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**Sent:** 27/01/2020 5:12:34 PM  
**Subject:** FW: Submission on Proposed Development at 27 Alan Avenue  
**Attachments:** Submission Anderson 1B.docx;

ATTENTION: Phil Lane Principal Planner Northern Beaches Council,

Dear Phil,

Please find attached our submission on the development at 27 Alan Avenue Seaforth DA2019/1447. This submission been prepared and submitted now in order to meet the Submission deadline of 28<sup>th</sup> January.

We received the Council notification letter on 6<sup>th</sup> January and were interstate on holiday until the following week. This combined with the lack of availability of planning consultants during the holiday period meant it has not been possible in the remaining weeks of January to fully review and absorb all the documents available. We note that Council has discretion to accept submissions after the end of the notification period.

Kind Regards

William (Bill) Anderson

WV & EJ Anderson  
29 Alan Avenue  
Seaforth NSW 2092  
27<sup>th</sup> 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.



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