

1 Spicer Road,  
Oxford Falls NSW 2100

RE: S and J Davey - DA2109/0610

We wish to object to this application on the basis of several matters:

1) Proximity of proposed dwelling to our southern boundary.

The Nolan Statement of Environmental Effects refers only to the non-compliance of the proposed dwelling to the rear boundary (3.638 to 7.299m vs 10m minimum setback requirement).

There is no mention of the non-compliance of the proposed building to our common boundary (the Davey's northern boundary) which will be 4.015m vs 10m minimum setback requirement.

I include photos taken of this boundary after running a string line between two surveyor's pegs marking our rear corner and common boundary with the Daveys.







The demolition of the existing dwelling and the construction of a new dwelling provides the opportunity for the non-compliant setback to be rectified.

## 2) Built form

Prior to ownership by the Daveys, the original deck area did not extend past the line of the house; access used to be via the couple of steps on the western end of the deck. The existing house is stepped back in appearance so sits into the slope.

The proposed dwelling will sit over both the extended deck and house footprint and being almost twice as big and more bulky in appearance, will dominate the side boundary shown in the above photograph. With the demolition of the existing house and the erection of a new dwelling, the opportunity for appropriate setback is provided.

### 3) Parking.

The Nolan Statement of Environmental Effects (Clause 71) states that the proposed development will be 'retaining existing driveway access and provides for ample area on site for at grade parking. There is also sufficient area for manoeuvring to enable vehicles to enter and leave the site in a forward direction'.

**The photographs above show that more than half the parking and turning area that the Davey's utilise is on our property.** This area has been increased by the current and previous owners with building materials (roof tiles, concrete, soil and rock) over the years without consultation with us.

Should we or future owners of our property choose to erect a dividing fence on this boundary, the access for the Davey's dwelling would be severely limited.

We have broached the subject of parking with Mr Davey on a number of occasions, believing that the future potential for both the amenity and value of his property would be improved with the adequate provision of parking. The demolition of the existing building and siting of a new dwelling provides the appropriate opportunity to do this.

- 4) This DA should be assessed in conjunction with DA2019/0326, which is for the erection of a metal shed, our concerns being that siting of the shed precludes the use of this area for construction of a dwelling (see attached).

We are also concerned that if the proposed dwelling is approved there will be applications to amend it, aimed at extending the footprint during construction, as has occurred with the construction of the child care centre by our other adjoining neighbour, Mr Russell Loel.

### 5) Bushfire Threat.

The bush fire setback requirement can never be met if the house or its replacement remain on the current footprint, and while we agreed to let Mr Davey clear scrub on our property in order to take photographs, it is not our intention to allow that in the future, and nor is it a responsibility of ours to manage it.

In the 'Bushfire Threat Assessment' by Firebird, page 15 (8.4 Objective 4) – 'Ensure the safe operational access and egress for emergency personnel and residents is available' has as its response 'The proposed dwelling will have direct access to Bombah Point Road'.

In the 33 years we have lived in Spicer Road we have never known of the existence of this road anywhere in our vicinity. There is a "Bombah Point Road" somewhere on the North Coast, presumably near Bombah Point, but not listed anywhere in Oxford Falls.

- 6) It is intended that access to the proposed new dwelling will be via the existing driveway. From the first photograph the side boundary marker peg is marked with white paint. There is no potential for a 1m margin on either side of the driveway at this point, unless fill is installed on our property. We would not consent to this.

In conclusion we feel that better provision for adequate access, parking and compliant side setback for the proposed dwelling should be required by council.

Yours sincerely,

Barry and Glynnis Condon

29 July 2109