
Sent: 5/04/2021 6:44:03 PM

Subject: Submission on Review of Determination of 27 Alan Avenue - Application
Number - REV2021/0009 (DA2019/1447)

Attachments: Submission Review of Determination - Kotecha.pdf;

SM & MR Kotecha
25 Alan Avenue
Seaforth NSW 2092

Northern Beaches Council
Department of Planning
1 Belgrave Street
Manly NSW 2095

5 April 2021

Att: Jordan Davies, Planner

**Reference: Notice of Proposed Development Review at 27 Alan Avenue, Seaforth
Application Number - REV2021/0009 (DA2019/1447) - Review of Determination of Application DA2019/1447**

We live on 25 Alan Avenue, Seaforth and have been living at the property for 15 years.

On examining the lodged review documents, including Modified Plans, we note that they look very much like the original plans, with some minor modifications, that was **unanimously refused by the Determination Panel**. The owners appear to have tinkered with the plans to address one or two of the factors highlighted by the Panel but the revised plans still largely fail to address the clear reasons stated by the Determination Panel for refusing the Development Consent, which was provided in the minutes of the development determination meeting dated 15th September 2020.

Some of the **specific reasons stated by the Determination Panel** in the minutes that have not been addressed include:

- ***“lot layout is inconsistent with the prevailing subdivision pattern in the street and the locality. In this regard, the creation of two 10.0m wide lots does not reflect the established subdivision and streetscape character, where lots are generally 15 to 20 metres in width with wider dwellings and associated setbacks”***
- ***“the proposed dwellings involve non-compliant side setbacks and wall heights and will have a visually dominant 3 storey presentation at the front elevation, which results in a proposed development that is unacceptable in terms of the impacts on residential amenity and the character of the street and locality.”***
- ***“Bulk - The proposed builds present an unacceptable visual bulk to the adjoining properties”***
- ***“Non-compliance with Side Setbacks – the non-compliance with side setbacks is not supported as they will result in inadequate building separation, unacceptable impacts on the amenity of neighbouring properties and a landscape setting for the proposed dwellings that is not envisaged by the controls, especially in relation to front and side setback areas.”***

I have listed below the main reasons for our objections to the revised plans:

1. The bulk and scale of the box-like development on our side boundary continues to result in a visually dominant presentation.
 - This will have an excessive and unreasonable impact on our amenities, especially the significant loss in our privacy. This is an overbearing development.
 - With the development extending significantly beyond the current footprint of the house, and the proposed side-setback, in close proximity to our adjoining side boundary, will have a major crowding impact on our property and amenities.
 - The building extends considerably further into the site than surrounding dwellings.

- The significant size of the construction proposed will have a particularly detrimental impact on our amenities in the swimming pool, entertainment and kitchen areas where we spend most of our family time.
- 2. The proposed sub-division of one lot at 27 Alan Avenue into two lots are narrower in width and the lot layout is inconsistent with the prevailing subdivision pattern in the street and the locality. The sub-division clearly does not reflect the established streetscape character.
- 3. We are deeply concerned about the extent of the excavation to accommodate the garages and swimming pools. A major excavation on sandstone bedrock close to our property is a major engineering risk, which may cause structural damage to our property. We would like to put the council and owners of 27 Alan Avenue on notice that this a significant concern that has been raised.
- 4. The significant non-compliance of the side set-back remains the case with the revised plans
- 5. Whilst there has been some modification to the positioning of the garage, which requires major excavation and may cause structural damage to our property, the development will still have a visually dominant 3 storey presentation at the front elevation.
- 6. We continue to be concerned about some blockage/shadowing of the late afternoon sun in the outdoor entertainment area. This is because of the bulk and scale of the development.

it clearly seems the owners are still having little regard and consideration of the impact of the development on our property and the other neighbours. The revised plans continue to not meet many of the council guidelines and the factors stated for the refusal of the original plans. The revised development plans continues to be non-compliant in several key areas.

I do note that our neighbours at 23 Alan Avenue are building a CDC strict compliant development with the right setbacks, wall heights, streetscape, privacy etc so we do not see why the owners at 27 Alan Avenue shouldn't also be following the rules and guidelines set by the council and the findings of the Determination Panel. **The following is stated on the council website for developments - "whether it's a major project, a new house, or an extension, you need to follow the rules".**

I have also attached our prior two submissions to the original plans as most of the reasons raised remain the case with the revised plans.

We would welcome a site inspection and an opportunity to discuss the above points I have raised. If you require a site inspection please kindly contact us on 0413768480.

Kind regards

SM & MR Kotecha

Submission 1 – 27 January 2020

SM Kotecha
25 Alan Avenue
Seaforth NSW 2092

27th January 2020

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

I live on 25 Alan Avenue, Seaforth and have been living at the property for over 14 years with my family.

On examining the proposed dual occupancy plans I have 5 major concerns:

1. The significant size of the construction proposed, significantly beyond the existing footprint of the current house, will have a detrimental impact on my privacy in the swimming pool, entertainment and kitchen areas where I spend most of my family time.
2. Some blockage/shadowing of the afternoon sun in the outdoor entertainment area during the summer months.
3. A permanent alteration of the nature of the street being the first dual occupancy block developed which is not in keeping with the other buildings, particularly on the proposed length of the development, which extends well beyond where other properties sit in the surrounding area close to our home. The bulk and scale of the development will have an excessive and unreasonable impact on the amenity of our property. The proposed developments appears to be more of a medium density residential than a low density residential.
4. The proposed development is not being built within the Manly DCP requirements with regards to both the Side Setback, which is significantly smaller than the minimum 1/3 of the height of wall, and the maximum floor space ratio, which is higher than the maximum FSR of 0.45:1 allowed. This is unreasonable given the overall bulk and scale of the proposed development.
5. The extent of the excavations and risk of structural damage to our property.

1. Loss of Privacy

a. Outdoor Area

The proposed development is being extended significantly further down, beyond where the existing house sits, to the end of the swimming pool area. Building a 2-level home, where the second level of the development will have a clear view of an area where we spend a significant portion of our family time, will clearly lead to a significant loss in privacy and quality of our personal private space.

The photographs below shows both the outdoor area with the swimming pool and the current house on 27 Alan Avenue, on the other side of the fence.

The proposed new development is extended to the left, to where the swimming pool area almost meets the garden. You can see the significant loss in privacy as well as a change in the natural aesthetics where we will lose our outlook.

Photograph 1 – Outdoor area of 25 Alan Avenue



Photograph 2 – Swimming pool area of 25 Alan Avenue



b. Outlook from our kitchen window

Likewise the large, double level property that is being extended beyond the current house will create privacy issues into the kitchen area.

Photograph 3 – View from the kitchen window to the existing house on 27 Alan Avenue



These photographs show the very significant loss of privacy from the proposed new development.

2. Blockage/Shadowing of the afternoon sun

Whilst there have been no shadow diagrams provided for the summer solstice my view is that in the summer months the size and closeness of the new development to my property will lead to a loss, for a number of hours, of the late afternoon sun.

3. Streetscape

The new proposed development is not consistent and sympathetic with the rest of the street and all three neighbouring houses. In particular, the length of the property is not consistent with other houses on the street as shown in the photograph below. The extension of the proposed development extends beyond where the current house sits and is not in line with the existing houses in the immediate surrounding area. This would be the first development of its type on the street and

could not be considered to complement the existing streetscape and surrounding properties.

27 Alan Avenue SEAFORTH NSW 2092



4. Council Guidelines

The proposed development is not being built within the council rules with regards:

- Based on the Manly DCP requirement the Side Setback should be a minimum $\frac{1}{3}$ of the height of the wall, therefore the proposed Setback of 1.559m should correspond with a wall height of only 4.677m. The wall height along the Western boundary with our property is significantly greater in the proposal.
- The maximum floor space ratio which at 0.5:1 is over 10% higher than the maximum FSR of 0.45:1 allowed. This is unreasonable given the overall bulk and scale of the proposed development.

I believe these non-compliances are major and does result in a significant loss of privacy.

Considering the very large size of the development very close to my boundary, and the significant privacy concerns, it seems the owners are having little regard for their neighbours and council guidelines. The following is stated on the council website for developments - "whether it's a major project, a new house, or an extension, you need to follow the rules".

5. Excavation/Vibrations

I am concerned with the risk of structural damage from the extent of the excavations and vibrations to accommodate the basement garages and swimming pools as highlighted in the Geotechnical report. I request that the applicant prepares a dilapidation report as a condition of the report and agreements by me and the applicant be required as part of the approval process.

In considering any potential development, with the significant loss of privacy, I would be grateful if the owners were to set-up a privacy screen between our building and the proposed building on 27 Alan Avenue:

- By planting maturing trees of 2.5m high that will grow to a 8-10m height
- Windows on top (skylights) of the house and not to the side overlooking our house, especially the swimming pool and outdoor entertainment area. This ensures they have light coming into their house but not visually directly looking into our swimming pool, outdoor entertainment area and kitchen area. An alternative may be privacy windows using opaque glass that allows light to come into the house but not be able to look out.

I would appreciate your consideration of my concerns for this proposed development and would welcome the opportunity to discuss my concerns with the council. If you require a site inspection please kindly contact me on 0413768480.

Kind regards,

Sejal Kotecha

Submission 2 – 14 July 2020

SM & MR Kotecha
25 Alan Avenue
Seaforth NSW 2092

Northern Beaches Council
Department of Planning
1 Belgrave Street
Manly NSW 2095

14 July 2020

Att: Phil Lane, Principal Planner

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

Thank you for visiting our property at 25 Alan Avenue last week in connection with the proposed development at 27 Alan Avenue, Seaforth, DA2019/1447.

Having reviewed the revised plans on the council website it appears that minimal changes have been made to the original plans and they do not address the 5 significant concerns highlighted in our previous submission sent on the 27th January 2020, which I have included below. They also do not address most of the objections detailed in the submission by Outlook Planning and Development town planning consultants. We also note the amended plans does not include a list of what changes have been made from the initial plans viewed in January 2020.

Our main objection continues to be the excessive and unreasonable impact the development will have on our amenities, especially the significant loss in our privacy, which we detailed in section 1 of our first submission.

This is an overbearing development. The bulk and scale of the box-like development on our side boundary, extending significantly back over two levels, beyond the current footprint of the house, and the proposed side-setback, in close proximity to our adjoining side boundary, will have a major crowding impact on our property and amenities. I also noted that the Outlook Planning and Development's submission clearly highlighted the development is non-compliant in several key areas including floor space ratio, building setback and number of storeys, most of which have not been addressed in the amended plans.

Kind regards,

SM & MR Kotecha