



northern
beaches
council

8 May 2019



Rebecca J Baker, Duncan R Earl
C/- Nolan Planning Consultants
75 Oliver Street
FRESHWATER NSW 2096

Dear Sir/Madam,

Development Application No: DA2019/0193 for Alterations and additions to a dwelling house at 21 Wattle Avenue FAIRLIGHT.

Council has completed an assessment of your application which was received by Council on 28/02/2019 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 4.3- Height of Buildings

The proposal is non-compliant with the building height development standard prescribed by Clause 4.3 of the Manly LEP, and the proposal does not satisfy the objectives of this development standard or the underlying objectives of R1 General Residential zone.

In particular, the proposed first floor addition is inconsistent with neighbouring properties along the southern side of Wattle Avenue, resulting in inconsistency with objective (a) of Clause 4.3 as follows:

“to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality”.

The Clause 4.6 request to vary the development standard does not adequately demonstrate that compliance with the standard is unreasonable and unnecessary or that there are sufficient environmental planning grounds to support contravening the development standard. In its current form, the variation is not supported by Council.

Manly Development Control Plan 2013:

Clause 4.1.2 Wall Height

The proposal is not compliant with the maximum wall height and number of storeys permitted by the Manly DCP 2013. The variation is inconsistent with the relevant objectives and is not supported by Council.



Clause 4.1.4.1 Street front setback

Clause 4.1.4.1 of the Manly DCP requires buildings to be setback at least 6m from the front boundary or be consistent with the prevailing building line in the immediate vicinity. The proposed development reduces the existing front setback on the property from 5.7m on the ground floor to 4.4m. The increased built upon area towards the front boundary is inconsistent with neighbouring properties along the south side of Wattle Street and cannot be supported.

Clause 4.1.7 First floor and roof additions

The proposed development is inconsistent with other two storey dwelling houses along Wattle Avenue. The proposed first floor addition does not complement the predominant building form and building character of existing development along Wattle Avenue.

Clause 4.4.5 Earthworks (Excavation and filling)

The proposal is inconsistent with the general requirements under Clause 4.4.5 of the Manly DCP relating to earthworks, specifically objective 1) which states the following in regards to earthworks:

“Objective 1) To retain the existing landscape character and limit change to the topography and vegetation of the Manly Local Government Area by:

- *Limiting excavation, “cut and fill” and other earthworks;*
- *Discouraging the alteration of the natural flow of ground and surface water;*
- *Ensuring that development not cause sedimentation to enter drainage lines (natural or otherwise) and waterways; and*
- *Limiting the height of retaining walls and encouraging the planting of native plant species to soften their impact.”*

The proposed store room adjacent to the approved garage, fails to consider the potential loss of vegetation and overall landscapes area within the front setback. The excavation proposed will not allow for suitable soil depths to ensure ongoing landscaping within the front setback. The loss of landscaped open space in combination with the existing impervious area to the top of the existing garage cannot be supported.

Advice for the Applicant

Please accept Council’s sincere apologies for the delay in this correspondence.

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, so that appropriate design options can be investigated.

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. If you have not contacted Council by 22 May 2019, Council will assume that you are not withdrawing this application. In this case, no fees can be refunded and the application will be assessed and determined in its current form.

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.

Bank	
Account Name	
BSB	
Account Number	

If you have not contacted Council by 22 May 2019, Council will assume that you are not withdrawing this application. No fees will be refunded and we will assess this application in its current form.

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

Yours faithfully

A handwritten signature in grey ink, appearing to read 'Anna Williams'.

Anna Williams
Manager, Development Assessment