

7 June 2024

Northern Beaches Council
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Attention: Reeve Cocks, Planner.

Dear Reeve,

**RE: RESPONSE TO THE REQUEST FOR ADDITIONAL INFORMATION
30 GEORGE STREET, MANLY
DA2024/0179**

This cover letter is in response to a request for additional information dated 23 April 2024 in relation to DA2024/0179.

In response to the issues raised in Council's RFI, without prejudice plans were submitted to the Council with a revised first-floor roof form to respect the adjacent properties better and provide a better visualisation from the streetscape. The following comments were provided by Council on 24 May 2024.

"Further to reviewing the amended plans and the applicant's response I appreciate the improved roof form which relates better to the adjacent semi, however further improvements are possible. The side setback to the first floor addition can be increased by providing a recess to the Bedroom 4 and possibly to the bathroom. This recess would help to minimise the visibility and reduce the impact on the streetscape. A detailed external materials and colour scheme is still required."

The above recommendations have been considered and incorporated into the revised scheme presented to the Council. An additional side setback of 700mm has been provided to Bedroom 4 to provide a recessed step into the built form as it moves towards the front boundary.

This letter is accompanied by the following documents:

- Architectural Plans prepared by SAGO Design.

The below serves as our response to the points raised in the additional information request.

1. 3.11 (& 3.1.1.1) Streetscape (Residential Areas)

The design of the first floor has been revised to better relate to the existing built form of the site and reduce its bulk as visible from the public domain. The provision of a gable roof form relates to existing features of the semi-detached dwelling, such as the gable feature that forms part of the front façade.

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The provision of a gable roof form has generally reduced the bulk and scale of the first-floor structure when viewed from all elevations. The following comments are made in regard to this reduction:

- Western/Front elevation – the ridgeline has been increased in height by 270mm; however, the ridgeline is now centrally located within the building footprint and well setback from each property boundary due to the gable roof form. The roof form now slopes to both side boundaries to reduce its bulk and scale as viewed from neighbouring sites. On the southern side boundary, the roof form has been reduced by 858mm. On the northern side boundary, the roof form has been reduced by 417mm.

It is considered that the revised roof form now better results to key elements of the site and the streetscape, notwithstanding that the streetscape of George Street varies in terms of building styles, vintages, and scales.

George Street varies between single-storey and two-storey detached dwellings, single-storey semi-detached dwellings, two-storey terraces, and multi-level flat buildings. A number of properties through George Street, namely 4 George Street, 12 George Street, 16-18 George Street, 17 George Street, and 30-32 George Street, have gable elements within their design. The revised roof form incorporates this as a key feature of the streetscape.

Additionally, No. 10 George Street includes a highly visible first-floor addition. The revised design has taken key elements from this design, such as how the roof form slopes towards to the side boundaries to limit its bulky appearance.

Lastly, although it is considered that the built form better relates to key qualities of the streetscape, it is not considered that the addition will be easily discernible from the public domain for the following reasons:

- The first-floor addition is setback approximately 13m from the front boundary. This was a conscious decision to allow the front roof form of the semi-detached dwelling to be retained in its entirety.
- Existing vegetation within the public domain generally disrupts views of the front façade of the dwelling, as illustrated in Figure 1 below. Therefore any addition will not be highly visible in the public domain, especially to any passerbys.



Figure 1: View of the subject site from the public domain.

As outlined above, the revised design better relates to the streetscape of the locality and is not considered to have an adverse impact when viewed from the public domain.

2. 3.4.1 Sunlight Access and Overshadowing

As per advice from the project architect, SAGO Design, Council advised that the only inaccuracy in terms of the shadow plan diagrams was the verandah roof to the adjoining neighbour, and the location of neighbouring boundaries. These matters have now been resolved as per the shadow diagrams located within Drawing No. DA50 & 51 of the architectural plans prepared by SAGO Design.

Considering these revised drawings, the conclusions reached on Pages 32 and 33 of the submitted SEE I prepared remain accurate. For total clarity, this discussion is reiterated below.

Section 3.4.1 of the Manly Development Control Plan (MDCP) 2013 in relation to neighbouring properties requires new development to not eliminate more than one-third of the existing sunlight received by neighbouring private open space areas from 9am to 3pm on the winter solstice and new development must not reduce solar access to windows or glazed doors below 2 hours between 9am and 3pm on the winter solstice.

The revised shadow diagrams continue to illustrate that no additional shadows fall on any areas of private open space between 9am and 3pm on the winter solstice. Therefore, the amenity of neighbouring properties in terms of solar access to private open space will not be reduced.

The revised shadow diagrams continue to illustrate that new shadows resulting from the proposed development are predominately cast onto the roof form of No. 28 George Street, which contains skylights. A review of floorplans available on realestate.com.au, and demonstrated in Figure 2, reveals that two skylights service the open-plan kitchen/dining area and primary living area.

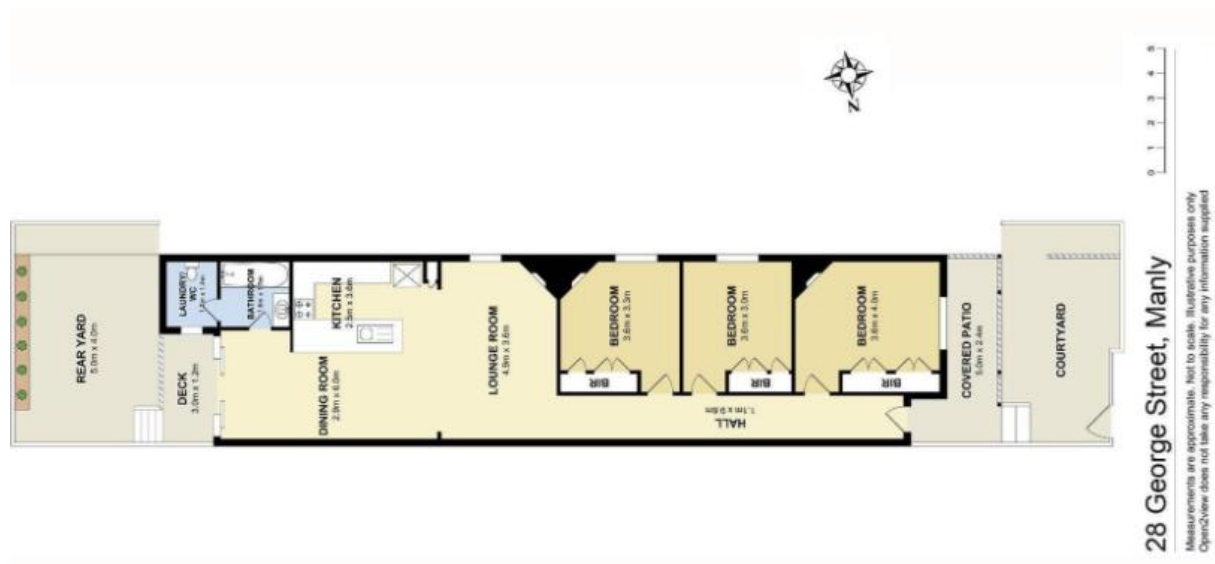


Figure 2: Realestate.om.au floor plan of neighbouring site at No. 28 George Street, Manly.

The shadow diagrams prepared for the winter solstice demonstrate that this skylight retains solar access from 11am to 3pm for a total of 4 hours, achieving compliance with this control.

3. 3.4.2 Privacy and Security

The proposal has been revised to delete any windows along the northern elevation of the first-floor addition to eliminate visual privacy conflict with the neighbouring first-floor windows.

Visual privacy conflict concerns resulting from the previously proposed Windows 03 and 04 have now been resolved. The deleted windows have been replaced by openable skylights to ensure suitable natural light and ventilation are received in the habitable spaces of the subject dwelling.

The RFI letter outlined privacy concerns of Window 05's relationship to No. 10 James Street, which is located to the rear of the setback site. The proportions of window 05 have been retained, as it is not considered that adverse visual privacy impacts will result from this Juliette balcony. It is not considered that any visual privacy impacts will result as the outlook from this balcony does not impact any sensitive areas of No. 10 James Street. Figure 3 below illustrates the visible elevation of this site from the subject site containing two windows, one of which appears to have obscured glazing, and the other is small in nature, and likely to serve a low-use room.



Figure 3: rear elevation of No. 10 James Street.

In addition, recent aerial imagery obtained from Nearmaps demonstrates that the area immediately adjacent to the shared boundary between the two sites contains a structure. As such, it is not considered that the balcony will have a visual outlook to any sensitive private open space areas. Refer to Figure 4.



Figure 4: Recent aerial imagery of the subject site.

It is not considered that any visual privacy impacts remain as part of the revised proposal.

4. 3.4.3 Maintenance of Views

It is acknowledged that an objection was received from a neighbouring property in relation to the potential loss of views of a historic landmark. Council outlined in the RFI that No. 32 George Street currently enjoys views of the St Patrick's Seminary from a first-floor living area. Further correspondence was received from the Council after a site inspection was undertaken by the assessing officer to clarify the potential view impact. The following was advised via email to our project architect on 24 May 2024:

"The adjoining neighbours have a clear view of St Patricks Seminary from their second storey office room. As this was not addressed in the original Statement of Environmental Effects Council requests additional information to justify the partial or whole loss of this view. Alternatively the applicant may wish to amend the architectural plans to retain this view in which case no view loss assessment will be required."

The above correspondence clarifies the potential impact which occurs to a window servicing an office space rather than a living area, as previously indicated in the Council's RFI.

The image below was taken from the subject window by the assessing officer and issued to the project architect for view loss assessment.



Figure 5: Photo obtained from Council in regard to potential view loss impact.

This image illustrates that the first-floor office space of No. 32 George Street receives views of St Patricks Seminary, which forms part of St Patricks Estate, which is a Local Heritage Item (I132) listed under the Manly Local Environmental Plan 2013.

In relation to the above imagery, the general planning principles pertaining to views established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 ('Tenacity') have been considered.

Step 1: Assessment of views to be affected:

The site analysed in this assessment, No. 32 George Street, Manly, currently contains views towards a listed Local Heritage Item, being St Patricks Seminary. The view (as pictured in Figure 5) is a partial view, as the Seminary is not fully visible and is partially obstructed by vegetation. No clarification has been provided by Council or the objector as to whether this view is obtained from other parts of the property.

Step 2: Consideration of the part of the property the views are obtained:

The view of this item is obtained from a first-floor window of No. 32 George Street, which is identified by Council's assessing officer as an office/study space. The view from this window is obtained over the shared side boundary of this site and the subject site of this DA. The photo obtained from Council appears to be taken from a standing position. Council has not clarified whether the view is also achievable from a sitting position.

It should be noted that the view obtained from No. 32 George Street is over numerous properties (including side boundaries) and is of a building set a 1.5km distance from the window, as identified in Figure 6 below:

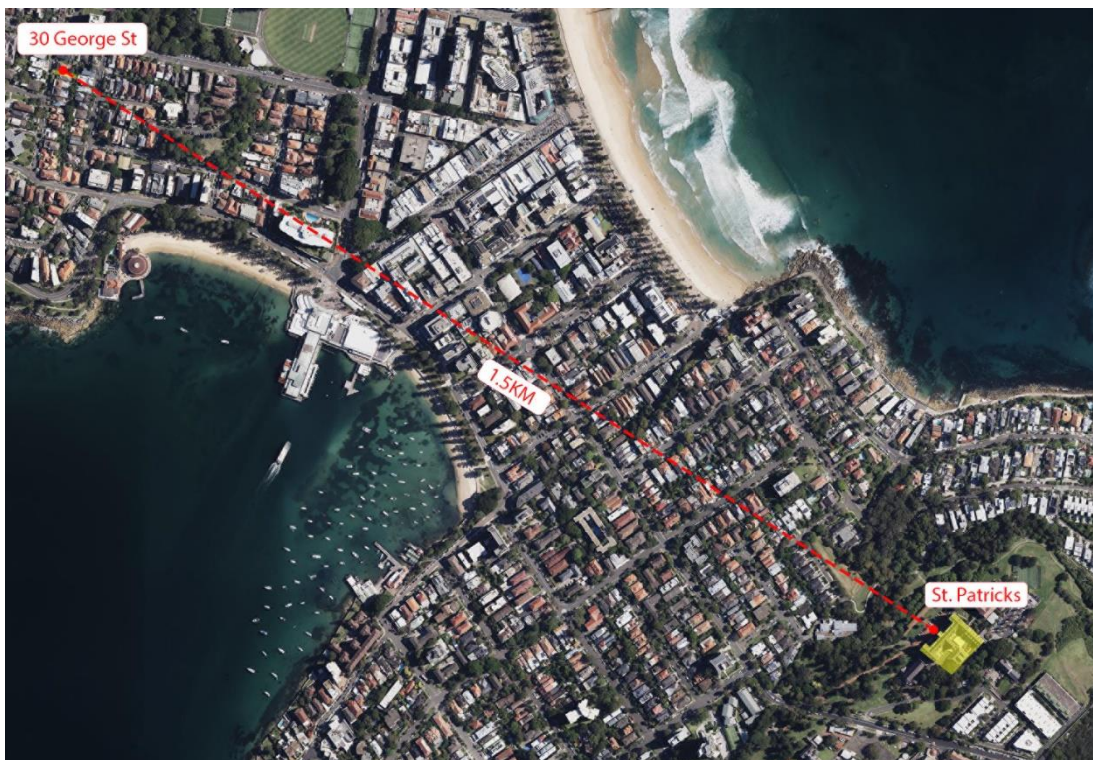


Figure 6: Aerial imagery of site line to a listed Heritage Item.

Due to the distance of the site from the views obtained, there is no guarantee that the view will be retained in the future due to future development potential within the 1.5km separation and potential unmitigated growth of vegetation. Due to this uncertainty, it would be unrealistic to retain a view that is obtained over a great distance and multiple properties.

Step 3: Assessment of the Impact:

Council has outlined that the view of concern is obtained from an office/study space. It should be noted that conflicting information has been received from the Council within their own correspondence and also neighbouring objection letters regarding the use of this space. Council, within its RFI letter, stated that this view was obtained from a first-floor living room window and then clarified that it was received from an “office space” in correspondence dated 24 May 2024. An objection submitted by the owner of No. 32 George Street stated that the view was obtained from a first-floor living area. This conflicts with the later remark made by the Council’s assessing officer and indicates that the objector was attempting to increase the seriousness of the impact.

In addition, realestate.com.au floor plans of the site indicate that this room was marketed as a bedroom.

A view montage has been prepared by the project architect, which demonstrates that the view of the Heritage Item will be removed as part of the proposed addition to the subject site.



Figure 7: View montage of the proposed addition.

Tenacity acknowledges at (27) that views across side boundaries are more difficult to protect. When considering the use of the room that is impacted, which is an office space and not a primary or even a secondary living room, the distance of the item away from the subject site, and the fact that it is obtained over a side boundary, it is considered that the impact is minor-moderate. It has also not been indicated what other views of the item are retained from the first floor of this site. The site has other south-facing windows and a rear deck that may be capable of retaining similar views.

Step 4: Reasonableness of the proposal causing the impact:

It is considered that the development is reasonable as outlined in the response to the remaining issues raised in the RFI.

The proposal is compliant in regards to development standards of the MLEP 2013, specifically, building height and Floor Space Ratio, demonstrating that the development is not an overdevelopment in regard to its bulk and scale. The proposal is generally compliant in regards to development controls of the MDCP 2013, with the exception of side setbacks, as discussed in section 5 of this response, and rear setbacks as discussed within the original SEE.

In regard to the side setback non-compliance, the revised design of the first floor requires a maximum side setback ranging from 2.2m at the eastern edge of the northern elevation and 2.1m at the western edge of the northern elevation. The revised proposal provides a 1m setback at the eastern edge of the northern elevation and a 1.56m setback at the western edge of the northern elevation.

It is considered that this non-compliance is acceptable when considering view impacts, as even if the proposal complied with these requirements, the view would still be disrupted, refer to Figure 8.



Figure 8: View montage of the proposed addition with compliant first floor side setbacks.

The above montage demonstrates that if the proposal were setback the compliant distance, the view of the Item would still be removed. The provision of compliant side setbacks would only impact the amenity and development potential of the subject site without maintaining any views for the neighbouring site. It has been demonstrated that the more skilful design, as the one presented and the image above demonstrating a compliant side setback scheme, would not retain any view of the Seminary without severely impacting the development potential and amenity of the subject site.

It would not be reasonable to constrain the development potential of the site for a distant, partial view only achieved over the side boundary of the site and one vulnerable to view loss from vegetation and numerous other development sites.

It is, therefore, considered that the view loss is reasonable as per the principles of Tenacity. Given the above analysis, the view loss caused by the proposal is acceptable in accordance with the planning principal.

5. 4.1.4 Setbacks (Front, Side, and Rear)

Council has outlined that the proposed addition results in a significant variation to the northern side setback control and references Objective (b) of Section 3.4.3 of the MDCP 2013, which specifies that:

“Views between and over buildings are to be maximised, and exceptions to side boundary setbacks, including zero setbacks will not be considered if they contribute to loss of primary views from living areas.”

It is reiterated, as discussed within this letter, that the only view loss occurring is from a first-floor office/study space and not a living area, as originally noted in the RFI letter. Therefore, a variation can indeed be considered to the side setback control and would not be in conflict with any objectives.

The proposal's revised roof form as part of this amendment has lowered the side setback requirements for the northern side elevation as a result of the reduced wall height. The revised design of the first floor requires a maximum side setback ranging from 2.2m at the eastern edge of the northern elevation and 2.1m at the western edge of the northern elevation. The revised proposal provides a 1m setback at the eastern edge of the northern elevation and a 1.56m setback at the western edge of the northern elevation. The proposal remains non-compliant in regard to side setbacks.

As discussed in this RFI response letter, the revised proposal is acceptable in terms of visual privacy, solar access, and view loss. Therefore, it can be considered under control (a) of Section 4.1.7 of the MDCP 2013, which states that:

“First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.”

It is considered that variation to the side setback is acceptable in the circumstances of this case.

6. 4.1.5 Open Space and Landscaping

The owners of the subject site have confirmed that this tree is an Australian native. As outlined by Council, no further action is required if it is a native tree.

7. 4.1.6 Parking, Vehicular Access and Loading (Section 3)

It is acknowledged that the subject site requires two car parking spaces for a dwelling house to achieve compliance with Schedule 3 of the MDCP 2013. However, this requirement is not altered as a result of the number of habitable spaces proposed. Therefore, the car parking non-compliance is existing, and the status quo is maintained.

It is noted that the subject site does not currently contain car parking, which is consistent with the majority of developments along George Street. Any provision of car parking within the subject site would result in a substantial impact on the front façade of the subject dwelling, a worsened streetscape presentation, an adverse impact on the semi-detached nature of No. 30 & 32 George Street, and also impact vegetation within the front verge of the site.

In addition to the above, any provision of car parking on-site would likely result in the loss of on-street car parking, which would have a greater impact on the broader community than the

potential increase in car parking requirements generated from the increase of intensity caused by a singular bedroom.

8. 4.1.7 First Floor and Roof Additions

As discussed within this response letter, the proposal will not result in adverse view loss impact, visual privacy, or solar access impacts. Therefore, the first floor can follow the ground floor wall setbacks.

As discussed in Section 1 of this RFI response letter, the revised design is now acceptable in regard to the streetscape character and will not adversely impact the amenity of surrounding properties. The proposal has been amended to reduce its bulk and scale as viewed from the public domain and continues to be located to the rear of the site and behind the primary front roof form.

9. Heritage Referral Considerations

Revised plans were presented to the Council for comment from a Heritage perspective throughout the RFI process. The following comments were provided by Council on 24 May 2024 in relation to the revised design.

"Further to reviewing the amended plans and the applicant's response I appreciate the improved roof form which relates better to the adjacent semi, however further improvements are possible. The side setback to the first floor addition can be increased by providing a recess to the Bedroom 4 and possibly to the bathroom. This recess would help to minimise the visibility and reduce the impact on the streetscape. A detailed external materials and colour scheme is still required."

The above recommendations have been considered and incorporated into the revised scheme presented to the Council. An additional side setback of 700mm has been provided to Bedroom 4 to provide a recessed step into the built form as it moves towards the front boundary. It is considered that this reduces the bulk and scale as visible from the public domain and provides further separation to adjacent heritage items.

Detailed material and finishes form part of the architectural package submitted by SAGO Design.

We hope the above will assist in the assessment of the development application.

Please don't hesitate to contact me if you have any questions.

Kind regards,



James Corry
Town Planner
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