
From: mo Syd
Sent: 4/02/2025 3:55:58 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: DA Objection || DA2024/1838
Attachments: LETTER OF OBJECTION 04-02-2025.pdf;

For the attention of: **Adriana Bramley**

Hi Adriana, I trust you're well.

Please find attached our formal objection for the *DA2024/1838*. Note, I have separately submitted through the NB council website, although I noted there was no option to attach a document.

For any questions, please don't hesitate to reach out.

Kind regards,
Monte Quittner

04 February 2025

Northern Beaches Council
67 Clontarf St
Seaforth NSW 2092

RE: OBJECTION OF DEVELOPMENT APPLICATION DA2024/1838

ATT: Adriana Bramley

Dear Adriana,

We note the following objections for your consideration, addressing the Development Application [DA2024/1838](#) proposed at Address NSW 69 Clontarf St, Seaforth, NSW, 2092.

The four key objections are as follows:

- 1) Minimum Setback Control Breach.
- 2) Overshadowing and Privacy Impacts.
- 3) Maximum Height Control Breach.
- 4) Omission of Critical Information on Drawings.

Each objection has been outlined below in detail, along with suggested mitigations to address these concerns.

1) MINIMUM SETBACK CONTROL BREACH

The proposal has a non-compliance with the side setback controls for a first floor addition along the southern boundary.

Impact:

- The proposed first-floor addition does not comply with the minimum side setback requirements set out in the relevant planning controls. Specifically, Manly Development Control plan - Article 4.1.4.2 (c) requires "All new windows from habitable dwellings of dwellings that face the side boundary are to be setback **at least 3m from side boundaries**". The plans provided, as shown in Appendix 1.1, clearly show the setback to be only ~0.9m (1.285m to existing wall, with proposed 1st floor moving closer towards boundary), which is a notable breach of the prescribed setback distance.
- Furthermore, this same Article section (a) requires "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**". Per Appendix [image 1.2](#), as taken from the aforementioned article, this has not been considered in drawing the planned side set-back. Based on these calculations and the wall height of the proposed, the side setback to their southern wall on the first floor should be between 1.9m and 2.4m, which is substantially more than what they have proposed – it is more than double minimum controls. Given it is also a wall facing due south, these controls are even more critical to be respected and implemented.
- Additionally, Article 4.1.4.3 (b) specifies "Walls located within 0.9m of any one of the side boundaries may be considered but must: (i) **contain no windows**, and (iii) **limit height to 3m**".

The proposed wall exceeds both the setback and height requirements, further non-compliant with the regulations.

Suggested Mitigation:

- The subject site has adequate width to propose a set-back solution that meets the Applicant's brief while also complying with the controls. **Move the southern wall a minimum of 1.9m (or correct further measurement per council calculation) from the southern boundary, to comply with Council's controls.**
- Applicant to undertake a more detailed analysis of the proposed upper floor windows in relation to the neighbours windows and rooms beyond, to understand window placement and possible screening.

2) OVERSHADOWING AND PRIVACY IMPACTS

Due to the breach in the side setback controls, there is subsequent overshadowing and privacy impact as outlined below.

Impact:

- **Overshadowing**
 - The proposed first-floor footprint, as outlined in the DA, will result in significant overshadowing, particularly impacting the northern garden and ground floor windows at 67 Clontarf, as demonstrated by the submitted shadow diagrams. The Statement of Environmental Effects ("SEE") **inaccurately claims there will be "No adverse effect on neighbours has been created by the first floor addition," which is contradicted by the shadow diagrams provided, demonstrating a substantial loss of sunlight and entire loss of existing northerly light** at the winter solstice and spring equinox.
 - We are reliant on this northern aspect as our property only faces west at the rear with reduced opportunity for light only in the afternoon, thus putting pressure on our property that currently only receives adequate sunlight into our primary living area. Furthermore, per Manly Development Control Plan Article 4.1.4.3 (b) "Walls located within 0.9m of any one of the side boundaries may be considered but must: ... (viii) **satisfy the objectives for setback in this plan and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance.**", which given the complete loss of existing northerly light during winter solstice and spring equinox is a clear disadvantage. Therefore, the conclusive findings in their SEE are not consistent with the illustrated results of their studies.
- **Privacy**
 - The proposed southern-facing windows do not comply with the requirements set out in Articles referenced above. Further, per 4.1.4.3 (a), council may consider exemption to the setback requirement only when (ii) **"The wall protruding into the minimum setback must not provide windows facing the side boundary."**, which has not been applied thus negating the option for consideration, not withstanding the other range of control breaches previously raised. The design fails to meet this control, resulting in **direct sightlines from the proposed dwelling into the living areas and private open spaces of 67 Clontarf Street**, thereby infringing on the privacy of the neighbouring property.
 - Additionally, the proposed **western-facing windows will cause direct sightlines into the backyard** of the neighbouring property at 67 Clontarf. Due to the side setback control breach, these windows are closer to our boundary than they should be. Therefore we are not only receiving impact along the southern boundary but also along the western boundary, with no proposal for screening or raised sill heights. This further exacerbates the potential for privacy impacts. The Statement of Environmental Effects (SEE) asserts that "the proposal does not result in any unreasonable loss of privacy with minimal impact on views from neighbouring properties.". However, this claim is not supported by the design, which includes windows that breach privacy expectations and create an unacceptable visual intrusion into neighbouring private spaces.

Suggested Mitigation:

- **Move the southern wall a minimum of 1.9m (or correct measurement per building control) from the southern boundary**, to comply with Council's controls, to alleviate overshadowing and privacy impacts on both the southern and western facades.
- Applicant to **undertake a more detailed and accurate analysis of the proposed windows in relation to the neighbours north-facing windows and habitable areas**, to understand the true impact of the proposal.
- Once a compliant setback is in place and windows are placed not in direct alignment with neighbours windows, **consider raised windows and screening** (as done at 67 Clontarf) to improve privacy between dwellings.
- For Western facing windows, would be greatly appreciated to have consideration for elevated windows so as to maintain privacy, as has been applied during the build for 67 Clontarf – see Appendix [image 3.1](#).

3) MAXIMUM HEIGHT CONTROL BREACH

Based on the RLs provided on the elevations, there is a breach in both the maximum height control and the maximum wall height control.

Impact:

- The proposed development exceeds the prescribed maximum height limit established under the Manly LEP Plan 2013, section 4.3 (2), which requires "The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map" - Per Height of Buildings Map Sheet HOB_001, Clontarf street falls under category 'I' with **maximum residential building height of 8.5m**. The submitted drawings, as shown in [Appendix Image 2.1](#), indicate a maximum height of 8.69m, which is in violation of the height control. Although this is at the apex of the proposal, the wall height breach has lifted the entire proposal, where the floor, windows, eaves and roof height sit. The total breach of 190mm should not just be considered, but the knock-on effect this has on every level and building element.
- Additionally, the height indicated in the drawings provided in [Appendix Image 2.1](#) conflicts with the height description in the Statement of Environmental Effects (SEE). The SEE (p.4) notes that the maximum building height to the highest ridge is 8.25m, which is inconsistent with the RL calculations, further demonstrating non-compliance with the stated height limitations.
- **The height breach results in overshadowing and privacy impacts across each floor, and is a bulk and scale that is inconsistent with the neighbouring context.**

Suggested Mitigation:

- Applicant to consider **reducing floor to ceiling heights and the roof pitch**, which will aid in alleviating the overshadowing and privacy impacts.

4) OMITTANCE OF CRITICAL INFORMATION ON DRAWINGS

Critical information is missing on the drawings, to enable an adequate assessment of the proposal and its subsequent impacts. This impedes the ability to properly assess the proposed development and its compliance with relevant controls. These omissions include:

- **Neighbouring context:** It is common practice, if not a Council requirement, to include the walls of the neighbouring dwellings either side and their window locations, to assess the proposal adequately in its context. Without showing these windows, it is impossible to assess how the proposal responds to the existing condition of the neighbours windows to ensure privacy and sunlight is maintained to a reasonable, and compliant extent.
- **8.5m Height Control Line on Sections and Elevations:** The submitted section and elevation drawings fail to clearly demonstrate compliance with the height control provisions, particularly in terms of the maximum height limit outlined in the planning controls.
- **Gross Floor Area Diagram:** Typically the Area Summary Tables correspond with a GFA diagram highlighting which areas are included in calculating the GFA, based on the LEP's definition. The absence of this diagram makes it impossible to determine whether the GFA has been calculated correctly.

We request that these additional details be added into the development plan documents to allow for a proper assessment of impact/adherence to controls.

Conclusion

In conclusion, we request that the council carefully considers these objections and the significant impact the proposed development will have on the adjacent property. The setback control breach, overshadowing impacts, privacy impacts, height control breach and omission of critical information all contravene the relevant planning regulations and guidelines. Our suggested mitigations provide a pathway to addressing these issues, while allowing for responsible and respectful development.

Thank you for your attention to these concerns. We would be happy to discuss this further if required.

Yours Sincerely,

Monte & Hannah Quittner

Clontarf St, Seaforth NSW 2092

[REDACTED]
[REDACTED]

Appendix

Image 1.1 – Source: 'Master Set' (p.7) – set back to be correctly accounted for, as has been recognised at 67 Clontarf.

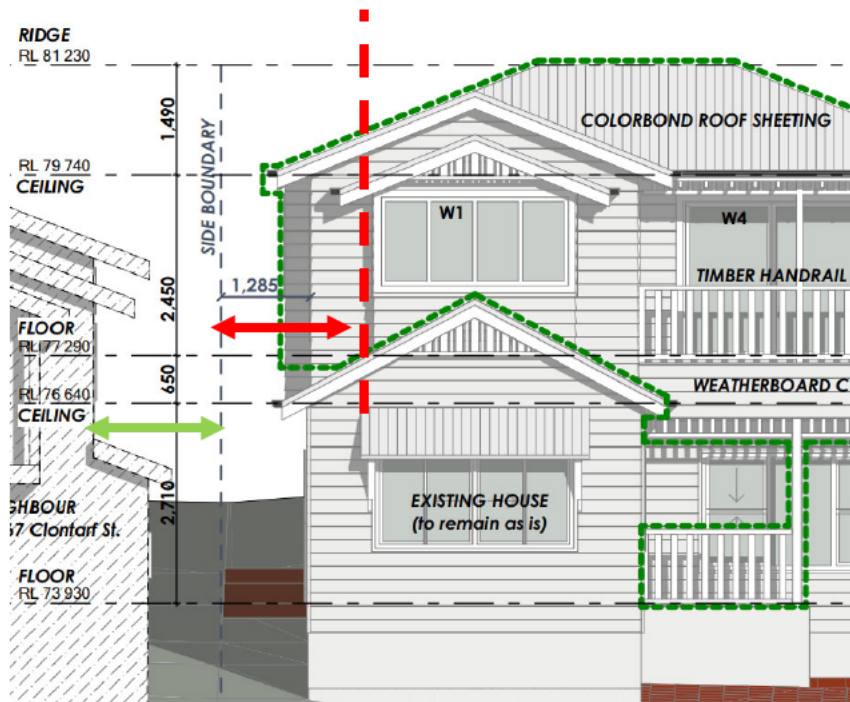


Image 1.2 – Source: Manly Development Control Plan 4.1.4.2 Side setbacks and secondary street frontages (a) – Setback calculation guidance (note, southern wall height noted in image 1.1 does not capture from ground height)

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.

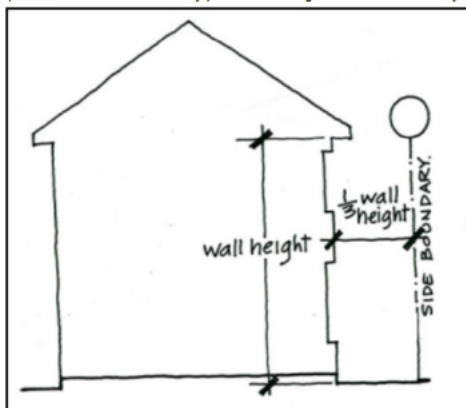


Figure 31 - Side Setback Diagram

Image 2.1 – Source: 'Master Set' (p.8) – height control breach – total height exceeds 8.5m

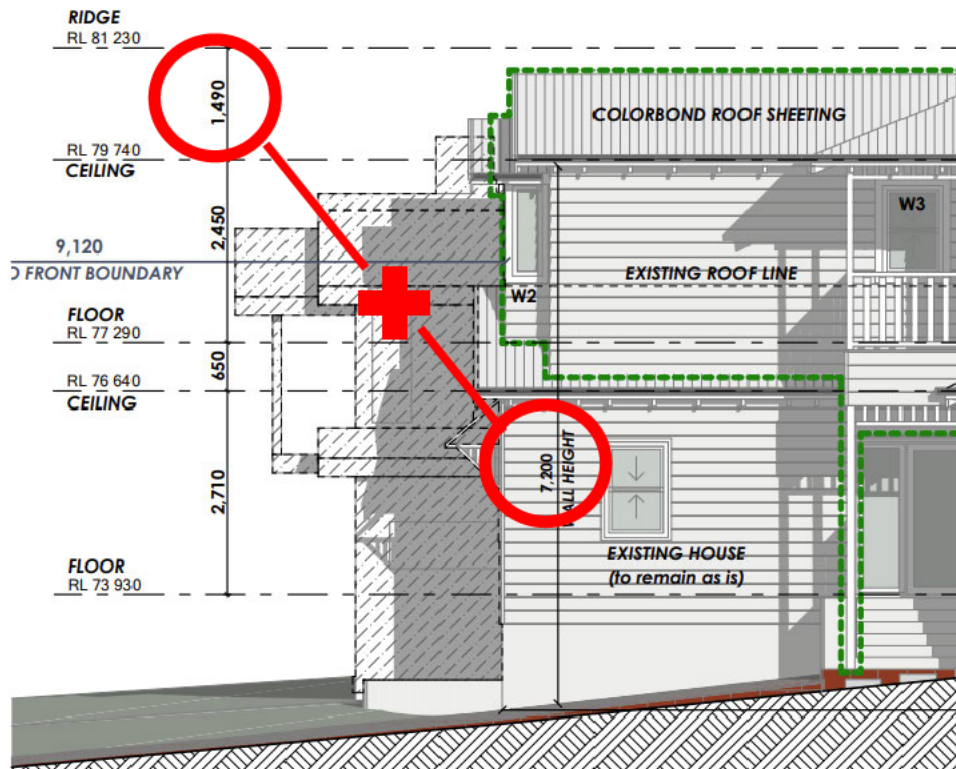


Image 3.1 – elevated western facing windows



Image 3.2 – existing northly light into main living room. Note, sun at apex in Summer, will be more light during non-summer season in existing state, but will be entirely lost due to development.

