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**From:** Eilis Hurley  
**Sent:** 25/11/2021 11:27:19 AM  
**To:** Council Northernbeaches Mailbox  
**Subject:** DA 2021/2034 - 30 Fairlight Street  
**Attachments:** DA Review Nov 2021 final.pdf;

FAO Adam Croft

Attached please find my submission in respect of this proposed development.

Please redact phone number and email address.

Regards,

Eilis Hurley

Eilis Hurley

6/2 Berry Ave

Fairlight 2094

24 November 2021

**Attn: Adam Croft**

**DA2021/2034 : 30 Fairlight Street**

I have reviewed the information relating to the proposed development , and wish to object for a number of reasons:

**1) Overall size and bulk of the development / View Sharing**

The plans show that the maximum allowable Floor Space Ratio (FSR) of 0.75 is exceeded by over 20%, with a consequent request to allow a variation from the standard. I do not believe that this variation can be supported.

- a) The resulting building appears to be excessively bulky, taking up the majority of the site.
- b) It is positioned very close to the neighbours, with minimal gaps at the boundaries. The required SEPP65 and even DCP setbacks are not complied with.
- c) Other than the front balcony/ windows, the long design of the units means that all of the windows are very close to the boundaries and would seem to adversely impact neighbours' privacy.
- d) The design allows for a high floor to floor height, in excess of what is required to meet the minimum ceiling height. This contributes to this 5 apartment block ending up at the same (or even higher) height when compared to the previous 7 apartment application. Given that this development would have a significant adverse impact on the neighbours behind, this does not seem to fit with a principle of view-sharing.
- e) The size of the development necessitates considerable removal of trees to make space for the building. This will adversely impact the easterly view from my balcony, reducing the landscaping and space between buildings, replacing this by an excessively bulky structure.

**2) Streetscape and Aesthetics**

The design includes very striking curved balconies. I accept that beauty is in the eye of the beholder, but to me, these would appear more suitable in the Gaudi-designed buildings of Barcelona rather than suburban Fairlight!

The neighbouring buildings on Fairlight St are significantly less bulky than the proposal , they have mature landscaping and generally, are less imposing than the new development would be.

In particular, the neighbouring development at 28 Fairlight, which is also 4 stories, is on a substantially larger plot, well set back from the road, has mature landscaping, and has each successive storey well set back from the one lower. This gives an overall impression of spaciousness, with the building and the block appearing to be in a reasonable proportion, both in relation to the size of the plot and also the shape/ height of the building.

The neighbour on the other side (#32) is a single storey residence with mature gardens.

The artificial photomontage pictures do not give an accurate depiction of the neighbouring properties – 28 Fairlight appears substantially different, more imposing and angular, while 32 Fairlight hardly appears at all.

### 3) **Rock Excavation**

The Geotechnical report makes clear that significant rock excavation will be required, up to 5.5m in some areas. This will generate vibrations, which it notes could cause damage to the neighbouring properties. This requires various mitigating actions (as yet unplanned and therefore uncoded) in order to reduce this risk.

I recall that the previous DA concluded that there was an unacceptable level of Inherent Risk relating to land collapse, requiring various controls which, if implemented effectively, would reduce the Residual Risk to Acceptable levels. Of course, this relies on the controls being designed and operating effectively.

I don't see this level of detail in the JKG report. I request that Council consider this as part of the submission, looking to ensure that the detail of the required controls and how these can be implemented effectively are included as part of the design.

### 4) **Tree Removal.**

The proposal requires the removal of at least 38 trees, with there appearing to be arguments that the two remaining trees, either wholly or partially in a neighbouring property, should also be removed. I note that there are additional trees shown on the survey, on the boundary between 30 and 32 Fairlight, that are not commented upon at all. I would have thought that the intention regarding all of the trees should have been covered by the arborist's report.

This represents a considerable change to the nature and aesthetics of the site. Many of us enjoy the natural and healthy views of greenery, their sound-reducing qualities as well as the haven they provide for many native birds.

In its place, a bulky block is proposed. New landscaping is proposed, but by and large, these are smaller, will take time to mature, and in the case of virtually all side boundary planting, are limited to what can grow in planter boxes and pots. The latter will not provide screening or soften the buildings.

This particularly impacts the easterly view from my balcony. Currently, I have a lovely, green outlook which will be adversely impacted by the major loss of trees and their replacement by a bulky building.

I note the requirement 3.3.1 of the Manly Development Control Plan 2013 that developments should "protect and enhance the urban forest of the Northern Beaches", "protect and enhance the scenic value and character that trees and/or bushland vegetation provide" and "to retain and augment important landscape features and vegetation remnant populations of native flora and fauna".

In order to achieve this, it is important that the existing large mature trees on the neighbouring property (32 Fairlight) are fully protected, as these add to the general landscape of many of the neighbouring blocks as well as providing vital shade and screening.

### 5) **View Sharing**

The ultimate impacts on views can not be determined from the plans and the photomontage.

I would ask that, before the development can be considered, a comprehensive view sharing assessment is completed, including an actual consideration of the views from homes nearby, possibly via using height

poles/ templates.

6) **Proposed plans for 32, Fairlight Street.**

The proposal also includes indicative plans for the neighbouring property (32 Fairlight St), despite saying that its offer to the owner has been rejected.

The comments appear to be making the argument that the proposed development at 30 Fairlight would not impede any future development plans at 32 , and (helpfully?) shows how 5 units could be fitted onto that site. These units, however, are of a much smaller size of 96m<sup>2</sup> , the minimum required for a 3 bed, 2 bath unit, as opposed to its own plans for more substantial units of 140 and 179m<sup>2</sup>. As far as I can ascertain, they would have similar issues of non-compliant setbacks, solar and privacy impacts and roof heights.

This argument to me seems spurious.

In any case, any proposed development for 32 Fairlight Street would need to go through its own DA process. This proposal should not be taken as giving any kind of implicit approval for any development at 32 Fairlight.

7) **Water Run-off.**

Whenever there is heavy rain, the sloping nature of the land from Sydney Road/ Berry Avenue down to Fairlight Street always results in water pooling along the footpath in Fairlight Street. I understand that a number of buildings have already installed expensive pumping facilities to prevent the flooding of garages. Any new development should be examined to ensure that it will not cause any worsening of this situation.

8) **Noise aspects**

The current configuration of buildings in Sydney Road/ Berry Ave/ Fairlight Street results in a bit of an amphitheatre, where sounds (music, conversations) from one balcony tend to bounce around the various structures, easily transmitting to other buildings. Can there be some kind of acoustic study to ensure that this won't be worsened? Amongst other things, the loss of the many mature trees would not help in this regard.

Overall, I disagree with many of the statements with the SEPP 65 report. This claims that :

- The proposed development is compatible with the built form context of the site, and will contribute to the character of the area immensely
- The built form and scale of the proposal has been carefully refined to respond appropriately to neighbours on all sides
- The proposal takes into consideration factors of overshadowing, amenity and privacy impacts between existing and future buildings, existing vegetation, and changing streetscape and scale

On my analysis of the plans, these statements simply cannot be borne out. All in all, this just is too large a development for a narrow , single dwelling site.

I trust that this letter clearly explains why I object to this proposal. Please feel free to contact me if you need any clarification on any of this.

Regards,

Eilis Hurley