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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
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**To:** DA Submission Mailbox  
**Subject:** Online Submission

04/03/2025

MRS Sophie Rozman  
9 Clifford Avenue  
Fairlight NSW 2094  
[REDACTED]

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

To the assessing officer of this development. We have 8 key objections to the proposed development at this site.

1. Size of development (overall bulk, scale, height)

33 Fairlight St = 621sqm

35 Fairlight St = 328SQM

10 Clifford Ave = 602sqm

12 Clifford Ave = 514sqm

Total development size = 2,365sqm. The permissible dwelling size for the area is 250sqm per dwelling which means that 9 apartments would be allowable based on block size. The DA in its current form proposes 15 apartments which is a considerable non-compliance with legislation.

The Manly LEP also mandates building heights are restricted to 8.5m but this DA is for a development that is 13.87m. This represents a non-compliance of 63.1% (5.37m).

Overall, the proposal results in a development with unreasonable bulk and scale, particularly when compared to all the development in the area but notably within Clifford Ave itself which is where the bulk of the complex will sit. Clifford Ave is comprised of 2-3 story residences with levels recessing as heights increase but this development is for a building over 6 levels without sufficient recessing. While there are some properties on the street who have exceeded the height restriction, this DA proposes a structure that will exceed the height restriction to a much larger degree than has been seen before.

We are particularly concerned as well by the lack of deep soil landscaping within the front setback on Clifford Ave and the side boundaries of the site. This will mean that development cannot be softened by any kind of green canopy- it's simply too big. The structure will simply impose over and dominate the street.

A smaller development that is more evenly spread between Fairlight St and Clifford Ave, respecting both the 250sqm rule and the 8.5m height rule would help to solve these issues.

2. FSR

FSR for Manly LEP is 0.6:1. This proposal is for a development with an FSR of 1.12:1, exceeding what is permissible by 86%. This is such an extreme extent of non-compliance and

we believe likely a strategy by the developer to get a smaller development through but one that still exceeds the 0.6:1 that is permissible by local legislation. This FSR ratio, when combined with the 63.1% variation in height vs. what is permissible would result in a development so large as to be imposing and not at all in keeping with the streetscape of Clifford Ave and indeed, Fairlight as a suburb.

Reducing the number of units and aligning with the permissible FSR- which has been created by council for a number of reasons (but notably for functional reasons such as water absorption which is critical in a what is already a very developed area on sloping land)- would result in a more appropriate development for the area.

### 3. Stormwater

The developers have not provided sufficient detail regarding stormwater for the development. In it's current form, the DA proposes that the water flow on to Clifford Ave. Given the slope to the land, this would result in ALL water from all 4 blocks being directed on to Clifford Ave, an Avenue that already does not have sufficient stormwater infrastructure in place. Council would be aware of this given the stormwater work that has been completed by individual residents on Clifford Ave in recent years.

In particular, the stormwater drains opposite the site to be developed are already prone to flooding in average rain events (simply viewing the Northern Beaches Council flood maps shows the properties on the lower side of Clifford Ave are in flood risk zones). The drains outside number 7 and number 9 block up quickly which results in the street in that area flooding. This development will only make that worse.

Green space plays a critical role in water absorption during rain events but the FSR for this development removes virtually all green space, the consequence of which would be that almost all water from the entire development would flow out on to the lowest part of Clifford Ave which is a huge oversight by the developers.

We ask that they engage a stormwater engineer to plan out a more appropriate stormwater system which includes the use of OSD tanks (which are currently required by all other developments on the street) at a bare minimum and also directs some of the water back up to Fairlight Street to ensure Clifford Ave isn't unfairly required to cope with the entirety of the developments rainwater.

### 4. Traffic

The proposal allows for 35 car spaces all of which would enter and leave the property from Clifford Ave. Clifford Ave is a quiet, no-through road which splits in two directly in front of the development and at that point, the two roads become so narrow as to only allow one car to pass through at a time (i.e. no two-way traffic).

Clifford Ave can not handle this additional level of traffic and in fact, such a huge increase in cars on such a small street would be dangerous given its located at this difficult to navigate split-road junction.

Fairlight Ave is a much larger street and capable of handling higher increased traffic flows. It would make more sense for the development to make Fairlight St the entry and exit point of the development- it will be easier for residents of the complex to use and also safer for the community more generally.

### 5. Waste

We feel it is important to note that currently, due to the narrowness of the street, residents of Clifford Ave from number 9 onwards are required to place their garbage bins in the centre of the street as the garbage truck cannot fit down it. This means that every Tuesday evening, the middle of the street clogs up with bins. The street cannot physically handle any more bins so the development must allow for a garbage truck to be able to enter the site to collect all

garbage within the property itself.

If this isn't possible, we would recommend the bin bay be placed on Fairlight street so the council garbage trucks do not have further issues accessing the street.

#### 6. Privacy & noise pollution

The location of the apartments 1-8 are all orientated towards Clifford Ave which means they will look directly into the living spaces (including bedrooms) of numbers 5, 7 and 9 Clifford Ave. This means all three properties lose a considerable degree of privacy with this development, particularly when you take into account the proposed height of the building and given insufficient green space has been allowed at the front of the development to create any kind of privacy for current residents of Clifford Ave.

The additional noise that will come from such a large and over-bearing development will also be heavily felt by 5, 7 and 9 Clifford Ave.

#### 7. Clifford Ave impact

We are disappointed to note that a number of submitted documents have not been updated to consider the developments impact on Clifford Ave. Instead they appear to focus on impacts for Fairlight St (the original proposed development site). This is surprising given the bulk of the structure, all its traffic and all its stormwater will have to be handled by Clifford Ave.

We request that all reports be updated to take into consideration the impact for Clifford Ave to ensure that the developers are made aware of and can address all the issues that the development will create for the street.

#### 8. Precedent

Finally, it is important to note that all other developments in the area have had to adhere to the rules of Manly LEP. Allowing this material level of overdevelopment to go through purely for the profit of the developers is inequitable and at the direct loss of all the actual existing residents.

Should it be approved then it would create a precedent that council would have to allow for all other properties to leverage as approved standards must be applied fairly to all.

The result of this however, would detract from the streetscape of Clifford Ave and Fairlight as a suburb.

Council has created rules around height and FSR for a reason. It is obvious to us that this proposal flouts those rules so considerably that they cannot believe they will be approved in their current form and that they are hoping to get a slightly smaller development, but one that still breaks all the LEP guidelines, through. Whatever is approved however, must be fairly applied to all so we request council take this into serious consideration during the approval process.

In summary, Clifford Ave is a very tight-knit community with many residents having been there for decades. We care about our street and our community. Development is important and we do not object to new housing being built but what we do object to is developers trying to break the rules. Why should they be exempt from following height restrictions and FSR and from following the streetscape clause (3.1.1.1) that makes it clear any development should complement the area and ensure bulk and design does not detract from the scenic amenity of the area?

This DA would be a serious overdevelopment for the area and has not taken stormwater, traffic or privacy sufficiently into account. Were it to be approved it would create a dangerous precedent for development in the area.

