From: David Heidtman

Sent: 15/08/2025 4:13:19 PM

To: Council Northernbeaches Mailbox

Subject: TRIMMED: Proposed Development DA2025/0947 Property: 11 Seaforth

Crescent, Seaforth

Attachments: DA2025-0947 Submissions by 15 Seaforth Cresc.pdf;

Dear Council Officers,

David Heidtman

I am writing in regard to the above proposed development.

My wife, Lesley, and I own the property at 15 Seaforth Crescent, Seaforth which, because the intervening property (13 Seaforth Crescent) is only the handle of a battleaxe property on the water directly in front of us, means we are virtually adjoining properties.

Our concerns are that the sheer size and overall dimensions of the proposed development (meaning the proposed heights above relevant ground levels and the distances and heights at which the levels project towards the water) will not only be out of character with existing properties but, unlike the extensions and renovations undertaken by owners of other properties along that section of Seaforth Crescent, will seriously interfere with important views enjoyed by owners of adjoining properties — including important views we have enjoyed for almost 40 years. On our calculations, the proposed development will totally block out existing views of the iconic Spit Bridge from the parts of our house in which we live on a day to day basis — and replace them with views of the western wall and roof of the main part of the proposed development. We believe many of these problems can (and should be) be addressed by scaling down of the overall scale of the proposed development to bring heights above ground and distances of protrusions towards the water into keeping with other properties. This does not need to make the proposed development actually smaller — just have it fit better into the landscape.

In fairness to the owners of the subject property (the proposed development) and their architects, when we reached out to them for answers to aspects of the plans we could not understand and to discuss our concerns, we had a good meeting to discuss many issues. They have offered to look at our calculations of view loss against their own (and took a lot of photographs and measurements) and said they would see what they could do to address our issues and concerns - and revert. There has not been time to progress this as yet – which is why we need to lodge our Submissions on the basis of the documents which have been filed with Council – but we do want to acknowledge this meeting and this stated preparedness to work with neighbours to address their concerns.

We engaged Charles Hill Planning to assist us with understanding issues and our position and, based on the documents which have been lodged with Council, he has prepared the attached Submissions on our behalf. Hopefully some of the issues and concerns raised will not eventuate or will otherwise be addressed in future discussions with the architects and the owners of 11 Seaforth Crescent.

I can be contacted at	
Regards,	

SUBMISSIONS REGARDING PROPOSED DEVELOPMENT -

APPLICATION NO: DA2025/0947

PPTY: 11 SEAFORTH CRESCENT, SEAFORTH

BEING: LOT 16 DP 4889

ON BEHALF OF THE OWNERS OF 15 SEAFORTH CRESCENT, SEAFORTH

PREPARED BY
CHARLES HILL PLANNING

15 AUGUST 2025

INTRODUCTION

Charles Hill Planning has been engaged by David and Lesley Heidman (the owners and occupiers of 15 Seaforth Crescent) to prepare a submission in relation to the proposed new dwelling located at 11 Seaforth Crescent Seaforth.

The DA seeks consent for a demolition of the existing dwelling and construction of a new dwelling house at 11 Seaforth Crescent, Seaforth.

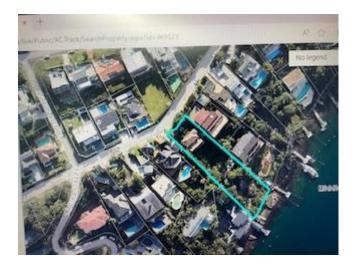
The occupants of 15 Seaforth Crescent have concerns related to the visual appearance of the proposed dwelling, not only as seen from Seaforth Crescent and Middle Harbour, but more importantly the adverse impact the proposal will have on their dwelling by way of overshadowing and loss of long-enjoyed and important views.

The following sets out the details in relation to their concerns.

THE SITE

The site the subject of the objection, is located at 11 Seaforth Crescent Seaforth and has an area of 1,846m². The lot is steep falling approximately 43m, irregular in shape, and has water frontage to Middle Harbour.

The land is zoned C3 Environmental Management in accordance with the Manly Local Environmental Plan (MLEP) 2013.



The site: Source: Northern Beaches Council

15 Seaforth Crescent (the source of the objection) is located to the south west of the subject proposal.

IMPACT OF PROPOSED DEVELOPMENT

The proposal is depicted in the accompanying architectural plans by MCK Architects, with Level 1 being the entry level, and the lowest level being level 5.

It is noted in particular that the paucity of dimensions on the architectural plans do not enable a full assessment of the proposed building, and an examination of the potential adverse impacts on neighbouring properties.

The design appears to be predicated on complying with the maximum permitted height of building as it relates to Seaforth Crescent, reduced front setback, and presumably the need to minimise the gradient of the vehicular access to the undercover car parking.

The resultant levels of the proposed dwelling however create a wall height, as viewed from 15 Seaforth Crescent, above that specified by Manly Local Environmental Plan (MLEP), and consequently exceed the specified wall height limit, and the number of storeys, specified by the Manly Development Control Plan (MDCP), as can be seen from the image below.



Figure 1 Source: Statement of environmental Effects

In addition there are also non-compliances with the height limit in relation to the driveway barrier elements, the 1 m high steel safety balustrade and roof top landscaping, as depicted in the photographs below.

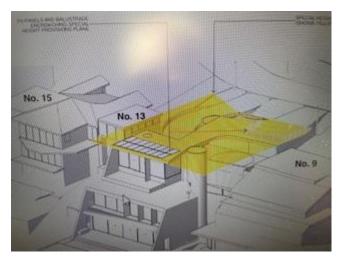


Figure 2 Source Statement of Environmental Effects

The roof element is also non-compliant with the front setback as shown on the attached plan.



Whilst there appears to be no justification for this non-compliance, a Clause 4.6 variation to the height limit accompanies the application in relation to both the roof elements, as well as the hatched blue area on the image shown above.



Figure 3 Source: Statement of Environmental Effects

However it is the extent of non- compliance side wall as depicted in blue above that is of the main concern to the occupants of 15 Seaforth Crescent.

This area includes the driveway ramp, garage for 4 cars, bin store, entry, **sitting room** (my emphasis), void, solar panels [roof mounted] and lift, as shown in the photograph below.



Source: Statement of Environmental Effects

In that regard it is noted that the subject land is zoned C3 Environmental Management in accordance with the MLEP.

The objectives of the zone are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.
- To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.
- To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.
- To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

In relation to the objectives of the zone it is considered that the proposal does not maintain a low-impact profile (as shown by the photographic montage below), and neither is the development compatible with the other developments within the visual catchment.

Whilst it is acknowledged that a reasonable endeavour has been made to provide a building which responds to the topography, there are still excessive non - compliances in relation to height.



Source Statement of Environmental Effects

In that regard the objectives related to height are as follows:

- (a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,
- (b) to control the bulk and scale of buildings,
- (c) to minimise disruption to the following—
 - (i) views to nearby residential development from public spaces (including the harbour and foreshores),
 - (ii) views from nearby residential development to public spaces (including the harbour and foreshores),
 - (iii) views between public spaces (including the harbour and foreshores),
- (d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,
- (e) to ensure the height and bulk of any proposed building or structure in a recreation or conservation zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

In that regard it is noted in particular that the extent of non-compliance with the 8.5m height standard indicating that it would be 2.57m, representing a major variation of 30% from the standard and would be almost equivalent to the height of a one storey dwelling.

The floor to roof heights of the bedroom and kitchen levels proposed appear to vary from 3.3m to 4.1m, while the living room is proposed to be 7.5m due to a void between the upper bedroom and kitchen levels.

It is considered that these dimensions contribute to the extent of non-compliance with the building height standard.

The non-compliance has significant adverse impact on the amenity enjoyed by the residents of 15 Seaforth Crescent not only because of addition loss of solar access

and views, but also because of the significant visual impact it has when viewed from their property, adjoining properties and public areas.

Accordingly, it is considered that the proposed height and roof form at the entry level are not consistent with the topographic landscape and prevailing building height, which results in a building that presents as excessive in bulk and scale when viewed from 15 Seaforth Crescent, resulting in loss of views from 15 Seaforth Crescent and over shadowing of the private open space (including the swimming pool) of that property during the winter solstice, as well as other times of the year, as indicated in the shadow diagram attached to the Statement.

As indicated by the shadow diagrams provided with the Statement, the sunlight available to the private open space and swimming pool of 15 Seaforth Crescent, will be adversely impacted by the proposed dwelling, and will not receive the 3 hours between 9am and 3pm on 21 June as required by MDCP.

Whilst the design incorporates angled side walls (*the fins*) which presumably provide amenity to future occupants, they also contribute to the perception of bulk and scale of the proposed dwelling and, at the proposed levels, result in additional loss of view to the occupants of 15 Seaforth Crescent.

It is also considered that there are insufficient environmental grounds to justify the proposed development in relation to the roof elements as well as the area shown as blue hatched on the attached plans

Whilst the Statement details the benefits of the application in terms of compliance with such matters as floor space ratios and landscaping etc., these matters are not unique to the site, and has not clearly demonstrated that the non-compliances with height actually leads to a better design outcome, particularly in relation to the perceived adverse impact in relation to 15 Seaforth Crescent in terms of view loss and overshadowing of their open space area, including the swimming pool.

Further to the above it is noted that whilst the MDCP does allow a variation to the wall height and number of storeys permitted on the site where there are physical site constraints, it is noted that in these circumstances the development **must** (my emphasis), still fully comply with other numeric height controls and development standards, which it does not.

It is considered that insufficient consideration has been given in this instance to the height of the wall and subsequent height of the building in responding to the topography, and more importantly the design of the building does not comply with the legislative height limit.

It is also noted that the roof of the proposed dwelling being at RL 47, is approximately 4.5 metres above the balcony area of 15 Seaforth Crescent, and protrudes to the south west approximately in line with the balcony at 15 Seaforth Crescent.

Whilst there are views from the main balcony, the living areas of 15 Seaforth Crescent will look directly at the excessive wall height and roof of the proposed new development, impeding long-held views of the iconic Spit Bridge. In fact, it is

estimated that the view of the Spit Bridge (which is the key part of the foreground panorama of the existing view) will be eradicated entirely from the family room and kitchen (which is where the occupants of 15 Seaforth Crescent spend most of their time on a day to day basis).

Although the SOEE indicates that the DA is accompanied and supported by a view impact modelling, no such documentation is provided.

The SOEE does acknowledges that access has not been gained to neighbouring properties to assess the view impacts, and indicates that, in some instances, there is potential for a degree of impact on existing views to occur. Contrary to the statement, the proposed dwelling does inappropriately impact on the views from 15 Seaforth Crescent.

Concern is also raised at the proposal to install a 1.8 metre high solid fence around most of the subject property and also the potential height of some of the landscaping of the proposed development. The installation of a 1.8 metre high solid fence is unnecessary, is inconsistent with the "open space" fence-free appearance of the neighbourhood that currently exists and will serve to further add to the appearance of oversize and over bulk of the proposed development. Research of the mature height of many of the plants shown on the Plant Schedule of the proposed development indicates that some of them can grow to twice the size shown (some potentially up to 25 metres tall and some potentially up to 6 metres wide). These could have a significant adverse impact on the views to Middle Harbour and the important and iconic Spit Bridge from not only 15 Seaforth Crescent but from neighbouring properties generally. Should Council decide to approve the application, a condition should be imposed limiting the height of the proposed landscaping at key points.

CONCLUSION

In conclusion it is considered that detailed dimensioned plans should be provided, prior to any favourable determination of the application, to allow a proper assessment to be made of the proposal.

More importantly, the application should not be approved in its current form because:

- The proposal is inconsistent with the objectives of the zoning of the land under the terms of the MLEP.
- The significant non-compliance with the 8.5m building height standard in Clause 4.6 of the MLEP and the objectives of that standard.
- The non-compliance does not achieve the objective of Clause 4.6(2) (b) of the MLEP to achieve better outcomes for and from the development by allowing flexibility in the application of the standard in the circumstances of this case.
- The Clause 4.6 request that the application be approved despite the building height in Clause 4.3 does not provide sufficient environmental planning grounds to justify the contravention of the standard.
- The proposal in terms of its height, bulk and scale will have a significant adverse effect on the amenity enjoyed by the residents of 15 Seaforth Crescent because of:
 - o loss of solar access to their private open space;

- loss of iconic views from their living areas, especially those areas where they spend most of their time on a day to day basis; and
- $\circ\quad$ the visual impact it has when viewed from their property.