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RE: DA2018/1708 - 197 Sydney Road FAIRLIGHT NSW 2094

Dear Mr Perry,

RE: Objection to DA2018/1708, 195-197 Sydney Road, Fairlight

Please add this letter to my previous objection on 11 November 2018. My previous letter was done in haste in order to meet the very short timeline which has subsequently been extended.

I object to the proposed development for the following reasons:

- Proposed changes to the ARHSEPP are currently on exhibition for public commentary based on community and council feedback; the changes propose restricting the maximum number of rooms to 12; this development is completely at odds with the proposed changes, being 6.25x larger than the proposed revision
- It does not provide sufficient car parking spaces
- The design is not compatible with the character of the local area, being the suburb of Fairlight
- There will be significant and unacceptable traffic impacts
- The communal living areas and room sizes do not meet the legislated minimum areas
- I have serious concerns about the proposed plan of management
- There will be significant unacceptable impact to the amenity of the neighbouring properties
- There is insufficient evidence that the Applicant has capacity to complete the development and no evidence the Applicant has the experience required to operate a Boarding House that would be the third largest Boarding House in the Northern Beaches Local Government Area (NBLGA)

Proposed changes to ARHSEPP:

There is a draft proposal on exhibition for public commentary which proposes setting a maximum limit on the number of boarding rooms in Boarding Houses. This limit is 12 rooms. This proposal has come about as a result of community and Council consultation. While the current proposal mentions land zoned R2, I am well aware that the Planning Minister is being advised to extend this proposal to land zoned R1 - General Residential, along with additional advice to restrict the number of Boarding Houses in any one location. To ignore this draft proposal when reviewing this development application is to make a mockery of democracy and the public consultation process. It is evident that there is a significant issue with a plethora of Boarding House Developments in Sydney and Greater Sydney at the current time. There is, in addition, many examples of these developments which have failed to provide the required affordable housing to the most valued members of our community, and are, instead providing 'boutique cottage style accommodation' to tourists, backpackers and students. This development is 6.5x greater than the maximum limit of rooms proposed, is situated on a very

small residential site on a dangerous blind corner on a major arterial road. It will have significant negative impacts on the neighbouring properties and there are so many issues with the proposed application that I could not possibly list them all; however, I will attempt to summarise my concerns as follows.

Parking, Public Transport and Unacceptable Traffic Impacts:

The applicant has submitted this DA under the State Government's State Environmental Planning Policy Affordable Rental Housing (ARHSEPP). I am aware that Council cannot refuse to grant development consent on the grounds of parking, if a minimum of 0.5 parking spaces are provided per room. The Applicant proposes to provide 38 car parking spaces which include 3 accessible car parking spaces, as well as 15 bicycle spaces and 15 motorcycle spaces. For a 75 room development one would expect to see 38 car spaces provided so at first glance it appears to be a complying development, however I disagree. The Applicant has included the 3 accessible car parking spaces in the calculation of car parking spaces. Given these car spaces are only entitled to be used by people with a disability, there are effectively only 35 car spaces available for use and the development is therefore non-compliant.

The Traffic Impact Assessment prepared states that "the increase in traffic volumes as a result of the development will have negligible impacts on the performance of the Sydney Road/Hill Street intersection." I fail to see how the addition of 126 people will have negligible traffic impacts. In my experience, Sydney Road is highly congested, especially during peak hours, and on weekends and currently already poses a significant safety risk to pedestrians and commuters alike. Has the consultant assumed that since there are only 38 car parking spaces that there will only be 38 additional cars and the remaining residents will rely on public transport? If so, this completely ignores the fact that residents who don't have access to a car park space could simply choose to park in the street, which is already at capacity. The lack of parking provided with the proposal will only worsen this situation.

With respect to public transport, the Applicant claims "the site location is on a major bus transport link assuring quick and economic access to CBD or Manly...." (Architectural Design Report p. 7). I disagree with this statement entirely. The site is not on a "major bus transport link assuring quick and economic access to CBD or Manly". There is one express service (E70) which operates a service directly to the CBD and it only runs in the morning and afternoon peak between 05.58am and 09.18am and in the afternoon between 3.49pm and 8.07pm. During the day there is no direct service to the CBD at all. The E70 service is frequently at capacity and often subject to significant delays. I fail to see how this qualifies as a "major bus transport link". If this is the standard subscribed to by the State Government then I am deeply concerned about the future of public transport in this state.

There is a new 141 service which operates from Manly to Belrose via the new Northern Beaches Hospital, however this service is the most infrequent of any service, operating just once an hour. There are only three services during the week between 6am and 9am. In any event, it is a significant assumption to make to assume that residents will be employed at the new hospital, or in fact locally at all. I would suggest that many of these people could just as easily be working in the CBD, or Chatswood, Parramatta, Ryde/Macquarie Park or even further afield.

There is insufficient public transport to accommodate this influx of residents and completely inadequate public transport to many of these locations, again suggesting that it is highly likely that many of these residents will own cars, and ultimately end up requiring on-street parking, placing additional pressure on a major arterial road. I also remind Council that there is also a current proposal by Roads and Maritime Services to remove parking along the vicinity of Sydney Road east-bound from Melbourne Street to Bellevue Street which will further reduce on

street parking capacity and contribute to additional congestion.

The 143 and 144 services also operate along this route from Manly to Chatswood and the trip duration is over an hour, which in my opinion is not 'quick'. In a west-east direction during the week this service is highly unreliable and does not run to time. During the weekend, buses are frequently full with beachgoers by the time they reach the stops closest to the proposed development. This is therefore not a viable transport option. While the distance from the development to Manly is ~1.2km and could therefore be considered walkable, this assumes that all residents will be able-bodied so does not adequately consider transport for people with a disability or the elderly. There is also no cycle path near the development.

Insufficient communal living areas and insufficient floor space ratios:

The proposed development does not comply with the maximum floor space ratio under the Manly Local Environment Plan. Instead, the Applicant has relied upon the 'bonus' floor space provisions under ARHSEPP. I understand that as the proposal has been submitted under ARHSEPP the floor space ratio under the MLEP applies only to the extent that it specifies the reference point to which the 'bonus' additional floor space ratio is applied. Council cannot refuse to grant consent on the grounds of accommodation size if each room has a gross floor area (excluding any area used for private kitchen or bathroom facilities) of at least 16 square metres. However, with reference to the Architectural Design Report (Part 9.1) it's evident that the kitchen areas haven't been excluded from the calculation of the gross floor area. This suggests the rooms will not meet the minimum threshold. I disagree entirely with the application of the 'bonus' floor space ratio. The development fundamentally fails to meet existing planning controls and objectives as a result of; excessive physical bulk and scale, insufficient front and rear setbacks, loss of amenity to neighbouring properties, failure to enhance the character of the local area, insufficient car parking spaces, insufficient consideration of public transport impacts, a lacklustre traffic management survey which does not appropriately consider the traffic impacts, and a Plan of Management that is completely unrealistic with no clear means of enforcement. Accordingly, the Applicant should not have the benefit of the 'bonus' floor space ratio.

The communal living areas are non-compliant as acknowledged in the Statement of Environmental Effects. The Applicant claims that "Despite numeric non-compliance, the communal living spaces provided satisfies the performance criteria for communal rooms." I would argue this is a completely inappropriate statement. What is the point of having development controls if developers can simply state that despite not meeting the requirements, not to worry, everything is hunky dory?!

Incompatible Design:

The proposed development is physically and visually incompatible with the character of Fairlight. There are significant differences that result in the proposed development being obviously at odds with the surrounding area. I specifically refer to the non-compliant front and rear setbacks, excavation depth, building bulk and scale.

While Fairlight does have a mixed residential character e.g. detached dwelling housing, multi-dwelling housing and residential flat buildings, most of these buildings are only one or two stories. Not five. The Manly Development Control Plan imposes a two storey limit on buildings in the area, clearly demonstrating that the character of the area is primarily low level residential in both bulk and scale. The Applicant has proposed to develop this five storey (incl. basement parking) development, on a site that is already elevated. If the Applicant had taken the time to

appropriately view other properties in the area it would have been evident to them immediately that most of these properties have generous setbacks with considerable landscape buffering softening the facades. It appears that the Applicant, by way of the Statement of Environmental Effects, has merely identified the one property that may potentially support their development by virtue of it being larger in size than their own proposed development. This does not provide a licence to develop. It is obvious to anyone who visits the site location that a 75 room development is not in keeping with the bulk and scale of the primarily low-level buildings in the area.

Under the Manly Development Control Plan excavation is generally restricted to 1m below the natural ground level with the exception of basement parking areas (which will be contained within the footprint of the building) and swimming pools. Given the Applicant proposes to provide basement parking and is therefore entitled to excavate below 1m, the amount of excavation proposed is extreme. Evidently much of the design proposed by the DA is dependent upon this extreme excavation. At the rear of the site the Applicant proposes excavation by way of deep 'cuts' in the landscape, which equate to three storeys! This development is completely at odds with the Manly Development Control Plan which clearly aims to limit changes to the topography and restrict excavation. This level of excavation is required (according to the Statement of Environmental Effects) as a result of the need to achieve the required number of onsite car parking spaces. Given that the number of car parking spaces is driven by the number of rooms and the overall bulk and scale of the building, it's evident that the proposed development is far too big for the site and the current planning controls did not envisage a development of this size in this location, and in fact, go so far as to suggest this type of development is expressly restricted in this location.

The proposed development is clearly incompatible with the character of the local area and no amount of 'modifications' to the design will make it compatible. Evidently the Applicant is proposing a ridiculous and absurd number of rooms with the aim of 'negotiating' with Council and appearing to appease community opposition and objection by 'agreeing' to a lesser number of rooms. This outcome is unacceptable to the community and should also be unacceptable to Council and to the State Government.

Other comments:

The Applicant comments "In addition, less than 200m from the site is the Fairlight shopping village featuring many shops and cafes." (Architectural Design Report p. 7). I disagree with this statement. It does not appear that the Applicant has any understanding of the local area. To refer to the local shops as having "many shops and cafes" grossly exaggerates the reality. There is one café and one bakery (which primarily serves takeaway coffee and pies) on the northern side of the road, both of which close between 2.30pm and 3pm each day. On the southern side of Sydney Road there is one newsagency/coffee shop which has ~ 6 tables. This is hardly what one would expect when reading "many shops and cafes". I suggest that perhaps Manly or Dee Why are more fitting of the description "many shops and cafes".

According to the Applicant's Architectural Design Report "The MicroNest Living homes are strategically positioned to make best use of neighbouring amenities and infrastructure. The subject site is located on a key transport link with bus stops available (with transport both city bound and towards Manly beach) less than 100m away. The Fairlight shopping village is also in a close proximity, some 5 minute walk, while North Harbour reserve, Manly Boatshed, Fairlight Beach and Manly Pavilion all are less than 1km in distance." (Architectural Design Report p. 8). Please refer my previous points on parking and public transport. In addition to refer to North Harbour Reserve, Fairlight Beach and Manly Boatshed as "less than 1km away"

is disingenuous. To walk to these attractions is a difficult enterprise to undertake and extremely problematic for the elderly and or disabled. North Harbour Reserve is located at the bottom of Condamine Street which is an extremely steep hill, Fairlight Beach is similarly a difficult walk down Woods Parade, also very steep. The reference to Manly Pavilion seems odd if this development proposes to be affordable housing, since Manly Pavilion is a 'destination venue' with a reasonably expensive menu. These references pose serious question marks as to the Applicant's true intention to provide affordable housing.

I understand that the Applicant has had several meetings with Council pre-lodgement of the DA. I have reviewed all of the documents available on Council's website and I am truly astounded that the numerous issues that have been raised by residents through private submissions have not been raised by Council staff. There is a comment in the documentation by the Applicant stating "The design team met with Northern Beaches Council officers on 10th June 2018 in a formal pre-DA meeting where the overall design concepts were discussed and preliminary design was presented. While the Council officers generally supported the design and the strategy..." I find this statement absolutely unbelievable. I simply cannot believe that Council would support what is clearly a gross overdevelopment of a small residential site with significant negative potential impact to the character of the area and loss of amenity of neighbouring properties. I am truly at a loss as to what to say to this comment, aside from that I hope the Applicant has taken some poetic licence and misinterpreted Council.

Stormwater:

I note Council's Engineer's response recently posted; I cannot in good conscience accept the proposed amendment by Council's Engineer. While the proposal is recommended refusal; Council's Engineer suggests that the design can be amended to discharge stormwater kerbside into Sydney Road. Our property is on Bellevue Street on the northern side and we are already inundated with water every time there is the slightest downpour of rain. I have several videos of said downpour recently and the current stormwater system is clearly overcapacity. Any additional discharge of stormwater into Sydney Road kerbside gutter, particularly with the extreme level of excavation proposed, will likely cause significant damage to our property and many other properties in Bellevue Street. I suggest Council arrange for a Certified Hydraulic Engineer to review the site and also to liaise with Roads and Maritime who apparently own the stormwater pit. The current proposed amendment is unacceptable.

Plan of Management:

According to the Plan of Management (PoM) the Boarding House will be managed by a Site Manager who will:

- Be contactable 24 hours a day 7 days a week
- Be responsible for the operation, administration, cleanliness and fire safety of the premises including compliance with the conditions of the PoM and the development consent for the Boarding House
- Be responsible for enforcing the "House Rules" which include the following:
 - oEnsure occupants comply with the House Rules
 - oComplete an induction for each and every tenant covering "fire safety, maintenance, the residential life program, health and safety, MicroNest support and other property systems"
 - oDeal with non-compliance of the House Rules within 24 hours
 - oIssue breach notices in writing
 - oMeet with residents to discuss issues
 - oKeep a Register containing details of any breach of the House Rules and the measures employed to remedy the breach

- oKeep minutes of meetings and attach these minutes to the Register
- oInspect each of the 74 rooms "frequently" to ensure the maximum resident number for each room is not exceeded
- oEnsure that noise from the Boarding House does not unreasonably impact surrounding residents
- oMaintain a complaint register
- oEnsure a cleaner attends the boarding house weekly
- oEnsure all residents place all non-recyclable waste in the garbage bins and ensure all recyclable waste is placed in the correct bin
- oCheck equipment, fittings and furnishings in each of the 74 rooms and maintain them in safe working order
- oTag any equipment that is not in working order and arrange appropriate replacement or repair
- oEnsure laundry facilities are maintained in safe working order
- oEnsure tenancy applications are submitted including identifying all tenants and performing verification checks on tenants
- oAllocate boarding rooms to tenants
- oEnsure compliance with the zero alcohol house rule
- oEnsure all visitors are only on the premises between the stipulated hours

And so on and so forth ad nauseum...this Site Manager will clearly be a very busy person. They will be able to be everywhere and be all things to all people, 24 hours a day 7 days a week!

I seriously question the ability of the Site Manager to adhere to what is a very long laundry list of responsibilities. What will happen if the Site Manager is not able to adhere to the Plan of Management? The proposed number of rooms and residents is extremely large and it would not seem realistic to expect a Site Manager to adequately manage this number of rooms and tenants to the proposed standard. What recourse does Council and the Community have if the Plan of Management is not adhered to? What is Council and Northern Beaches Police Area Command's capacity to address noise and other complaints impacting the amenity of neighbouring properties?

Tenancy and Guests:

I note residents are able to have one guest stay overnight with approval from MicroNest for up to five days. Bearing in mind the maximum number of guests in any one room, arguably there can never be more than 126 people accommodated in the Boarding House at any one time. However, this assumes the 'busy bee' Site Manager actually has time to monitor the number of guests all the while being responsible for the multitude of other tasks. How will the Site Manager safely support the egress of this many people in the event of an emergency, many of whom may not be familiar with the local area or the House Rules? Where is the proposed muster point in the event of an emergency? Has there been adequate investigation as to the practicality of the proposed muster point? How does the proposed muster point impact on neighbouring properties and traffic management?

The development is unclear as to the tenants themselves. There is commentary stating "the building is to contain a maximum of 126 persons (not including children under the age of 5 years)". Does this mean that no children under the age of 5 years are allowed to reside in the development? Or does this mean that the 126 persons does not include any children under the age of 5 years? The lack of clarity is concerning.

The Applicant has no history whatsoever of running a Boarding House in Australia. This

development is extremely large, being the third largest in the NBLGA. The Applicant has only been established as a company since December 2017 and has no construction experience relative to the proposed development. How can Council satisfy themselves that the development will be completed and completed to the proposed standard? How will Council assure themselves, the Northern Beaches Police Area Command, and the local community, that the Plan of Management can be adhered to and managed effectively so as to have no impact on the amenity of neighbouring properties?

In summary, this is clearly gross overdevelopment of the land and a very weak attempt at designing a 'new generation boarding house'. The proposed development is not in keeping with the character of the local area, which is a clearly stated objective under ARHSEPP.

The only conclusion I can make is that the Applicant is clearly 'trying it on' and requesting an absurdly large development in the hope of pushing it through Council after appearing to respect the community's concerns and reducing the number of rooms. This is absolutely unacceptable and I recommend the proposal be refused outright.

Regards,
Fiona McAuley