

6 March 2024

General Manager
Northern Beaches Council
725 Pittwater Rd,
Dee Why, 2099, NSW

Attn: Michael French (Planner)

Dear Michael,

Re: Development Application No: DA2023/1267 – 30 Pacific Street, Manly

I refer to your letter dated 27 November 2023 regarding Development Application No: DA2023/1267 for 30 Pacific Street, Manly, setting out certain issues identified by Council as preventing Council from supporting the proposal in its current form. Reference is also made to various discussions with yourself and Adam Richardson relating to the required amendments to the proposed development. Whilst many issues have been rectified, I set out responses to these issues to ensure each item reference in the RFI is adequately addressed.

To seek to address Council's issues, the applicant proposes the following revisions to the proposal which are reflected in revised architectural plans dated 6 March 2024.

1. Strategic and Place Planning (Heritage Officer)

- **Maintain building alignment and proposed front fence** – The applicant has maintained the existing building alignment and the proposed front fence at the height of the existing fence as reflected in the originally submitted Development Application plans.
- **Amend driveway crossover width** – The applicant has amended the width of the proposed driveway crossover to 2.5m.

2. NECC (Development Engineering)

- **Stormwater** – Refer to correspondence and documents from Taylors Consulting uploaded on 25 October 2023 to the NSW planning portal explaining that on-site retention is not possible within Council guidelines because of the small lot size.
- **Access and Parking** – Refer to the revised stormwater plan from Taylors Consulting uploaded to the NSW planning portal on 25 October 2023, rectifying the proposed location of the driveway crossover.

3. Manly Development Control Plan

- **First-floor setback** – In relation to council's concerns, and as per various discussions the applicant proposes a first-floor setback of 0.4m for the family bathroom then increased to 0.9m behind the proposed family bathroom. Refer to further assessment later in this later.
- **Pool** - The applicant has amended the location of the proposed swimming pool from running North/South along the western property boundary to running East/West along the northern property boundary.

4. Manly Local Environmental Plan 2013

- **Floor Space Ratio** - The applicant has reduced the Floor Space Ratio (**FSR**) of the proposed development by:
 - ❖ replacing the proposed Second Floor Study with an attic for access to the balcony only
 - ❖ Ground floor and first floor setback a further 0.2m from the rear than originally proposed.

Refer to Revised Clause 4.6 Variation to Development Assessment for full assessment.

5. Extent of works

Council expressed concern that the extent of the proposed alterations of the building is so significant that those parts of the building shown to be retained may not be able to be retained. The applicant has engaged a highly regarded civil engineering firm, Taylors Consulting, to advise on the construction of the proposed alterations and additions in the Development Application. While full construction plans have not yet been developed, Taylors Consulting has not expressed any concerns and supports the constructability of the proposed development. Taylors Consulting has accepted instructions to prepare the construction plans for the proposed development. Further, the proposed amendments reduce the structures to the second level with the proposal amended to an attic space only.

The applicant also notes that the recently completed development at 36 Malvern Avenue also retained comparable parts of the building to this proposed development and successfully adapted them into the redeveloped site.

In addition to the above, and from further discussions with Northern Beaches Council, the applicant submits that the proposed revised plans for Development Application No: DA2023/1267 – 30 Pacific Street, Manly address each of Council's comments to date, including:

1. **Car stacker** - providing details including dimensions showing that the proposed two car stacker in the proposed Garage will accommodate one B99 vehicle on the bottom level of the stacker and one B85 vehicle on the top level of the stacker, with adequate ceiling clearance;
 2. **Manly DCP setback objectives** - demonstrating compliance with the objectives of section 4.1.4 (Setbacks (front, side and rear) and Building Separation), Manly Development Control Plan regarding the proposed setback for the First Floor addition, being an initial western side setback of less than 0.9m (namely 0.4m as shown on revised plans) proposed for the length of the addition, up to and including the depth of the proposed Family Bathroom, with the remainder of the proposed First Floor addition situated behind the proposed Family Bathroom having a 0.9m setback; and
 3. **Removing bulk and height** - replacing the formerly proposed second floor addition with an attic and terrace, designed to ensure that the proposed development reads as a two storey development from the street.
1. **Car stacker**
 - The specifications for the proposed two car stacker show that the existing proposed internal garage height of 3.8m will accommodate one B99 car on the bottom and one B85 car on top, with adequate ceiling clearance. [Dimensions, technical information and performance specification \(klaus-s3.s3.amazonaws.com\)](#)
 - See additional proposed DA plan DA13 – Driveway and Car Stacker Details.

2. DCP setback objectives

Manly Development Control Plan	Comments
<p>4.1.4 Setbacks (front, side and rear) and Building Separation</p> <p>Note: This section addresses the buildings' setback from its various property boundaries.</p> <p>Relevant DCP objectives to be met in relation to this part include:</p>	<p>Overall, the applicant submits that the proposed initial setback for the proposed First Floor addition, being a western side setback of 0.4m as shown on revised plans) proposed for the length of the addition, up to and including the depth of the proposed Family Bathroom (Proposed First Floor Initial Western Setback) <i>does meet the relevant Manly DCP setback objectives</i>, noting as follows:</p> <ul style="list-style-type: none"> ➤ Existing 0.4m Western setback - The existing Ground Floor Western building wall is located 0.4m from the Western boundary and so the Proposed First Floor Initial Western Setback: <ul style="list-style-type: none"> ❖ presents the proposed development when viewed from the street as a freestanding terrace house, consistent with the existing Federation cottage and other terrace and terrace-type houses in Pacific Street and adjacent Malvern Avenue, Collingwood Street and Pittwater Road; and ❖ means the proposed development will be read from the street as a fully resolved house design, rather than an existing dwelling with a first floor addition. ➤ 5.2m wide existing dwelling - The Proposed First Floor Initial Western Setback maintains the integrity of the proposed design by allowing for an adequately sized Family Bathroom and Bed 3, while otherwise achieving the DCP setback objectives. The existing single floor dwelling is only 5.2m wide internally on a lot which is only 7.01m wide and is only 215.1sqm area in total, smaller than the applicable 250m minimum lot size. ➤ Consistent with recent nearby development - There are no consistent front, side or rear setbacks in Pacific Street. The Proposed First Floor Initial Western Setback is consistent with many recently developed properties located close to 30 Pacific Street, including at 28 Pacific Street, 24 Collingwood Street and 36 Malvern Avenue. ➤ Consistent with Development Approval DA433/05 - The Proposed First Floor Initial

		Western Setback is consistent with that approved in Development Approval DA433/05 for which a current construction certificate is in force (acknowledging that new planning controls are now in place).
Objective 1)	To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.	<p>The Proposed First Floor Initial Western Setback:</p> <ul style="list-style-type: none"> ➤ achieves the DCP objective of overall <i>maintaining and enhancing the existing streetscape</i> by: <ul style="list-style-type: none"> ○ reflecting the spatial proportions of the street, the heritage stone kerbs, and the heritage Norfolk Island pines (which set the predominant landscape character of the street); and ○ ensuring that the development is read from the street as a resolved design for the whole of the development, rather than being read as a more contemporary first floor addition on an existing cottage; and ➤ presents the development as a freestanding terrace house, consistent with the existing Federation cottage and other terrace and terrace-type houses in Pacific Street and adjacent Malvern Avenue, Collingwood Street and Pittwater Road.
Objective 2)	To ensure and enhance local amenity by:	The Proposed First Floor Initial Western Setback achieves the DCP objective of <i>ensuring and enhancing local amenity</i> by:
	<ul style="list-style-type: none"> • providing privacy; • providing equitable access to light, sunshine and air movement; and • facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces. • defining and adding character to the streetscape including 	<ul style="list-style-type: none"> ➤ <i>providing privacy</i> by not including any windows on the proposed First Floor western side (and noting that the Proposed First Floor Initial Western Setback faces an enclosed verandah and a windowless stairwell; ➤ <i>providing equitable access to light, sunshine and air movement</i> as the North South orientation of the 30 Pacific Street property ensures no or negligible loss of light, sunshine and air movement to 32 Pacific Street, and still maintains a 0.4m setback from the western boundary for the proposed family bathroom, with a 0.9m setback beyond; ➤ <i>facilitating view sharing and maintaining adequate space between buildings to limit</i>



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	<p>the provision of adequate space between buildings to create a rhythm or pattern of spaces; and</p> <ul style="list-style-type: none"> • facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection. <p>See also objectives at paragraph 3.4 Amenity.</p>	<p><i>impacts on views and vistas from private and public spaces</i> by ensuring no views to the streetscape from 32 Pacific Street, including views of the heritage listed Norfolk Island Pines, are impacted and by ensuring that all views up the street to the beach from the forward part of 32 Pacific Street, including from the Master Bedroom, are maintained (noting that no view is available from 32 Pacific Street up the street to the beach from the enclosed verandah, as it is already blocked by the existing 30 Pacific Street roof);</p> <ul style="list-style-type: none"> ➤ <i>defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces</i> by maintaining the character of Pacific Street as mixed developments with non-uniform setbacks and presenting the proposed development as a freestanding terrace house, consistent with the existing Federation cottage and other terrace and terrace-type houses in Pacific Street and adjacent Malvern Avenue, Collingwood Street and Pittwater Road; and ➤ <i>facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection</i> by not negatively contributing in any way to traffic visibility, including at the opposite street intersection with Ruby Lane.
Objective 3)	To promote flexibility in the siting of buildings.	The Proposed First Floor Initial Western Setback achieves the DCP objective of <i>promoting flexibility in the siting of buildings</i> by maintaining the current Western side setback of the existing house at 30 Pacific Street and maintaining the character of Pacific Street as mixed developments with non-uniform setbacks.
Objective 4)	To enhance and maintain natural features by:	The Proposed First Floor Initial Western Setback achieves the DCP objective of <i>enhancing and maintaining natural features</i> by:
	<ul style="list-style-type: none"> • accommodating planting, including deep soil zones, vegetation consolidated across 	<ul style="list-style-type: none"> ➤ <i>accommodating planting</i> along the Western boundary of 30 Pacific Street (where the applicant removed the dividing fence many years ago to facilitate amenity for 32 Pacific Street), on either side of the proposed

	<p>sites, native vegetation and native trees;</p> <ul style="list-style-type: none"> ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied. 	<p>driveway and by planting a super advanced native Hibiscus Tilaceus Rubra street tree; and</p> <p>➤ ensuring the nature of the development does not unduly detract from the context of the site, by planting a super advanced native Hibiscus Tilaceus Rubra street tree consistent with all other street trees in Pacific Street (other than the heritage listed Norfolk Island Pines).</p>
Objective 5)	To assist in appropriate bush fire asset protection zones.	Not applicable.
<p>Note: In addition to the setbacks required in this plan, residential development subject to the Residential Apartment Code is subject to additional setback requirements for adequate building separation to achieve reasonable levels of privacy e.g. 12m separation between habitable rooms and balconies between buildings up to 4 storeys either on the same site or across a site boundary to a neighbouring building.</p>		Not applicable.

3. DCP below minimum lot size FSR relaxations – Attic Study and Terrace

- The applicant proposes reducing the Floor Space Ratio (FSR) of the proposed development by replacing the proposed Second Floor Study and Balcony with an attic access point to the terrace.
- The proposal is consistent with the medium density zoning (R3 Medium Density Residential), sitting well within the allowable 11m maximum roof height level) but ensures that the proposed development reads as a two storey development from the street.
- The part of the proposed attic that contributes to floor space and the proposed 0.9m setback from the Western boundary of the proposed First Floor starting behind the proposed Family Bathroom results in a total floor space for the proposed development of 177.3sqm. This delivers a total 5.36sqm floorspace reduction from the originally proposed development from 182.66sqm to 177.3sqm.
- This reduces the FSR (based on the actual lot size of 215.1sqm) from 0.849:1 to 0.82:1. This represents a modest floorspace increase of only 15.98sqm from 161.32sqm in a roof and

attic space not read from the street, representing only a 9.9% variation to an FSR of 0.75:1 based on the actual lot size of 215.1sqm (and without regard to the FSR relaxations available for undersized lots).

- There are undersized lot FSR exemption provisions in clause 4.1.3 of Manly Development Control Plan 2013 (provided the relevant LEP objectives and the provisions of the DCP are satisfied). To read and interpret the Local Environmental Plan without reference to the Development Control Plan and the available FSR relaxations for under minimum sized lots would mean that those provisions would have no work to do. This is not the intent of the provisions.
- The revised proposed development's FSR calculated using the relaxations available for undersized lots (calculated the proposed FSR as if the lot was 250sqm) means a proposed FSR of 0.709:1. This represents a compliant FSR with the DCP allowance of applying the minimum lot size of 250sqm, with the proposal 10.2sqm under the maximum allowable.
- The proposed attic and terrace is consistent with many recently developed properties located close to 30 Pacific Street, including at 24 Collingwood Street, 36 Malvern Avenue and 121 North Steyne.
- Replacing the proposed second floor study with an attic and terrace within the maximum building height restrictions will ensure that the applicant can access available views to the beachfront which all planning controls recognise should be achievable.

We trust that the revised and additional information addresses Councils original concerns, and that the application can now be finalised for determination.

If you have any queries please do not hesitate in contacting me.

Kind Regards

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