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**Sent:** 15/07/2020 4:26:01 PM  
**Subject:** RE: DA2019/1447 (27 Alan Avenue Seaforth)  
**Attachments:** July - Objection - 27 Alan Avenue Seaforth.pdf;

To whom it may concern,

Please find attached the submission for the above DA on behalf of 25 Alan Avenue Seaforth.

Kind regards,

**Josh Taylor**

Principal Planner

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**Please note** that my work days are currently Monday to Thursday.



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## Objection Report to DA2019/1447

27 Alan Avenue Seaforth

On Behalf of the residents of:

25 Alan Avenue Seaforth



## **Objection Report**

**DA2019/1447**  
**27 Alan Avenue Seaforth**

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## 1 Introduction

Outlook Planning and Development were engaged by the residents of 25 Alan Avenue Seaforth to review the application for the proposed new dual occupancy development at 27 Alan Avenue Seaforth. A submission was prepared and submitted in relation to the issues discovered with the original development plans. Modified plans were recently submitted by the applicant and Outlook Planning and Development were asked by the residents of 25 Alan Avenue to review the plans and made comment in regard to whether the plans respond to the issues raised in the original submission.

It is noted that the amended plans were not submitted with a revised statement of environmental effects or a schedule of changes to determine what changed with the development.

## 2 Background

### 2.1 Site Description

The site is identified as Lot81 in DP 4889 which is known as No. 27 Alan Avenue, Seaforth. The site is a rectangular shaped allotment located at the southern side of Alan Avenue. The site has an area of 1,226.3m<sup>2</sup> with a frontage of 20.118m to Alan Avenue and a depth of 60.960m.

The site is currently occupied by a single storey brick and tiled roof dwelling with attached garage and located centrally on site. Vehicular access to the site is via concrete driveway tracks located adjacent to the western side boundary.



The subject site is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; **Dual occupancies**; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems

### **4 Prohibited**

Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3

## **2.2 Proposed Development**

The statement of environmental effects provides the following description of the development:

*This proposal seeks approval for the demolition of the existing dwelling and construction of a two detached dwellings and Torrens title subdivision. The development will be constructed of a mixture of stone and light weight cladding with a flat metal roof. Landscaping and stormwater works will be incorporated into the development.*

*The proposed development will be provided with setbacks to Alan Avenue ranging from 9.55m from the planter of Dwelling A and 10.3m from the terrace of Dwelling B. The lower level garages are recessed behind the terraces above. Setbacks of at least 1.5m are provided to the sites eastern and western side boundaries. The lower level provides parking for each dwelling. Each garage is sufficient*

*for parking 2 cars with access to the subfloor area and plant behind the garages. Internal access is provided from the garage to its appurtenant dwelling.*

*The layout of each dwelling comprises the following:*

**Ground Floor:** *Entry, family room, laundry, bathroom, bedroom, kitchen, dining and living room.*

**First Floor:** *Four bedrooms (main with ensuite) and bathroom. All collected stormwater will be directed to the street gutter in Alan Avenue via rainwater reuse tanks in accordance with Council controls.*

*The proposal also seeks approval for the Torrens Title subdivision of one lot into two.*

*The proposed boundary will be consistent with the proposed built form and result in the following allotments:*

**Proposed Lot A:** 613.17m<sup>2</sup>

**Proposed Lot B:** 613.17m<sup>2</sup>

*The proposal will result in the following numerical indices:*

**Site Area:** 1.226.3m<sup>2</sup>

**Proposed FSR:** 615m<sup>2</sup> or 0.5:1

**Total Open Space:** 674.9m<sup>2</sup> or 55%

**Landscaped Space:** 394.6m<sup>2</sup> or 58% of the total open spa

**Comment:** *The proposed changes provide a minor reduction to the height of the building and provide privacy screens on the side elevation fronting 25 Alan Avenue.*

### **3 Planning Assessment**

#### **3.1 Floor Space Ratio**

The proposed development is required to have an FSR of 0.45:1 and the statement of environmental effects states that the development has an FSR of 0.5:1 (GFA of 613.15sqm). A clause 4.6 variation request accompanies the development application seeking an exception to the clause 4.4 development standard.

The clause 4.6 states that strict compliance with the development standard is unnecessary as the development complies with the outcomes of the clause. Through the assessment of the development application it is considered that the development does not comply with the outcomes of the control as provided:

*Objective: (a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*

**Comment:** The existing character of the area consists of single dwellings in a landscaped context with the dwellings being single and double storey. The desired character of the area, as provided in the DCP is for dwellings with a maximum storey height of 2 storeys. It is noted that the bulk and scale of the development is considered to be non compliant as the building does not have been setback from the side boundaries at the first floor level and therefore contributes to a box like development.

*Objective: (b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*

**Comment:** As mentioned above and later in this report the proposed development is considered to result in an undesirable bulk and scale and is not in accordance with the character of the area. The proposed landscaping for the development is considered to be minimal and will not result in a positive landscaping outcome for the site and the area.

*(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*

**Comment:** The proposed development is considered out of character for the area particularly when considering the context of the street. An assessment of the character of the development against the relevant Planning Principle is provided later in this report.

*(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*

**Comment:** The proposed development is considered to result in an adverse impact on the adjoining neighbours due to the large extent of the building on the side boundary becoming an overbearing building and resulting in impacts to the amenity of the neighbouring properties.

*(e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

**Comment:** Not applicable.

It is considered that as the development does not achieve the outcomes of the control that the clause 4.6 for the variation to the Maximum Floor Space Ratio development standard is not sufficient. It is requested that the development be reduced in size to comply with the FSR control and reduce the bulk and scale of the development.

**Comment:** *The proposed changes provides no change to the FSR for the site.*



### 3.2 Height of Building

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*.

DCP Control 4.1.2.2 *Number of Storeys* provides the following:

- a) *Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.*
- b) *Buildings on land in areas 'L' and 'N1' on the LEP Height of Building Map Buildings must not exceed 3 storeys notwithstanding the wall and roof height controls in this plan.*
- c) *Variation to the maximum number of storeys may be considered:*
  - where specific physical site constraints warrant an exception to this requirement.*
  - i) *In these circumstances the development must still fully comply with other numeric height controls and development standards; and*
  - ii) ***to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.***

*See also paragraph 3.1.1.3 Roofs and Dormer Windows.*

The Manly Local Environmental Plan 2013 provides the following definition for a basement:

***basement*** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

The survey notes that that existing ground level at the proposed garage location has an RL of between 57 and 57.3 AHD. It is noted that the FFL of the garage is 56.1AHD and the FFL of the “ground floor” being 59.00AHD. As the FFL of the ground floor is more than 1m above existing ground level the garage is not considered to be a basement under the LEP and DCP and therefore does not comply with the control.

**Comment:** *It is noted that the proposed amended plans have not changed the number of storeys for the dwelling but only a minor reduction in the height of the building*

### 3.3 Streetscape and Character

It is considered that the proposed development does not comply with the streetscape and character of the locality. The statement of environmental effects provides the following in regard to the developments impact on the streetscape:



*The proposal provides for the demolition of the existing structures and construction of two detached dwellings and Torrens title subdivision. The development presents as two detached dwellings that are well articulated through the use of balconies, varied finishes, setbacks and modulation. It is considered that the proposal provides for a development that is compatible with the existing surrounding streetscape which comprises a mixture of single storey post-war red brick bungalows and two storey modern development (90's onwards). The development will be compatible with the style and form of the surrounding dwellings by providing appropriate front setback and modulation of the front facade.*

The proposed development is considered to not be compatible with the surrounding development. The Planning Principle, Project Venture Developments Pty Ltd v Pittwater Council 2005, provides a clear assessment path to determine whether a development is compatible with the surrounding development. The Principle establishes the following two questions to be answered to determine whether a proposal is compatible with its context:

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

An assessment against the planning principle follows:

**1. Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.**

As mentioned in this assessment, the development has substantial impacts on the surrounding developments with impacts on the bulk and scale and the amenity of the neighbouring properties

**2. Is the proposal's appearance in harmony with the buildings around it and the character of the street?**

This report addresses that the development is out of character of the street and the area due to the bulky size of the development. The proposed development is considered to be not in accordance with the surrounding development as it results in a large building element within the front setback and is considered to be of a bulky design and therefore should not be approved. A redesign should be requested to reduce the bulk and scale of the development.

The proposed development is considered to be out of character for the area and particularly out of character considering the surrounding development. The surrounding development provides articulated buildings with second storeys being setback from side and front boundaries to reduce bulk and scale while creating a sense of openness between dwellings. The development will present itself to the street as a visually dominant development with minimal openness and articulation and results in substantial impacts of views due to the bulk and scale.

**Comment:** *It is noted that the proposed amended plans have not changed the overall look of the dwellings and therefore the character of the development is still inconsistent.*

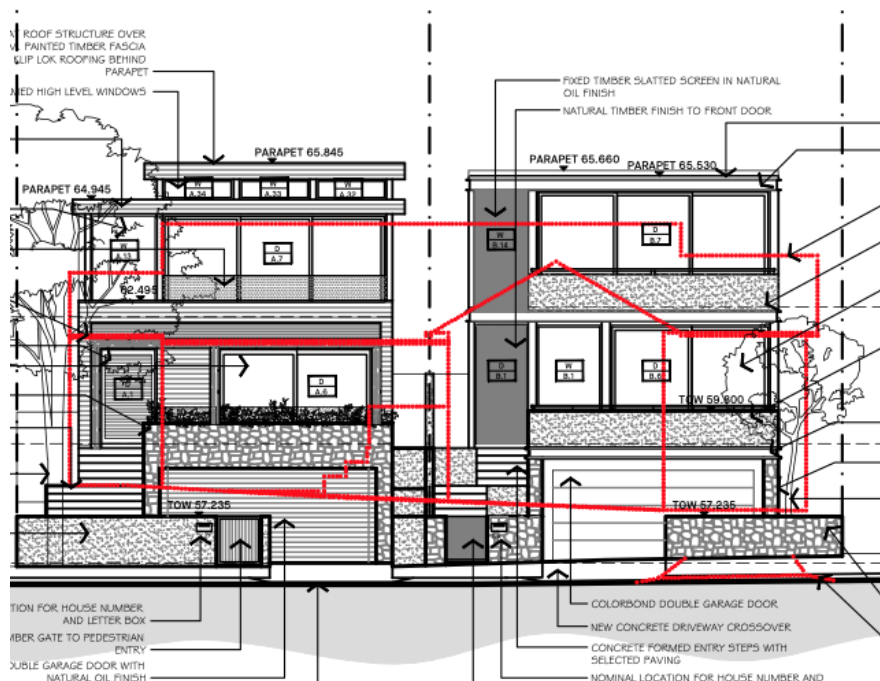
### 3.4 Privacy

The proposed development results in privacy impacts of the swimming pool area of 25 Alan Avenue with the upper floor of 27 Alan Avenue providing unacceptable overlooking into the main area of outdoor entertainment of 25 Alan Avenue. The privacy impact is as a result of the substantial bulk of the building compared with the surrounding dwellings with the dwelling extended significantly further back than the existing dwellings. It is requested that the proposed development be redesigned to reduce the size of the dwellings and to provide greater side setbacks to minimise privacy impacts on the adjoining neighbours.

**Comment:** *The proposed changes provide a minor reduction to the height of the building and provide privacy screens on the side elevation fronting 25 Alan Avenue. It is noted that the development still will result in privacy and visual impacts on 25 Alan Avenue with privacy impact being at the rear of the development.*

### 3.5 Building Bulk

The proposed development presents itself to the road and to the adjoining properties as a large obtrusive development and is considered to be non-compliant regarding building bulk. It is considered that the front elevation fronting Alan Avenue is a bulky design that does not take into consideration the context of the street and instead presents itself as two large, bulky, and domineering three storey dwellings.



The particular concern from the owner of 25 Alan Avenue Seaforth is the extent of impact the development has when viewed from their property. 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 and results in substantial building bulk.

**Comment:** *The proposed changes provide a minor reduction to the height of the building and provide privacy screens on the side elevation fronting 25 Alan Avenue. The building bulk is retained and is not considered to be acceptable in the context of the street.*

### 3.6 Building Setback

The development is considered to be non compliant in regards to the side setback with Council's DCP requiring the following:

*Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.*

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.

The proposed wall height development is shown in the statement of environmental effects as being 6.5m requiring a minimum side setback of 2.16m. It is noted that the development does not comply on the two existing side boundaries and it is noted that the development does not comply with the side setback of the proposed internal boundary. As such the development is considered to be substantially non compliant with the side setback requirement and therefore amended plans should be requested to reduce the size of the development and provide setbacks that comply with the minimum setback requirement.

**Comment:** *The proposed changes provide a minor reduction to the height of the building and provide privacy screens on the side elevation fronting 25 Alan Avenue. No changes have been made to the building setback.*



#### **4 Conclusion**

It is noted that the residents at 25 Alan Street are not anti-development on this site however they feel that any development occurring on site should be designed with a good neighbour approach and impacts, particularly around the character of the development and the bulk and scale should be reduced or removed.

The overall bulk and scale of the development is of a particular concern to the residents who feel that the dwelling is an over development of the small site and should be scaled back to a size that is more realistic and fitting for the site and area.

As the development results in a number of non compliances that impact the amenity of the adjoining residents, we request that Council seek additional information by way of amended plans to reduce the size and impact of this development.

It is noted that the development only provides a minor reduction in height of the parapet and provide privacy screens on the side elevation. The overall non-compliance with the character of the area and the visual dominance for the building remains and it is still not considered acceptable.