

2nd July 2021

Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Response to Council Letter dated 15<sup>th</sup> June 2021  
DA2021/0412 – 17 Maretimo Street, Balgowlah NSW 2093

Dear Council,

Please see below our responses to the preliminary assessment of the application.

### 1. Confirmation of subdivision

*No information has been provided to Council confirming that the approved subdivision has been registered. Council cannot give for a new dwelling on the approved lot if the subdivision has not been registered.*

The subdivision was approved but not yet registered. We believe that this should not affect the assessment of this Development Application, as it can be determined with conditions of consent and/or deferred commencement conditions to allow the Construction Certificate to progress after subdivision has been registered.

### 2. Height of Buildings

*With a RL of 93.79m AHD, the ridge height appears to exceed 8.5m in height above each of the closest ground levels nominated on the survey provided, resulting in non-compliance with the maximum building height development standard prescribed by clause 4.3 of MLEP 2013...*

The proposal has been amended to address the height concern. The building has been lowered 200mm to fully comply with the maximum 8.5m height compliance and also reduce bulk and scale and overshadowing. Refer to amended floor plans, sections & elevations (DA302 – 504).

### 3. Floor Space Ratio

*The proposed storage areas identified on the floor plans are not predominantly below ground, and do not meet the definition of 'basement' as defined by MLEP 2013. As such, these areas are required to be included within the floor space ratio calculation.*

The proposed subfloor storage spaces are 1.15m high, which is neither usable space nor should be counted towards GFA.  
Refer to additional drawing Section CC (DA401).

#### 4. Bulk and Scale

*The front of the proposed development is inconsistent with the maximum wall height prescribed by clause 4.1.2.1 of MDCP 2013. The proposed non-compliances are not supported in this instance, as the apparent size of the resultant development will be inconsistent with the character of the streetscape and as the dwelling has not been appropriately stepped in consideration of the fall of the land.*

The proposed building wall height at its maximum as amended is 7.1m at the front of the development. This is at single point at the ridge of the roof lining up with the highlight windows. From here the maximum wall height falls away to the south (6.5m) and drops down to the lower roof on the North (7.0m) as the site falls away. While this is a technical non-compliance, we feel it needs to be considered in more detail. The wall height control is only for walls, then the DCP refers to allowance for roof under Clause 4.1.2.3 Roof Height. The proposal is a contemporary approach to the traditional pitched roof form. When we consider both the wall and roof height, the proposal presents a similar bulk, scale and form that a traditional gable end roof would. So in this instance the maximum height of 7.1m is more comparable to a 9m (6.5 + 2.5m) ridge point. Considering this we feel the proposal is a reasonable outcome and not causing any adverse impacts compared to a compliant design. Importantly, the southern edge complies with the control, minimising overshadowing and bulk and scale to the rear of the Ethel St properties.

Also to note is the dotted profile of the current house at the rear of the site. The proposal is set in and lower than the current house. Refer to DA402

The dropping of the levels have assisted in minimising impacts. Dropping any further would result in excessive retaining along the southern boundary as the site is lower than the existing boundary edge.

#### 5. Setbacks

*With a setback of 5.38m to Maretimo Street, the proposal does not comply with the 6m minimum front setback control prescribed by this control. The proposal is inconsistent with the relevant underlying objectives of the control in regards to character of the street and the incompatibility of the proposal with the predominant setback existing in the street.*

Manly DCP 2013 states that;

- a) *Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.*

The proposed front setbacks – 5.38m & 9.06m – are in line with the DCP controls & existing neighbouring properties prevailing building lines. Refer to Figure 2, approximate street front setback diagram.

The proposals streetscape character is in conjunction with the existing neighbouring properties, in particular to No. 21A, 23A and 25A, which share similar subdivision characteristics and 2 storey street front elements. Refer to Figure 3 of mentioned neighbouring properties.

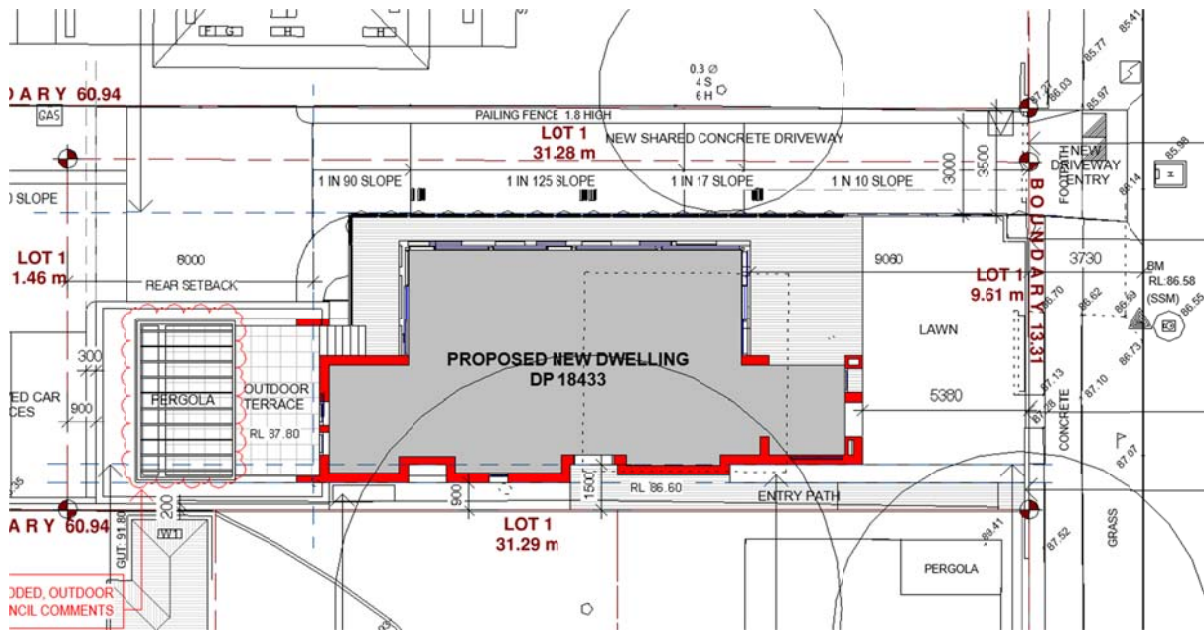


Figure 1.  
17 Maretimo Street – Proposed New Dwelling streetfront setbacks.



Figure 2.  
Maretimo Street – Approximate streetfront setbacks of neighbouring properties



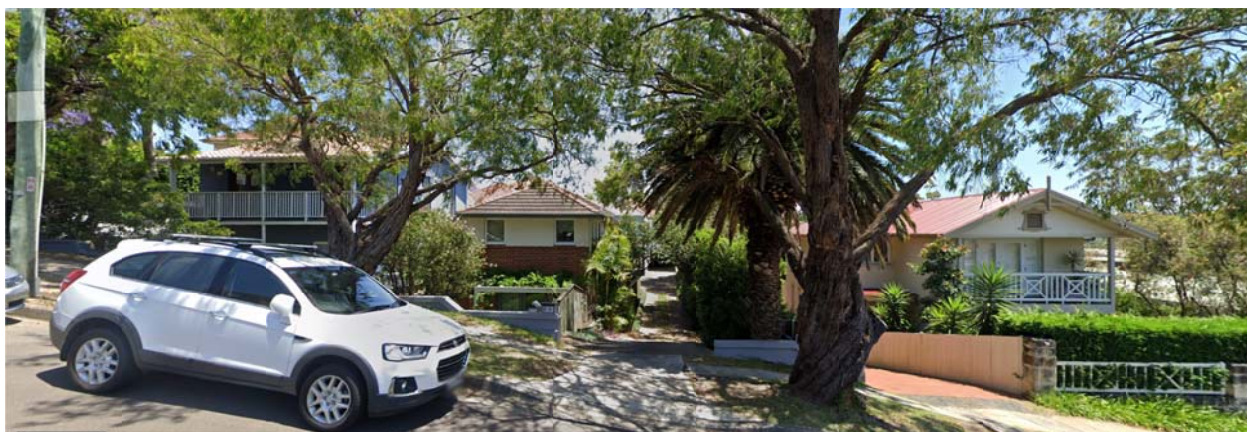


Figure 3.  
21A / 23A / 25A Maretimo Street – Existing 2 storey street frontage

## 6. Solar Access

*The proposed development will result in additional overshadowing to areas of private open space of adjacent properties to the south, south-west and southeast. The resultant impact is, in part, attributable to built form non-compliances relating to building height, setbacks and wall height.*

As noted above the building height has been reduced, in turn reducing shadow impacts, bulk & scale and general compliance.

Refer to amended shadow diagrams (DA703-705).

Two points to consider in regards to Solar Access:

- The wall height at the southern edge of the building is generally consistent with the controls and not dissimilar to a generic pitched roof building, such as the current house to the rear of No. 17 Maretimo St. Considering the orientation of the site, any second storey will cast additional shadow as the Ethel St properties are due south of the property. The design has considered this, with its balance of levels, not excessive ceiling heights and lower springing point to the top floor on the south side.
- Existing quality of space and vegetation to rear of Ethel St properties. Below are some images to further clarify. While the shadow diagrams represent a desktop assessment, the existing context needs to be considered. Between fences, trees and pergola structures, there is potentially further existing shadow that is difficult to account for accurately. Considering this, the proposal will not specifically be adding as much additional shadow as first anticipated.

Overall, considering all the factors it is felt that the proposal achieves the right balance of amenity to both subject and adjoining properties.



Views of the rear of No. 2 Ethel St from subject site showcasing the level of existing fence, vegetation and pergola structure.





Views of the rear of No. 2,4 and 6 Ethel St from subject site showcasing the level of existing fence, vegetation and pergola/garage structures.



View of No. 17 Maretimo and 2 Ethel St, showcasing the large trees and hedges that would already cast significant shadow to the rear yards of No. 2, 4 and 6 Ethel St.

## 7. Privacy and Security

*Clause 3.4.2 of the MDCP 2013 requires outdoor open spaces (i.e. balconies and terraces) to be located in a manner that considers the visual and acoustic privacy of adjoining neighbours. The proposed terrace to the top of the proposed garage is in close proximity to the adjoining western property (rear lot). The terrace provides direct view lines to neighbouring properties, which is not an acceptable outcome. Accordingly, the proposal cannot be supported on this basis.*

It was understood from our phone discussion that this concern was related to privacy of No. 17 Maretimo St. The existing rear house to the west.

This has been further considered, by increasing the landscape edge to the west of the terrace, reduction in terrace width, addition of 2m high privacy screen and open pergola structure.

The aim is to provide a more screened off terrace area, with further landscape and minimise potential for overlooking.

Refer to amended floor plans and section 01 (DA302 & 401).

## 8. Landscaped Area

*The proposed development results in a significant non-compliance to the landscaped open space control. While it is acknowledged that full compliance is difficult given the constraints of the site, the degree of landscaped area noncompliance proposed is not supported. The footprint of the development is to be reduced to achieve a greater proportion of landscaping on the site and consistency with the objectives of the landscaped open space control.*

Given the nature of the site & its restrictions, it is to be expected to find difficulties to adhere strictly to council DCP controls in particular to landscape calculations. Per proposals calculation (DA701), should all landscaping be included then the minimum required percentage can be reasonably achieved.

Refer to the figures below of properties at 23A & 25A Maretimo Street, which share similar site & subdivision characteristics, both are fronting the streetscape, and both have limitations in achieving the required landscape requirements.

Overall, we feel the proposal maximises as much open space as can reasonably be achieved on a site of this scale and nature (width battleaxe driveway). Evidence of this, is the terrace above the garage, which could have been a simple roof, but instead utilised for further open space and landscaping. Considering the compliance with FSR, Height and general setback, we are of the opinion that the proposal makes a considered effort to maximise open space where possible, not dissimilar to neighbouring properties of similar scale and context.

The design of the ground floor also goes a long way in maximising the small site area, by providing a seamless inside/outside flow that creates an extension of both inside and outside, giving a sense of space and opportunities for enjoyment.

As mentioned in the original SEE. When considering all the area (not specifically as required in the DCP) the areas comply. It is difficult to apply such strict area/size controls to a site of this nature. Further justification was provided in the SEE. Extract below:

*While the proposal does not strictly comply with the numerical requirements, it is considered the proposal meets the objectives of the control. The development does not require the removal of any existing trees or important landscape features on the site. Private open space has been oriented to the northern boundary to limit any amenity impacts with regard to privacy. Landscaping treatments are proposed to surround the ground level terrace to provide additional screening and ensure this space achieves high amenity for the occupants.*



Figure 4.  
25A Maretimo Street – Courtyard faces streetfront



Figure 5.  
23A Maretimo Street

In conclusion, we appreciate the council feedback and concerns, and believe the amended plans and justifications provided above satisfy the issues raised and find the right balance, considering the very specific and unique nature of the development.

We look forward to your response and are happy to discuss any elements further.

Yours faithfully

**URSINO ARCHITECTS**

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