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18/11/2019

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**RE: DA2019/1165 - 2 Montague Street NORTH MANLY NSW 2100**

Northern Beaches Council  
PO Box 82  
Manly NSW 1655

17 November 2019  
Your reference no.: DA2019/1165

Objection Submission

Sir/Madam,

I am writing you in reference to the proposed development application DA2019/1165 for 2 Montague Place in North Manly. I am the owner of 3 Sterland Avenue and am a direct neighbour on the North side of the proposed development. Both properties are in a R2 Low Density Residential zone.

Note that I am not opposed in principle to the development of the property on 2 Montague Place. Rather, I am opposed to the design and architecture of the proposal.

The main contentions I raise for the Council's review are:

1. Breach of height;
2. Breach of proximity to property line;
3. Proposed Architecture;
4. Breach of privacy (due to points 1, 2 & 3 above).

#### OBJECTION 1: BREACH OF HEIGHT CLAUSE 4.6

Breach of height is acknowledged in the Clause 4.6 Exception to Development Standard report only along the center axis of the proposed development. However, the land on which the development property sits is "cross-fall" and has an "average angle of ~8°" as described in the Geotechnical assessment. No data is provided about the total height of the proposed construction in relation to this cross-fall. Detailed information on the height of the structure is especially relevant along the North facing side where the land is significantly lower than on the South side.

Note that the main private living areas of 3 Sterland Avenue (namely its open kitchen, dining area and living room) are on the lower side of the above mentioned cross-fall, and sits approximately 2 meters lower than 2 Montague Place. Furthermore, the development application requests an exception to Clause 4.6 stating that the breach in height "is extremely minor". However, it fails to acknowledge that (even in the absence of a breach of height) the proposed building presents itself as a 3rd story "watchtower" over its neighbours.

Additionally, the proposed building is non-compliant with Warringah Development Control Plan (Part D7) which requires that developments shall provide for the reasonable sharing of views.

## OBJECTION 2: BREACH OF PROXIMITY

As documented in Plans External (Page 5), the development proposes a construction with a height starting from approximately 5.5m up to 8.5+m high, to be built at a distance of 1280mm from the neighbouring property line. The NSW Housing Code states that side setbacks needs to be 0.9m for buildings up to 4.5m, with the distance to property lines increasing depending on the proposed height of the building. I understand that for an 8.5m+ building, the distance should be over 1.9m.

Furthermore, the proposed architecture is non-compliant with the building envelope control (Side Boundary Envelope; B3) which exists to ensure that a proposed development does not become visually dominant by virtue of its height and bulk, and to ensure that the development responds to the topography of the site (as demonstrated in the diagram below):

No justification has been provided for this proposed breach other than "to minimise the costs for the renovation", and no alternative plans appear to have been considered.

## OBJECTION 3: PROPOSED ARCHITECTURE

The proposed development design is non-compliant with D9 in that it is unnecessarily dominant, unnecessarily unwieldy in appearance, inconsistent in building materials, and unnecessarily visually intrusive to its surroundings.

Clause 4.6 exists with the objective to ensure that proposed buildings are compatible with the height and scale of surrounding and nearby development, to minimise visual impact, disruption of views, and loss of privacy. The proposal is not only non-compliant with this Clause (and with Clause 4.3 (2) of the Warringah LEP), it is disingenuous in its claims in that:

1. The proposed architecture of the development is not compatible with the height and scale of surrounding and nearby dwellings, most of which are single ground floor buildings, or are stepped in line with the natural ground. Also, no other dwellings on Montague Place have extensions. No one in the area has a 3rd story towering on stilts overlooking all their neighbours.
2. The proposed architecture is non-compliant with D9, in particular Requirement 3 which states "On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope". A stepped architecture or a ground floor extension should be considered instead.
3. The building materials for the proposed extension claim to match existing tiled roof, however all plans indicate the use of metal roofing for the extension.

4. There is no discussion in the Clause 4.6 Variation Statement that other designs or proposals have been considered. A ground floor extension, for example, could avoid most of the breaches and objections raised in this submission.
5. No clear floor plans are provided of the actual total length of the extension.
6. No clear floor plans are provided of the actual height of the proposed window along the North side of the development. The window appears to be at appr 1600mm from the floor of the proposed extension.

Lastly, the proposed design concept appears to lay the foundation for the future creation of 1 or 2 floors below the extension.

#### OBJECTION 4: BREACH OF PRIVACY (D2 and D8)

The combination of the proposed construction's height, proximity, and architecture constitutes a significant breach of privacy of living spaces linked directly to outdoor and indoor private spaces of 3 Sterland Avenue.

The plans show no evidence that any consideration has been given to the impact of privacy, and no attempts have been made to reduce overlooking.

Additionally, it appears the proposed design is entirely dependent on vegetation on the 3 Sterland Avenue property to create any form of privacy to its occupants.

#### CONCLUSION

The proposed alterations are viewed as an attempt to increase the value of the property on 2 Montague Place, but it is to the detriment of the property values of its neighbours. Because the proposal affects the amenity level and enjoyment of land, the proposed design concept is not regarded to be in the public interest.

The Clause 4.6 Variation is unfounded, and the proposed development is non-complaint to multiple requirements of the Warringah Development Control Plan. Sufficient evidence exists to warrant a detailed revision of the proposed architecture to ensure it:

- Is the appropriate distance from the property line
- downsized/lowered to be complaint with B3 building envelope control
- in harmony with the current land contours and surrounding area
- is considerate for the privacy of its neighbours, and
- is consistent in it use of building materials

Hence I request that the Council conduct a full review of the development plans for 2 Montague Place, and encourage for Council officers to arrange a site visit to 3 Sterland Avenue to carry out an inspection and to assess the impacts of such a bulky building.

Lastly, the application clearly states that the proposed building design is propositioned primarily because it is the least expensive option. However, no other options have been put forward. For example, a ground floor extension could avoid most of the breaches and objections raised in this submission.

Sincerely,

Hans Haverhals