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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 1/07/2022 4:42:28 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

01/07/2022

MS E Nesbitt  
2 / 37 Fairlight ST  
Fairlight NSW 2094

**RE: DA2022/0688 - 35 Fairlight Street FAIRLIGHT NSW 2094**

Dear Lashta,

Please find my submission below of the proposed DA 2022/0688.

I have itemised several non-compliances to the council code of the proposed Development.

The non-compliances discussed below, amongst other things, overall create an excessive bulk and scale of the building. This results in an unnecessary and unacceptable impact on the adjoining property at number 37 Fairlight St. The amenities which impact our property, we request to be addressed, via amendment of the proposed development, in particular relating to loss of solar amenity, privacy, and view line.

In its current form I object to the proposal i the subject DA.

I am open to discussing amendment of the proposal including reduction in the scale and bulk of the development particularly in the south western end of the proposed building, in a manner to not impact our property. I request the opportunity to discuss this with you Lashta, or the developer, at your earliest convenience.

Please find below my points highlighting non-compliances, resulting in an impact on our property:-

1. Scale of the structure - the proposed building appears to be excessive in bulk and scale. Although I am supportive of on-site parking, as a result of the multiple additional parking an storage areas over that for the 6 units, the resultant development is much more bulky than would otherwise be the case.
2. FSR is 0.85, the Control sets an upper limit FSR of 0.6. The non-conforming FSR results in an excessive bulk, scale and design proposal which adversely affects the amenity of neighbouring buildings including #37, In this regard, this control should not be relaxed.
3. The DCP allows 4.9 dwellings. The proposal shows 6 dwellings. It would also appear the design could easily be adapted to provide 8 dwellings. Given the extreme bulk and scale of the proposal, this control should not be relaxed as this would affect the amenity of neighbouring buildings including #37.
4. Front setback - the application advises "existing setback to be respected." The survey shows the existing front setback of #35 to be 8.565m, whereas the new building setback appears to be 5.4m?

5. Excavation and ground levels - the proposal appears to show that existing natural ground levels are to be changed so that habitable rooms can be constructed at the front and rear which would otherwise be partly underground. If the building is setback the required amount the L2 rooms at the front would be aboveground. If the building were to be constructed at existing ground levels then the proposed GF would not contain habitable rooms or dwelling spaces. The additional size of the proposal would need to be reduced in scale to achieve compliance with the controls.
6. Height of building - the application requests relaxation of the control concerning height of building. At issue is the overall bulk and scale of the development which will affect the amenity, in particular the views and solar access and view line, of #37, as such this control should not be relaxed.
7. Rooftop terrace - the plans show a rooftop terrace. This terrace will result in unacceptable imposition on the privacy of residents in adjacent properties. The DCP states "In particular, roof terraces and large decks are discouraged and are not a preferred design option when providing open space above ground". This terrace should not be permitted to the extent that it impacts in any way on the privacy of #37.
8. The proposal will significantly shadow and unreasonably and significantly disadvantage views of #37.
9. Solar access - s4A of the Apartment Design Guide sets out requirements for solar access. The diagram show that 2 of the 6 dwellings will receive no direct sunlight between 9am and 3pm at midwinter (only 15% or 0.9 permitted). In addition, it would appear that the 2 hours of direct sunlight claimed for 2 other apartments would not comply with the guidance set out in the ADG. Changes to the bulk and scale property and POS area at #37.
10. I note that the proposed development differs from the ADG Compliance Report dated 26/11/2021 in that the report relates to 5 units (6 on plan), and reports 1 south facing unit?
11. Excavation risk - the plans suggest significant excavation very close to #37. We request Determination Conditions on any approval to include dust control measures, insurances as applicable, and regular engineering supervision.

Thankyou, please dont hesitate to contact me on my phone or by email.'