
Sent: 15/03/2021 2:17:53 PM
Subject: 107 Frenchs Forest Road/ DA2021/0129
Attachments: Objection to Development at 107.docx;

Attention: David Auster

David,

Please see my submission of objection to the proposed development at 107 Frenchs Forest Road, as attached.

If you require further clarification, please contact me via this email or 0414 892 894 (mobile not for publication, thanks).

Regards,

Kevin Sullivan
78 Macmillan St.
Seaforth 2092

15 MARCH 2021

- OBJECTION TO PROPOSED DEVELOPMENT AT 107 FRENCHS FOREST ROAD, SEAFORTH/ DA2021/0129
- I AM THE RESIDENT OWNER AT 78 MACMILLAN STREET WHICH SITS AT THE REAR BOUNDARY OF THE PROPOSED DEVELOPMENT. THE TWO STOREY RESIDENCE, WITH OPEN PLAN LIVING AND DINING AREAS ON A SUB-DIVIDED LOT, WAS PURCHASED IN 2013. I HAVE LIVED IN THE PREMISIES SINCE MID 2016.
- I OBJECT TO THE PROPOSED DEVELOPMENT OF LOT 107 ON THE GROUNDS OF:

Loss of Privacy

Loss of Solar Access/ Increased Shade Areas

Economic Penalties associated With Increased Energy Usage for Lighting and Heating

Outlook and Maintenance of Views

OVERVIEW

Lot 107 has an area of 362.59 sq.mtrs, reduced in the process of widening Frenchs Forest Rd, as per the submission. The proposed floor area of the new dwelling is 193.33 sq.mtrs.

Council standards stipulate minimum lot size of 500 sq.mtrs and floor space of 163.16sq.mtrs. (the FSR clause). This development does not comply without extensive use of variations and exemptions.

The loss of land size due to the widening of Frenchs Forest Road would not have been completed without some financial compensation to the owners of LOT 107. As such, building a large dwelling on a reduced lot requiring variations and exemptions is akin to “having your cake and eating it too”.

While there is much comment in the submission for a variation of clause 4.6 regarding “streetscape” and minimal environmental impact, there is a significant impact on the “rear scape” to 78 Macmillan Street in placing a large house on a smaller block. The adjoining houses adhere to the council requirements for minimum boundaries and density, as they sit on the appropriate sized lot area, and this development should also comply for an appropriate sized dwelling to fit on the reduced lot size and in keeping with the established council guidelines, as stated.

PRIVACY

Under Section 4.6.2, subsection 3.4.2 “Privacy and Security”, there is much comment on the privacy issues to the adjoining properties to the east and west of the development. Conversely, there is minimal consideration to the loss of privacy to 78 Macmillan Street from the two bedroom windows that look directly into the rear living spaces and into the rear yard of the property. The submission states that, “the

development has been designed to reduce windows overlooking adjoining properties”, but this is not the case with the upper floor design. A solid façade overlooking 78 Macmillan Street, the use of privacy glass, the incorporation of higher set rectangular windows, and additional windows on the east/west walls is a more appropriate application of “privacy” in the design of the first floor outlook, but has not been applied.

Additionally, 4.6.3.1, Objective 2 does mention the privacy issue, “..there are two-bedroom windows overlooking the rear neighbour, but are bedroom windows and the impact on the neighbour’s privacy is not significant”. This is quite a subjective opinion written by a developer who did not consult with the “rear neighbour”, and I state that there IS an impact on the privacy at 78 Macmillan Street and I object to the window placement as contained in the development proposal. I have addressed this issue in the previous paragraph.

I note that the setback of the proposed dwelling is improved to 5mtrs, but I remain unclear of the setback to the proposed alfresco area.

I also note that a swimming pool is proposed as a separate submission, and this increased setback would most likely be associated with this development proposal. This would, however, potentially cancel the provision for the planting of mature-aged vegetation to promote and enhance privacy to 78 Macmillan Street, which should be considered in the current submission.

SOLAR ACCESS/ OVERSHADOWING

In the developer's submission under 3.4.1.1, it states that "neighbouring properties must accept some level of overshadowing then currently experienced". Why? I do not accept this subjective opinion of the developer. I was not consulted in regards to the planned dwelling and the developer did not visit my premises to inspect the increase of shadow and loss of sunlight that this oversized dwelling will produce.

I have inspected the Shadow Diagrams contained in the submission and note there are 3 time periods nominated, depicting the shadows produced by the proposed dwelling. I find them incomplete as they are not overlayed with the current floor plan of 78 Macmillan Street. I feel there will be a significant loss of sunlight and increased shadow between the periods of 9 AM-12 PM, based on my intimacy of my floor plan and rear living areas.

The increased shadow between this period will require increased consumption of gas and electrical resources required for additional heating and lighting of the living areas of 78 Macmillan Street during the winter months under the current proposal of the structure. I am a retiree and this is an increased economic burden that I am being forced to accept under the developer's subjective opinions that "neighbour's must accept" increased overshadowing. I do not accept this reduction in solar access and the subsequent increase in energy usage. Furthermore, I have planted

vegetables and fruit trees in my backyard as a means of self-sufficiency. The growth and health of this vegetation will be adversely affected with the increased shade areas produced from Lot 107.

Once again, the density and size of the proposed dwelling versus the reduced land size has a direct impact on 78 Macmillan Street. An appropriate sized dwelling, in keeping with established council restrictions, and for the reduced lot size is the solution.

ECONOMIC IMPACTS

As stated above, there are adverse economic impacts due to increased energy usage to compensate for the loss of solar access and natural light, and the adverse impact on my attempts for self-sustainability with agricultural production. Additionally, I will be forced to outlay more funds to enhance ways to preserve my privacy from the proposed upper level windows overlooking my property. I have provided some compromises to the dwelling design to retain my privacy, as listed above. As far as loss of sunlight, the size of the dwelling is the key issue as it relates to the increased shadows produced.

OUTLOOK and MAINTENANCE OF VIEWS

In the developer's submission, Section 3.4.3, it states "The development has been designed to reduce windows overlooking adjoining properties". The design fails in this respect, as previously detailed above.

Council Guidelines regarding the design of any development, as detailed in 3.4.3 (b), state “Views between and over buildings are to be maximized and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas”. The design of the dwelling on Lot 107 fails this council guideline. The views I have from my living spaces at present will be replaced by the back of the proposed dwelling and the two bedroom windows upstairs. Additionally, the exemption for reduced side boundaries compounds the increased size and width of the proposed structure that will dominate the view from my lower level living area and kitchen spaces. If the floorplan of 78 Macmillan Street had been consulted by the developer, it would be readily apparent of the adverse impacts this oversized dwelling has on the privacy and outlook of my property.

Additionally, the proposed swimming pool will limit the scope to plant mature aged vegetation to preserve the view and outlook that is the status quo. This should also be factored in to the design as privacy and outlook have been adversely compromised.

SUMMARY

The current proposal is requiring exemptions to multiple Council guidelines and standards to build a high density dwelling on an undersized block. The how's and why's for this reduction in land size are, in my opinion, outside the scope of acceptance for this proposal as it stands. It severely impacts my property

in the areas of environmental, increased economic penalty, privacy and outlook which I currently enjoy, and those impacts have been subjectively dismissed by the opinions of the developer.

Perhaps the converse to the opinions of the developer forms the basis for my closing remark:

THE DEVELOPER MUST ACKNOWLEDGE THAT THIS PROPOSAL IS AN ATTEMPT TO “FIT A SQUARE PEG INTO A ROUND HOLE”. A SUITABLE DWELLING IN KEEPING WITH THE REDUCED LOT SIZE AND IN ACCORDANCE WITH EXISTING COUNCIL GUIDELINES, WITHOUT EXCEPTION, IS A COMPROMISE THAT THE DEVELOPER MUST ACCEPT.

I thank Council for the notification of the proposal, and the opportunity to state my objections.

Regards,

Kevin Sullivan
78 Macmillan Street
Seaforth 2092

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