

Objection to DA2024/1562 - amended (previous submission not displaying correctly)

To Northern Beaches Council,

We strongly oppose application DA2024/1562 for #5 Lauderdale Ave DA, Fairlight NSW 2094.

We note that an email objection, which we recently emailed to Northern Beaches Councillors, has already been added to the list of submissions on the Council website by one of the Councillors. The email objection addressed planning control, heritage and environmental impacts just on the broader community.

In contrast, this current submission relates to both personal and community concerns.

We live at 3A Lauderdale Ave, and object to DA2024/1562 for the following reasons:

1. Non-compliance with MLEP2013:

- a. Bulk/scale:** The proposed building does not comply with MLEP2013 in terms of bulk and scale by a significant margin. It is a massively 79% larger than permitted, 59% higher than permitted, with twice as many stories as permitted, and a whole additional dwelling than allowed under the MLEP2013.
- b. Development on sloping sites:** A requirement of MLEP2013 is that buildings consider the slope of the site. The proposal is for a bulky box-like building that does not relate to the slope in any way, and presents 4 stories at the foreshore. A compliant development would have 2 stories at the foreshore, as the developments at 3A and 3B Lauderdale Ave have achieved.

2. Comparison of this DA with surrounding buildings: It is a completely fallacious argument by the current DA to support its development proposal at 5 Lauderdale Ave, to compare the current DA to the existing surrounding buildings. The developments at 7 and 9 Lauderdale Ave were constructed under previous, less restrictive, planning controls, before the implementation of MLEP2013, and are not compliant with the current MLEP2013. MLEP2013 was implemented, in part, to prevent further overdevelopments such as 7 and 9 Lauderdale Ave, and encourage responsible development. **Under current planning regulations, 7 and 9 Lauderdale Ave would not be permitted.** In contrast, the developments at 3A and 3B Lauderdale Ave are compliant with MLEP2013.

3. Personal impacts on our property: There are two direct impacts on the enjoyment of our property:

- a.** The proposed development will result in a **lack of privacy** to one of our bedrooms. The residents of the Level 2 apartment will be able to see into the bedroom located in the centre of our property as there is a direct line of sight from the Level 2 apartment to this bedroom. **This fact has not been addressed in the DA.**
- b.** The bulk and scale of the proposed development will restrict our enjoyment of our beachside terrace, due to a **lack of privacy in our open space**, and by **overshadowing** it (see image from the DA).



- 4. Environmental and biodiversity impacts:** This proposal will have permanent detrimental impacts on the biodiversity in our local area. The proposal to remove all trees from the site, including mature Norfolk Island pines and palm trees will significantly impact local wildlife, with considerable loss of nesting and feeding habitat. The trees at No.5 are **vital habitat for local bird and animal life**, as there is a significant lack of mature trees servicing local wildlife and providing desperately needed canopy and protection. Loss of these trees will severely reduce the sustainability of local wildlife populations. In addition, the presence of mature trees and associated wildlife population in this area brings **considerable amenity and enjoyment to the local community**. The trees at the southern end of the site, adjacent to the foreshore are **publicly visible for a great distance**, including from Reef Beach in the National Park and the Forty Baskets area of Balgowlah Heights on the opposite side of North Harbour. If the scale of the building was reduced to be MLEP2013 compliant, then it would be possible to retain the majority of the trees, preserving habitat and community amenity.
- 5. Heritage zone impacts:** The foreshore park and pool are in an Environmental Heritage protected area, and the bulk and scale of the proposed development will severely visually impact these areas. It will **overshadow the grassy parklands** which are enjoyed by countless people who visit the area for picnics and swimming. The proposed development will create a huge **visual barrier** right next to the park and the world-renowned Spit to Manly walkway, diminishing the amenity for the thousands of people using this space. The **Spit to Manly walk is a valuable tourist asset** for the Northern Beaches, bringing significant economic value to the area. Why would Council allow a diminution of that asset? This is a unique area of outstanding natural beauty. It is why our community enjoys picnicking, walking, swimming, and kayaking here. We have so few relatively unspoilt areas like this, and we should value, preserve and protect those which remain.

6. **Lauderdale Ave traffic and parking:** The proposal will use lift-based parking off Lauderdale Ave. The proposal shows that cars will need to queue on the shared foot/bike path (or even on Lauderdale Ave), waiting for cars to enter/exit via the lift. Lauderdale Ave is extremely busy with cars, buses, cyclists, and on Lauderdale Ave's southern shared foot/bike path, busy with pedestrians and more cyclists. The congestion created by the lift constitutes a dangerous hazard. This is further exacerbated by the pelican crossing, directly opposite the development site. This pelican crossing is well utilised, busy during peak commute times, and also with people accessing Fairlight Beach, Woods Ave and further up to the Fairlight shops on Sydney Rd. Add into the mix two bus-stops on Lauderdale Ave, and t-intersection close by, and the regular garbage collection, and the area has the potential to become extremely congested and unsafe for pedestrians, cyclists and drivers alike.
7. **Bin storage:** It is not clear where the bins will be located or collected. The plans indicate the bins directly facing the street opposite the pelican crossing, yet in the image of the development facing Lauderdale Ave the bins have disappeared. This needs to be clarified, as bin collection in this location will be difficult and potentially dangerous for pedestrians and other users. Blockages will inevitably occur, and 'safe passage' for pedestrians will be compromised using this pelican crossing, especially during peak commute times.
8. **Future development:** The DA argues that Council has 'lost control' of developments in this area. **This claim is untrue.** Since MLEP2013 has been in operation, Council has enforced the current planning controls, thus maintaining clear and fair outcomes for both developers and the community. The large developments at 7 and 9 Lauderdale were built under previous, less restrictive controls, and would not be permitted today under MLEP2013. **They are not precedents for future development.**

This is a totally inappropriate development proposal for this location, as it will have detrimental impacts on our personal enjoyment of our property, and on heritage and environmental aspects of Fairlight Cove. **The benefits to a single developer will be at the expense of the broader local community, a completely unfair and reckless outcome.**

We strongly object to the DA in its current non-compliant form.

Thank you for considering our objections.

Danelle and Andrew Agnew
3A Lauderdale Ave, Fairlight, NSW 2094