some personal considerations in addition to those raised by Ms Nolan and my neighbours which I wish to draw to Council's attention.

Exacerbation of storm water runoff

My house sits directly above Council's reinforced concrete pipe (RCP) that runs the length of my property, draining the stormwater that runs down our street from every direction when it rains. My house and the inlets to the RCP are at the lowest drainage point in the street. The accumulation of water run-off in heavy storms has required me to install plumbing infrastructure to remediate exposure to inundation and ensure the house is not adversely affected in the future. The nature of the development proposed and the removal of surfaces capable of absorbing rainfall will inevitably increase the amount of runoff that accumulates in the street creating hazardous consequences for others from which those who will dwell in #10 and #12 will be immune. As Ms Nolan points out there are concerns about the capacity of the existing infrastructure which is not addressed in the proposal.

Loss of privacy

My bedroom is in the upper storey of #5, facing the street. The configuration of the units proposed will mean, from their living areas they can look straight across to my bedroom imposing measures I must take to address my loss of privacy.

Relying on the efforts of my neighbours I set out key areas of concern arising from the analysis we have jointly engaged in:

- **Number of units:** The Local Development Control Plan (DCP) permits 9.4 apartments on this site. This applicant is seeking approval for 15 apartments (62% non-compliance)

- **Floor to Space ratio (FSR):** The Local Environment Plan (LEP) permits a floor space ratio (FSR) of 0.6. The applicant is seeking approval for a FSR of 1.12 resulting in an 86.1% non-compliance with FSR development standard.
- **Height limits:** The proposal seeks major variations to the current LEP and MLEP height limits. The maximum proposed height exceeds the current requirements control from between 500mm (5.88%) to 5.37 metres (63.1%).

Excavation:

The proposed plans significantly exceed current LEP 2013 FSR and height requirements to maximise the number of apartments the developer is proposing and includes a 34-space carpark underground. This requires excavation to a depth of 15 metres underground across the Clifford Avenue blocks. No deep drill bore holes have been done to assess ground quality. There is no Geotechnical report that appropriately assesses the risk associated with the deep level excavation.

The excavation would include severe vibration exposures for adjoining sites, dust management issues, noise issues, water, sewerage and drainage issues and large subsidence (sinking) issues. At present there are no plans to mitigate these potential risks other than the developer “*will assess when they drill bore holes as see what they are dealing with*”. Therefore, all of the risks associated with the excavation will be unknown to the residents until after the development is approved.

This is an unacceptable process and risk outcome for residents given the developer is seeking to build a development that is significantly outside current planning LEP and DCP requirements. Accordingly, if the development is to be proceed (which we believe it should not) then Council should request the developer to provide detailed excavation management plans that assesses vibration exposures for adjoining sites, dust management issues, noise issues, water, sewerage and drainage issues and large subsidence issues.

Given the excessive expansion of planning controls (FSR, height limits, number of units etc) that the developer is seeking we believe this must not be left to the developer to self-assess. Therefore, Council should have a detailed, auditable and independent, mitigation/management process/plan in place so that residents’ rights are protected, and these significant risks are not to be borne/transferred to the residents.

The huge number of large trucks for removal of excavated materials and incoming deliveries for the build will impact significantly on residents’ vehicular access and parking and will severely disrupt weekly waste collection services for residents.

Linking approval to existing approval for 33 and 35 Fairlight Street

The character of Clifford Ave is very different to Fairlight Street. How reference to previous approvals for development on those sites in Fairlight Street are acceptable as a precedent for Clifford Ave. The application demonstrates that the proposal will give rise to unacceptable streetscape not in character with existing residences.

Overall Summary of size of development

The proposal greatly exceeds the LEP FSR and Height controls of MLEP 2013. The height breaches range from between 500mm (5.8%) and 5.37 metres (63.1%). The FSR is nearly double the LEP control or 0.6:1.

The proposal represents a doubling of the density from that allowed in the existing controls and substantial change to the character of the area. This is beyond what is anticipated by the current LEP and DCP requirements or could reasonably be noted as '*meeting the objectives*' of these controls in terms of built form or local character. It will have an adverse environmental impact with less green space, reduced canopy, natural absorption and more impact on local infrastructure such as stormwater, power and sewer than has been anticipated under the LEP.

The proposed development sets a precedent for the locality which is out of place with the existing residential and the long-term aspirations of the LEP and DCP for the area. Council must refuse the current application.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. B. Phillips'.

Susan Burton Phillips
Owner 5 Clifford Avenue, Fairlight