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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 4/11/2022 4:19:55 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

04/11/2022

MRS Jacqueline Baptista  
44 Macmillan ST  
Seaforth NSW 2092

**RE: DA2022/1633 - 42 Macmillan Street SEAFORTH NSW 2092**

ATT: Nick Keeler  
Application No. DA2022/1633  
Address: Lot 7 6210 42 Macmillan Street SEAFORTH  
Description: Alterations and additions to a dwelling house including secondary dwelling

Dear Nick,

RE: Objection to DA2022/1633

We would like to express significant concerns regarding the proposed development at 42 Macmillan Street, Seaforth. There are several grounds for our objection of the DA in its current form and note that the proposed DA was not discussed with us, nor were we asked if we had any concerns prior to its lodgment with council.

The proposed combined dwellings significantly exceed the Zone C 0.45 ratio requirements, with the proposed dwelling footprint of 59sM. The plans submitted to council indicate only 40.29sM of landscaped space and 177.95sM of total open space on a 588sM site, which is inconsistent with both NBC and NSW Planning requirements.

We understand that the existing foundation for the existing structure has been sited and designed to facilitate a garage and not a 2-storey residence. This is not grounds for a two-storey dwelling to be located so close to the property boundary. Furthermore, the integrity of the slab and its ability to safely hold the proposed capacity is also questioned.

Issues related to the MDCP:

3.1.1.1 Complementary Design and Visual Improvement

iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of stories.

The proposal fails to complement the existing streetscape and is incompatible in scale with adjacent properties, most of which comprise of 6 metre setbacks from the street and none of which have a double story directly on the street. The proposal neglects to introduce soft landscaping or sufficient parking for the occupancy and therefore is inconsistent with the objectives for streetscapes.

### 3.4.2 Privacy

Objective 1) To minimise loss of privacy to adjacent and nearby development by: appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.

The proposal provides an above ground patio and associated indoor area which is located directly above and adjacent to the neighbouring private open space area.

As such, the proposed development is inconsistent with the objectives for Privacy and these impacts are unsatisfactory.

### 3.7 Stormwater Management

Relevant objectives to satisfy relation to this part include the following:

Objective 2) To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.

Objective 3) To promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.

The proposal fails to identify sufficient management of storm water runoff or drainage to prevent impacts on lower lying areas, with a 2000 litre tank being inadequate to prevent affects and proposed green space is insufficient to offer any impact on water runoff; existing drainage is ineffectual from both the current residence and the garage.

We currently experience significant runoff from the existing dwellings during high rain events (which have been frequent), therefore the proposal poses to negatively impact our property.

#### 4.1.4.1 Street Front setbacks

a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.

b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape.

c) Where the streetscape character is predominantly single-story building at the street frontage, the street setback is to be increased for any proposed upper floor level.

#### Setback Principles in Low Density Areas

- In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.

The proposal is inconsistent with the control for front setbacks and has negligible (<1M) setback and the current footprint is a former garage that has no authorisation as a residence. There is no existing impediment for this proposed building to meet the required setback conditions.

As such, the proposed development is inconsistent with the objectives of maintaining the existing character of residential area.

#### 4.1.4.2 Side setbacks and secondary street frontages

a) 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 proposal is inconsistent with the control for side setbacks at the western elevation. The

proposed setback is 0mm and the control is 2000mm.

This would provide an unreasonable additional bulk and privacy impact to the streetscape and to our property.

4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) Relevant DCP objectives to be met in relation to these paragraphs include:

Objective 1) To provide accessible and adequate parking on site relative to the type of development and the locality for all users (residents, visitors or employees).

Objective 2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.

a) The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighboring properties and maintain the desired character of the locality.

The proposal inconsistent with the control additional parking for the secondary dwelling, putting further pressure on parking within a small cul-de-sac that already suffers from a lack of on street parking.

This does not provide adequate parking on site for the occupant density of the proposed dwellings.

We appreciate that the applicant is addressing current issues with the unauthorised habitation of the existing garage and that an improvement to the garage/dwelling is an attempt to confirm it as a habitable building and improve the aesthetics of the property. However, the current proposal is inappropriate and needs to be amended to address the issues that are inconsistent with NBC and NSW Planning.

Thank you for your time and consideration. We welcome the opportunity to discuss and review the necessary changes to this DA.

Kind regards,

Paulo and Jacqueline Baptista  
44 Macmillan St,  
Seaforth.