
From: DYPXCPWEB@northernbeaches.nsw.gov.au
Sent: 1/03/2025 8:29:34 AM
To: DA Submission Mailbox
Subject: Online Submission

01/03/2025

MR James Thomas
7 / 21-25 Clifford AVE
Fairlight NSW 2094
[REDACTED]

RE: DA2024/1835 - 35 Fairlight Street FAIRLIGHT NSW 2094

Development Application DA2024-1835

Submission -James Thomas 7/21-25 Clifford Avenue, Fairlight
10 & 12 Clifford Avenue and 33 & 35 Fairlight Street Fairlight

The proposal represents a doubling of the density from that allowed in the existing controls and substantial change to the character of the area.

Given the excessive expansion of planning controls (FSR, height limits, number of units etc) that the developer is seeking I believe this must not be left to developer to self-assess.

Therefore, Council should have a detailed, auditable and independent, mitigation/management process/plan in place so that residents' rights are protected, and these significant risks are not to be borne/transferred to the residents.

Council must maintain the standards applying to planning control of building developments.

This must not be left to a developer to self-assess particularly when an application by the developer far exceeds the planning controls. Who is responsible to maintain the planning controls? I suggest it is Council.

Specifically:

- Number of units: The Local Development Control Plan (DCP) permits 9.4 apartments on this site. This applicant is seeking approval for 15 apartments (62% non-compliance)
- Floor to Space ratio (FSR): The Local Environment Plan (LEP) permits a floor space ration (FPR) of 0.6. The applicant is seeking approval for a FSR of 1.12 resulting in an 86.1% non-compliance with FRS development standard.
- Height limits: The proposal seeks major variations to the current LEP and MLEP height limits. The maximum proposed height exceeds the current requirements control from between 500mm (5.88%) to 5.37 metres (63.1%).
- Floor Area: The proposed development has a gross floor area of 2626.47m² and a floor space ratio of 1.12:1 resulting in a 1215.27m² (86.1%) non-compliance with the FSR development standard prescribed by clause 4.4 of MLEP 2013

The Proposal;

Further Congested Roads

13 x 3 bedroom apartments and 2 x 2 bedroom apartments, - carparking for 35 vehicles, comprising 31 residential and 4 visitor spaces, accessed via a driveway only from Clifford Avenue placing a heavy traffic burden on an already congested no thru street.

Clifford Avenue is already dangerous with so many cars coming and going from a no thru street. Another 35+ cars exiting/entering in his area will increase the risks for drivers, pedestrians and cyclists. It seems it would be safer to put the car park access on Fairlight

Street given it is not a no thru street and traffic does not congest/bottleneck/create blind spots on that street.

Currently where Clifford Avenue rises up an incline there are "No Parking" restrictions on the southern side of the street. From number 16 Clifford Avenue upwards cars park on the southern side of the street without restriction creating a very narrow channel for vehicles to pass through. The "No Parking" should be extended from the southern side of 16 to 24 Clifford Avenue where the road slightly widens. There is not an adequate turning area at the top of Clifford Avenue and waste disposal vehicles currently have to reverse up the hill through the narrow channel of parked cars and trucks.

There is no plan from the developer to mitigate or manage the excessive increase in traffic/heavy vehicles and the ramifications of this on residents during construction. Clifford Ave is a dead-end street and having trucks, cranes and excavators parked or using Clifford Ave will mean that through traffic will be severely impeded and, in many cases, blocked.

Parking and Waste Collection in Clifford Avenue

If the proposed application is approved, the impact on traffic, parking and waste disposal will be significant. At present, just 2 Lots impact Clifford Ave. Under the proposed development, Clifford Ave will be impacted by all 15 Lots. No provision for visitor parking and overflow will cause further congestion in Clifford Ave which does not have adequate parking for visitors in the street.

Allowance should be made in the Development Application for an off-street storage and collection area to keep such a large amount of waste bins off the kerbside where cars are normally parked. It may not be possible for waste disposal vehicles to access kerbside bins without placing parking restrictions in an already overcrowded street.

Construction

The proposed plans significantly exceed current LEP 2013 FSR and height requirements to maximise the number of apartments the developer is proposing and includes a 34-space carpark underground. This requires excavation to a depth of 15 metres underground across the Clifford Avenue blocks.

No deep drill bore holes done to assess ground quality. There is no Geotechnical report that appropriately assesses the risk associated with the deep level excavation.

Therefore, all of the risks associated with the excavation will be unknown to the residents until after the development is approved.

This is an unacceptable process and risk outcome for residents given the developer is seeking to build a development that is significantly outside current planning LEP and DCP requirements.

Accordingly, if the if development is to proceed compliant with the Local Development Control Plan, FSR, LEP and MLEP then Council should request the developer to provide detailed excavation management plans that assesses vibration.

exposures for adjoining sites, dust management issues, noise issues, water, sewerage and drainage issues and large subsidence issues.

Other significant Impacts

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- Significant amounts of silica dust being circulated in the air during excavation and demolition if existing buildings on the sites
- A potential building time of 24 months or more, considering delays

- Significant traffic management issues with trucks, machinery and builders' vehicles in the two streets. This will be a 6-day a week situation to remove both demolition rubble and excavated ground, then construction. There will be daily and lengthy disruptions to traffic in our small streets particularly 'up the hill' in Clifford Avenue, and in Fairlight Street which acts as a regular traffic flow street for residents.

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