



## Pre-lodgement Meeting Notes

<b>Application No:</b>	PLM2021/0217
<b>Meeting Date:</b>	2 September 2021
<b>Property Address:</b>	51 Boyle Street, Balgowlah
<b>Proposal:</b>	Alterations and additions to a semi-detached dwelling including a swimming pool and carport
<b>Attendees for Council:</b>	<ul style="list-style-type: none"><li>• Tony Collier – Principal Planner</li><li>• Ramona Smith – Planner</li><li>• Ellie Peedom - Planner</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 at the initial consultation meeting with Council staff and are part of the overall pre-lodgement process. 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.



## 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	
Definition of proposed development: (ref. MLEP 2013 Dictionary)	Semi-Detached Dwellings
Zone:	R1 General Residential
Permitted with Consent or Prohibited:	Permitted with consent

Part 4 - Principal Development Standards (site area 282.2m <sup>2</sup> )			
Standard	Permitted	Proposed	Compliance
4.3 – Height of Buildings	8.5m	3.7m to 8.3m	Complies
4.4 – Floor Space Ratio	0.6:1 (169.3m <sup>2</sup> )	Proposed: 0.61:1 (172.2m <sup>2</sup> )	No +2.9m <sup>2</sup> (1.7%)

**Note:** The existing floor space ratio on the site is 0.4:1 (113.9m<sup>2</sup>).

### Clause 4.6 - Exceptions to Development Standards

Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.

A request to vary a development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest and whether the request demonstrates sufficient environmental planning grounds for the variation.

## 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.

Part 3 General Principles of Development
<b>3.4 Amenity</b> <p>Concern was raised at the meeting regarding the potential overlooking of neighbouring properties from the rear of the upper floor addition and any elevated decks at ground level.</p> <p>Elevated features which overlook the rear yards and windows of neighbouring properties are to be appropriately and sensitively treated through fixed privacy screens/window treatments (such as obscure glazing), landscaped screening or a combination of both where necessary.</p>
Part 4 Development Controls and Development Types



Control	Permitted	Proposed
<b>4.1.4.1 Street Front Setbacks</b>	6.0m or prevailing	<u>Ground</u> <ul style="list-style-type: none"> <li>Nil (Carport)</li> <li>4.6 to 5.5m (Dwelling)</li> </ul> <u>First Floor</u> <ul style="list-style-type: none"> <li>11.5m to 14.1m</li> </ul>
<p>The proposal includes a single car parking space/carport within the front setback which result in a non-compliance.</p> <p>A review of the streetscape reveals a number of car parking structures and hardstand parking areas which disrupt the pattern of landscaped settings facing the street.</p> <p>The provision of a car parking space/carport within the front setback is not considered unreasonable given the context and the prevalence of similar outcomes along the street.</p> <p>The carport is to be of a lightweight open structure so as not to introduce unreasonable building mass within the front setback.</p>		
<b>4.1.4.2 Side Setbacks</b>	$\frac{1}{3}$ wall height <b>North</b> Carport: 0.9m Dwelling: 2.0m to 2.3m <b>South</b> Dwelling: 2.3m (Party Wall)	<b>North</b> <u>Ground</u> <ul style="list-style-type: none"> <li>1.2m (Carport &amp; Existing)</li> </ul> <u>First Floor</u> <ul style="list-style-type: none"> <li>2.3m</li> </ul> <b>South</b> <u>Ground</u> <ul style="list-style-type: none"> <li>Nil (Party Wall)</li> </ul> <u>First Floor</u> <ul style="list-style-type: none"> <li>Nil (Party Wall)</li> </ul>
<p>The proposal includes a Nil setback to the south which forms an extension to the existing party wall shared by No. 49 Boyle Street.</p> <p>No objection is raised with respect to the extension of the party wall however, care should be given to the finishing of the visible parts of the southern face of the party wall and details are to be provided as to how these areas will be appropriately finished.</p>		
<b>4.1.4.4 Rear Setbacks</b>	8.0m	<b>Ground</b> <ul style="list-style-type: none"> <li>10.4m (Dwelling)</li> <li>1.3m (Patio)</li> <li>1.5m (Pool)</li> </ul> <b>First Floor</b> <ul style="list-style-type: none"> <li>15m</li> </ul>
<p>The proposal includes a rear setback of 1.3m to the proposed patio and 1.5m to the western edge of the pool.</p> <p>The non-compliance resulting from both features is supported as it is noted that the proposed patio is a lightweight structure would not add building mass within the rear yard and which would support outdoor activity. The pool is situated at ground level and therefore would also not add any building mass within the rear yard such that the open aspect of the rear setback area would be compromised.</p>		
<b>4.1.5 Open Space (OS3)</b>	<b>Total Open Space (TOS)</b>	<b>Total Open Space</b>



	<ul style="list-style-type: none"> <li>• 55% (155.2m<sup>2</sup>)</li> </ul> <b>Landscaped Area</b> <ul style="list-style-type: none"> <li>• 35% TOS (54.3m<sup>2</sup>)</li> </ul> <b>Above Ground</b> <ul style="list-style-type: none"> <li>• &lt;25% TOS (38.8m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Existing: 118m<sup>2</sup> (42%)</li> <li>• Proposed: 83m<sup>2</sup> (29.4%)</li> <li>• Difference –35.4m<sup>2</sup></li> </ul> <b>Landscaped Area</b> <ul style="list-style-type: none"> <li>• Existing: 58.6m<sup>2</sup> (37.7%)</li> <li>• Proposed: 63.7m<sup>2</sup> (41%)</li> <li>• Difference +5.1m<sup>2</sup></li> </ul> <b>Above Ground</b> <ul style="list-style-type: none"> <li>• 25.3m<sup>2</sup> (16.3%)</li> </ul>
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The proposal results in a non-compliance of Total Open Space which is due to the combination of the rear extension and the car parking space/carport.

As noted under Clause 4.1.4.4 (Rear Setbacks), the proposed rear extension generally aligns with the rear extension approved in 2014 for the neighbouring semi-detached dwelling at No. 49 Boyle Street and is considered supportable on that basis as the precedent has already been established.

The car parking space/carport is also represented by other examples on Boyle Street and it is considered beneficial to introduce a provision of off-street parking where possible.

Given these contexts, the resultant shortfall in the provision of total open space may be generally regarded as acceptable, particularly given that there is no net loss to the provision of Landscaped Area on the site.

#### **4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas**

As noted earlier under Clause 4.1.4.1 (Front Setbacks), the proposed carport may be considered due to the locating of other similar structures along Boyle Street. However, the design and location of the carport must minimise visual impact on the streetscape, neighbouring properties and maintain the desired character of the locality.

#### **4.1.7 First Floor and Roof Additions**

The design of the first floor addition responds to the pitch of the existing roof (with exception to the rear). This is considered to be an appropriate design outcome as it respects the appearance and architectural integrity of the street presentation of the dwelling while allowing for a more divergent and practical roof form at the rear.

### **Specialist Advice**

#### **Development Engineering**

##### Driveway

The applicant proposed to remove a street tree to accommodate the new driveway crossing. Discussion with Council's Landscape Architect (Joseph Tramonte) indicates that the removal of the street tree would be supported in this particular instance.

The applicant shall provide at least three longitudinal sections of the proposed driveway to demonstrate the proposed crossing in comply with Australian Standard 2890.

Please be advised that the existing footpath level along Boyle Street shall be retained.

##### Stormwater

As the submitted plan, no on site stormwater detention system is required as the proposed impervious area.

The applicant shall provide a stormwater management plan in accordance with Council's Water Management For Development Policy, in particular the section 5 of Stormwater Drainage from Low level property.



### 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; and
  - Schedule of Materials and Finishes
- GFA/FSR Plans with calculations
- Total Open Space/Landscaped Area Plans with calculation
- Landscape Plans with schedule of species to be planted
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (**Boundary Identification/Definition Survey**)
- 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
- BASIX Certificate
- Arboricultural Impact Assessment

#### IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.

### Concluding Comments

These notes are in response to a pre-lodgement meeting held on 2 September 2021 to discuss alterations and additions to a semi-detached dwelling including a swimming pool and carport at 51 Boyle Street, Balgowlah. The notes reference the plans prepared by MM & J Architects dated 6 August 2021 and 9 September 2021.

The proposal is considered to have merit however, please ensure that the matters raised in these Notes are satisfactorily addressed prior to lodging 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.

