
Sent: 5/04/2021 11:01:30 PM
Subject: FW: Submission Review of Determination Anderson RE Proposed Development at 27 Alan Avenue Seaforth
Attachments: Submission Review of Determination Anderson .pdf;

Attention : Jordan Davies, Planner Northern Beaches Council

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

Dear Jordan,

Please find attached our submission on the proposed development at 27 Alan Avenue Seaforth DA2019/1447, REV2021/0009. This submission has been prepared and submitted to meet the submission deadline of 6th April 2021.

Kind Regards,

William (Bill) Anderson
Ph 0407062096

WV & EJ Anderson
29 Alan Avenue
Seaforth NSW 2092
5th April 2021

Northern Beaches Council
Department of Planning
1 Belgrave Street
Manly NSW 2095
Att: Jordan Davies, Planner

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

Development Application DA2019/1447:

We lodged Submissions to the Council on 27th January 2020 and 13th July 2020 regarding Development Application DA2019/1447. In our Submissions we raised 4 major concerns summarised as follows:

1. The unreasonable impact on the amenity of our property due to the significant bulk and scale of the proposed 2 Lot development, which extends far beyond the existing footprint of the current single storey dwelling and which has a Floor Space Ratio in excess of the development standard in the planning regulations.
2. The adverse impact on sunlight access and privacy of our property caused by the reduced building Side Setback of the proposed development which is not in accordance with planning regulations.
3. The risk of structural damage to our dwelling and inground pool due to the identified geotechnical hazards from considerable excavation works on sandstone bedrock and possible long-term impacts to drainage on our property.
4. The proposed subdivision, creating two small narrow lots, is the first such development in the street and will not maintain the character of locality and streetscape.

Further comments and photographs detailing these concerns were provided in our Submissions, refer below to **Appendix A & Appendix B** to be read in conjunction with this Submission.

Following a Development Determination Panel (DPP) meeting, we were notified on 22 September 2020 that Development Application DA2019/1447 had been **Refused**. Importantly the Notice of Determination states the proposed development is not in the public interest and is inconsistent with planning regulations clauses related to Minimum Subdivision Lot Size, Streetscape, Wall Height, Number of Storeys and Side Setbacks. We concur with Council's findings/reasons as stated in the Notice of Determination.

Development Review REV2021/0009

Council letter dated 18th March 2021 advised that REV2021/0009, being a request for Review of Determination of Application DA2019/1447, had been lodged. We have viewed the lodged review documents, including Modified Plans, and consider there are insufficient modifications to warrant any change from the previous **Council Determination – Refused**.

There has been no change to the lot layout which is inconsistent with the prevailing subdivision pattern in the street. The proposed development continues to present as a visually dominant 3 storey development when viewed from our property, despite changes shown to the proposed building design North Elevation.

The proposed Side Setback on the western boundary of 27A Alan Avenue along our side boundary remains inadequate for the proposed excessively elevated building. The proposed building Wall Height in the Modified Plans is shown as 6.8m or above along our side boundary. The minimum Side Setback under the planning regulations (Manly DCP) based on Wall Height should therefore be 2.27m. The Modified Plans show the proposed Side Setback has been slightly increased from 1.559m to 1.710m (an increase of 151mm) however this is still significantly narrower than the regulations require based on the 6.8m (and higher) Wall Height.

The Plan Modifications of the proposed building at 27A Alan Avenue include extending the garage wall along our side boundary creating a large front terrace area (depth of 4.850m) above the garage and a large front balcony (depth 3.415m) on the upper (third) floor. Given the proximity of the proposed development to our property we consider these modifications will have significant adverse impact on the amenity of our property and raise concerns of extensive loss of privacy impacting on the enjoyment of our pool area. Similar, but smaller, front terrace and balcony are shown for 27 Alan Avenue and will also negatively impact the amenity of our pool area. The side privacy screens on the front terrace and upper balcony of 27A Alan Avenue, up to a height of 1.65m, as shown on the Modified Plans will not be sufficient to provide us with reasonable privacy.

The Modified Plans show an additional window WB 34 has been added. The windows on the western side of proposed dwelling 27A Alan Avenue facing our side boundary, including windows WB 11 & WB 12 which have direct viewing into our Living / Dining room, are non-compliant with the required Setback under the planning regulations (Manly DCP). The inadequate setback of windows results in an unacceptable loss of privacy in our Living / Dining room and private outdoor area.

Conclusion

We continue to have major concerns with the Proposed Development regarding the bulk and scale of the building, the height of the building with the 3-storey configuration in the front of the building, the inadequate side setback, the adverse impact on sunlight access and privacy, risk of structural damage to our dwelling and importantly the negative impact on the character of locality and streetscape with a lot layout that is inconsistent with the prevailing subdivision pattern in the street. The disregard for key provisions of the planning regulations resulting in negative impacts on the amenity of our property and the character of the street and locality warrant a REV2021/0009 Review finding by Council of **Refused**, consistent with the previous DA2019/1447 Determination.

We would welcome a site inspection and the opportunity to discuss our concerns with Council.

Yours Sincerely,

WV & EJ Anderson

APPENDIX A

WV & EJ Anderson
29 Alan Avenue
Seaforth NSW 2092
27th January 2020

Northern Beaches Council
Department of Planning
1 Belgrave Street
Manly NSW 2095
Att: Phil Lane, Principal Planner

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

My wife and I are retired professionals and we have been living at 29 Alan Avenue, Seaforth for 35 years. Our property lies on the western boundary of the proposed development site at 27 Alan Avenue, Seaforth. We have an inground pool and surrounding paved terrace at the front of our property that we use extensively during summer. We enjoy the use of our rear deck and garden throughout the year, for playtime with our grandchild and entertaining friends.

After examining the documents shown on the Council website for the proposed demolition works and construction of a dual occupancy at 27 Alan Avenue, that involves the demolition of an existing single storey dwelling and the construction of two new detached two storey dwellings, with basement garages, plus two swimming pools, we have identified 4 major concerns:

1. The unreasonable impact on the amenity of our property due to the significant bulk and scale of the proposed two storey development, which extends far beyond the existing footprint of the current single storey dwelling and which has a Floor Space Ratio in excess of the development standard in the planning regulations.
2. The adverse impact on sunlight access and privacy of our property caused by the reduced building Side Setback of the proposed development which is not in accordance with planning regulations
3. The risk of structural damage to our dwelling and inground pool due to the identified geotechnical hazards from considerable excavation works on sandstone bedrock and possible long-term impacts to drainage on our property
4. The proposed dual occupancy subdivision is the first such development in the street and will not maintain the character of locality and streetscape

In support of our Submission we have provided further comments regarding our concerns with the proposed development in the following paragraphs:

1. The proposed development extends far beyond the rear building line of our property and neighbouring properties. It will remove any easterly views currently available from private open

spaces at the rear of our property and reduce sunlight access to private open spaces and habitable living rooms including living / dining area and kitchen. There will be a loss of privacy due to the ground floor and first floor windows along the Western side wall of the proposed new dwelling at 27A that will directly overlook into our internal living / dining areas and the private open spaces at the rear of our property which are used for daily enjoyment. We consider that the bulk and scale of this development, which extends significantly beyond the existing house footprint at 27 Alan Avenue, and blocks the entire length of the boundary of our house and rear garden, will have an excessive and unreasonable impact on the amenity of our property.



Easterly views from rear private open space

The Statement of Environmental Effects prepared by Nolan Planning Consultants includes a variation of development standard regarding the maximum floor space ratio (FSR). The proposed development is shown as having a FSR of 0.5:1 in contravention of the Manly LEP which limits maximum floor space for this area to an FSR of 0.45:1. The proposed FSR exceeds the FSR regulation by more than 10% and such variation is considered to be unreasonable given the overall bulk and scale of the proposed development which impacts on the amenity of our property.

The wall height is stated in the documents to be approximately 6.3m. However, viewed from the Western boundary adjoining our property, the proposed development is significantly higher due to the sloping nature of the 27 Alan Avenue block and the raising of the floor level at the front of the dwelling to accommodate the basement garage and plant room. The total building height (incorporating flat roof) is much closer to the maximum control height of 8.5m along the boundary with our dwelling. We consider the height and length of the structure, which is significantly greater than the existing dwelling to have an unreasonable impact on the amenity of our property. Note there are insufficient measurements shown on document diagrams and Height templates have not been erected.

2. The non-compliance with planning regulations on Side Setbacks for this two storey development is significant and will adversely impact on our property as regards shadowing and privacy. The

development proposal provides for a Side Setback of only 1.509m on the Western boundary (refer Statement of Environmental Effects prepared by Nolan Planning Consultant). Based on the Manly DCP requirement the Side Setback should be 1/3 of the height of the wall, therefore the proposed Setback of 1.509m should correspond with a wall height of only 4.5m. The wall height along the Western boundary with our property is significantly (more than 50%) greater in the proposal. As stated earlier the wall height in the proposal is approximately 6.3m and therefore the minimum Side Setback under planning regulations should be 2.1m. Furthermore, the height when measured from existing ground level in the front would mean a Side Setback greater than the minimum would be more reasonable to address neighbouring shadowing and privacy.

The Side Setback of the existing single storey dwelling, as viewed from our living / dining room window, is greater than 4.0m. The proposed 1.509m Side Setback on a two storey dwelling will lead to a significant decrease in solar access for our living / dining room and is considered unreasonable.



Side Setback of existing dwelling viewed from our Living/Dining Room

The documents include shadowing diagrams on 21 June and indicate that there will be additional overshadowing onto the south eastern window of our dining/living room during winter as a result of the proposed development. The reduction in solar access to our main internal living/dining area is of concern to us. There have been no shadow diagrams provided for the summer solstice, however it is clear the proposed development will result in significant overshadowing in the morning on the windows in our family room / kitchen during the summer months.

An additional privacy concern arises with the front ground floor and first floor balconies from both proposed developments (at 27 and 27A) that will overlook into our front pool and terrace area. To avoid loss of privacy impacting on the enjoyment of the pool area, appropriate privacy measures are required for the balconies.

3. The Geotechnical Report prepared by White Geotechnical Group identifies that significant excavation work is required to accommodate the two basement garages and the two swimming pools. The report has highlighted that there is considerable sandstone rock on the development site and that the garage excavations will take place approximately 2.5m away from our house. We are greatly concerned that the excavations and vibrations may cause structural damage to our house,

inground pool and surrounding paving. We therefore request that the applicant prepare a dilapidation report as a condition of the proposed development and that mutual agreement of such report be required as part of the approval process.

It is anticipated that the extent of excavations into rock and the scale of building construction may have unknown consequences on the stormwater & surface run off and we are concerned that this should not cause long term impacts to drainage on our property.

4. Alan Avenue lies within a low-density residential environment. The Environmental Effects Report page 5 states that the existing surrounding development comprises a variety of single and two storey dwellings and two storey apartment buildings on similar sized allotments. This is not correct as there are no two storey apartment buildings in Alan Avenue. Most of the surrounding dwellings reside on large blocks of land with wide frontages, are set back and do not impact on the streetscape. This proposed dual occupancy would be the first such development and could not be considered to complement the existing streetscape and surrounding properties.

27 Alan Avenue SEAFORTH NSW 2092



We request Council to give due consideration to the above concerns we have raised regarding the proposed development. We would welcome the opportunity to discuss our concerns with Council. If you should require further information or require a site inspection, please do not hesitate to contact us.

Yours Sincerely,

WV & EJ Anderson

APPENDIX B

WV & EJ Anderson
29 Alan Avenue
Seaforth NSW 2092
13th July 2020

Northern Beaches Council
Department of Planning
1 Belgrave Street
Manly NSW 2095
Att: Phil Lane, Principal Planner

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

After viewing the plans and documents for the above Proposed Development, we made a Submission to Council on 27th January 2020. In our Submission we raised 4 major concerns as follows:

1. The unreasonable impact on the amenity of our property due to the significant bulk and scale of the proposed two storey development, which extends far beyond the existing footprint of the current single storey dwelling and which has a Floor Space Ratio in excess of the development standard in the planning regulations.
2. The adverse impact on sunlight access and privacy of our property caused by the reduced building Side Setback of the proposed development which is not in accordance with planning regulations
3. The risk of structural damage to our dwelling and inground pool due to the identified geotechnical hazards from considerable excavation works on sandstone bedrock and possible long-term impacts to drainage on our property
4. The proposed dual occupancy subdivision is the first such development in the street and will not maintain the character of locality and streetscape

Further comments and photographs detailing these concerns were provided in our Submission which is attached as **Appendix A** for reference.

We were subsequently notified on 24 June 2020 of Amended Plans for the above Application and have now viewed the amended document on the Council website. We note the document does not include a list of what changes have been made from the initial Plans viewed in January 2020.

In our opinion the Amended Plans do not address the 4 major concerns we raised regarding bulk and scale of the proposed development, the variation on the Floor Space Ratio to exceed the development standard, the

height of the building and the adverse impact on sunlight access and privacy with the Side Setback not in accordance with planning regulations, the negative impact on the character of locality and streetscape. We therefore continue to have these same 4 major concerns expressed in our Submission dated 27th January 2020 regarding the proposed development.

Regarding our concern of adverse impact on Sunlight Access and Overshadowing arising from the Height of the Building and the inadequate Building Side Setback we wish to add to our Submission the following photographs taken during winter 2020 to support our comments:

- a) The Building Height and Side Set Back of the proposed development will remove the existing solar access that we enjoy from the eastern window of our dining/living room during winter months from 9am to 1pm



Existing Sunlight Access to our Living/Dining Room Window at 9.53am on 3rd July 2020



Existing Sunlight Access to our Living/Dining Room Window at 9.52 am on 3rd July 2020

- b) The Building Height and Side Set Back of the proposed development will create additional overshadowing of our private open space during winter months.



Existing Sunlight Access to our Kitchen/Family Room Window at 10.13am on 3rd July 2020

Around 11am on 8th July 2020 Mr Phil Lane, Principal Planner visited our property at 29 Alan Avenue, he obtained an understanding of our concerns with the proposed development and observed the existing winter sunlight access to the eastern window of our dining/living room and to our private open spaces. Mr Lane took several photographs from the front and the rear of our property and our living/dining room as part of Council assessment of the proposed development.

The impact of the proposed development on the amenity of our property at 29 Alan Avenue is concerning us greatly and we urge the Council to seek further amendments to the plans in accordance with planning regulations in order to fully address the concerns we have raised in our Submissions. We are happy to accommodate a further site visit by Council if required.

Yours Sincerely,

WV & EJ Anderson