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**From:** [REDACTED]  
**Sent:** 21/01/2025 3:27:32 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** [REDACTED]  
**Subject:** TRIMMED: SUBMISSION - OBJECTION TO DEVELOPMENT  
APPLICATION AT DP 24923, 5 LAUDERDALE AVENUE FAIRLIGHT  
**Attachments:** 250121\_Objection\_5 Lauderdale.pdf;

Attention: Mr Maxwell Duncan

Dear Mr Duncan

Re: Submission to DA2024/1562 - Demolition works and construction of a residential flat building including strata subdivision Development Application - 5 Lauderdale Ave, Fairlight

Please find attached our objection submission to the above and as well as copy of the Urbaine Design Group, Visual Impact Assessment

<https://drive.google.com/file/d/1BBQ2q1OYhhL29pJkEdkyaz9MWbi3IqPT/view?usp=sharing>

Best wishes and regards

Hon Kerry W Sibraa AO and Julie Louise Sibraa  
4/8 Lauderdale Avenue  
Fairlight NSW 2094  
[REDACTED]

Northern Beaches Council  
PO Box 82 Manly  
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Attention: Mr Maxwell Duncan

**Re: Submission to DA2024/1562**

**Demolition works and construction of a residential flat building including strata  
subdivision Development Application - 5 Lauderdale Ave, Fairlight**

To the Assessing Planner,

We are the owners of Unit 4/8 Lauderdale Avenue, Fairlight.

We would like to make a strong objection to the above application DA2024/1562 and ask that council reject the proposal in its current form and only approve a reduced down version of the development which is compliant with its own codes.

**Background**

We purchased our apartment brand new in 1994. We took a financial risk in purchasing on the first floor as opposed to the ground floor because of its beautiful views from the master bedroom, kitchen and living areas – as well as filtered views from the two other, side facing bedrooms. The outlook on the opposite side of the street included a low flat roofed single-story residence and the then beautiful old federation era home (number 5). To the left of the same outlook is of course the abomination which is number 1 Lauderdale Avenue – a development inexplicably approved by Council in the '60s – totally out of character with the area although perhaps totally in keeping with the era – but undoubtedly a huge mistake that remains an eyesore to this day.

We lived overseas for four years and moved into the apartment in 1998, which means we have resided here continuously for 26 years. Never having changed hands, this means the property has never been on the real estate market

**Non-compliance with current development codes**

We object to the proposed development application on the grounds of the proposed non-complying to the building heights, floor space ratio and increase to the number of storeys which are all greater than currently than permitted under the Manly Development Control Plan (MDCP 2013) and Manly Local Environmental Plan (MLEP 2013).

Any increases to these areas would allow the applicant to build a taller, bigger and bulkier building. This would directly increase the impact on our already diminished views by the development from our home at Unit 4/8 Lauderdale Ave, Fairlight.

We are completely realistic about the fact that any new development at 5 Lauderdale would inevitably represent an increase from the existing one storey historical house. It is a matter of record that this once beautiful home has been allowed to deteriorate to the point that any purchaser of the property would only see it as a “knock down job”, and with no heritage protection, that is indeed its fate.

At worst, we assumed any application would be for a multi-dwelling structure that would take advantage of the extensive, downward sloping land available to it. It would also be reasonable to expect that we would lose a portion of the water views which we have enjoyed above the

existing roof line to the 8.5 metre permissible building height. What would be totally unreasonable is if Council or any other authority approved the current application.

The proposed development includes double the permissible storeys (four instead of two) of which 90% of the top floor is over current council height limit and up to five metres over at places of the current limit of 8.5 metres. The applicant is also seeking an increase to the permitted floor space with an increase of 468.33msq. If approved this would create the opportunity for even greater number of units. This is confirmed by the fact the applicant has also proposed an increase to the number of permissible dwellings on the site from three to five.

This is outrageous and unthinkable and can only lead us to assume that the entire application is an ambit claim in the hope a lesser but still non-complaint application will be accepted.

We also believe parts of the documentation provided with the development application do not clearly depict the true impact of the proposed development. There are some curious inconsistencies which may lead one to believe the development has a far less impact on paper than it really will. For example:

- In the Statement of Environmental Effects by BBF Town Planners and Visual & Views Impact Assessment prepared by Bonus + Associates there is reference to 3a and 3b Lauderdale Ave, Fairlight, as “ 2/3 storey semi- detached dwelling “ they are in fact both 2 storey (page 15).
- Building Height-Figure 12: the building height diagram depicting the elements of the proposal exceeding the 8.5m building height standard as viewed from the harbour. This shows that only the top level is above the current 8.5m height limit. Yet in Plan-Analysis (12/11/2024), Plans-Master Set (19/11/2024) submitted with the application the Southern Elevation (page1 of 19), Section A (Page 4 of 19), East Elevation (Page14 of 19) - they all show that part of the level 1 (level below at harbour) the living space is also above the 8.5 m height limit. Page 22. shows if the development was limited to current code there would be a greater reduction to the bulk of the structure and have less impact on views.
- Part 4-Residential Development Controls - the site is zoned D3-1 dwelling per 250sqm. According to the documentation which states “Based on site area of 980.1-3.9, say 4 dwellings. Proposed 5 dwellings”. The site is 980.1sqm, it only complies under the current MDCP for 3 dwellings. While only 19.9 sqm short it is still under the current council requirements. Even with the somewhat arbitrary “rounding up” going on here there is no way 5 dwellings should be permitted where only 3 are currently permissible.

### **Traffic and noise**

Our apartment block sits on the corner of Woods Parade and Lauderdale Avenue. It is at most times a busy and extremely noisy area. Aside from the normal traffic noise, we are subjected to additional noise from cars and particularly motorbikes accelerating up the initial rise of Woods Parade.

The right turn from Woods Parade into Lauderdale is a dangerous one, is it essentially a blind turn with cars moving fast (and often accelerating) westward along Lauderdale (coming from Manly). Added to the potential danger is a pedestrian refuge crossing. Literally hundreds of people cross Lauderdale at that point every single day, often with young children and dogs, as they make their way to Fairlight Beach or the historic walkways. Further, there are bus stops on each side of that area, including adjacent to number 5 which adds to the general chaos and potential dangers. The bus stops (particularly in summer months) are very popular for people

travelling to and from the beach. I have also observed that the bus stop is often used in summer as a pickup point for families who have had to park some way away.

This development proposal adds 11 cars to that mix. 11 cars moving in and out of the building as well as associated traffic which you would expect from any residential apartment block – cleaners, maintenance, repair etc.

I fear that the additional traffic from a development of this size is inappropriate and could add further risk of a potentially devastating accident.

### **The historic foreshore walkway and loss of heritage**

It is a sad fact that this development will inevitably lead to the loss of what should be a heritage property along what is a heritage foreshore and walkway. The proposed development will remove attractive green space as it is seeking to take up as much land as possible.

The bulk, height and scale are excessive, and do not fit in with the existing character of the area and the surrounding coastal and built environment.

The building will be much closer to the foreshore than the current one. From the foreshore there will be four storeys above ground close to the fence line. The building makes no effort to flow down the hill with the slope. The overbearing presentation to the foreshore and waterway is not sensitive to these important heritage areas.

Further, the building fails to employ a built form that relates to the landform and thus does not step down with the slope of the site.

### **View loss**

The Visual & View Impact Assessment by Bonus + Associates concluded “Regarding any view impacts that **may** arise from the development, a Tenacity Assessment confirms that any view impacts are negligible, minor or moderate and that the proposal is reasonable”.

From Unit 4/8 Lauderdale Avenue we totally refute their conclusion as it was reached with flawed methodology and inadequate data.

Firstly, only two view impacts were considered in the development application – and there should at least a third impact – the current views from the master bedroom. Given our apartment has never been on the real estate market the applicant clearly has no data, no reference point and no evidence for making the assertions on view loss that they do.

In the case of images shown our unit 4 and Unit 3 the report states “No REA available for this view. 3D modelling indicates.....To be confirmed by onsite photography if available”. It has not been confirmed. One of the main reasons we bought our unit 31 years ago is that it had and still has water views from the master bedroom. I can assure you if the council approves this application we will lose the view from the bedroom. This has not been addressed in the report.

Unsurprisingly, looking at all the images presented as representing views from 8 Lauderdale Ave, the proponent has clearly made the proposed development look as insignificant as possible.

The Bonus + Associates View Impact Assessment (Bonus VIA) lodged on behalf of the developer should not be taken as reliable. It is based entirely upon real estate photos taken at the time of the last sales of the subject properties and makes no attempt to ascertain the actual view impacts of the development. There is no allowance for the growth in trees and foliage since the last sales of the properties.

The owners at 8 Lauderdale Avenue have commissioned our own independent VIA report from Urbaine Design Group for all seven of our apartments (attached).

Our Owners Corporation is lodging this separately, as an objection. We object against the proposal on the basis that it is unreasonable in respect of the view loss we would suffer, as shown in the photomontage and visual impact assessment at Viewpoints 7-9 (our apartment) in that Urbaine Design Group VIA report.

The “Tenacity” impact of the development upon our apartment (Unit 4) has been assessed by Urbaine Design Group as ‘Severe’. *Tenacity Consulting v Warringah Council (2004) 134 LGERA 23; [2004] NSWLEC 140* makes it quite clear that where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. We suggest that where non-compliance is as egregious as in the current case, any impact at all must be unreasonable.

#### **On a personal note**

Over the twenty-five or so years we have lived in this apartment we have experienced creeping view loss – from both the development at 3A and 3B Lauderdale Avenue and tree growth.

This new proposal will have a depressingly negative impact on the views we have left to enjoy and our overall quality of life.

The development application is a work of fiction in its depiction of the view loss impact on our building. For our neighbour in Unit 3, and those in Units 1 & 2 below, the views would be pretty much obliterated should this development be approved.

From a simple equity point of view, it strikes us as deeply unfair that where someone has purchased a unique and beautiful piece of land, with unfettered shoreline / coastline views that can never be lost, that they may be further allowed to obliterate someone else’s more limited access to those same views.

There is absolutely no reason why a future development cannot be designed to fit in sensitively with the environment and maximise use of the downward sloping land available to them to create not only an attractive property but also minimise its impact on surrounding neighbours.

Surely if there was any fairness in this process, that would be taken into account.

We appeal to the council to not approve the development in its current form. It is a totally unnecessary overdevelopment of the site.

Council at the very least should only approve a complying development, which means less height, fewer units, reduced bulk and structure. However, Council should additionally take into account its own “view-sharing” principles and the principles of fairness.

Yours sincerely

**Hon Kerry W Sibraa AO &**

**Mrs Julie Louise Sibraa**

**Attachment:** URBAINÉ DESIGN GROUP, VISUAL IMPACT ASSESSMENT

OBJECTION to Development Application at DP 24923, 5 Lauderdale Avenue, Fairlight