



northern
beaches
council

21 July 2022



A1 Granny Flats Pty Ltd
11/9-12 Lambridge Place
PENRITH NSW 2750

Dear Sir/Madam,

Development Application No: DA2022/0535 for Construction of a secondary dwelling at 48 Mactier Street NARRABEEN.

I refer to your Application which is under assessment by Council and apologise for the delay in response.

An assessment of your application has revealed a number of issues, which prevent Council from supporting the proposal in its current form.

The following is a list of the issues identified:

Building Bulk

The proposal is not consistent with the objectives and requirements of Part D9 Building Bulk of the Warringah Development Control 2011 (WDCP 2011). Specifically, the building height and scale of any new development must relate to topography and site conditions.

The site is subject to a number of constraints, including: being adjacent a number of existing multi-unit housing buildings and the steep topography at the rear of the site. These factors conspire to create an adverse visual impact when viewed from adjoining properties.

Specifically, the northern end of the dwelling is suspended a significant distance above the ground level (up to 3m), where it should rather the land contours to minimise its visibility. Also, excavation reaches a depth of 1.7m, beyond the 1m recommended in Part D9.

Hence, the proposal fails this part of WDCP 2011.

Privacy

The proposal is not consistent with the objectives and requirements of Part D8 Privacy of WDCP 2011.

The deck adjoining the northern elevation of the dwelling is elevated to a significant degree above the natural ground and will overlook the windows and private open space of adjoining properties at No.50 MacTier Street.

To address these circumstances of the site, it is recommended that all areas of private open space be located on the natural ground level of the site



View Sharing

An inspection of adjoining properties has revealed that the proposed dwelling may result in a significant loss of views enjoyed by surrounding properties, particularly to the property to the south of the site (No.10/39 Clarke Street).

Part D7 Views of WDCP 2011 requires that new development allow for the reasonable sharing of views. There is insufficient information provided with the application to determine that the application can be compliant with this control.

Landscaped Open Space

Part D1 Landscaped Open Space and Bushland Setting of WDCP 2011 requires that at least 40% of the site be set aside as landscaped open space (note that paved areas, artificial turf, decks and driveways are not counted as landscaped open space under WDCP 2011).

It is estimated that only 19% of the site will remain as landscaped open space under the proposal, which is a significant non-compliance with this control.

The proposal hence fails the objectives of the control, particularly to mitigate the visual impact of new buildings.

Rear Setback

The proposed dwelling will be 5m from the rear boundary, which fails the 6m rear setback specified in Part B9 Rear Boundary Setbacks of WDCP 2011.

Under the circumstances where the development has both an adverse visual impact when viewed from adjoining properties and there is insufficient landscaped open space provided, the proposal will fail the objectives of this control.

Therefore, the non-compliance with the rear setback control is not supported.

In summary, the proposed secondary dwelling has failed to respond to the constraints of the site and will result in an adverse impact to adjoining properties. A number of non-compliances with Council's policies are also evident and there are no circumstances which would justify supporting those non-compliances.

A significant re-design of the proposal would be needed for Council to support the application. It must also be stressed that the constraints of the site may restrict the development potential of the site, hence the scale of the development may need to be reduced to respond to these issues.

Council is providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information/amendments to the assessing officer directly addressing the issues by 4 August 2022 (14 days). If the amended information is deemed acceptable and satisfactorily addresses all the issues raised, you must then upload all documentation via the NSW planning portal; or



2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by 4 August 2022 at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nic England on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Adam'.

Adam Richardson
Manager, Development Assessment