
Sent: 14/11/2018 9:12:23 AM
Subject: Objection to DA2018/1708-195-197 Sydney Road Fairlight - Submission Attached
Attachments: Pawley-Submission-Objection to DA2018-1708-195-197 Sydney Road-14.11.18.pdf;

Hello Northern Beaches Council.

On behalf of our clients I attach a formal submission opposing the proposed Boarding House at No. 195-197 Sydney Road Fairlight – DA No. 2018/1708.

Would you please acknowledge receipt of this submission.

Regards,

Wayne Collins
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14 November 2018

To the General Manager
Northern Beaches Council
Council Chambers
Pittwater Road
DEE WHY. NSW 2099

By email to Northern Beaches Council Mailbox

Dear Sir,

RE: Objection – DA2018/1708 – 195-197 Sydney Road Fairlight – Proposed Boarding House for 126 People Housed in 51 Double Rooms and 24 Single Rooms.

1.0. Introduction and background

1.1. We represent our client's, Kirsty and Anthony Pawley who recently purchased and moved in to their new family home at No. 193 Sydney Road Fairlight adjoining the subject property to the east. Our client's family home is a single dwelling with a single garage located on the front alignment. The property is surrounded on one side and at the rear by residential flat buildings; with the properties to the west being single dwellings.

1.2. Our clients purchased the property as a family home for them and their children. Prior to purchasing, they carried out due diligence checks, ascertained the land zone, planning controls and the fact that development consent has been issued for a town house development on the adjoining property No. 195 Sydney Road – all of which was understood and accepted. They settled their purchase and only just moved in 3 months ago and then they received this notification in such a short a time period. It has impacted our clients heavily and caused considerable worry and anxiety.

1.3. At no time did they consider that a multi-storey Boarding house development occupying most of the site and accommodating 126 people housed in 51 double rooms and 24 single rooms could be constructed on the adjoining two properties Nos. 195-197 Sydney Road.

1.4. Our clients expected the adjoining properties to be developed as two storey town houses and that form of development they considered reasonable and acceptable. They totally object to the current development application for an extremely large boarding house. Nevertheless, they generally do not oppose a sensible boarding house development that respects the locality and especially respects their family home and environmental and planning controls and objectives.

2.0. Objection

2.1. Our client's totally object to the current development application for the reasons:

1. **Grossly Excessive Building Bulk and other significant planning and environmental issues.** Extraordinarily excessive and overpowering building bulk which together with

other environmental issues will severely impact on their family's enjoyment of their home; and on the locality generally including properties opposite. (*)

2. **Visual bulk far in excess of what could reasonably be expected and accommodated for a compliant large dwelling house with a secondary dwelling/granny flat; or a compliant Town house residential development or a compliant residential flat development. (*)**
3. **Inadequate Front boundary setback** – especially on the north-east corner where the proposed boarding house will be significantly forward of their house and will tower above their home and front lawn/garden area. This will result in unacceptable visual impact creating a “walled-in” affect; increased shadows and loss of important district views and amenity. (**)
4. **Inadequate Side boundary setback** – eastern side is grossly inadequate when related to the proposed building height. Again, this will result in unacceptable negative impacts including – a “walled-in” affect, increased overshadowing and loss of amenity.
5. **Inadequate Landscaped Open Space** – especially visual landscaping from the streetfront and from our client's property and the locality generally.
6. **Excessive Wall Heights** – resulting in significant and unacceptable visual bulk and oppressiveness from our client's home, and from the street and properties opposite.
7. **Excessive and non-complying Floor Space Ratio (FSR)** - it being noted that the development does NOT comply with the MLEP maximum Floor Space Ratio (as referred to on page 19 of the Statement of Environmental Effects (SEE)) – our Italics – *“It is noted that the proposal relies on the ‘bonus’ floor space provisions contained within the ARH SEPP and therefore the floor space ratio development standard in MLEP is relevant only to the extent that it stipulates the baseline FSR upon which the bonus additional floor space is applied.”*

NOTE: We disagree that this bonus FSR should apply because the development fails to meet critical planning controls and objectives including visual bulk, front and side setbacks, impact on neighbours, character of the locality; is inconsistent with the provisions of and Objectives of the State Environmental Planning Policy (Affordable Housing) 2009; and inconsistent in its relationship to critical controls and objectives of the Manly Local Environmental Plan 2013 and Manly Development Control Plan 2013. Failure to comply with critical planning controls and objectives, we suggest, does not entitle this application to have the benefit of the claimed increase in FSR.

8. **Excessive excavation** – and potential negative impact on the stability of their home and potential to interfere with the natural flow of ground water.
9. **Inadequate Carpark for the number of proposed occupants; and driveway visibility on a very busy and dangerous road.**
10. **Danger to users of public transport** – especially with such a large increase in potential public bus customers including people with disabilities in such a busy and dangerous location. It's noted that the bus stop in Sydney Road on the side of the boarding house is easy to access and is within the 400m; however, on the return trip the bus stop over the road. This section of Sydney Road is busy and dangerous and there is no pedestrian crossing. How do the citizens cross Sydney Road safely with no crossing available? The

nearest crossing is at Fairlight shops quite a distance up the road. They would then have to cross the road at the traffic lights, then cross Wood Street (no crossing) and Hilltop Crescent (no crossing) before descending down the hill across many driveways, some of them with low visibility. It's the same if they disembarked at Hill Street except, they would have a journey up hill.

11. **Invasion of Visual and acoustic privacy** - Potential for Excessive noise and invasion of privacy and impact on the enjoyment of our client's family's home.
12. **Loss of Solar Access** – loss of sun especially negating our clients proposed installation of solar panels. Our clients have advised – “We are/were about to order Solar Panels on the west side of our roof”. The height of the new proposal will impact the chance of receiving sunlight on the solar panels.
13. **Likelihood of considerable Construction Noise and impact during an apparent lengthy construction period on our clients** – particularly arising from the proposed extensive rock excavation and other construction work.
14. **Likelihood of adverse social impact for our clients and residents in the immediate area** - in regard to their reasonable expectation for quality enjoyment of their homes:
 - Built form.
 - Visual presence
 - Relationship to and extreme negative impact to our client's family home; other homes opposite and in the locality.
 - Increased traffic; and potential danger for pedestrians and motor vehicle traffic at this location on a very busy road.
 - Loss of extremely limited on-street parking spaces.
 - Increased noise.
 - Potential for concern with personal security and anti-social behaviour with so many people living in close quarters in a single development.
 - Public safety for increased users of the public transport bus service arising from the proposed development, particularly regarding people with disabilities.
15. **Gross overdevelopment of the land with poor architectural integrity not in keeping with the character of the local area being a primary objective of the State Environmental Planning Policy – Affordable Rental Housing 2009:**
 - **This can be the only conclusion by any reasonable objective assessment of this proposal.**
 - **One might reasonably reach a conclusion that this development application is not a serious proposal but represents an ambit development claim upon which the applicant can later “act in the community interest” to reduce the size of the development by modifying the application!**
16. **The Development Application is Unacceptable, and consent should be refused.** The proposed development in its present form is grossly unacceptable and, in our opinion, incapable of modification to the extent that it could likely be considered acceptable. The current proposal would be probably impossible to modify in a manner that might lead to an acceptable boarding house development.

3.0. CONCLUSION

Our clients totally oppose the proposed development. In summary, the proposed development:

1. Is inconsistent with Critical Planning Controls and Objectives.

The proposal is inconsistent with the provisions of and Objectives of the State Environmental Planning Policy (Affordable Housing) 2009; and inconsistent in its relationship to the SEPP and its relationship to relevant and critical controls and objectives of the Manly Local Environmental Plan 2013.

In particular the application fails to meet the requirements of SEPP (Affordable Rental Housing) 2009 in regard to compatibility with the character of the local area – and we quote (our Italics:

“A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.”

The proposed development fails to meet this critical SEPP requirement and MLEP requirement – Compatibility with the character of local area.

2. Is excessive in building bulk, form, scale, massing and architectural merit– relative to the site and neighbours, resulting in excessive negative impacts on our client’s family home adjoining at No. 193 Sydney Road; resident’s opposite; the locality generally and streetscape.

3. Is not in the public interest.

4. Is inconsistent with the aims and objectives of the Manly Local Environmental Plan 2013; and the land zone R1 General Residential development.

5. Is not compliant with MLEP 2013 as claimed. We disagree with the statement on page 19 of the Statement of Environmental Effects where it states – our Italics – *“The proposal is otherwise entirely compliant with the provisions of MLEP”*.

6. Should be rejected and consent refused.

7. Future development? On behalf of our clients we strongly suggest the applicant be advised that any proposed future development for such a use on this site must significantly smaller in bulk, scale and impact on neighbours, streetscape and the locality; and clearly demonstrate:

- Significantly reduced building bulk; scale, height and impact on neighbours, particularly the adjoining single residence to the east (No. 193 Sydney Road), visual impact when viewed from the street and properties opposite and be clearly compatible with the character of the local area.
- Significantly increased front setback in the area on the north-east corner of the site and reduced wall height along the eastern elevation.
- Significantly reduced excavation.
- Significantly reduced number of occupants and resident density.
- Significantly increased visual landscaping which meets the landscaping objectives of the Manly Local Environmental Plan and Development Control Plan (*i.e. Landscaping and planting should dominate the site; landscaping and planting should maximise residential amenity and break up building bulk; excavation and site works to be sympathetic to the natural environment and protect and enhance the native area of flora and fauna; and landscaped areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10 metres*).

On behalf of our clients we request permission to address the Planning Panel when this application is before that Panel for determination.

Wayne Collins
Director

Attachments 1, 2 and 3

Attachment 1 (*)



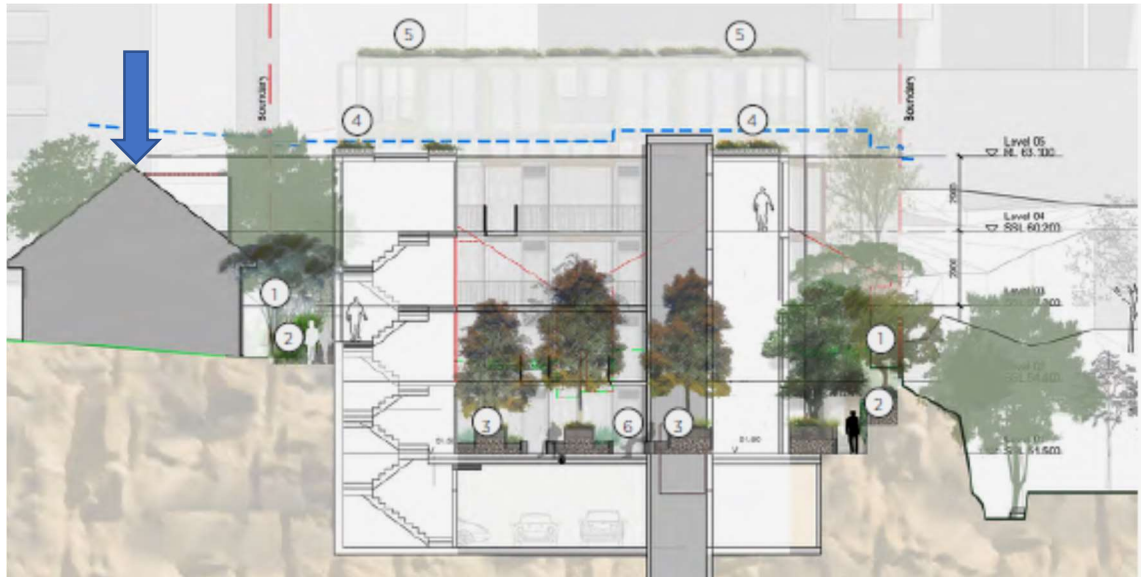
(*) Above - Photomontage of proposed development (Blue arrow shows our clients home) – which will be dramatically and unacceptably impacted should this development proceed.

NOTE:

1. This photomontage does NOT show the height and bulk of the second building towards the rear of the site; or the massing of bulk, height and closeness to boundaries along the side elevations, particularly along the side boundary of our client's property; or the impact towards the rear of our client's home.
2. This photomontage clearly demonstrates that the proposed unacceptable bulk, height, setbacks, massing, relationship to our client's home (to the left) is inappropriate and will result in unacceptable impact and loss of amenity to our clients on their adjoining home, the streetscape, properties opposite and the locality generally.
3. In our opinion, the photomontage:
 - Demonstrates that the proposed development in the front elevation lacks architectural merit when related to the site, immediate neighbours, nearby neighbours; and the streetscape - and has little or no regard to neighbours, or critical environmental objectives and amenity.
 - Fails to demonstrate the negative impact the development will have along the side elevations. The proposed building on the left (eastern side) is particularly offensive.

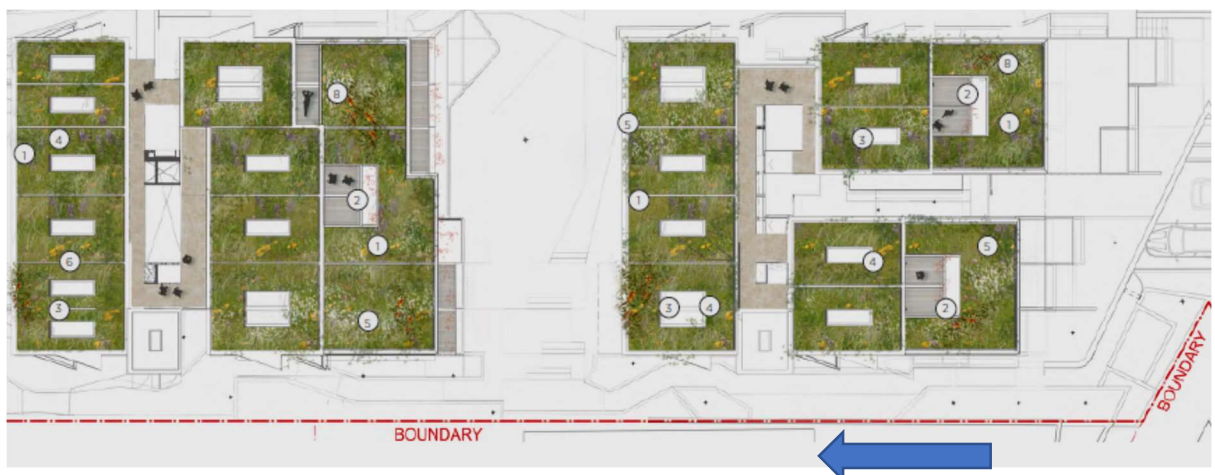
Attachment 2 (**)

The extract from the DA Section drawing below indicates the relationship to our client's home, the extent of proposed excavation and the extent of the overall development – clearly excessive and offensive in our opinion from any reasonable perspective – particularly with regard to our client's family home, the streetscape and locality compatibility:



Blue arrow indicates our client's home. The oblique horizontal line above the Section indicates the height of the rear building.

Attachment 3 (***) below:



(***) NOTE: Blue arrow identifies the front of our client's home and the proposed location of development in the north-eastern corner of the subject site. **In our opinion, if a boarding house development is to be considered and consent granted on this site, then there should be no built development along the north-eastern part of the property forward of our clients existing dwelling.**