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**Sent:** 16/05/2023 9:57:57 AM  
**Subject:** Submission - DA2023/0455

Dear Kye

We are writing in response to the submitted plans for 1 Phyllis Street, North Curl Curl.

We are the owners of no.16 Ian Avenue, situated directly to the west of this property.

We are supportive of development and understand that the new owners want to improve this home.

Our concern is that the proposed development breaches Council controls significantly, and that the non-compliant works will result in view loss from our main living areas.

### **1. Height limit**

The proposal grossly breaches the height limit. The existing house is already well above the 8.5m height limit and this proposal worsens this breach, with new sections of house both to the north and to the south of the existing building over the 8.5m limit, resulting in an 11% non-compliance.

In point 3.9 of the SEE which is intended to address Privacy, Views and Outlook, there is no mention of views at all, and it is stated that "the new areas do not directly impact neighbouring properties".

This is incorrect, as the non-compliant extensions will impact on our views of the ocean to both the north and south. If the works were compliant we would understand that it's acceptable view loss, but when it results from a gross breach of the LEP/ DCP controls we do not believe that this is supportable by Council.

Rapid Plans cannot claim to use the *natural* ground level to measure height when this property already enjoys additional amenity due to the previously significantly excavated levels, and in fact proposes *to excavate deeper again to create more habitable space*.

A height blanket diagram using existing ground levels is a noticeable omission from this application and should be added for clarity.

### **2. Front setback/ side building envelope**

The proposed deck and roof to the north of the house will worsen the existing front setback and building envelope breaches at both first and second floor levels. Again this new section of roof is impacting on our views from our main living/ dining area and our front deck.

The Statement of Environmental Effects states that these breaches are reasonable considering "the location of the existing garage and built form and existing terrain" and that there is "currently limited existing off-street parking to 1 Phyllis Street" so building out on top of the garage is necessary. Council will note this property is the only one on Phyllis Street or Ian Avenue to have two driveways and two garages. There is a garage on Phyllis Street and a garage on Ian Avenue, and an additional two off-street car parking spaces, resulting in a total of four off-street parking spaces. Therefore it is not a reasonable argument for breaching the controls that the garage on Phyllis Street has to be worked around.

The SEE also claims that the breach of the front setback allows "safer access" to the site. This is simply not true - the access is already safe and will remain unchanged under the new proposal.

### **3. Over development of site**

Council will note that the existing house already grossly breaches the landscaped open space control (15% compared to a required 40% minimum) and impervious area control (85% compared to the required 60% maximum) - we understand that this proposal is not making these existing breaches any worse, however these non-compliances indicate that this is a site that is already heavily built upon.

In summary, we do support aesthetic development of this property and believe the owners have proposed some positive improvements, however further non-compliant development should not be permitted as this house is already extremely dominant due to it being so high above the allowable height limit.

Kind regards

Anna & Matt Williams



**Anna Williams**

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