
Sent: 12/10/2020 9:22:32 PM
Subject: DA2020/1129 - Formal objection notice regarding alterations and additions at 2 Montague Place
Attachments: Objection Submission v2.1.docx;

Dear Sir/Madam,

As owners of 3 Sterland Avenue, North side neighbours to 2 Montague Place, please find attached find my submission regarding DA2020/1129.

Could I ask for acknowledgement of receiving my submission, please?

Thank you,

Hans Haverhals
0422802092

Northern Beaches Council

PO Box 82

Manly NSW 1655

12 October 2020

Your reference no.: **DA2020/1129**

Objection Submission

Sir/Madam,

I am writing you in reference to the proposed development application DA2020/1129 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.

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:

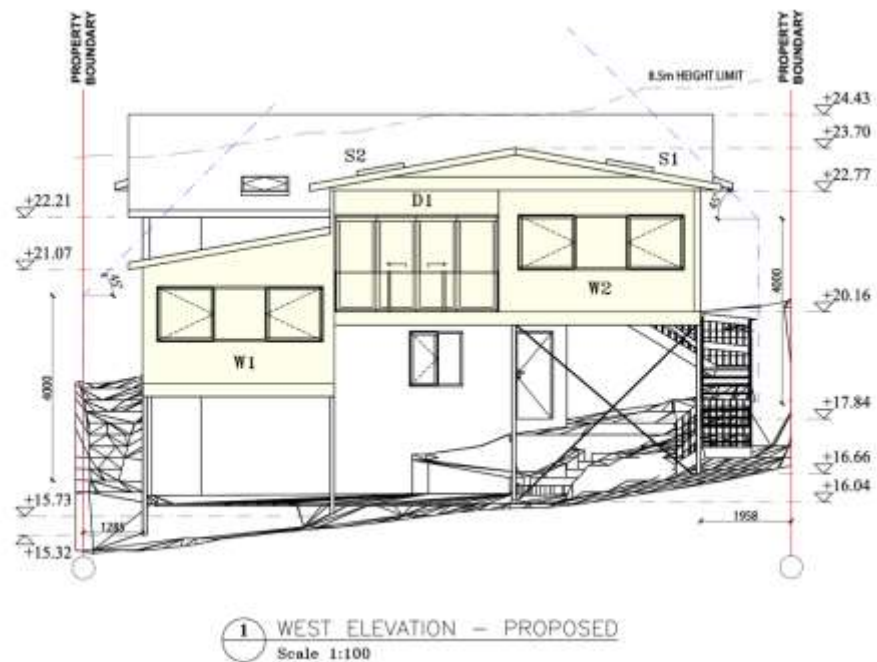
1. Height
2. Proximity
3. Architecture
4. Privacy

OBJECTION 1: HEIGHT

The proposal appears to acknowledge the intrusion impact of the building design on our home in that the revised design incorporates the lowering of the North side of the extension by half a floor. However, the new design is still the equivalent of a 3 story building from our perspective. Measured from top (23.70) to bottom (15.32), it is still a 8.4m high

building. Furthermore, the land on which the development property sits is “cross-fall” and has an “average angle of $\sim 8^\circ$ ” as described in the Geotechnical assessment.

My property is on the lower end of this cross falling North facing side of 2 Montague Place (see drawing), and our main private living areas (namely our open kitchen, dining area and living room) will lose a significant amount of privacy.



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, in that it will obstruct views to the only jacaranda tree.

OBJECTION 2: PROXIMITY

The revised building plan acknowledges the proximity breach in its original plan, and now proposes a construction with the height of the lowest part of the roof at (21.07 – 15.32) 5.75m, to be built at a distance of 1280mm from my property line. Similar to the objection regarding height; here too the design appears to be calculated to push the dimensions of the new development to within 10cm of what the law may view as compliant. In both cases, however, the design fails to incorporate the cross fall of the land and the consequence this has on us as neighbors.

OBJECTION 3: ARCHITECTURE

The contentions raised with regards to height and proximity are further amplified by the failure of the design to offer a topographically responsive design. 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 minimize visual impact, disruption of views, and loss of privacy.

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 (circled in orange), 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 neighbors.

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. An attic style roof form should be explored.
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 height of the proposed window along the North side of the development.
6. 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 breach of privacy of living spaces linked directly to outdoor and indoor private spaces of 3 Sterland Avenue. 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. I would like to see evidence that consideration has been given to the impact of privacy, and what plans are in place to reduce overlooking.

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 neighbors. Because the proposal affects the amenity level and enjoyment of land, the proposed design concept is not regarded to be in the public interest. A ground floor extension could avoid most if not all of the breaches and objections raised in this submission.

I propose that an independent research be conducted to assess if the proposed design is in fact compliant with the building envelope control (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).

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 from the perspective of its neighbors at the lower side of this cross falling landscape.

Sincerely,

Hans Haverhals