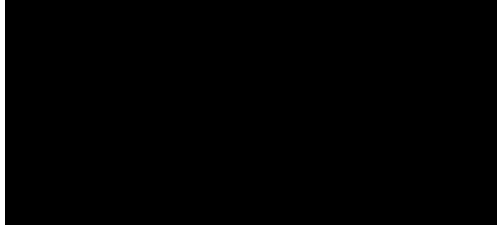




northern
beaches
council

4 July 2019



Dear Sir/Madam,

Development Application No: DA2019/0081 for Demolition Works and construction of residential accommodation at 12 Boyle Street and 307 Sydney Road BALGOWLAH.

Council has completed a preliminary assessment of your application which was received by Council on 04/02/2019 and has identified a number of areas of non-compliance that will not allow Council to support the application in its current form.

These matters are as follows:

Manly Local Environmental Plan 2013:

Clause 4.4 Floor Space Ratio

The Manly LEP 2013 requires a floor space ration of 0.6:1. The proposal includes a floor space ratio of 0.63:1 requiring a variation of 5.9%.

An objective of this development standard is to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features. The proposal results in the complete view loss of iconic and water views from 16 Boyle Street. The development is inconsistent with this objective and cannot be supported by Council.

Manly Development Control Plan 2013:

Clause 3.4.2 Privacy and Security

The objectives of Clause 3.4.2 require development to minimise loss of privacy to adjacent and nearby development.

The proposal in its current form results in a loss of privacy to adjacent properties and therefore cannot be supported. Further, the balcony and deck areas are considered to provide close and direct overlooking internally between apartments and externally to adjoining properties. This element of the development needs to be further considered and a more skilful design adopted to ensure privacy is maintained. In particular, concern is raised over the entrance and south facing balcony to Unit 7, the northern facing balcony to unit 6 and the rear setback of the deck on the lower ground floor of units 1 and 2.

Clause 3.4.3 Maintenance of Views



The objectives of Clause 3.4.3 require development to provide for view sharing, to minimise disruption to views from adjacent and nearby development and views to public spaces such as the harbour and ocean.

A site inspection undertaken from No. 16 Boyle Street revealed that the development would result in the complete loss of views from this property.

Given the non-compliances with the development and the complete loss of the views it is not considered that the development maintains adequate view sharing.

This is a fundamental concern with the proposal and does not allow Council to support the application in its current form.

Clause 4.1.4 Setbacks (side and rear) and Building Separation

The proposed setbacks do not comply with the minimum side or rear boundary setback requirements of Clause 4.1.4. The proposal is therefore inconsistent with the objectives of Clause 4.1.4.

In particular, the Clause seeks to ensure and enhance local amenity by:

- *providing privacy;*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*

The proposal in its current form does not provide adequate privacy for neighbouring properties or future dwelling occupants.

Internal Referrals

Waste Officer

Attached to this letter are specific comments made by Council's Waste Officer who cannot support the application in its current form.

Advice for the Applicant

Unfortunately, due to the extent of the issues outlined in this correspondence, Council is unable to support the proposal in its current form.

You are therefore strongly encouraged to withdraw this application and resubmit a new application that addresses all of the issues listed above. However, given the length of time the application has been with Council, additional information or amendments to this current application may be accepted. This should be discussed with the officer, prior to Council's acceptance of the information.

Should you choose to withdraw this application within fourteen (14) days of the date of this letter, Council will refund **75%** of the application fees.

Should you agree to withdraw and in order for Council to process the request, confirmation must be received in writing to council@northernbeaches.nsw.gov.au



To speed up the processing of your refund, please supply bank details using the table provided below, otherwise your refund will be forwarded by way of cheque.

Please note that bank details supplied should match the name listed on the top line of your tax invoice receipt for the application. If bank details supplied do not match this name, then the refund will be forwarded by way of cheque. Council cannot be held responsible if the bank account details provided by you are incorrect.

| | |
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| Bank | |
| Account Name | |
| BSB | |
| Account Number | |

Should you wish to discuss any issues raised in this letter, please contact Benjamin Price on 1300 434 434 between 8.30am to 5.00pm Monday to Friday.

Yours faithfully

Daniel Milliken
Acting Manager, Development Assessment