

**RE: PROPOSED "DWELLING ALTERATIONS AND ADDITIONS", DA NO. 58347/2020, PPTY: 2C AMETHYST AVENUE, PEARL BEACH.**

Dear Sirs,

I refer to the abovementioned Development Application (DA) seeking approval for proposed "*Dwelling Alterations and Additions*" on a property known as 2C Amethyst Avenue, Pearl Beach (subject site).

I note that the subject site is very small in area, being well below the Minimum Lot Size Standard under Gosford Local Environmental Plan 2014 (LEP 2014).

I was requested by the owner and resident of an adjoining property to the west at 19A Diamond Street, Pearl Beach to provide my professional opinion on the abovementioned proposed development.

I confirm that I have examined the documents, plans, reports and Statement of Environmental Effects (SEE) lodged in support of the current DA.

I note that an Original SEE was lodged by the Applicant, but this Original SEE applied the incorrect Planning Controls.

As a result, I note that the Applicant has lodged an Amended SEE in support of the proposed development. Accordingly, this submission addresses the Amended SEE.

I have also inspected the subject site from my Client's property and also viewed the subject site from the adjoining Amethyst Avenue.

Prior to providing my points of objection, I wish to provide the following preliminary points:

- i. By way of introduction, I wish to advise you of my qualifications and experience. I am a Consultant Planner with 15 years' experience in 3 Local Government Councils, including 9 years as a Senior Development Control Planner. I hold a Bachelor of Town Planning Degree from the University of NSW and a Bachelor of Laws Degree (Hons) from the University of Technology, including a High Distinction in Environmental Studies. I have appeared as an Expert Planning Witness for 9 Councils in the Land and Environment Court (Court) and I have also appeared in numerous Appeals as a Court Appointed Expert.
- ii. I note the recent decision of Wayne Herd, Section Manager, Central Coast Building Certification – South, to renotify the current DA due to the deficiency in the Original SEE referred to above and other concerns relating to the adequacy of the original documentation and plans lodged with Council. Despite the fact that

the current DA will be renotified to adjoining owners and the general public, I have decided to lodge this submission in response to the current DA. If the renotified plans, documents and Amended SEE raise additional points of concern, then I will submit a further submission during the future period of renotification.

It is my strongly held opinion that the proposed development is unreasonable and is not worthy of approval. My objections against the proposed development comprise the following points:

#### 1. MISDESCRIPTION OF PROPOSED DEVELOPMENT AGAINST PLANNING PRINCIPLE OF THE COURT.

- The current DA is described as proposed “*Dwelling Alterations and Additions*”. I strongly disagree with this description based on the Court’s Planning Principle entitled *Coorey v Municipality of Hunters Hill* [2013] NSWLEC 1187 (*Coorey*).
- The above Court Planning Principle in *Coorey* establishes the “*extent of demolition*” which applies to “*alterations and additions or a new building*”.
- At paragraphs 56 to 62 in *Coorey*, his Honour, Justice Moore, established the Planning Principle so as to decide whether a proposed development should be characterised as “*alterations and additions*” or a “*new building*”.
- At paragraph 61, his Honour Justice Moore held that “*Obviously, the greater the overall extent of departure from the existing position, the greater the likelihood the proposal should be characterised as being for a new building*”.
- The Court’s Planning Principle in *Coorey* established both qualitative issues and quantitative issues which must be considered in the final determination as to whether a proposed development should be characterised as a “*new building*” or “*alterations and additions*”.
- Based on my assessment of the qualitative and quantitative issues outlined in *Coorey*, I consider that the proposed building represents a very significant building compared to the existing building. The proposed building should be characterised as a “*new building*” for the purposes of re-exhibition and assessment by Council. Simply put, the existing building is a very modest single storey structure, whereas the proposed building is a significant 2 storey building.
- In terms of **qualitative** issues at paragraph 59 of *Coorey*, I note the following:
  - i. There will be a very significant change in the appearance of the proposed building compared to the existing building when viewed from Amethyst Avenue and adjoining properties.
  - ii. There will be a change in landscaping on the subject site.
  - iii. There will be a very significant change in the streetscape appearance of the proposed building compared to the existing building.
  - iv. The outlook from within the existing building will be significantly altered as a consequence of the proposed development. On this point, I note that future occupants of the proposed building will have a significant increase in outlook compared to the outlook from the existing building. On this point, there is a new proposed 2<sup>nd</sup> storey with a very large outdoor deck which will provide a significant increase in the outlook compared to the outlook from the existing single storey building.
  - v. There will be a fundamental change in the characteristics of the form of the existing structure. At present, the existing building is a very modest single storey structure, whereas the proposed building is a significant 2 storey structure.
- In terms of **quantitative** issues at paragraph 60 of *Coorey*, I note the following:
  - i. The proposed site coverage will be increased by the proposed building.
  - ii. The existing building breaches some relevant Planning Controls and the proposed building will exacerbate some breaches and generate additional breaches.
  - iii. The proposed building envelope of the proposed building represents a very significant increase compared to the existing building, primarily because of the proposed 2<sup>nd</sup> storey addition. The existing building is a very modest single storey structure whereas the proposed building is a significant 2 storey structure which significantly increases the building envelope.
  - iv. Some of the boundary setbacks are proposed to be changed.
  - v. The existing landscaping will be changed in association with the proposed building.
  - vi. The proposed Floor Space Ratio will be very significantly increased.
  - vii. The proposed roof form will be very significantly changed (as well as the fact that the current roof is at ground level whereas the proposed roof will be on top of the proposed 2<sup>nd</sup> storey addition).

- viii. There will be alterations to the car parking and garaging on the site. On this point, the existing carparking space will be relocated under the proposed development.
- ix. There will be little relationship between the existing very modest single storey building compared to the significant 2 storey building proposed under the current DA.
- Thus, I am strongly of the opinion that the proposed development should be characterised as a “*new dwelling*” and the description should be adopted for purposes of re-exhibition and assessment by Council. As you are aware, it is vital that the proposed development must be correctly described for the purposes of re-exhibition.
- The existing building is a very modest single storey structure when compared to the significant 2 storey structure now currently proposed. Please refer to attached photograph of the existing building compared to a 3D image of the proposed current building prepared for the current DA.

## 2. ENVIRONMENTAL PLANNING CONTROLS FOR PEARL BEACH

- Council’s Development Control Plan is entitled “*Gosford Development Control Plan 2013*” (DCP 2013).
- Due to the fact that Pearl Beach has a “*special character*”, Council also formulated unique “*specific controls*” for Pearl Beach under DCP 2013.
- Of particular importance are the following comments contained in Section 5.10 entitled “*Pearl Beach Residential Development*” under the abovementioned DCP 2013:
  - i. “*Pearl Beach has a special character. It has widely recognised scenic beauty; the beach itself, the headlands, the view of Broken Bay, the surrounding hills of Brisbane Water National Park*”.
  - ii. “*Pearl Beach is the only village wholly the area classified by the National Trust of Australia as the Broken Bay Entrance Landscape Conservation Area and the unique character of Pearl Beach should therefore be protected*”.
  - iii. “*Uncontrolled development will lead to buildings which dominate the landscape at the expense of the natural environment. Council, when considering Development Applications, have regard to the building bulk of development as it effects the visual amenity of the street, reserves, neighbours, the general balance between vegetation cover and the built form. This Chapter of the DCP which provides specific Controls for Pearl Beach enables Council to implement that Policy*”.
  - iv. There are various Objectives under Section 5.10.3 relating to “*Pearl Beach Residential Development*” including, but not limited to, the following:
    - “*2 To ensure that land is used and developed in a way that is compatible with and respects the natural and built character of Pearl Beach*”.
    - “*6 To prevent buildings from intruding into the natural environment due to their bulk, height, colour and materials*”.
    - “*7 To minimise the adverse impact of development on the amenity of the area*”.
    - “*8 To encourage a high level of urban design which recognises the form and character of the important built and natural context*”.
- Thus, Pearl Beach has a high sensitivity requiring “**a high level of urban design**” which recognises the natural environment and minimises the adverse impact on the amenity of the area, both in relation to private properties and the private domain. The DCP 2013 provisions relating to Pearl Beach stress the sensitivity of the general locality.
- The Pearl Beach provisions under Council’s DCP 2013 were, in fact, formulated given the classification of the National Trust of Australia of Pearl Beach as part of the Broken Bay Landscape Conservation Area. Furthermore, the Pearl Beach Locality provisions under DCP 2013 were prepared following community consultation including consultation with the Pearl Beach Progress Association. The DCP 2013 provisions relating to Pearl Beach must be “*significantly greater weight than one adopted with little or no community consultation, given that the Pearl Beach provisions were, in fact, adopted after intense community consultation*”. Please refer to the Court’s Planning Principle in *Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472 (*Stockland*).
- The fact that Council considered it necessary to prepare a unique set of Planning Controls for the Pearl Beach Locality places even more importance for the Planning Controls of Pearl Beach. Thus, I consider that significant weight must be given to the provisions of the Pearl Beach Residential Development Area given the above circumstances. Please refer to the following sections of this objection which assesses the proposed development against the relevant Planning Controls for Pearl Beach Residential Development under Council’s DCP 2013.

### 3. RESPONSES TO AMENDED SEE

- As noted previously, the Original SEE did not assess the proposed development against the correct Planning Controls, particularly Section 5.10 entitled “*Pearl Beach Residential Development*” under Council’s DCP 2013.
- An Amended SEE was belatedly lodged with Council which assessed the proposed development against the provisions of Pearl Beach Residential Development under Council’s DCP 2013.
- I consider that the Amended SEE still does not properly consider the proposed development against the relevant provisions of Section 5.10 entitled “*Pearl Beach Residential Development*”. Please refer to comments below.
- In the 1<sup>st</sup> paragraph on page 3 of the Amended SEE, the author of the SEE justifies the breach of the allowable Floor Space Ratio (FSR) Control under Council’s DCP 2013 on the basis that the exceedance “*is necessary for the amenity of the dwelling as a whole to cater for the owner/occupier working from home in semi-retirement while also catering for family visiting and staying at the house for extended periods of time*”. These are **not** valid grounds to support variation of the FSR Control. Personal amenity needs is **not** one of the objectives of the FSR Control. On this point, I note the Court Planning Principle in *Davies v Penrith City Council* in which his Honour, Justice Moore held at paragraph 120 that “*It is long established law that proper planning decisions are not made on such a basis. Development consents run with the land and proposals for consent are to be assessed in that light rather than by consideration of what might be “necessary” for any present or proposed occupants or the beneficiaries of any consent*”. Thus, it is not valid for the author of the SEE to seek to justify the FSR breach (and other breaches) by referring to the personal needs of the future occupants.
- At the bottom of page 3, the Amended SEE discusses the proposed “*Alterations and Additions*”. As advised above, I am strongly of the opinion that the current DA is a “*New Dwelling*”, rather than the currently described “*Alterations and Additions*”. Assessment of the current DA should be on the basis that the proposed development is for a “*New Dwelling*”.
- In the middle of page 6, the Amended SEE states that “*the siting of the proposal maximises and maintains existing generous separation between its closest residential neighbours*”. This claim is incorrect. The proposed development brings proposed structures closer to adjoining properties, including my Client’s property and significantly increases the Visual Bulk and Scale of the existing building. Of particular concern is the proposed 2<sup>nd</sup> storey addition, with an excessively large deck (approximately 50sqm). Furthermore, the application proposes screens of 1.8m high to try and resolve Overlooking Impact. Where a 1.8m high screen is proposed, this would remove Overlooking Impact, but adds even more bulk and scale to a proposed building which is already excessively bulky.
- In relation to my Client’s property, it appears that only a 1m high balustrade is proposed around the deck which would still result in a line of sight into the private open space area, deck and dwelling on my Client’s property.
- Furthermore, I consider that this excessively large deck has the propensity for adverse Acoustic Impact.
- At the top of page 7, the Amended SEE claims that “*the new additions and alterations reflect the modest scale and simple articulation of traditional early to mid-twentieth century cottages and bungalows*”. I strongly disagree. The proposed structure cannot be considered to be a traditional “*cottage and bungalow*” of “*modest scale*”.
- I note the Amended SEE discusses Council’s Front Setback Control. In the 1<sup>st</sup> paragraph under the section entitled “*Front Setback*” on page 9, the Amended SEE justifies the breach of the Front Setback Control of 6m by saying that “*the existing house already has a front setback of 1.025m, which is consistent with the adjacent neighbouring property to the east*”. I strongly disagree for the following reasons:
  - i. As previously noted, the proposed development constitutes a “*New Dwelling*”. Accordingly, I consider that the proposed development should observe the 6m Front Setback Control.
  - ii. The Amended SEE seeks to justify the breach of the Front Setback Control by noting only 1 adjacent property which has a similar front setback. To use only 1 adjoining property is not reasonable.
  - iii. It is a flawed justification to justify the breach of the Front Setback Control based on the existing building which is a very conservative single storey structure, whereas the proposed building is a significant 2 storey structure.

- iv. By providing only a minimal setback to the front boundary for such a significant structure does not achieve the objective of reducing the *“appearance of bulk”*.
- In relation to Council’s Side Setback Control, the Amended SEE seeks to justify the current proposed setbacks. I disagree for the following reasons:
  - i. When one views the Pearl Beach Residential Development Controls under Section 5.10 of Council’s DCP 2013, Clause 5.10.9 deals with *“Building Setbacks”*. Clause B4 relates to a *“dwelling house with a building height of more than 3.8m”*. I calculate the required Side Setback as follows:
    - a) The Side Setback Controls for Pearl Beach is the sum of points 1 and 3 of Control b4.
    - b) I calculate the required setback as 1m (being one quarter of the additional building height above 3.8m), **plus** a minimum of 0.9m under DCP 2013 (given that the Pearl Beach provisions do not prescribe a minimum Side Setbacks for small lots as in this case. Thus, the Pearl Beach provisions are *“silent”* in relation to small lots and thus one must then go to the DCP 2013 provisions).
    - c) Thus, I calculate the required Side Setback Control as 1.9m.
  - ii. Thus, the eastern side setback at both Ground and First Floor level do not comply with the required side setback of 1.9m.
- The proposed development also significantly breaches the Rear Setback Control of 6m.
- The Amended SEE seeks to justify this breach of the Rear Setback Control by relying upon the existing building. I again say that this justification is flawed for the following reasons:
  - i. The proposed dwelling should be described a *“New Dwelling”* and not reliant should be made to the existing building.
  - ii. Even if the existing building is to be relied upon, the existing building is a very conservative single storey structure whereas the proposed 2 storey building is significant.
  - iii. Furthermore, the proposed 2 storey building has 1.8m high screens along the eastern and northern edges of the proposed First Floor *“deck”*, which further increases Visual Impact on adjoining properties.
- At the bottom of page 12 in the Section entitled *“Private Open Space Areas”*, the Amended SEE claims that the proposed development significantly exceeds the minimum requirement under DCP 2013. I disagree. The Pearl Beach Locality Section of DCP 2013 requires the *“open space area shall not be less than 50% total site area”*. The definition of *“Open Space Area”* is *“that part of the site not occupied by any building and which is predominantly landscaped by way of planting of gardens, lawns, shrubs or trees”*. Based on a site area of 236.2sqm, the Open Space Area should be 118.1sqm. The Architectural Plans do not demonstrate 118.1sqm of the site *“which is predominantly landscaped by way of planting of gardens, lawns, shrubs or trees”*. Most of the subject site is occupied by the proposed building and associated verandahs and paving. Thus, I consider that there is a breach of the Open Space Area Control.
- At the top of page 12 in the Section entitled *“Building Styles”*, the Amended SEE claims that *“verandahs and decks are also used to reduce building bulk and contribute to the character of the Pearl Beach vernacular”*. I strongly disagree. The proposed First Floor deck is excessive in area, well beyond that required for a single dwelling house. This elevated deck poses adverse Overlooking Impact into my Client’s property and other properties where there is only a 1m high balustrade proposed. As previously advised, the northern and eastern edges of the proposed First Floor deck have 1.8m high screens, but there is only a 1m high screen on the western edge facing my Client’s property. Please refer to additional comments below. At other portions of the First Floor deck, a 1.8m high *“green wall”* is proposed which poses adverse Visual Impact.
- I also consider that the proposed excessive deck poses potential adverse Acoustic Impact due to the size of the proposed deck.
- I consider that the impacts arising from the proposed excessive deck is contrary to the Court’s Planning Principle in *Super Studio v Waverley Council* [2004] NSWLEC 91 (*Super Studio*), in which Senior Commissioner Roseth held that *“the acceptability of an impact depends not only on the extent of the impact, but also on reasonableness of, and necessity for, the development that causes it”*. In this case, the proposed First Floor deck is unreasonable for the following reasons:
  - i. The size and area of the proposed deck is excessive for a single dwelling house.
  - ii. The proposed excessive deck is at First Floor level with consequential impacts on adjoining properties. The immediate locality is not characterised by First Floor decks of approximately 50sqm.
- The proposed development also breaches the Rear Setback Control under DCP 2013. In the middle of page 11, the Amended SEE seeks to justify the breach of the Rear Setback Control on the basis that *“the proposed*

*first floor additions internal space (which exceed 4.5m in height) are setback 6m, which respects the required 6m and complies with Clause 5.10.9 requirement". This is a flawed assessment for the following reasons:*

- i. All elements of the proposed development must observe the 6m Rear Setback Control.*
  - ii. There are numerous elements of the proposed development which breach the Rear Setback Control including the following:*
    - a) Bedroom 1 and ensuite at Ground Floor level and associated rear wall.*
    - b) First Floor deck and associated 1.8m high green wall.*
- In the 2<sup>nd</sup> paragraph on page 12, the Amended SEE claims that the *"proposed additions are in keeping with the streetscape"*. I strongly disagree. Due to the breaches of the Front Setback Control, I consider that the proposed development will have an adverse impact on the streetscape. Furthermore, the lack of landscaping between the proposed front wall and the front boundary is also of concern in terms of the impact on the streetscape. I consider that the proposed development when viewed from the street will not *"minimise intrusion of buildings into the landscape in such a way as to screen and break up the bulk of the buildings"*.
  - In the middle of page 12, the Section entitled *"Visual Privacy"* states that *"retention of all existing vegetation on the suite including the mature trees will ensure that privacy to neighbours is maintained"*. This comment is clearly wrong. When standing in my Client's dwelling, rear deck and private open space areas, the existing landscaping on the subject site will definitely **not** *"maintain"* the privacy of my Client's property.
  - In relation to the proposed First Floor deck, the Amended SEE at paragraph 12 states that the *"rear deck will have a green privacy screen at its north end to ensure that no overlooking is possible into the rear yard of the northern neighbour"*. I disagree and respond as follows:
    - i. As previously noted, I object to the proposed 1.8m high privacy screens due to adverse Visual Bulk. Due to the very significant concern relating to Overlooking Impact, the Applicant seeks to resolve this concern by adding bulky screens at First Floor level which increase the adverse Visual Impact to adjoining properties.*
    - ii. The proposed development only provides a 1.0m high balustrade, with no screen on the western edge of the proposed First Floor deck which faces my Client's property. Thus, my Client will be exposed to a direct line of sight from the proposed deck into the private open space area and dwelling.*
  - In the 2<sup>nd</sup> paragraph on page 12, in the section entitled *"Open Space Areas"*, I refer to my comments above. I consider that the proposed development does not comply with the Open Space Area Control under Council's DCP 2013.
  - At the bottom of page 12 and the top of page 13, the Amended SEE discusses *"Sunlight Access"*. Whilst there will be additional overshadowing into my Client's property, the proposed development will not generate excessive overshadowing.
  - In the 1<sup>st</sup> paragraph on page 13, the Amended SEE seeks to address the issue of *"Noise"*. I, however, note that no assessment has been made on noise likely from the proposed elevated deck of approximately 50sqm. Given the excessive size of the proposed First Floor deck and the fact that it is at First Floor level, I consider that there is potential for adverse Acoustic Impact on adjoining properties.
  - In the middle of page 13, the Amended SEE claims that the proposed development will *"not have any adverse effects on the amenity of the surrounding properties"*. I strongly disagree.
  - At page 14 in the Section entitled *"Conclusion"*, I disagree with the comment that *"the proposed alterations will not impact on the surrounding built or natural environment and will positively contribute to the neighbourhood"*. I consider that the proposed development will generate adverse impacts on adjoining properties and the public domain.
  - At page 16, the Amened SEE again justifies the breach of the FSR Control under Council's DCP 2013 by referring to personal needs of the future occupants of the proposed development. Please refer to my previous comments in this submission based on the Court's Planning Principle in *Stockland*. Again, it is not relevant to raise personal needs as a justification for a breach of Council's Planning Control(s).

#### **4. BREACHES OF PLANNING CONTROLS FOR PEARL BEACH**

- Based on my above assessment, I consider that the proposed development breaches the following Planning Controls:
  - i. Breach of FSR Control under Council's DCP 2013.*

- ii. Breach of Side Setback Control under Council's DCP 2013.
  - iii. Breach of Front Setback Control under Council's DCP 2013.
  - iv. Breach of Rear Setback Control under Council's DCP 2013.
  - v. Breach of Open Space Area Control under Council's DCP 2013.
- I also consider that the proposed development is not consistent with a number of Planning Principles of the Court.

## 5. ADVERSE OVERLOOKING IMPACT, VISUAL IMPACT AND ACOUSTIC IMPACT

- As noted above, I consider that the proposed development would have an adverse Overlooking Impact into my Client's property by reason of the proposed First Floor deck and the fact that there is only a 1.0m high balustrade. Thus, persons standing or sitting on the First Floor deck would have direct line of sight into my Client's private open space area and dwelling. On this point, I note that my Client's dwelling has large picture windows and deck on the eastern façade facing the subject site.
- I should note that I am concerned with the Applicant introducing 1.8m high privacy screens to resolve the issue of Overlooking Impact, but exacerbate Visual Impact.
- I consider that the western windows of the proposed First Floor facing my Client's private open space area and dwelling should be provided with obscure glazing or 1.6m high sill windows to prevent overlooking. I should note that the proposed bedroom at First Floor level has expansive alternative windows on other elevations to more than adequately achieve excellent solar access into the proposed First Floor.
- Furthermore, a 1.6m high privacy screen should be provided on the full extent of the western edge of the First Floor deck in the south-western corner.
- For the reasons referred to in this submission, I also consider that there is likely to be an adverse Acoustic Impact arising from the excessive area of the proposed First Floor deck.
- In terms of Visual Impact, I consider that the proposed building is of excessive bulk and scale and will have an adverse impact on my Client's amenity and the amenity of adjoining owners. The attached "*3D Image prepared by Applicant*" evidences the bulk and scale of the proposed development. Of particular importance is the fact that the subject site is very small in area and the subject site is adjoining a number of properties. Thus, the proposed building is of excessive bulk and scale, including an excessive First Floor deck, and creates impacts on a number of adjoining properties.
- Further in relation to the Visual Impact, I consider that the cantilevered design of the proposed development, with a significantly excessive First Floor deck and privacy screens, all contribute to a proposed building which is of excessive bulk and scale.

## 6. ADDITIONAL MATTERS

- I understand that there is a sewer pipe under the subject site and I assume that Council's Engineering Department will address this matter.
- I also note the existence of a Norfolk Island Pine Tree on the boundary of the subject site. On this point, I note that I am not an Arborist, but refer to the report of Russell Kingdom, Arborists. I query whether the new proposed car space and access crossing will impact on the Norfolk Island Pine.
- On the issue of the very small area of the subject site, I query the circumstances in which Council approved the creation of the subject site. I request access to Council's files relating to the Subdivision Application and all Development Applications for the subject site to review the circumstances relating to this approval.

## 7. CONCLUSION

- Firstly, I am strongly of the opinion that the proposed development constitutes a "*new dwelling*" rather than "*alterations and additions*" for the reasons outlined in this submission. Based on the Court's Planning Principle in *Coorey* the proposed development is a very significant change compared to the existing building. The existing building is a very modest single storey building, whereas the proposed building is a significant 2 storey structure. Please refer to attached 3D image (prepared by the Applicant) which shows the proposed building compared to the existing building.
- Secondly, I consider that the proposed development breaches a number of Planning Controls which were adopted by Council for the Pearl Beach Locality under DCP 2013. As previously advised, Council's Planning

Controls stress the environmental sensitivity of Pearl Beach. Given the fact that the Planning Controls were formulated after extensive consultation and they apply to a specific locality, greater weight should be given to the Planning Controls compared to a set of generic Planning Controls.

- For the reasons outlined in this submission, I consider that the proposed development creates the following impacts:
  - i. Adverse Visual Impacts from adjoining properties and Amethyst Avenue.
  - ii. Adverse Overlooking Impact.
  - iii. Potential adverse Acoustic Impact.
  - iv. The proposed First Floor deck is very excessive in area.
- I consider that the proposed building is of excessive bulk and scale and will have an adverse impact on my Client's amenity and the amenity of adjoining owners. The attached "*3D Image prepared by Applicant*" evidences the bulk and scale of the proposed development. Of particular importance is the fact that the subject site is very small in area and the subject site is adjoining a number of properties, particularly their private open space areas and dwellings. Thus, a proposed building of excessive bulk and scale including an excessive First Floor deck creates impacts on a number of adjoining properties.
- Further in relation to the Visual Impact, I consider that the cantilevered design of the proposed development, with a significantly excessive First Floor deck and privacy screens, all contribute to a proposed building which is of excessive bulk and scale.

For the reasons referred to in this submission, I am of the opinion that the proposed development is most unreasonable in such a sensitive location.

*Yours sincerely,*