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Subject: DA2022/0688
Attachments: 27 June 2022.docx;

Attention Planning and Development
Development Assessment

Lashta Haidari
Principal Planner

Please see attached a submission by Ken Herd and Elizabeth Webber at 2/48 Fairlight Street Fairlight in relation to the Development proposal at 33 and 35 Fairlight Street Fairlight.

Ken Herd and Elizabeth Webber

27 June 2022

The General Manager
Northern Beaches Council
PO Box 82
Manly 1655

Attention :Lashta Haidari; Development Assessment

Dear Sir/Mme

RE:DA2022/0688 33 AND 35 FAIRLIGHT STREET,FAIRLIGHT

This a joint submission from Ken Herd and Elizabeth Webber owners and residents at 2/48 Fairlight Street, Fairlight (“the property”) and we are seeking amendments to the current plans as lodged.

Our areas of concern to varying degrees are.

- Anticipated loss of view
- Building height and built form
- Parking
- Landscape
- Utilities
- Heritage
- Light pollution
- Height poles

CONTEXT

Our property is the top floor of Number 48 Fairlight Street due North of the subject site with views primarily to the South and Southwest mostly shown in the photo images as position 10 in the Visual Impact Statement (“VIA”) and in the Statement of Environmental Effects (“SEE”). The VIA also indicates an image for position 8 but this is not shown and that should be included and disclosed for completeness.

Views are of considerable significance to occupants of this property.

Any reduction can be considered significant.

At present views to the East are curtailed to some extent by large Melaleuca trees on the Council verge, to the South East views are obscured to North Head, Quarantine Station and Beaches, Manly Cove and the Northern entrance to the Harbour by both a large and

growing Brush Box Eucalypt on private land at 31 Fairlight Street land co-extensive with the tall high rise at No 1 Lauderdale Street, the latter blocking large sections of the Harbour Entrance.

Given that already extensive loss of views we are very mindful of any impact on our remaining uninterrupted views.

Our principal view remains to South Head, Eastern Suburbs, Harbour, Dobroyd Head and around into North Harbour, all high value natural landform, as disclosed in the photos provided in the VIA.

Image 10 of those photo samples is wildly distorted. The street shots are said to be a standard EOS digital camera which at 35mm is reasonably wide. The image for position 10 however is an even greater wide-angle drone shot and is effectively quite misleading. The wide angle distorts the size and bulk of buildings, pushes distant objects back to reduce them in size and diminishes at the margins. The representation of the kerb line as a broad crescent shaped arc when it is in fact a straight line means the images are indicative only and can't be relied upon to show the actual view.

Anticipated Loss of Views.

The SEE maintains on page 20 at 4.1.7 that "Foresore Protection is attended to as the "development will not result in unreasonable impacts upon harbour views currently enjoyed by upside properties" i.e. those to the North, Northeast and Northwest.

The VIA page 11. 2.1 maintains "the iconic views from Fairlight Street are to the South and the Harbour and ocean. These are *almost entirely unaffected by the visual impact of the current design.*" That is not correct for Number 48 and highly likely not for Number 50.

VIA 2.30 View Locations states "the visual impact is primarily relevant for the residential properties surrounding the site The houses and apartments on the Northern side of Fairlight Street have the greatest potential for negative visual impact"

These statements are contradictory as there will be negative visual impacts. "Unreasonable" is a subjective term. The negative impacts will be "actual".

The main impact will be the roof forms. The bulk of the building seems to be well within height allowable guidelines. The clerestory windows are a breach however as admitted in the SEE page 18 where these proposed windows seem to exceed height by up to 791mm, close to a metre and barely within the discretionary authority of the Consent Authority at 850mm.

This is a substantial percentage height increase and will impact amenity and views.

Views are already to be curtailed by the joining up of the gaps between existing buildings with a single level line across the roofline. These additional roof forms will greatly exacerbate that view loss into North Harbour which is perhaps the best aspect from Number 48.

Building height and form

Our main objection is to these clerestory windows.

They breach the height guidelines as stated above and add a visual and amenity loss as well as being unnecessary. They appear to be a design feature to break up the flat roof formation when there are other alternatives that are less intrusive and obstructive. The Applicant maintains that there is some relevance to the additional height being approved in accordance with Clause 4.6 of the SEE. The argument is that it compares well with heights of numbers 31 and 37 adjoining though those properties would not have been affected at their construction dates by the Manly LEP of 2013 or the DCP and that argument should be discounted completely.

Skylight models now available on a flat or even very slightly raised profile similar to the height and impact of the proposed solar panels would be a better light intake and more importantly less light emission.

Light pollution from these windows will greatly affect properties to the North of the site in two forms:

1. Glare

During daylight and particularly in Summer the windows will reflect back sunlight which given their proposed size, both height and length, that reflection will be noticeable and create a nuisance to residents to the North.

2. Reflected ceiling light

A greater nuisance could occur at night with lights on in the front apartments reflecting off ceilings and reflecting back to the North washing out the darkened night views of North Harbour. The extent of these windows across the entire roof will create a bank or "footlights" effect greatly reducing amenity of water and foreshore views for all properties on any Northern aspect, Northeast and Northwest.

Better methods of introducing light to the apartments are available and should be required to remove this potential for nuisance. Better methods could also be employed to control heat build-up and loss in the building which is presumably to be air conditioned.

Parking

It can be simply said that human nature will not result in cars going up and down in lifts where a spot presents itself on the street. The parking provisions off street will be effective in part only when all street places are taken which is often the case. The number of residents will go from 6 or 7 at present to many more, occupants and visitors. Parking is going to be an increasing problem. This street is often used for parking for visitors to Fairlight Beach, Manly Cove and Manly itself, mostly in Summer. That facility will be affected.

The widening of the current driveway access by 3 metres will remove one currently available street parking space.

Will Council be restricting access to parking permits to a limited number of occupants at these premises in the Tower Hill extension area?

Landscape

None of the images or photomontage figures give any impression of landscaping. The Landscaping Report however suggests deep planting boxes and reasonably high trees up to small/medium along boundaries. All planters should be reduced to shallow soil depth to discourage future tall plants wiping out the views referred to above in this submission. Any conditions imposed on the DA will not bind future Owners Corporations and owners in the new building.

The only way to avoid this obscuring of views and future conflict is to provide only shallow depth planting along the Northern frontages and sides. The design should be amended accordingly. Logically taller trees may interfere with solar panels and light access, logic does not always apply. Best to remove the possibility of tall plantings by limiting soil depth.

Utilities

Construction of the vehicle access and doubling of the width of that driveway to six metres will involve moving of the telephone pole either East or West along the footpath. The new pole, wires and insulators will end up in somebody's view

Can we see what is proposed to further assess any loss of amenity?

Heritage

Council seems to have responded on this point. The old sandstone kerbs and gutters may appear to be mundane and trivial but those at that location in Fairlight Street are in relatively good condition. They are a tangible link to the past, right beneath our feet and a piece of history that so contributes to the character of Manly. It is hoped all possible measures are in place and enforced to prevent heavy machinery smashing them up. Financial compensation and fines are not adequate.

Light Pollution

This has been partly addressed in the submission on clerestory windows though in addition the front walls onto the street should not have upward lights and subdued lighting at best consistent with minimising the light affects and nuisance referred to above in relation to clerestory windows.

Height and boundary Poles, string lines.

These should be placed to allow comparisons with the photomontage which is based on models and modelling rather than actual site values.

Summary

The Applicant is entitled to put as strong and convincing a case as possible to secure approval. In that process however some matters are reduced or modified in significance and in places are incomplete and/or inaccurate.

The overall design is stated to capture the views of the Harbour and natural forms to the South of the project which produces a degree of conflict with the interests to those of us to the Northeast, North and Northwest of the site. They are also the values sought by those affected.

With that in mind we ask that the issues raised above particularly in relation to loss of views and amenity be given proper consideration and the Applicant be required to make the minor amendments requested.

Yours faithfully,

Ken Herd and Elizabeth Webber
2/48 Fairlight Street
Fairlight 2094.