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**Sent:** 7/09/2020 12:07:20 AM

**Subject:** Application No. DA2019/1447 - Submission to the Development Determination Panel (DDP)

**Attachments:** Submission to the Development Determination Panel - Application No. DA2019-1447.pdf;

SM & MR Kotecha  
25 Alan Avenue  
Seaforth NSW 2092

6<sup>th</sup> September 2020

**Re: Proposed Development at 27 Alan Avenue, Seaforth Application DA2019/1447**

Thank you for notification of the upcoming Development Determination Panel (DDP) on Wednesday 9th September in regard to the above DA. We also appreciate the panel members meeting us on Monday 7th September at 25 Alan Avenue.

This is a response to the Assessment report published on the council website on 2nd September.

After reading the Council Assessment Report, included as Item 3.1 on the Agenda for the DDP meeting, we wish to address the Panel. We strongly believe that the key concerns we have raised in our prior two submissions have not been satisfactorily addressed.

We are most unhappy and not satisfied with the poor way the Assessment report has handled our objections. This is particularly so on aspects of the development that clearly do not comply with the council development guidelines.

The proposed sub-division of one lot at 27 Alan Avenue into two lots, that are **narrower in width and not consistent with how blocks further along Alan Avenue have been subdivided**, is an important point not picked up in the assessment.

The applicant is seeking to build substantial properties normally found on larger blocks. With the applicant seeking to build a bulky house (bulk and scale) on a narrow small block at number 27 Alan Avenue, 306.1sqm on a lot size of 613.1sqm, the applicant is clearly contravening a number of important council development standards which we see no justification to do so, and should therefore not be accepted.

The Council compliance assessment against the Manly Development Control Plan (DCP) highlights the non-compliance with the development standards as regards the following key clauses:

- Clause 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)
- Clause 4.1.3 Floor Space Ratio (FSR)
- Clause 4.1.4 Setbacks (front, side and rear) and Building Separation

**Number of storeys**

*The number of storeys is clearly **three** and not two.*

*The proposed development is presented as a two storey development with a basement level garage. The basement level garage involves the levelling of the site from the driveway to the proposed basement level garage resulting in the garage being located below the existing ground level. It is noted that the site would not be considered steep and therefore it is considered that the purpose of the basement level of the garage is to provide a three storey development within the 9m LEP height limit and that complies with the DCP control 4.1.2.2 Number of Storeys.*

**Floor Space Ratio**

*The proposal has a total gross floor area of FSR: 0.5:1 (Lot 1: 306.1sqm & Lot 2: 308.9sqm), representing a **11.1% variation to the Floor Space Ratio development standard** of 0.45:1 (275.9sqm) under the MLEP. Again non-compliant.*

### **Building Setback**

The **non-compliance of the side-setback to our property is significant** as highlighted in the assessment:

- Existing side boundary - 1.509m - 3.559m (33.5% variation to the numeric control)
- Proposed side boundary - 0.95m - 2.9m (**58.1% variation** to the numeric control)

It is noted that as the proposed development is for the Torrens title subdivision of the site from one lot into two **with each of the lot containing a future dwelling that the proposed internal side boundary needs to be considered in the assessment of the setbacks**. This has **not been addressed** in the Assessment report and is clearly non-compliant!

The extent of negative impact the development has when viewed from our property is significant. The side elevation fronting 25 Alan Avenue is a long façade that is substantial in height and is located within close proximity to the boundary. **The building extends considerably further into the site than surrounding dwellings, a key point not highlighted in the Assessment report, and results in substantial building bulk.**

We do not agree with the Assessment that the proposed development is well articulated and modulated so as to break down the visual appearance of the built form when viewed from our property.

For all these reasons the DA should not be considered acceptable.

Kind regards,

SM & MR Kotecha