
From: Grant Melzer
Sent: 20/01/2025 2:18:07 PM
To: Council Northernbeaches Mailbox
Subject: Opposition to Development Application DA2024/1562 – 5 Lauderdale Avenue, Fairlight, NSW 2094
Attachments: Opposition to Development Application DA20241562 – 5 Lauderdale Avenue, Fairlight, NSW 2094.pdf;

Dear Council,

I am writing to formally object to the development application DA2024/1562 for the property located at 5 Lauderdale Avenue, Fairlight.

Please see attached.

Kind Regards,
Grant Melzer

To: Northern Beaches Council

Subject: Opposition to Development Application DA2024/1562 – 5 Lauderdale Avenue, Fairlight, NSW 2094

Dear Sir/Madam,

I am writing to formally object to the development application DA2024/1562 for the property located at 5 Lauderdale Avenue, Fairlight, NSW 2094. I strongly urge the Council to reject this application in its current form, particularly due to the adverse impacts it would have on the public domain and surrounding community, as outlined below.

Heritage Conservation and Protection of the Public Domain

The proposed development threatens the integrity of protected environmental heritage areas, including the Foreshore, Park, and Pool. These areas are subject to strict preservation regulations under the Manly Local Environmental Plan (MLEP) 2013. The application violates several key provisions of the plan, including:

- **Number of storeys:** The proposal exceeds the permissible limit of 2 storeys, seeking approval for 4 storeys.
- **Building height:** The proposed height of 13.55 meters exceeds the maximum allowable height of 8.5 meters.
- **Floor space ratio:** The proposed ratio of 1:1 exceeds the permitted 0.6:1, representing a near 80% increase in building size.

By disregarding these regulations, the development proposes an oversized and intrusive structure that would overshadow the Esplanade parklands, obstruct views, and create a visual barrier along the adjacent park and pathway. This pathway is a vital asset for both the local community and visitors, and its enjoyment will be significantly diminished by the proposed development.

Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) is critical for ensuring safety, optimizing traffic flow, and minimizing disruptions around construction sites. It identifies and addresses risks to workers and the public, helps alleviate congestion, ensures compliance with relevant regulations, and reduces the impact on local community access. I am surprised and concerned that there is no mention of a CTMP, nor is there any plan or report related to it in DA2024/1562. As a local resident and frequent user of Lauderdale Ave, I recognize the significant impact this development will have on traffic flow, pedestrian safety, and local parking.

The core principles of traffic management during construction include:

- Minimizing the impact on pedestrian, cyclist, and vehicular movement
- Maintaining proper public transport access
- Reducing the loss of on-street parking
- Minimizing disruption to adjacent and surrounding buildings
- Ensuring continued access to and from neighbouring buildings
- Restricting construction vehicle movements to designated routes to/from the site
- Managing and controlling construction vehicle activity near the site
- Conducting construction activities in compliance with approved working hours

There are no reported unloading or work zones identified for the site. This development is situated directly in front of a traffic island, and without a clear plan, any truck or vehicle stopping outside the site would block all westbound traffic. This could obstruct vehicle access to neighbouring residences and create a bottleneck on Woods Parade.

Additionally, there is no mention of crane operations or a Traffic Control Plan (TCP). The site is located on one of the main arterial roads leading into Manly and has no parking directly in front, making loading and unloading particularly challenging. I would expect that a development of this scale would require permanent certified traffic controllers to manage not only large trucks, MRVs, and other deliveries, but also the passing traffic and pedestrians. Furthermore, the application fails to mention staff and contractor parking. Given that up to 20-30 contractors may be on-site daily, this will place additional strain on the already limited parking spaces within the Tower Hill parking area.

This development application should include a detailed CTMP and TCP for the community. By publicly displaying these documents, the community can stay informed, participate, and have transparency in the process. This also allows neighbours and other interested parties to provide feedback on the proposed development. I am once again surprised that such an essential document has not been provided for a development of this magnitude.

Driveway and Streetscape

The proposed development includes lift-based parking, which will require cars to queue during entry and exit, creating several hazards:

- Vehicles may project into the shared foot and bike path, endangering pedestrians and cyclists.
- Delivery vehicles lack designated space, further adding to congestion and blocking pathways.

Additionally, the proposed “bin storage” area at the eastern end of the front fence on Lauderdale Avenue is poorly planned. If intended as a collection or storage point, it risks blocking the pathway and creating hazards for cyclists and pedestrians. This area is situated directly adjacent to a heavily used pedestrian crossing, which may impede safe passage during peak times.

Trees

The proposal seeks to remove all trees on the site to accommodate the oversized development, exceeding the limits set by MLEP 2013. This includes:

- Two Norfolk Island Pines, one standing 18 metres tall.
- One Norfolk Island Hibiscus, measuring 11 metres tall.
- Two smaller Banksias, one reaching 7-8 metres tall.

These trees contribute to the heritage value of the adjacent Esplanade park and provide essential amenity to the local community. Their removal will diminish the area's character and reduce the visibility of significant greenery, which is visible from locations such as Reef Beach and parts of Balgowlah Heights.

Wildlife

The neighbourhood already suffers from a shortage of mature tree canopy, which these trees help provide. They offer essential habitat for local birds and wildlife, supporting both feeding and nesting. The removal of all trees is unnecessary and poses a significant ecological loss.

Comparison of this DA with Surrounding Buildings:

The comparison made in the current DA between the proposed development at 5 Lauderdale

Ave and the surrounding buildings is entirely misleading. The developments at 7 and 9 Lauderdale Ave were constructed under prior, less restrictive planning controls, before the introduction of the Manly Local Environmental Plan (MLEP) 2013, and are not in compliance with the current regulations. The MLEP 2013 was specifically implemented to prevent overdevelopment such as that at 7 and 9 Lauderdale Ave and to encourage more responsible development practices. Under the current planning regulations, the developments at 7 and 9 Lauderdale Ave would not be permissible. In contrast, the developments at 3A and 3B Lauderdale Ave are fully compliant with MLEP 2013.

Development on Sloping Sites

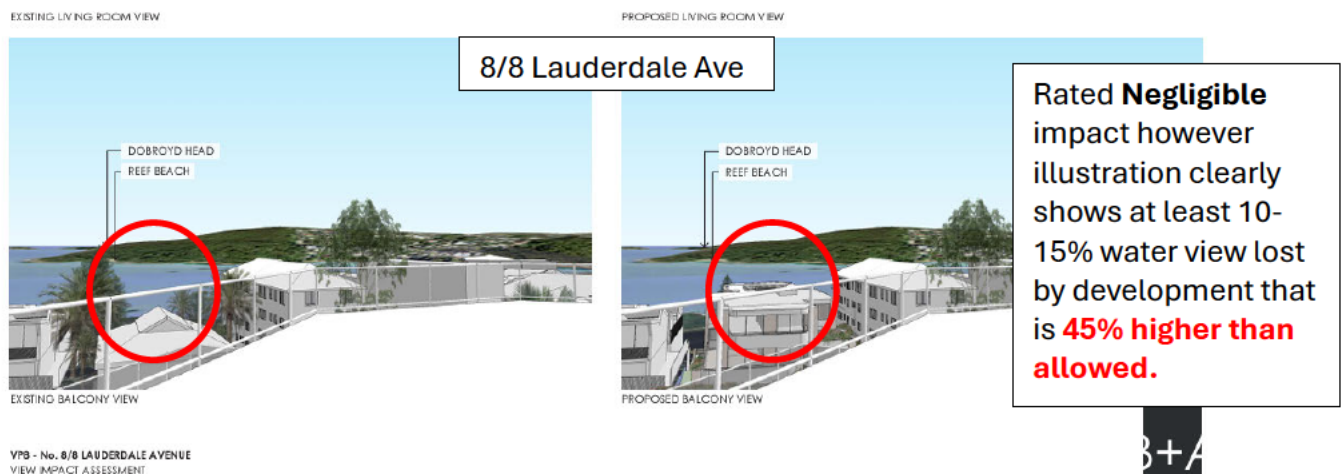
The MLEP 2013 requires buildings to be designed in response to the slope of the site. However, the proposed development disregards this requirement and presents as an oversized "box" that is:

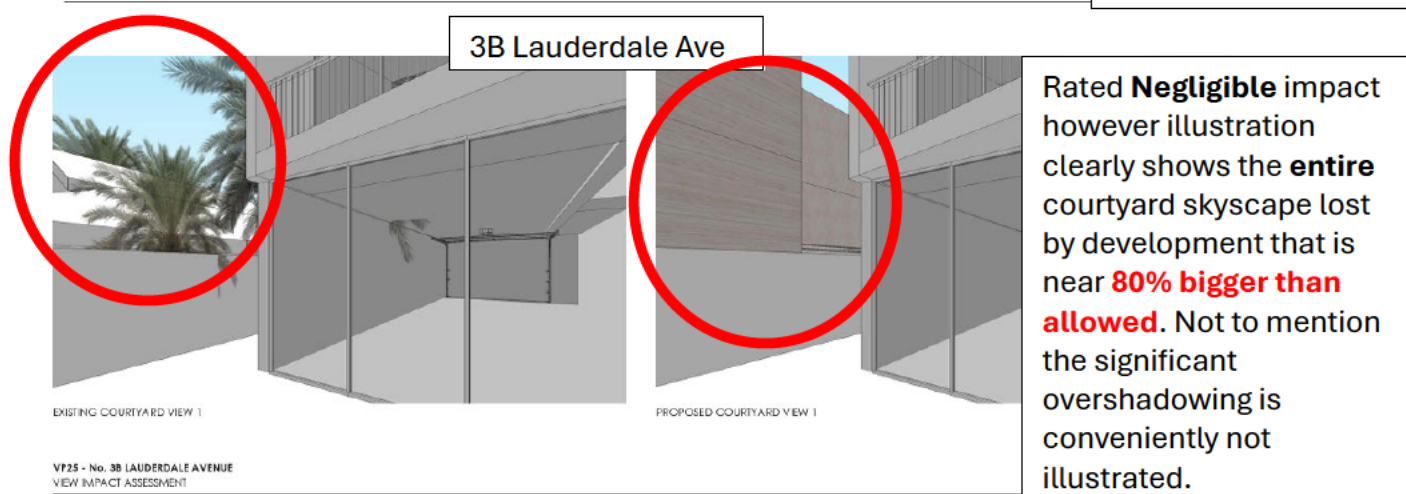
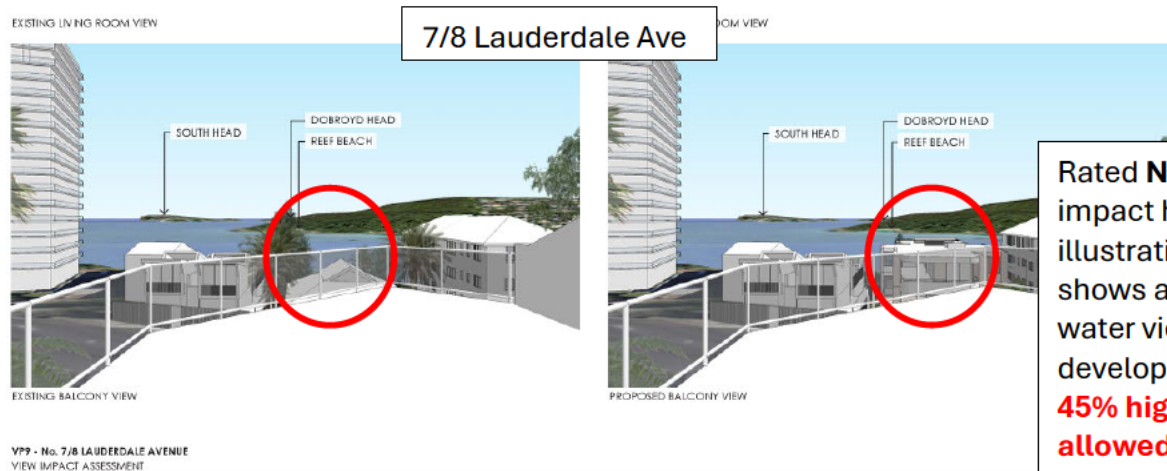
- 79% larger than permitted.
- 59% taller than allowed.
- Includes double the number of storeys permitted.
- Incorporates an additional dwelling not allowed under the MLEP 2013.

A compliant development would consist of a two-storey building from the foreshore park, not the proposed four-storey structure. Compliance would also significantly reduce excavation waste, noise, energy consumption, and the heavy truck traffic burden on local roads—preserving trees, as discussed below.

Visual & View Impact Assessment

I would like to bring to the Council's attention that I find this report to be misleading. The report appears to assess the visual impact and effect of the development on neighbouring properties using an "EXTENT OF IMPACT" rating; however, the methodology behind how this rating is determined is not provided. To assist the Council, I have summarised some images below for further clarification.





To me, Negligible impact mean an impact which can be disregarded, or which is so small, unimportant, or of so little consequence. For the applicant of DA2024/1562 to claim their development has so small, unimportant or so little consequence on the surrounding neighbours is not only completing misleading and ignorant but a complete lie. I would suggest the council view the public petition with over 1200 signatures against this DA should they require further insight.

Future Development

The applicant's claim that the Council has "lost control" of planning in the area is unfounded and does not justify approval despite clear breaches of the MLEP 2013. The Council has consistently upheld planning controls to ensure fair outcomes for the community. While larger apartment buildings exist in the Fairlight Cove precinct, these were constructed before the MLEP 2013 and are classified as "intrusive buildings" under the current guidelines. They do not set a precedent for future developments. Again, this provides further evidence that sections of the application are false and misleading.

Approving this oversized and poorly designed proposal would undermine community trust and create a dangerous precedent for future development in Fairlight Cove, especially given the anticipated additional large-scale proposals.

I urge the Council to reject DA2024/1562 and ensure that any future developments adhere to the guidelines of the MLEP 2013 and the needs of the local community.

Yours faithfully,
Grant Melzer

[REDACTED]

20th January 2025