

---

**From:** im de Govrik  
**Sent:** 20/01/2025 3:06:42 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** FW: Objection to DA2024/1562 for 5 Lauderdale Ave Fairlight

**Subject: Objection to DA2024/1562 for 5 Lauderdale Ave Fairlight**

I'm writing to object to the proposed development at 5 Lauderdale Ave Fairlight. Members of my family have been frequent visitors to Fairlight Beach; the rock pool and walkway for the past 50 years or more. My mother's ashes were scattered over the waters of the harbour near the rock pool that she regularly swam at during her long life. My mother lived in Balgowlah until her passing at 96 years of age in 2015. I have also owned an apartment in nearby Woods Pde since 2015 and regularly swim at the beach and pool, and to say the least, I'm appalled at the magnificent Federation homes along the waterfront at Fairlight that are being bulldozed to accommodate more unit blocks.

**Enough is enough ! It's nothing short of environmental and heritage vandalism !**

My objections are to the following:

1. excessive bulk and height of the proposed building, contravening numerous specifications including those in MLEP 2013 and MDCP 2013
2. detriment to the precinct which includes Fairlight Beach; the rock pool and walkway
3. loss of all trees, especially the larger Norfolk Island pine and palms
4. partial blockage of the water view from numerous other homes and apartments
5. safety risks of accommodating 11 cars next to an already problematic road intersection of Lauderdale Ave and Woods Parade
6. noise and disruption involved with the excavation and construction of an overly large building and carpark.

**Excessive bulk and height**

The application uses a combination of minimising language and questionable arguments to seek approval for numerous major breaches of specifications set out in documents such as MLEP 2013 and MDCP 2013. These include requirements as to height, floor space ratio, number of storeys, number of apartments, response to slope and boundary setbacks.

It is repeatedly argued that "strict" compliance with these specifications is unnecessary or unreasonable for various reasons. This wording implies that the non-compliance sought is minimal, when it would be extensive including 59% in height, 80% in floor space ratio and 100% of the two storey limit to name just a few.

Significant exceptions have also been sought from requirements set out in the apartment Design Guide published by Planning NSW, including for the provision of communal open space, solar access and building separation.

The combined impact of all these requested exceptions would be very substantial, compounding the detriment to nearby residents and the broader community.

Viewed from Fairlight Beach and the adjacent parkland, the existing streetscape includes a mix of freestanding houses, townhouses, and attractive older-style brick apartment buildings set well back from the beach. There are also some apartment blocks built between the 1950s and 1970s which dominate their surroundings to an unappealing degree.

The applicant argues repeatedly that the proximity of these less sympathetic buildings makes compliance with the 2013 requirements unreasonable and unnecessary, since the proposed development would be "consistent with the overall streetscape" even when viewed from the southern side.

It is also argued that there has been "virtual abandonment" of standards by the consent authority in this specific area, based on the presence of pre-2013 structures such as those at 1 Lauderdale Ave and 7 Lauderdale Ave. Community detriment from out-of-scale developments like these was clearly one of the reasons for introducing the 2013 requirements, and I believe all nearby development since has been compliant.

It is highly disrespectful of local residents and all who enjoy this area to suggest these rules can now be disregarded.

If new developments are allowed to breach current standards because they are no worse than the **most unappealing** pre-2013 sections of the existing streetscape, a clear precedent will be set and we can expect more oversized, unsympathetic apartments to be built nearby in future. The existing character and amenity of Fairlight Beach and its surrounds will be ruined, replaced by a harsh, overbuilt "concrete jungle" appearance. This is obviously not consistent with the intent of either MLEP 2013 or MDCP 2013.

The proposed building does not "respond to the slope of the site", nor does it "generally step with the topography of the site" as specifically required by MDCP 2013 4.1.8. Instead there is an intention to exploit the slope by expanding the building from two to four stories, breaching the limit imposed by MDCP 2013 and completely dominating the block. This also contravenes the requirement in MLEP 2013 to "ensure that new development does not dominate the natural scenic qualities of the foreshore".

The Statement of Environmental Effects indicates (at page 35) that the geotechnical report addresses the requirement for the building to respond to the slope. This is incorrect as the geotechnical report deals with geological and site stability details - not the proposed architecture. The geotechnical report also suggests incorrectly (at page 7) that the neighbouring building at 7 Lauderdale Ave was constructed within the past 10 years.

**Impact on streetscape from the beach, pool and walkway**

The Statement of Environmental Effects claims (at page 39) that the development will have 'no adverse impact on the public domain' and would 'result in a significant enhancement of the public domain'. These claims are hard to comprehend considering what the local area stands to lose if such an out-of-scale development replaces a magnificent Federation home.

The site is currently occupied by a magnificent and historic Federation house set well back from the beach. This house is surrounded by mature gardens including two Norfolk Island Pines, palm trees and numerous large Hydrangea bushes. The garden is very green and picturesque when viewed from the beach, park and walkway. Its complete destruction and replacement by a grossly oversized four story building, with minimal setbacks or space for landscaping, would be devastating for those who enjoy its contribution to the area's amenity.

I note the attempted justification in the Design Guide response for providing communal open space of less than 25% as specified in objective 3D-1 is the availability of the adjacent public reserve. So, far from enhancing the public domain this development seeks to rely on existing public amenity as an excuse to fill the site with more building. Hence the developer attempts to abrogate its responsibility to provide communal open space on site....really ?!

The proposal contravenes part 3.4 of the MDCP 2013 which states 'development should not detract from the scenic amenity of the area'. It would be significantly more unsightly than a compliant, less dominant development which included a larger garden. The building would also cast shade onto the adjacent public grassland and heritage walkway in winter. The walkway forms part of the Spit to Manly iconic walkway which locals and tourists from around the world can be seen enjoying every day.

**I urge council to reject the proposal outright and make a stand to protect the heritage values and ambience of the local area. No developer should imagine it can breach the applicable standards for its own selfish, private gain.**

**Tree removal**

The taller Norfolk Island pine on the site is visible from far and wide, it complements large numbers of this same species on the harbour walkway and the ocean beachfront. These majestic pines are a much loved feature of Fairlight, Manly and the wider Northern Beaches. The suggestion in the arborist's report that this native species is of lesser importance because of its origin outside "mainland" Australia is bizarre.

Wildlife species including cockatoos, lorikeets, magpies and possums use this tree, much to the delight of both residents and visitors. The palm trees on site are also attractive and consistent with the beach character of the area.

These existing trees have taken many decades to reach their current size and are irreplaceable within any reasonable timeframe. I believe the excavation involved in a development of the scale proposed is also likely to damage the roots of the smaller Norfolk Island pine on public land just outside the southern boundary, leading to its demise.

All these pines and palms are a treasured part of the view from my main living room window, as shown in the photo at point 4 below.

The presence of such trees is consistent with the national parkland across the water and the character of nearby residential streets. This is in clear and welcome contrast to the beach suburbs in Sydney's east, where scarcely a leaf has been allowed to remain between the ocean and anyone's line of sight. The overall effect there is a hot "concrete jungle" with virtually no natural shade and an overall hard, stark, unattractive appearance.

In response to the requirement under MLEP 2013 to protect the tree canopy of this area, the applicant's Statement of Environmental Effects claims that "appropriate" landscaping will replace the trees removed. It's clear though that the smaller species nominated in the Landscape Plan could not compensate for their loss, even once mature.

Given all these factors, the deliberate destruction of a spectacular Norfolk Island Pine and other established trees to allow this excessively large, non-compliant development would be an absolute disgrace and further compromise the fundamental cultural heritage of these magnificent Federation heritage homes that remain in Fairlight.

#### **View**

The proposed development would block a particularly treasured part of the water view from the main living room window in my apartment, as shown in the attached photo which I have marked out in red.

I note that the Visual and View Impact Assessment attempts to minimise the loss of other neighbours' views with claims that removal of the larger Norfolk Island pine would compensate by making more water visible. I find it inconceivable that the removal of these trees would, in any way, compensate for the construction of such a large apartment block.









#### **On site parking for vehicles**

The oversized nature of the proposed building means onsite parking for at least 10 cars is required.

The Traffic Impact Assessment report focuses on the likely volume of extra vehicle movements during peak hour. It does not analyse risk factors such as the adjacent intersection with Woods Pde or the limited visibility in either direction from 5 Lauderdale Ave. This visibility problem arises from the curved shape of the road, which combined with significant traffic volumes has made the provision of a pedestrian island necessary just outside 5 Lauderdale Ave, along with another a little to the east.

As a nearby resident who turns right onto Lauderdale Ave from Woods Pde frequently it is an extremely dangerous intersection. There are numerous "near misses" at this location.

The narrow footpath outside 5 Lauderdale Ave is heavily used by people heading to or from the beach and walkway. They often have prams and/or older children, beach equipment and dogs, particularly in the warmer months.

Given these location-specific factors, 11 cars regularly entering Lauderdale Ave from number 5 could only create a significant additional risk of collisions, injuries and possible fatalities.

A development compliant with the relevant limits on height, bulk, floor space and so on would require fewer car spaces and thus be safer for all.

#### **Excessive noise, disruption and traffic risks during construction**

The oversized scale of this development would mean significantly greater noise and disruption than a more reasonable proposal which respected the requirements of MLEP 2013 and the MDCP 2013. This is particularly so given the plan to excavate for two levels of underground parking and a car lift. Major inconvenience and delay for both motorists and pedestrians would be unavoidable, which could only increase the existing location-specific risks of accidents and near-misses described at point 5 above.

Along with many other residents, I value the peace and quiet this area offers and bought my residence here in part for that reason. The prospect of perhaps two years of noisy development to create a grossly oversized building nearby would be a significant inconvenience to residents for many years to come.

I trust council, and any other decision maker which may become involved here, will prioritise the interests of the broader community and reject this application.

**Once again, I urge Council to put the protection of heritage value Federation homes in the local area before the desires of a private developer.**

Kind Regards, Kim



Kim de Govrik | Organiser



UNITED WE BARGAIN, DIVIDED WE BEG



PSA / CPSU NSW ~ Working harder for members, Call [1800 PSA NSW \(1800 772 679\)](tel:1800772679)

NSW Public Service Association / CPSU NSW acknowledges the Traditional Custodians of the lands where we work and the places in which we live.  
We pay respect to Ancestors and Elders, past, present and future.  
We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples to Australia

[Please consider the environment before printing this email.](#)

This email and any attachments may contain privileged and confidential information and is only for the named recipients. If received in error, please delete the email and tell us by return email. If you are not the named or authorised recipient you must not copy, distribute or take any action in reliance to it. The PSA cannot guarantee that what you receive is what we send. If you have any doubts about the authenticity of an email purportedly sent by the PSA, please contact us on 1800 772 679 immediately