

Response to RFI – Report – 31 Montauban Ave, Seaforth, DA 2023-1933

This submission includes.

- Further information regarding; Landscape, Engineering, Shadowing and Privacy,
- Proposed added Privacy provisions to the rear first floor balcony to specifically address the concerns of #10 Clontarf St Seaforth.
- Analysis of the DA Proposal in comparison to a numerical compliant development, to substantiate the claims within the Statement of Environmental Effects, that the development, as submitted, has a lesser adverse impact on the amenity of near neighbours than a numerical compliant development re; wall height, side setback, sunshine, privacy, air, light and views.
- Sights provisions of AS 2089.1:2004, to show that the proposed Carport will accommodate two cars.

List of issues and concerns identified in Council's assessment.

Relevant to Points 1. 2. 3. & 4. See Table 1. Effects of proposed verses Numerically Compliant Development.

1. Re 4.1.2.1 Wall Height non-compliance

We are requesting 4.1.7 of the Manly DCP apply, namely “a first floor *addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.*” The accompanying drawings, summarised in the table below show the Proposed Development, verses a Numerically Compliant Development (NCD) in relation to adjoining neighbours.

- We provide for reference a building mass study AD-A021 and accompanying shadow diagrams AD-A042 with this response to substantiate the claim that the proposed development is of lesser impact than a numerically complaint design.
- Drawing AD-A021 demonstrates a compliant building control envelope with respect to boundary setbacks and height of walls. While a compliant built form would be subject to reduction in overall footprint to meet FSR and landscape controls, this drawing is intended to illustrate the potential effects of a compliant development building envelope that could occupy the site. In addition to this, the table below demonstrates that there is no significant or adverse impact on solar access, view sharing or privacy to adjoining neighbours by the variance to the control for the proposed development.
- By permitting a slight non-compliance to the control, the proposed development will retain and maximise the use of an existing dwelling and building footprint in a conscious and considerate manner, which is of significant sentimental importance to the applicant and environmentally responsible. It is proposed the drawing and analysis provided is adequate justification to support the development as being of lesser potential impact than a numerically compliant design.

2. Re 4.1.2.2 Side Setback non-compliance

Our extension proposal is to retain the existing dwelling, minimally increase to its footprint, provide additional accommodation for our family, and minimise any adverse impact on neighbours.

- The Western boundary of #31 Montauban Avenue (being the side boundary of the proposed development) is the rear boundary of #10 and #12 Clontarf Street (#12 being a corner lot) creating an implicit and sufficient spatial separation between built structures along this boundary. The habitable spaces & decks within #10 are setback 7.599m from the common boundary creating an effective distance between built structures of 11m between #10 Clontarf Street and the proposed rear extension of #31 Montauban Avenue at the narrowest point. The building separation between #12 Clontarf Street #31 Montauban Avenue is currently 3m at the narrowest point.
- The Eastern boundary of #31 Montauban Avenue, being the side boundary of the proposed development and #29 Montauban Ave has adequate spatial separation by virtue of the North South orientation of both blocks and the positioning of the primary living area of #29 Montauban Avenue being significantly further into the building setback, adjacent to #31's back yard.

3. Re 3.4.1 Sunlight and Overshadowing

Drawings A040 Views from the Sun and A041 Shadow Diagrams – Jun 21 have been redrawn to provide the information requested by the RFI, this includes locating POS of adjoining properties.

- Considering the set back of habitable spaces & decks within #10 Clontarf Street from the common boundary (7.599m) and the relative levels of floors, with the rear deck at #10 Clontarf St (RL93.1) and (RL93.7) being roughly midway between the exist ground floor (RL92.19) at & proposed first floor (RL95.21), a negligible change to the existing sun amenity was foreseen for #10 Clontarf Street by the proposed extension. As the plans & levels at #10 Clontarf Street property were included in their submission to council, we have now been able to extend our sun and shade modelling to show these built elements and clearly demonstrate with drawing A041 (6) Shadow Diagrams – Jun 21 , that there is no adverse impact to the solar access or amenity of #10 Clontarf Street by the proposed development.
- As noted in the table of *Effects of proposed verses Numerically Compliant Development*, we outline the effects of the proposed development to the adjoining neighbours.

4. Re 3.4.2 Privacy and Security

Revisions to the proposed first floor rear balcony have addressed the relationship between the Proposal and western neighbour #10 Clontarf St. We have added a wraparound end wall, fins (to over 3m from the bdy) providing adequate visual screening from this family room and will be retaining the existing boundary vegetation.

- We acknowledge the concerns of the neighbour at #10 Clontarf Street as far as privacy to their POS and primary living areas. The extensions forming their large, covered deck and requiring an OSD to the rear yard were completed apx 2020 (detailed in the plans included in their submission to council). This Complying development reoriented their primary living areas to a North Easterly orientation and created an effective overlook into the kitchen and dining of #31 Montauban Ave. This has since been addressed by renewing the dividing fence to 1.8m lap & cap and both properties installing screening plantings. We are

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conscious of maintaining privacy between the adjoining properties but note that the plan distance between the proposal's upstairs rear balcony and #10 Clontarf St rear decks is in excess of 12 metres.



Rendering of Proposed development - view from #10 Clontarf Street rear balcony looking North-East towards #31 Montauban Avenue



View from #10 Clontarf Street rear balcony looking North East towards #31 Montauban Avenue Street (obtained from DA portal Bambrick-Brown Response) showing extent of existing boundary planting.

- The rear first floor balcony provides visual and aural connection to the rear yard of #31 Montauban Avenue to maintain supervision of small children and elderly relatives orienting the prospect to the centre rear yard with access to the rear yard able to be quickly traversed via the spiral stair. The staircase position has been carefully situated at a point furthest away from adjoining neighbours with particular regard for least potential overlook to the POS of #10 Clontarf Street. It is noted that any overlooking view from the proposed spiral staircase changes as the viewer turns and descends the stair with direct viewing angles further interrupted by existing vegetation.



View looking West from rear year of #31 Montauban Avenue to side boundary /rear boundary of #10 Clontarf Street - showing existing plantings to be retained.

- Privacy to and from the proposed first floor front balcony will be achieved by privacy screen to the West end with wrap around to the South (zero view of #12); privacy fins with cutoff angles preventing viewing within 3m of the boundary; and the height of existing plantings.



Rendered view from first floor Family Room looking South West toward #10 Clontarf Street rear yard

- There are existing plantings within the front boundary of #31 that provide privacy to & from #12 Clontarf St, we intend that this will continue to facilitate privacy for the proposed ground floor deck with privacy screen along the Western side of the first floor front balcony.
5. Re 4.1.6. Parking, Vehicular Access and Loading non-compliance
- According to our reading of Australian Standard 2890, the space provided within the Proposed Carport will be sufficient for two off-street parking spaces, side by side, each with independent access to and from the street (not stack parking), across the access driveway (1.3.1), for two B85 vehicles (1.3.6). The Australian Standard notes a Parking module, as having:
- 2.4.1.(a) Length. The nominal length of a parking space shall be 5.4m min, as shown in drawings within Figure 2.2 (User class 1A, length 5.4m, (C1 – where parking is to a wall or high kerb not allowing any overhang).
 - 2.4.1. (b) Width The minimum width of parking space required for each user class is shown in Figure 2.2, as (d) Bays at 90°, User class 1A, 2.4m wide,
 - (ii) Adjacent obstruction If the side boundary of a space is a wall or fence, or if there are obstructions such as columns placed so as to restrict door opening, 300mm shall be added to the width of the space.

- All other aspects of Australian Standard 2890 have been complied with, see drawing A;
 - 2.4.6 Gradients within parking modules
 - 2.6 DESIGN OF DOMESTIC DRIVEWAYS, inc 2.6.1 Width and 2.6.2 Gradients
 - it is not intended at this stage to provide *Wheel stops or Other protective devices*.

Both spaces need to be 5.4m long, 5.5m is provided with an additional one meter from the rear of the parking space to the boundary. The eastern parking space has an *Adjacent obstruction* to the east side only, required width 2.4m + 0.3m = 2.7m. Similarly, the western parking space has an *Adjacent obstruction* to the west side only, required width 2.4m + 0.3m = 2.7m. The total internal required width 2.7m + 2.7m = 5.4m, the proposed Carport has an internal width of 5.5m and is thus compliant to Australian Standard 2890.

6. Re Landscape Concept Plan and Landscape Referral

This revised Landscape plan shows the plantings that are proposed under development application (confined to the front yard).

- The first point of the LRR is *“It is noted Plan A012 includes identification of raising existing ground levels around the trees at the rear of the property and this is not supported.”* Drawing A012 has been revised as part of the RFI process to eliminate all changes to existing ground level in the back yard. Please refer to Arborists letter from *Growing My Way* dated 12 February 2024.
- *Landscape Plan by 3DI Landscape, Drg N°: 24-SP437/LP1* is provided in response to Landscape Referral *“Landscape Concept Plan is not prepared in accordance with Council’s DA Lodgement Requirements and the design intent through (clear) in documentation is not readily recognised.”*
- The plantings now detailed address the LRR concern that *“Present(ation) to the streetscape requires softening in accordance with Manly DCP control 3.3.1 Landscape Design... tree planting within the front setback in accordance with Manly DCP Schedule 4 - Part B - Native Tree Selection.”*

This new plan proposes the addition of tree planting as scheduled below, entirely within the front setback and including one Angophora Hispida (Dwarf Apple Gum) to comply with the requirements of the DCP for softening; two Eleocarpus Reticulatus (Blueberry Ash) for additional privacy screening plantings to benefit the balcony over garage area of #29 Montauban Avenue; and, a single Camelia Sasanqua (Camelia) for privacy to the proposed ground floor office. No changes to the rear yard landscape area are proposed.

Planting Schedule						
Symbol	Botanic Name	Common Name	Number	Pot Size	Mature Height	Spacing
Tree						
AH	Angophora hispida	Dwarf Apple Gum	1	35lt	6m	
CS	Camellia sasanqua "Petite Sylvia	Sasanqua	1	25lt	6m	1m
ER	Eleocarpus reticulatus	Blueberry Ash	2	35lt	10m	-
Shrubs						
LD	Lavandula dendata	Lavender	8	150mm	0.7m	0.5m
Ground Covers						
DR	Dichondra repens	Kidney Weed	40	120mm	0.1m	0.5m
VH	Viola headeracea	Native Violet	60	140mm	0.25m	0.5m
TJ	Trachelospermum jasminoides	Star jasmine	13	140mm	Climber	

7. Survey Plans and other Architectural Plans

We note that council has confirmed the provided Identification Survey DWG. No. 23470001 by Axiom is sufficient to meet Council's requirement for the RFI submission. Set of plans have been updated to reflect a slight boundary adjustment from the Identification survey.

Table 1. Effects of Proposed v Numerically Compliant Development (NCD)

	#10 Clontarf St	#12 Clontarf St	#29 Montauban	Others
Shadowing – Prop A040 & A041 21 June	No overshadowing of large decks or habitable rooms. 9am POS has sun. Shading larger than exist to grass area but gone prior to 11am.	Unchanged	Afternoon shading Living Rm windows starts 1pm. North & West Liv Rm windows still have over 50% area in Sun at 3pm. Sun access shown 4pm. POS not shaded.	
Shading – NCD See AD-A042	<i>Shadow shape changes, but more square meters of yard shaded.</i>	<i>Slight increase of morning shading.</i>	<i>Greater shading of Living Rm windows in both earlier onset & extent / size of shadows.</i>	<i>Would cast shadow into yard of #8 Clontarf St</i>
View Loss – Prop	N/A	Existing district/ ocean view from Primary Bedroom Unchanged. View from secondary bedroom reduced by apx 10 ⁰ .	N/A	N/A
View Loss - NCD	N/A	<i>View loss; most from Secondary bed rm, Main Bed portion, 1/4 to 1/3.</i>	N/A	N/A
Privacy - Revised	First Fl #31, Rear Balcony: Prop wrap around end wall, privacy fins & timber vertical balusters, and existing Plantings in both #10 & #31, effectively shields between both internal & POS.	First Fl Front Balcony: proposed, visually solid, end / west wall, plus existing Plantings in #31, shield #12's POS. Note the North part of #12's rear yard is used as parking. #12 also has front yard POS.	Back yard. Existing plantings in #31, will give privacy between windows of #31 and #29. Front Yard. Plantings proposed in #31 to give #29 privacy to over Garage terrace.	N/A

	#10 Clontarf St	#12 Clontarf St	#29 Montauban	Others
Privacy - NCD	Possible wall along most of rear bdy. Windows within recesses, 3m from boundary could face into habitable rooms, POS and decks of #10.	Similar impact to neighbour at #10 Clontarf St, overlooking into #12.	Building deeper into the rear yard would likely cause overlooking of their POS.	#8 Clontarf St, Likely overlooking of POS.
Access to Light - Prop	Minimal change to no change. Joint Bdy between back yards. #10 rear set-back 7.599m.	Minimal change to no change.	Higher wall will be continuously clad in a light colour material more reflective than red brickwork.	N/A
Access to Light - NCD	<i>Reduction in light if built form extends along their back bdy.</i>	<i>Slight reduction in light if built form extends further forward.</i>	<i>Reduction in light if built form extends along their side bdy.</i>	N/A
Access to Air - Prop	Minimal change to no change. Joint Bdy between back yards. #10 rear set-back 7.599m	Minimal change to no change.	Less interruption to air flow with simpler form, no box gable.	N/A
Access to Air - NCD	<i>Reduction in air if built form extends along their back bdy.</i>	<i>Some reduction in air if built form extends along their back bdy.</i>	<i>Reduction in air if built form extends along their side bdy.</i>	N/A

Comparing the Proposed Development to the Objectives of the DCP

The subject property, 31 Montauban Ave Seaforth, is situated in an elevated position with North aspect, views toward the ocean and reliable cooling Nor-Easters in the summer. This location & orientation combination – good climate control, is also enjoyed by adjoining properties;

#29 Montauban (common side boundaries, a narrower block, but rear living addition has windows to all four sides with openings to North, East & South);

#12 Clontarf St (corner block with their side boundary facing North onto Montauban Ave);

and #10 Clontarf St (original 1951 house is cross shaped and was sited at 45 degrees to site boundaries to improve & maximise climate control, later extended with north facing rear additions, 7.599m from common bdy).

- The two properties in Clontarf St (#10 and #12) that adjoin the side boundary of #31 Montauban, have the house sited toward Clontarf St, with North facing rear extensions.
 - The distance to these houses combined with orientation and enhanced privacy provisions demonstrates minimal adverse impact of the development on these properties, with effectively no advantage gained to them if the western wall height and setback of #31 were numerically compliant.

- Comparative to the potential adverse impacts on these neighbors by a numerically compliant development, (see Table) the proposed building shape has less impact and aligns with the Objectives of the DCP.
- Immediate Eastern neighbor, #29 Montauban has unimpeded North aspect to the front rooms (of the original 1940's house) and ample solar access to recent rear addition of a Certifier approved Living/Dining/Kitchen space (setback 1.675m to #31 bdy, 5.008m ht) and Council Approved improvements, a swimming pool and conversion of an existing brick garage (within rear setback) to a Pool house - Casual living (noted in recent sale advertising as "Separate pool house / studio with its own bathroom... for use as guests or au pair accommodation, a home office or teen retreat.").
- Examination of RFI amended drawings (A040 (7) Views from the Sun and A041 (6) Shadow Diagrams – Jun 21) shows the extent of additional shading caused by the proposed development at #31 and is of a minimal nature with a small loss of solar access to the North & West highlight windows.
 - The roof pitch of the proposed first floor is lower than existing roof and the current projecting box gable has been eliminated, both to minimise the building profile, (prop ridge RL 99.21 is 0.74m lower than the 8.5m permissible max ht and only 1.82m higher than the existing ridge of RL 97.39.)
 - The proposed light colour continuous cladding to the east wall of #31 will provide greater reflected light to windows of #29 (original house) facing #31 and cause no change to sun access to habitable rooms on this wall.
 - Comparative to the potential adverse impacts on this neighbor by a numerically compliant development, (see Table) the proposed building shape has less impact and aligns with the Objectives of the DCP.

The additional information provided in this report along with substantiating drawings, directly addresses the objectives of the DCP regarding; privacy, light, sunshine, air, view sharing, space between buildings, views & vistas, and retaining existing consolidated vegetation across sites. We consider that there is minimal adverse impact on neighbors by the proposed development and on the basis of further information requested provided in this report, the application should be supported.