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**From:** Kirsten Bowman  
**Sent:** 24/01/2025 12:41:18 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** TRIMMED: Fwd: Objection to DA2024/1562 for 5 Lauderdale Ave Fairlight

I lodged the submission below on 19 January with an image that didn't display properly on Council's website. I'm therefore lodging this version with a smaller image size, there are no other changes.

Begin forwarded message:

**From:** Kirsten Bowman  
**Date:** 19 January 2025 at 5:10:03 pm GMT+11  
**To:** Council@northernbeaches.nsw.gov.au  
**Subject:** **Objection to DA2024/1562 for 5 Lauderdale Ave Fairlight**

I'm writing to object to the proposed development at 5 Lauderdale Ave Fairlight. I have been a frequent visitor to Fairlight beach, rock pool and walkway for the past 20 years, and have also owned an apartment in nearby Woods Pde since 2022.

My objections are to the following:

1. excessive bulk and height of the proposed building, contravening numerous specifications including those in MLEP 2013 and MDCP 2013;
2. detriment to the streetscape from Fairlight beach, rock pool and walkway;
3. loss of all trees, especially the larger Norfolk Island pine and palms;
4. partial blockage of the water view from the main living room window of my apartment;
5. safety risks of accommodating 11 cars next to an already problematic section of Lauderdale Ave;
6. noise and disruption involved with the excavation and construction of an overly large building.

Further comments are:

**1. Excessive bulk and height**

Scope of exceptions sought

The application uses a combination of minimising language and questionable arguments to seek approval for numerous major breaches of specifications set out in documents such as MLEP 2013 and MDCP 2013. These include requirements as to height, floor space ratio, number of storeys, number of apartments, response to slope and boundary setbacks.

It is repeatedly argued that "strict" compliance with these specifications is unnecessary or unreasonable for various reasons. This wording implies that the non-compliance sought is minimal, when it would be extensive including 59% in height, 80% in floor space ratio and 100% of the two storey limit to name just a few.

Significant exceptions have also been sought from requirements set out in the apartment Design Guide published by Planning NSW, including for the provision of communal open space, solar access and building separation.

The combined impact of all these requested exceptions would be very substantial, compounding the detriment to nearby residents and the broader community.

Matching the worst

Viewed from Fairlight beach and the adjacent parkland, the existing streetscape includes a mix of freestanding houses, townhouses, and attractive older-style brick apartment buildings set well back from the beach. There are also some apartment blocks built between the 1950s and 1970s which dominate their surroundings to an unappealing degree.

The applicant argues repeatedly that the proximity of these less sympathetic buildings makes compliance with the 2013 requirements unreasonable and unnecessary, since the proposed development would be “consistent with the overall streetscape” even when viewed from the southern side.

It is also argued that there has been “virtual abandonment” of standards by the consent authority in this specific area, based on the presence of pre-2013 structures such as those at 1 Lauderdale Ave and 7 Lauderdale Ave. Community detriment from out-of-scale developments like these was clearly one of the reasons for introducing the 2013 requirements, and I believe all nearby development since has been compliant.

It is highly disrespectful of the local population and all who enjoy this area to suggest these rules can now be disregarded; there should be no expectation that they will be.

If new developments are allowed to breach current standards because they are no worse than the **most unappealing** pre-2013 sections of the existing streetscape, a clear precedent will be set and we can expect more oversized, unsympathetic apartments to be built nearby in future. The existing character and amenity of Fairlight beach and its surrounds will be ruined, replaced by a harsh, overbuilt “concrete jungle” appearance. This is obviously not consistent with the intent of either MLEP 2013 or MDCP 2013.

#### Response to slope

The proposed building does not “respond to the slope of the site”, nor does it “generally step with the topography of the site” as specifically required by MDCP 2013 4.1.8. Instead there is an intention to exploit the slope by expanding the building from two to four stories, breaching the limit imposed by MDCP 2013 and completely dominating the block. This also contravenes the requirement in MLEP 2013 to “ensure that new development does not dominate the natural scenic qualities of the foreshore”.

The Statement of Environmental Effects indicates (at page 35) that the geotechnical report addresses the requirement for the building to respond to the slope. This is incorrect as the geotechnical report deals with geological and site stability details - not the proposed architecture. The geotechnical report also suggests incorrectly (at page 7) that the neighbouring building at 7 Lauderdale Ave was constructed within the past 10 years.

## **2. Impact on streetscape from beach, pool and walkway**

The Statement of Environmental Effects claims (at page 39) that the development will have “no adverse impact on the public domain” and would “result in a significant enhancement of the public domain”. These claims are risible considering what the community stands to lose if such an out-of-scale development is allowed to proceed.

The site is currently occupied by a beautiful and historic (although neglected) Federation house set well back from the beach. This house is surrounded by mature gardens including two Norfolk Island pines, palm trees and numerous large hydrangea bushes. The garden is very green and picturesque when viewed from the beach, park and walkway. Its complete destruction and replacement by a grossly oversized four story building, with minimal setbacks or space for landscaping, would be devastating for those who enjoy its contribution to the area's amenity.

I note the attempted justification in the Design Guide response for providing communal open space of less than 25% as specified in objective 3D-1 is the availability of the adjacent public reserve. So, far from enhancing the public domain this development seeks to rely on existing public amenity as an excuse to fill the site with more building and less garden.

The proposal contravenes part 3.4 of the MDCP 2013 which states “development should not detract from the scenic amenity of the area”. It would be significantly more unsightly than a compliant, less dominant development which included a larger garden. The building would also cast shade onto the adjacent public grassland and heritage walkway in winter, when more shade is not wanted. This walkway forms part of the Spit to Manly walk which locals and tourists from around the world can be seen enjoying every day.

A photomontage provided by the applicant relies on a photograph apparently taken from the far edge of the rockpool, which shows a wide section of the bay. This perspective naturally minimises the apparent size of all

buildings relative to the stretch of water in the foreground. From closer in, for example on the walkway directly in front of 5 Lauderdale Ave, the dominant scale of this development would be much clearer.

I realise the site will be developed in some form, but I urge council to reject the dubious and self-interested arguments relied on in this DA and enforce full compliance with all the relevant regulations. No developer should imagine it can breach the applicable standards to this degree, permanently appropriating so much community amenity for its private gain.

### **3. Tree removal**

The taller Norfolk Island pine on the site is visible from far and wide, it complements large numbers of this same species on the harbour walkway and the ocean beachfront. These majestic pines are a much loved feature of Fairlight, Manly and the wider Northern Beaches. The suggestion in the arborist's report that this native species is of lesser importance because of its origin outside "mainland" Australia is bizarre.

Wildlife species including cockatoos, lorikeets, magpies and possums use this tree, much to the delight of both residents and visitors. The palm trees on site are also attractive and consistent with the beach character of the area.

These existing trees have taken many decades to reach their current size and are irreplaceable within any reasonable timeframe. I believe the excavation involved in a development of the scale proposed is also likely to damage the roots of the smaller Norfolk Island pine on public land just outside the southern boundary, leading to its demise.

All these pines and palms are a treasured part of the view from my main living room window, as shown in the photo at point 4 below.

The presence of such trees is consistent with the national parkland across the water and the character of nearby residential streets. This is in clear and welcome contrast to the beach suburbs in Sydney's east, where scarcely a leaf has been allowed to remain between the ocean and anyone's line of sight. The overall effect there is a hot "concrete jungle" with virtually no natural shade and an overall hard, stark, unattractive appearance.

In response to the requirement under MLEP 2013 to protect the tree canopy of this area, the applicant's Statement of Environmental Effects claims that "appropriate" landscaping will replace the trees removed. It's clear though that the smaller species nominated in the Landscape Plan could not compensate for their loss, even once mature.

There is further context to consider here, namely the steadily diminishing tree and shrub coverage on the grassed parkland area around Fairlight beach. This has been caused by a combination of some very dry conditions and, more recently, apparent deliberate vandalism. The resulting decline in the attractiveness and amenity of the beach and walkway have been noticeable over the 20 years I've been visiting. Replacement plantings by council over the past few months will take many years to mature, if they too are not vandalised first.

Given all these factors, the deliberate destruction of a spectacular Norfolk Island pine and other established trees to allow this excessively large, non-compliant development would be outrageous.

### **4. View**

The proposed development would block a particularly treasured part of the water view from the main living room window in my apartment, as shown in the attached photo which I have marked out in red.

This is a section of water directly behind Fairlight pool, where I can often see waves breaking over the rocks. It is an especially picturesque and interesting feature of my view. Losing it to a grossly overscale, noncompliant building would be devastating from an amenity perspective as well as detracting from the resale value of my apartment. This loss is not addressed in the Visual and View Impact Assessment submitted by the applicant, which considers properties on Lauderdale Ave only.

I note that the Visual and View Impact Assessment attempts to minimise the loss of other neighbours' views with claims that removal of the larger Norfolk Island pine would compensate by making more water visible. I don't accept that argument as I feel water views have even more appeal when filtered through trees.



## **5. Parking for 11 cars**

The oversized nature of the proposed building means onsite parking for at least 10 cars is required, with 11 planned.

The Traffic Impact Assessment report focuses on the likely volume of extra vehicle movements during peak hour. It does not analyse risk factors such as the adjacent intersection with Woods Pde or the limited visibility in either direction from 5 Lauderdale Ave. This visibility problem arises from the curved shape of the road, which combined with significant traffic volumes has made the provision of a pedestrian island necessary just outside 5 Lauderdale Ave, along with another a little to the east.

As a nearby resident who turns right onto Lauderdale Ave from Woods Pde frequently, I can attest that doing so requires flawless concentration and timing. There are numerous “near misses” in this location with honking horns and screeching brakes - I am often in my apartment during the day and it isn't unusual to hear 2 or 3 of these incidents over a few hours. Nor are they confined to the morning or evening peaks.

The narrow footpath outside 5 Lauderdale Ave is heavily used by people heading to or from the beach and walkway. They often have prams and/or older children, beach equipment and dogs - especially in the warmer months.

Given these location-specific factors, 11 cars regularly entering Lauderdale Ave from number 5 could only create a significant additional risk of collisions, injuries and possible fatalities. Reliance on a car lift inside the building would surely complicate matters, especially since it would need servicing and is likely to break down at times.

A development compliant with the relevant limits on height, bulk, floor space and so on would require fewer car spaces and thus be safer for all.

#### **6. Excessive noise, disruption and traffic risks during construction**

The oversized scale of this development would mean significantly greater noise and disruption than a more reasonable proposal which respected the requirements of MLEP 2013 and the MDCP 2013. This is particularly so given the plan to excavate for two levels of underground parking and a car lift. Major inconvenience and delay for both motorists and pedestrians would be unavoidable, which could only increase the existing location-specific risks of accidents and near-misses described at point 5 above.

Along with many other residents, I value the peace and quiet this area offers and chose it in part for that reason. The prospect of perhaps two years of noisy development to create a grossly oversized building nearby is most unpleasant.

I trust council, and any other decision maker which may become involved here, will prioritise the interests of the broader community and reject this application.

Thank you for your consideration of these points.

Regards

K Bowman