
From: Jeremy Magee
Sent: 2/12/2021 6:19:20 PM
To: Council Northernbeaches Mailbox
Subject: DA Response by J,Magee to DA2021/2043 for 30 Fairlight Street FAIRLIGHT

Dear Sir,

Below please find my response to DA2021/2043 . I am the immediate ground floor neighbour to the 30 Fairlight St site , residing at 1/ 26-28 Fairlight St Fairlight. I apologise for the lateness of this response. Unfortunately, I have been unavoidably out of Sydney in a place where the internet/email coverage is extremely poor which has led to my inability to respond before now to this DA submission. I must state that I find the notice period from your advice dated 9 Nov 2021 till Submission close date 26 Nov 2021 - 2 weeks and 2 days, extremely short given the detail in the DA that needed to be addressed and the significance of the cost and potential impact on the neighbours and neighbourhood involved. Unfortunately, unlike those who prepared the DA submission I am not an expert in this area however I do have extremely relevant first-hand experience of a considerable safety hazard associated with the development as proposed which I strongly believe must be addressed in the approval process for this DA. I would therefore expect that you will exercise your discretion to include this submission in your considerations as set out in your notification..

Many thanks,

Jeremy Magee

DA Response to DA2021/2043 for 30 Fairlight Street FAIRLIGHT

Submission by Jeremy Magee, Owner and resident 1/26-28 Fairlight St, Fairlight (immediate ground floor Eastern neighbour of proposed DA site).

I wish to strenuously object to this development approval application on three basic criteria :

- 1) Safety - pedestrian and vehicular.
- 2) The fundamental Inappropriateness of proposed development in the context of its site and location.
- 3) The apparent lack of consideration neighbours, neighbourhood and relevant building constraints evident in the application.

Safety.

Pedestrian Safety. The proposed development proposes that the vehicle access/exit for the block should be made from what is effectively a hole in the wall or tunnel, exiting the garage from flush with the front boundary immediately onto and across the footpath. The flush tunnel entrance will provide virtually no visual warning to pedestrians walking (or jogging) upon down Fairlight Street to the imminent crossing of the footpath by a vehicle, thereby presenting a real hazard to life and limb multiple times a day. Coming out of the tunnel access will also mean there will virtually no audio warning of vehicles crossing the footpath as most of the sound will be projected straight ahead out of the garage entrance. This lack of audio warning is severely exacerbated by the modern habit of joggers and pedestrians to wear headphones/ear buds while walking /jogging.

I know this hazard to be real as in the 12 years that I have been resident at 26-28 Fairlight St I have many near misses and 3 soft "hits" with pedestrians, particularly joggers going downhill when I exit my block in my vehicle even though I am particularly cautious because I know through experience of this hazard.

Vehicle Safety. The problem of unsafe exit to the proposed block development, with flush to the property boundary hidden access is extremely dangerous. As it currently stands when I exit my block it can be extremely

nerve wracking with a slow creep out across the sidewalk trying to peer over/around parked cars or worse, parked vans or large 4wd's, to try to ascertain if it is safe to exit onto the street. Due to the popularity of our neighbourhood one can safely expect the street parking to be 100% parked out during spring, summer and autumn, with some slight reduction in winter. Such parking, right up to the edge of the tunnel access MUST result in extremely unsafe exit from the proposed developments' parking garage. I doubt if is coincidence that the previous residents of no. 30 chose NEVER to use the existing garages for the 12 years I have been resident, preferring instead to park in the street across the entrances to the existing triple garage which are really inappropriate having no setback from the properties street boundary. While there are some other flush to the street boundary garages, these are single car garages that only permit crossing the footpath into the street by the vehicle starting from stationery as opposed to a multi space garage where cars will have some run-up and be moving when they cross the footpath which must have the effects of both increasing the occasions of risk and the potential hazard significantly compared to that of a single garage.

This situation as it currently stands, with the tall triple garages flush with the property boundary, is dangerous if the downhill traffic is doing the 50kph speed limit. If the downhill traffic is speeding it may well turn out to be lethal. As it currently stands the existing garages height and lack of setback makes the exit hazardous, the proposed tunnel exit will make the existing unsatisfactory situation much more dangerous. It would be grossly negligent and irresponsible by council to permit the development in this aspect of the proposal to proceed and would, I believe, leave the council open to litigation when an inevitable, extremely foreseeable, accident occurs.

Fundamental Inappropriateness of the proposed development.

Virtually all the problems and issues with this development can be summed up quite simply. The development proposed is far too big for the site. It breaches the requirements for a single building lot in many ways. See Bob Smale's submission for a full listing of some 27 ways in which it fails to comply with the relevant legislation and regulation in spite of the application saying it either complies , or it chooses not to address its proposed breaches. From my perspective, as the downhill neighbour to the proposed development, it will:

Overshadow my front yard and considerably reduce the privacy of my yard and unit. This will be because of the height of the flat roof proposed significantly increasing the shade footprint of the proposed development beyond what currently exists over my yard (the blocks setback from the street) and the location /configuration of the street facing balconies.

Change the streetscape and ambience of the street as well as create a significant pedestrian and traffic hazard by presenting a massive bunker like frontage immediately flush to Fairlight St unlike every other property within sight on the street which are all setback with gardens softening their appearance. Those that are not set back are considerably closer to the Manly shopping precinct and were approved many years ago and do not present anywhere near the traffic hazard because bends in the road near them naturally slow traffic considerably.

The proposed development does not address the very significant storm and groundwater issues associated with the site. It would seem to propose building (via excavation) what is effectively a dam for the site to redirect the water flows over and under the site downhill towards 26-28 Fairlight street. This cannot be acceptable. Unless this drainage issue is properly addressed this development will result in inevitable significant damage to my unit as the amount of storm/ground water will be very significantly increased. At great expense and effort the issue of excessive moisture and water penetration in my unit has been resolved with extensive drainage works behind, beside and in front of my ground floor unit. Such an increase in the volume of water to be dealt with by my units drainage system, as is inevitable with the development as proposed, must cause significant problems for the downhill neighbours. As the No.30 site currently stands I have frequently seen water up to 2 to 3 cm deep flowing over down the stairs that access Fairlight Street at the south east corner of the site as well as obvious flows out of east end of the street facing garages.

Lack of consideration.

I find it extremely surprising/worrying that this application, which has obviously been professionally produced at some expense, should have so many clear examples of noncompliance and misinterpretation of the relevant regulations. Previous compliance, almost certainly at significant cost to the original developers and their

successor owners, is what has provided the neighbourhood with the appearance and amenity that this developer has found so attractive and seeks to exploit. In this attempt to maximise the return on investment it would appear that the developer seeks to establish a precedent to allow for the significant degradation of the neighbourhood amenity, even to the extent of creating a significant traffic and pedestrian hazard and risk significant loss of amenity (privacy and overshadowing) and potential damage and monetary loss (bunker like frontage, lack of stormwater planning) to the sites neighbours and passersby.

Please note, I have no objection to there being change or development of the site or in the neighbourhood. It is however unacceptable that such development degrades the amenity of the area to its existing residents who have in large part paid for and created such amenity to allow a developer, who was aware of the legal and building conditions that development of the site would need to comply with before purchasing the site, simply to increase the return on investment from the site.

I can see no public benefit from the development proposed that would in any way justify such significant breaches of the existing site building requirements and the creation of a significant safety hazard. I therefore seek Council to reject the proposed Development Application.

Yours sincerely,

Jeremy Magee.