

SM & MR Kotecha

25 Alan Avenue

Seaforth NSW 2092

9TH May 2021

Re: Review of Determination of Application DA2019/1447

REV2021/0009

27 Alan Avenue, Seaforth

Thank you for notification of the upcoming Development Determination Panel (DDP) on Wednesday 12th May with regards to the above Review of Determination of Application REV2021/0009-DA2019/1447 which will be included as Item 3.5 on the Agenda. We also appreciate the panel members meeting us on Tuesday 11th May at 25 Alan Avenue.

This is a response to the Assessment report published on the council website on 5th May.

We wish to address the Panel after reading the latest Council Assessment Report. We strongly believe that the key concerns we have raised in our prior submissions have not been satisfactorily addressed in the report. **This is particularly so on aspects of the development that clearly continue to not comply with the council development guidelines and the reasons stated for refusal of the original DA by the Development Determination Panel on 15th September 2020.** We therefore do not agree with the recommendations of the assessment report that the application should now be approved.

Our major objection to the proposed development is that the **development bulk and scale is too large for the land size and results in it being visually overbearing on our property significantly impacting our amenities.** The applicant is seeking to build substantial properties normally found on much larger blocks. Significantly contributing to the bulk and scale are the woefully inadequate side setbacks, significantly less than one third of the height of the adjacent external wall of the proposed building on both the east and west side as required by the Council's DCP. **We also strongly believe that the amended development will impact any future development on our property by the applicant contravening a number of important development standards.**

A detailed expert submission was provided to the council on the 22nd April, on our behalf, by Outlook Planning & Development town planning consultants which we would appreciate the Panel to carefully consider. In the report it was their expert view that **the review of determination appears to be the same development that was refused.** This was also acknowledged in the Assessment report where on page 6 of the report the planning officer states that "A review of the original and amended plans has found that there are fundamental similarities between the original and the amended design".

Key Points raised in the submission from Outlook Planning & Development details how the amended plans continue to contravene the council development standards and that it has not addressed the reasons for refusal by the DPP in September 2020. The key points raised by Outlook Planning & Development include the following:

- The proposed development is considered to **result in an undesirable bulk and scale and is not in accordance with the character of the area.**
- DCP control states that 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. 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.**
- 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.**
- 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 has not been setback from the side boundaries at the first floor level and therefore contributes to a box like development.**
- With regards to DCP Control 4.1.2.2 Number of Storeys 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.
- The **development has substantial impacts on the surrounding developments with impacts on the bulk and scale and the amenity of the neighbouring properties.** 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.**
- **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.
- 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.**

We request that the proposed development be redesigned to reduce the size (bulk and scale) of the dwellings and to provide greater side setbacks, which comply with the minimum setback requirement, to minimise the impacts on our amenities.

Yours sincerely,

SM & MR Kotecha