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Subject: Online Submission

13/03/2020

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Fairlight NSW 2094
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RE: DA2020/0103 - 30 Fairlight Street FAIRLIGHT NSW 2094

Dear Mr Keller,

I have received notification of the above proposed development and submit that I strongly oppose the proposed development.

I set out my reasons below:

1) OVERALL SIZE AND BULK OF DEVELOPMENT

The application exceeds the Council's recommended height and scale for this area in relation to residential flats building. Further, it proposes a 4 storey building comprising of 7 apartments. However, with the addition of the above ground parking level, this results in what is essentially, a 5 storey development. This is an overdevelopment of the site, which I note is approximately 861sqm site, and is completely unsuitable for the size; namely, with the proposed development will intrude onto the streetscape as well as neighbouring properties and is unsympathetic to the area.

Further, there are no front set backs to the building, which will further exacerbate the impact on the neighbours; the narrow site, combined with the lack of set backs creates a bulky and dominate building, of which, I believe leads to various issues of non-compliance with Council and building regulations, such as density, overshadowing, parking, roof height, FSR issues, and the set back issue. The size and bulk of the development is simply not appropriate, given the size of the block.

2) CAR PARKING

The proposed application allows for only 10 car spaces, which the applicant has themselves acknowledged is less than the absolute minimum of 11. This in itself is a clear instance of non-compliance. There is evidently a reason behind the minimum regulated spaces, and this should be respected.

Further, the proposed development has evidently been designed with affluent buyers in mind, many of which, would have at least 2 cars per household (or more). There is already a well acknowledge parking issue in the area, particularly around Fairlight and Margaret Street, and the lack of off street parking will lead to further congestion.

Notwithstanding this issue, it needs to be asked why the development has been designed with ground level parking? In line with other developments in the area, underground parking should

have been adopted; this would enable the development to be four storeys, as opposed to five, and certainly be less overburdening on the local area. There is also an increased risk in pedestrian safety due to the entrance of the car park being so close to the pedestrian footpath, providing limited to no buffer for the driver to see somebody walking past. I personally regularly use this footpath as well as many people walking into Manly each day; our safety should be a priority consideration for Council. The development absolutely needs to consider pedestrian safety, and it is abundantly evident that they have not.

3) ROCK EXCAVATION

I am very much concerned about the impact of the required excavation required for the development on my property, particularly as an adjoining neighbour.

Specifically, the geotechnical report states that excavation is required for up to 6.6 metres, and possibly more, in some areas. The report also states that there is "an unacceptable level of inherent risk" relating to possible landslips. I would like to know what controls have been put in place to reduce the "unacceptable" inherent risk, to a residual risk rating that would ensure that there is no impact to adjoining residences. Until such risk rating is completed, and residual risk levels lowered, it is completely unsatisfactory that Council would allow such proposal. Where any structural damage (major or minor), or landslips occur that can be directly related to this development, Council needs to also consider whether they would be liable for rectifying the damage, where they are acutely aware of the risk rating, and may choose to allow the development regardless. I strongly urge you to consider this aspect, as the flow on impacts to surrounding properties could be damaging, to both the residents, and Council. This is not to mention the noise pollution which would be creating; as you are aware, rock excavation will create excessive noise in the neighbourhood, for some period of time. What mitigation strategies have been put in place to prevent noise pollution? This aspect concerning the excavation needs to be addressed prior to any work commencing, should you approve the development.

4) TREE REMOVAL

The application proposes to remove 33 mature trees, with only 5 to be retained. This is absolutely not acceptable and is disappointing that such extensive tree removal would be proposed, given the emphasise on protecting the environment in this current climate. This will be a considerable change to the area, in which I note that a large number of birds use the trees for feeding and living. What considerations for the impact on the flora and fauna have been taken? Further, I currently enjoy a very tranquil outlook which is very much determined by these beautiful, existing trees and the birds that reside there. The removal of these existing trees is simply not acceptable, and I urge Council to consider this. The removal of the trees also goes hand in hand with the issue of the lack of set back the development contains; why can't the Applicant include a set back in line with Regulations, which would enable more of these trees to be kept? The replacement of the trees is not at all adequate, and it is well acknowledged it will take a large number of years for them to grow, and they will never grow to the same size as the current trees.

5) PROPOSED PLANS FOR 32 FAIRLIGHT STREET

The application also has included an indicative plan for his neighbouring property at 32 Fairlight Street. This I find quiet confronting and concerning for this neighbour as he has already stated to him he wasn't prepared to sell, however, the applicant has prepared plans for

what he implies could be a " future development " on much the same size parcel of land. The proposed plans would likely contain all the same issues as the current application, with compliance and impact on neighbours, however, it would be even more impactful as my property looks directly into the property at 32. I have great concern for what will happen to the property on 32, if the imposing proposed development at 30 is approved. It should be reiterated to the Applicant, that a separate application would need to be lodged and go through the required process, and therefore, it is entirely inappropriate and presumptuous for the Applicant to provide an indicative plan for the neighbouring property.

However, having said all of the above in relation to my primary concerns with the application, I respect the applicant's decision to want to redevelop, but great consideration for compliance with regulations and impact on adjoining properties needs to be considered. In its current form, I strongly oppose the development and hope to see a revised development which is in full compliance. I trust that Council will consider my submissions in full, as well as the other submissions, when making a final decision.

Yours faithfully,

Cheryle Newton