



## Pre-lodgement Meeting Notes

|                                 |   |
|---------------------------------|---|
| <b>Application No:</b>          | PLM2021/0033  |
| <b>Meeting Date:</b>            | 25 February 2021  |
| <b>Property Address:</b>        | 1 Tutus Street, Balgowlah Heights   |
| <b>Proposal:</b>                | Construction of a dwelling house including swimming pool  |
| <b>Attendees for Council:</b>   | <ul style="list-style-type: none"><li>• Tony Collier – Principal Planner</li><li>• Stephanie Gelder - Planner</li></ul>   |
| <b>Attendees for applicant:</b> | <ul style="list-style-type: none"><li>• Vaughan Milligan – Consultant Planner</li><li>• Achilles Apostolellis – Architect</li><li>• Paul and Angela Winter - Owners</li></ul> |

### General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Manly Local Environmental Plan 2013 and Manly Development Control Plan 2013, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



## SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

### Response to Matters Raised by the Applicant

#### Excavation

The development proposes additional excavation to accommodate a lower levelled garage (in order to bring the gradient of the driveway into compliance), storage area, passageway and lift.

No objection is raised with respect to the proposed excavation as this will improve accessibility and will not be visible from neighbouring properties. One area of concern was discussed at the meeting, this being the proposed area of the 'undercroft/services' room behind the garage. It was considered that this was excessive for the purposes of the development and should be reduced to a smaller footprint.

#### Front Setback

The proposed front setback is compliant with the requirements of Clause 4.14 of the Manly Local Environmental Plan 2013 which requires a minimum front setback of 6.0m (or prevailing).

A review of the building setbacks along Tutus Street reveal that the majority of dwellings are sited at least 6.0m from the front boundary. The proposed development sites the building at 9.4m from the front boundary which is generally consistent with the setbacks in the street and appropriate to the Reserve which abuts the site to the south.

#### Reserve Setback

Please see separate comments under Clause 4.1.4 of the Manly Local Environmental Plan 2013 later in these Notes.

#### Tree Removal

Please see separate comments provided by Council's Landscape Officer under 'Specialist Advice' later in these Notes.

## MANLY LOCAL ENVIRONMENTAL PLAN 2013 (MLEP 2013)

MLEP 2013 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0140>

### Part 2 - Zoning and Permissibility

|   |                            |
|---|----------------------------|
| <b>Definition of proposed development:</b><br>(ref. MLEP 2013 Dictionary) | Dwelling house             |
| <b>Zone:</b>  | R2 Low Density Residential |
| <b>Permitted with Consent or Prohibited:</b>                              | Permitted with consent     |



| Part 4 - Principal Development Standards |                              |                               |          |
|--|------------------------------|-------------------------------|----------|
| Standard                                 | Permitted                    | Proposed                      | Comment  |
| 4.3 – Height of Buildings                | 8.5m                         | 3.0m to 8.3m                  | Complies |
| 4.4 – Floor Space Ratio                  | 0.4:1 (514.4m <sup>2</sup> ) | 0.38:1 (486.6m <sup>2</sup> ) | Complies |

#### MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

MDCP 2013 can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=MDCP>

The following notes the identified non-compliant areas of the proposal only. Notwithstanding, please ensure that the remaining clauses of the MDCP are also addressed and complied with in the final version of the proposal.

| Part 4   |                        |                     |
|--|------------------------|---------------------|
| Control  | Permitted              | Proposed            |
| <b>4.1.4 - Setbacks</b>  | <b>Front</b>           | 9.4m                |
|  | 6.0m or prevailing     |                     |
|  | <b>Side</b>            |                     |
|  | <u>North</u>           |                     |
|  | 1/3 wall height (2.1m) | 2.3m                |
|  | <u>South</u>           |                     |
|  | 6.0m (facing Reserve)  | <b>1.8m</b> to 9.2m |
|  | <b>Rear</b>            |                     |
|  | 8.0m                   | 17.2m to 26.2m      |
| <p><u>Side Setback (South)</u></p> <p>Clause 4.1.4.6 requires development to be setback 6.0m from a RE1 (Public Recreation) zone. The site abuts a RE1 zone to the south (Heathcliff Reserve) which consists of a 5,294m<sup>2</sup> bushland reserve which also partly contains a levelled playing field off Heathcliff Crescent.</p> <p>The area of the Reserve which abuts the allotment boundary to the subject site contains dense native vegetation which is interlaced by informal walking tracks which has disturbed the integrity of the Reserve. The boundary between the subject site and the Reserve is not defined and merges into one-another, with the only defining feature between private and public property being the southern side wall of the dwelling on the subject site. It is notable that the density of vegetation evident in the Reserve diminishes significantly on the subject site through the prevalence of extensive rock outcrops which limit planting growth.</p> <p>The development is noted for stepping back from the 1.8m setback to provide an improved level of openness to the Reserve. This is due to the shortening of the wall at the boundary (the existing wall is setback at 1.0m and extends for a length of 12.1m whereas the proposed wall is setback at 1.8m and has a length of 5.2m). The southern side of the building then steps back into the site to achieve a setback of 9.2m.</p> <p>As discussed at the meeting and given the above considerations, no objection is raised with respect to the proposed side setback of the building to the southern boundary.</p> |                        |                     |



#### Part 4

Notwithstanding the above, the proposed location of the lap pool within the 6.0m side setback area was also discussed at the meeting where it was agreed to relocate the pool to the northern part of the site (subject to clearance from the Project Arborist in determining impact upon the root system of the Sydney Blue Gum). In order to accommodate this, it was also agreed at the meeting to relocate the 'living room/covered terrace' area at the rear of the building to the limit of the 6.0m side setback line.

##### Rear Setback

With respect to the rear setback, it is noted that the western end of the lap pool extends within this area.

Although no prohibition exists within the DCP for the locating of pools within the rear setback area, Clause 4.1.4.4(b) aims to "*allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained*".

As noted at the meeting, some concern is raised with respect to the pool extending within this rear setback area however, (and as advised by Council's Landscape Officer later in these Notes), the Project Arborist will be required to assess the impact of the pool upon root systems of trees within proximity of the pool and advise accordingly within an *Arboricultural Impact Assessment*.

#### Specialist Advice

##### **Development Engineering**

###### Driveway

- The submitted plan does not indicate any re-construction on the existing crossing on road reserve.

###### Stormwater

- The site is located within Council's Manly Stormwater Zone 1.
- There is no stormwater management details are submitted in this PLM.
- The applicant shall provide a stormwater management plan in accordance with Council's Water Management for Development Policy.

###### Geotechnical Engineering Report:

- A geotechnical investigation and report shall be submitted in DA stage due to the proposed significant excavation within the property.

##### **Landscape**

The Statement of Environmental Effects (SEE) shall include commentary of relevant landscape clauses of the DCP, and in this instance the following:

- 3.3.1 Landscaping Design.
- 3.3.2 Preservation of Trees or Bushland Vegetation.
- 4.1.5 Open Space and Landscaping.
- 4.1.5.2 Landscaped Area.

A Landscape Plan is required to demonstrate that the proposed development satisfies the DCP clauses, including:



## Specialist Advice

### 3.3.1 Landscaping Design

- landscaping to provide adequate private open space amenity.
- retain important landscape features such as rock outcrops, and existing vegetation.
- landscape areas must be capable of supporting new native tree species, position in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight and significant view loss.

### 3.3.2 Preservation of Trees or Bushland Vegetation

- effectively manage the risks that come with an established urban forest through professional management of trees.
- promote retention of prescribed (protected) trees over 5 metres in height, excluding Exempt Species.
- protect and enhance the scenic value and character that trees and bushland vegetation provide.

### 4.1.5 Open Space and Landscaping

- maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.

#### 4.1.5.2 Landscaped Area

- (b) i) soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds.

#### Landscape design consideration shall be given to the following

- Retention of existing trees within the site.
- Provision of shrub screen planting for private open space areas, to satisfy 3.4.

The SEE shall include discussion on the trees and vegetation within the site and within adjoining properties. Should all trees and vegetation be 5 metres or less in height ie. Exempt Species, no Arboricultural Impact Assessment is required, and this is to be reported in the SEE.

For prescribed (protected) trees under the DCP, ie. 5 metres and over, excluding Exempt Species, an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed.

The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).

The report shall be prepared by a qualified Arborist AQF Level 5 and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree.



### **Specialist Advice**

Any development impact shall be outside of the structural root zone, and impact to the tree protection zone, for trees retained, shall be limited to satisfy AS4970-2009.

Existing trees and vegetation within adjoining property and within the road verge is not permitted to be impacted upon. Council does not support the removal of street trees unless the street tree is proven to present an arboricultural risk.

No impact to existing trees and vegetation within adjoining properties is acceptable, regardless of species type.

As a general principle, the site planning layout shall be determined following arboricultural investigations and recommendations. Any proposal to remove existing trees of moderate to high retention value will not be supported by Council if an alternative design arrangement is available, as assessed by Council.

### **Landscape Concerns**

Generally, there are several existing trees located within the site boundaries, road reserve, as well as in the adjoining site to the south. In addition to this, large rock outcrops are present at the front and rear of the property.

An Arboricultural Impact Assessment is needed to determine the effects of the proposed works in relation to all existing trees, and what tree protection measures are specifically needed to ensure trees survival throughout the life of the proposed works. The removal of the existing street tree and trees within the reserve to the south of the property would not be supported.

A Landscape Plan could also be incorporated to highlight the presence of existing vegetation on site, as well as future landscape treatments to help soften the new built form.

### **Relevant Council Policies**

You are advised of the following (but not limited to all) Council's policies available at Council's website:

- Community Participation Plan
- Stormwater drainage for low level properties PDS-POL 135
- Vehicle access to all roadside development: LAP-PL 315

### **Documentation to accompany the Development Application**

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
  - Site Plan
  - Floor Plans
  - Elevations
  - Sections
  - Schedule of Colours and Materials
- Landscape Plan(s) including a schedule of species to be planted



#### Documentation to accompany the Development Application

- Photographic montage
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June)
- Fencing detail
- Cost of works estimate/ Quote
- Survey Plan (**including Boundary Identification**)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Geotechnical Report
- Arboricultural Impact Assessment (including root mapping of the Sydney Blue Gum)

*Please refer to Development Application Lodgement Requirements for further detail.*

#### Concluding Comments

These notes are in response to a pre-lodgement meeting held on 25 February 2021 to discuss the construction of a dwelling house including swimming pool at 1 Tutus Street, Balgowlah Heights. The notes reference the plans prepared by Achilles Apostolellis Architecture dated 12 January 2021.

The pre-lodgement has identified a number of matters which require attention prior to the submitting of a Development Application. The fundamental matter which requires your attention relates to resolving the redesign/relocation of the lap pool and retention of trees and rock outcrops.

Please ensure that the issues discussed in the Notes are satisfactorily addressed prior to the lodging of a Development Application.

#### Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.