

HPC Ref: 24087
Council Ref: **DA2025/0156**

02 May 2025

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attention: Lachlan Rose

RE: Development Application No: DA2025/0156 for Demolition works and construction of a dwelling house and secondary dwelling including a swimming pool at 2 Prince Edward Road, Seaforth.

In response to Council's information request dated 25 March 2025, the following information is provided:

1. Manly Local Environmental Plan (LEP) Variation Concerns

Clause 4.4 Floor Space Ratio (FSR) variation

The proposed development results in a 23% (51.255 sqm) variation to the above Clause, with a calculated FSR of 0.554:1 (273.6sqm). Greater compliance with the Clause is required.

Response: The proposed development has been significantly amended in response to Council's comments, with the total Gross Floor Area (GFA) reduced to 246.07m², resulting in a calculated Floor Space Ratio (FSR) of 0.49:1. This reflects a substantial reduction from the previously proposed 273.6m² (0.554:1 FSR) and now equates to a minor variation of 9.4% from the 0.45:1 development standard.

The revised design seeks to achieve greater compliance with Clause 4.4 of the Manly LEP 2013 and is considered to present a well-considered built form outcome that respects the site's context and planning objectives. Refer to the amended Clause 4.6 Variation Request for further details.

Clause 4.3 Height of Buildings variation

The development proposes variation of 0.94% (0.08m) to the height of buildings requirement. This variation is due to the minor protrusion of a parapet located on the roof form and greater compliance is required.

Response: The proposed development has been amended to achieve full compliance with the 8.5m building height limit under Clause 4.3 of the Manly LEP 2013. The overall height has been reduced to 7.877m which ensures the building appropriately responds to the site's topography and surrounding context.

2. Manly Development Control Plan (DCP) Concerns

Clause 4.1.5 4.1.5 Open Space and Landscaping

The proposed development results in a Total Open Space (TOS) of 46.2% and reflects a variation of 18.8%. Greater compliance with the requirement is sought for a new development. Additionally, the proposed areas of landscaping include 'astro turf' which is not considered landscaped area in accordance with Clause 4.1.5.2 Landscaped Area. The landscaped areas are to be amended to comply with the requirements of Clause 4.1.5.2 and meet the minimum percentage of TOS in accordance with Figure 34- Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.

Response: The subject site is identified as Area OS3 under Residential Open Space Areas in DCP Schedule 1 – Map B, which requires:

- A minimum of 55% of the site area to be provided as Total Open Space, and
- A minimum of 35% of that Total Open Space to be dedicated as Landscaped Area.

The proposal has been amended to comply with these requirements, now providing:

- 268.31m² of Total Open Space, equating to 54.3% of the site area, and
- 147.86m² of soft landscaped/garden/turfed area, representing 55.1% of the Total Open Space.

Although the Total Open Space provision is marginally below the 55% requirement, the shortfall is minor and offset by the significantly exceeding landscaped area, which more than satisfies the 35% requirement. Additionally, the landscaping has been revised to remove all artificial turf and ensure compliance with the definition of “landscaped area” under Clause 4.1.5.2, incorporating appropriate soil depth, planting, and permeability.

Clause 4.1.4.2 Side Setbacks and Secondary Street Frontages

The proposed development results in a non-compliance to the northern setback on the ground and second floor. The ground floor requires a setback of 1.57m-1.13m based on the wall height.

The proposal results in a setback of 1.2m- 1.7m, presenting a maximum variation of 23.5% (0.37m).

The second floor requires a setback of 2.63m-2.1m based on the wall height. The proposal results in a setback of 1.2m, presenting a maximum variation of 54.3% (1.43m).

Greater compliance with the requirements of Clause 4.1.4.2 is required.

Response: The proposed development has been amended to improve compliance with the northern side boundary setback requirements under Clause 4.1.4.2 of the Manly DCP 2013.

- The ground floor setback has been increased to 1.56m, which now complies with the required setback range of 1.13m–1.57m based on the wall height.
- The first-floor setback has also been revised to 2.1m, thereby achieving full compliance with the minimum required setback for this level.

These changes significantly reduce the previously identified non-compliances and ensure the proposed built form appropriately responds to the site’s constraints, while maintaining privacy and amenity for adjoining properties.

Clause 4.1.9 Swimming Pools, Spas and Water Features

The proposed development results in a non-compliance to the southern curtilage and water setback to the proposed pool. Greater compliance with the Clause is required.

Response: The proposed swimming pool has been designed to minimise visual and amenity impacts, with the water line setback 1.341 metres from the southern boundary, and the outer edge of the concourse/fence setback 913mm.

Clause 4.1.10 Fencing

The development proposes a 2m side boundary fence which is non-compliant with the abovementioned clause and greater compliance is required.

Additionally, if the application is deemed for approval, a condition of consent will apply depicting that there is no approval for works outside the property boundaries. This is to ensure all works are undertaken in accordance with this consent, and to ensure all works remain wholly within the property boundaries.

Response: Additionally, the front fencing has been updated to meet Council's regulations, with a 1m high solid fence, followed by 500mm of fencing at 30% transparency.

Additional Information

- A demolition plan is required to be submitted with the architectural plans.
- The proposed FSR calculation plan is inaccurate and should be amended to provide the correct calculations. Specifically, the basement floor plan does not include the cellar area, although the access way from the stairs to the garage may be excluded as garage access. The ground floor plan does not include the butler's area, and the second-floor plan does not include the linen area. These areas should be included in the FSR calculations.
- The Total Open Space (TOS) calculation plan is inaccurate and must be calculated in accordance with Clause 4.1.5.1 Minimum Residential Total Open Space Requirements. A correct TOS calculation plan is required.

Response:

Refer to the amended architectural plans.

If you have any questions, please do not hesitate to contact the office on (07) 3217 5800.

Yours sincerely,
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