



Pre-lodgement Meeting Notes

Application No: PLM2021/0200
Meeting Date: 24 August 2021
Property Address: 19 Parkview Road, Fairlight
Proposal: Alterations and additions to a semi-detached dwelling

Attendees for Council:

- Tony Collier – Principal Planner
- Brittany Harrison - Planner

Additional Council comments provided by:

- Mitchell Flynn – Landscape Officer
- Alex Kwok – Senior Development Engineer

Attendees for applicant:

- Laura Robinson - Designer

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.



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			
Standard	Permitted	Proposed	Compliance
4.3 - Height of Buildings	8.5m	8.5m	Yes
4.4 - Floor Space Ratio	0.6:1 (152.4m ²)	0.69:1 (174.6sqm)	No +22.2m ² (14.5%)

Note: A reduction to upper floor width by 0.8m will reduce GFA by 13m² resulting in an FSR of 0.63:1 (161.6m²) being 9.2m² over or 6%.

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.

As discussed at the meeting, the FSR is intended to regulate the bulk and scale of the development. It appears that there are areas within the development which could be adjusted (i.e. reduced floor space) at the upper floor to increase the southern side setback. This would assist in providing visual relief and overshadowing to the neighbouring property at No. 17 Parkview Road.

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
3.1.1.4 Garages, Carports and Hardstand Areas Clause 3.1.1.4 provides guidance on the locating of carports so as to minimise impact upon the streetscape.



The proposed carport is of a lightweight structure which is consistent with the requirements of Clause 3.1.1.4(i) however, it appears that the carport would be the only structure located within the front setback area along the length of Parkview Road bounded by Griffiths Street and Cecil Street which is considered to be the visual catchment of the site.

Concern is raised with respect to the establishing of the carport within the front setback area as this would disrupt the visually intact landscaped setting of the street and the generally consistent front setbacks which provide an otherwise open vista and streetscape. It is considered that the carport would set an undesirable precedent for the street and cannot be supported. It is noted that a similar development was approved at No. 23 Parkview Road however, this included an open hardstand instead of a carport.

You are therefore encouraged to replace the proposed carport with an open hardstand.

3.4 – Amenity

Overshadowing

Concern was raised with respect to the degree of overshadowing cast over the north-facing windows of the neighbouring property at No. 17 Parkview Road. It appears that the window along the northern elevation includes a kitchen at the ground floor and a bedroom (dormer), stairwell and ensuite at the first floor. However, this should be confirmed when investigating overshadowing impact and an appropriate design response as the actual function of these rooms may have changed over time

As noted above under Clause 4.4 of MLEP 2013, you are encouraged to revise the proposed scheme at the southern side of the upper level to not only achieve compliance with Floor Space Ratio but also provide visual relief and overshadowing to the neighbouring property at No. 17 Parkview Road.

Shadow diagrams (including elevation diagrams depicting the northern façade of No. 17 Parkview Road will be required to be prepared by the designing architect and submitted with a Development Application.

Visual Privacy

Concern was also raised regarding the potential to view into the above-mentioned north-facing windows of No. 17 Parkview Road from the proposed upper floor addition.

Please design the southern elevation to incorporate fixed privacy screens to any standard windows which may face the neighbouring property or revise the design to incorporate high sill heights to the windows (1.5m above the finished floor level of the upper floor).

As discussed at the meeting, given the high level of privacy impact the proposed first floor rear balcony would have upon neighbouring properties, the first floor balcony cannot be supported.

Part 4.1 – Residential Development Controls

Control	Permitted	Proposed
4.1.2 – Height of Buildings	Wall Height: 6.5m Storeys: 2 Roof Height: 2.5m above wall	Wall Height: 6.1m Storeys: 2 Roof Height: 1.8m
Complies		
4.1.4 - Setbacks	Front 6.0m or prevailing (4.3m) Side North: 2.0m South: 2.0m Rear	Front Ground Floor: Nil to 6.2m First Floor: 9.9m Side North: Nil South: 1.2m



	8.0m	Rear Ground Floor: 6.7m to 9.7m First Floor: 9.7m
Front As discussed under Clause 3.1.1.4 earlier in these Notes, the carport is not supported. No objection is raised to the proposed first floor addition as this is set well back into the site and exceeds the permitted setback. However, the visual impact of the new upper floor addition to the street is of concern and should be treated to sensitively blend within the fabric of the existing building or the predominant traditional fabric of other dwellings within the visual catchment. Notwithstanding, a view analysis is to be provided which depicts view angles of the addition from a standard height person on the opposite side of Parkview Road to demonstrate that the addition will not detract from the established character of the street. Side <u>North</u> The proposal includes a Nil setback to the north which forms an extension to the existing party wall shared by No. 21 Parkview Road. No objection is raised with respect to the extension of the party wall however, care should be given to the finishing of the northern face of the party wall which may be exposed to No. 21 Parkview Road and details are to be provided as to how this area of exposed wall will be appropriately finished. <u>South</u> The proposal includes a setback of 1.2m at the upper floor. As noted earlier under Clause 4.4 of the MLEP 2013 and Clause 3.4 of the MDCP 2013, it appears that the upper floor could be adjusted (i.e. reduced floor space) to increase the southern side setback to the required 2.0m. This would assist in providing visual relief and overshadowing to the neighbouring property at No. 17 Parkview Road. You are therefore strongly encouraged to revise the proposed scheme at the southern side of the upper level to achieve compliance with Clause 4.4 and improve the degree of overshadowing cast over the north facing wall of No. 17 Parkview Road. Rear The proposal includes a rear setback of 6.7m to the alfresco and 9.7m to the main dwelling. The non-compliance resulting from the alfresco is supported as it is noted that the proposed alfresco aligns with the rear structure of the neighbouring property to the north and consists of a comparatively lightweight structure which would support outdoor activity. Notwithstanding, as discussed at the meeting, concern was raised with respect to the available light and ventilation this structure would have on the dwelling and it was recommended that the alfresco structure be fitted with a Vergola roof to enable greater sunlight penetration and through-ventilation.		
4.1.5 – Open Space (OS3)	Total Open Space (TOS) 55% (140m²) Landscaped Area 35% of TOS (49m²) Above Ground	Total Open Space 41% (104m²) Landscaped Area 44.3% (62m²) Above Ground



	25% of TOS (35m ²) Max	6.3% (8.9m ²)
It is noted that the property currently provides for approximately 45.3% (115m²) total open space and the proposal decreases this to 41% due to the carport and parking. Acknowledging that the property could never achieve the required total open space area of 55% due to the existing structures on the site it is considered that the proposed reduction could be supported to provide for off-street parking subject to the parking area consisting open hardstand only and with a width of 2.5m.		

Specialist Advice
Development Engineering <u>Driveway</u> A 3 m wide driveway crossing shall be installed in accordance with Council's Normal profile. <u>Parking</u> Further information shall be submitted to demonstrate that the proposed parking space can be complied with Council's parking requirement and AS 2890. <u>Stormwater</u> No on site stormwater detention system is required as the submitted plan. A stormwater management plan shall be submitted with the future DA in accordance with Council's Water Management For Development Policy. 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: <u>3.3.1 Landscaping Design</u> • 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. <u>3.3.2 Preservation of Trees or Bushland Vegetation</u> • effectively manage the risks that come with an established urban forest through professional management of trees.



Specialist Advice

- 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.
- maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

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.
- (c) minimum tree plantings.

Landscape design consideration shall be given to the following

- Retention of existing trees within the site.

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 i.e. Exempt Species, no Arboricultural Impact Assessment is required, and this is to be reported in the SEE.

For prescribed (protected) trees under the DCP, i.e. 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.

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.



Specialist Advice

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

There appears to be number of existing palm trees located in the rear of the property. If these are to be retained as part of the proposed, even if they are identified as exempt species, tree protection measures should be put in place to ensure they are not detrimentally impacted. Depending on the extent of proposed works in this location, an Arboricultural Impact Assessment may be required. Should it be clear that the proposed decking utilises pier footings, no Arboricultural Impact Assessment would be required as tree protection could be addressed through conditions of consent. The existing shrubs and palms in rear of the property provide valuable privacy screening between dwellings which should be retained to satisfy Control 4.1.5. Should these be removed, replacement planting is required.

A Landscape Plan shall be required to highlight the presence of existing vegetation on site and what is to be retained, in addition to future landscape treatments to help soften the new built form. It should be noted that at least one native tree is required within the site to satisfy the minimum number of native trees as prescribed in Clause c) iii) of Control 4.1.5.2. Due to site constraints, the most suitable location for this would be towards the rear of the property.

Built form mitigation is particularly important at the front of the site as the proposal will see an overall increase in built form which has the potential to negatively impact the streetscape character of the area. It is further recommended that a small tree/tall shrubs be incorporated into the front yard at minimum, ensuring this increase in built form is softened and complemented.

Key information regarding the proposed plant species within garden areas will also need to be provided. The Landscape Plan shall be accordance with the Northern Beaches DA Lodgement Requirements.

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; and
 - Sections.
- FSR Calculation Plans
- Total Open Space/Landscaped Area Calculation Plans
- Schedule of Materials and finishes
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June)
- Elevation Shadow Diagrams depicting shadows cast over the northern façade of No. 17 Parkview Road
- Cost of works estimate/ Quote



- Survey Plan (**Boundary Identification/Definition Survey** to be confirmed in writing by the Surveyor that the survey was prepared via field survey))
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway and crossover 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
- Structural Engineering Report
- View Analysis (depicting a view of the development from Parkview Road)

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 24 August 2021 to discuss alterations and additions to a semi-detached dwelling at 19 Parkview Road, Fairlight. The notes reference the plans prepared by Robinson Jolly dated July 2021.

The proposal is considered to have merit. However, the following issues will need to be revisited in a redesign to satisfy application controls and impacts:

- Floor space ratio;
- Side setback (south);
- Overshadowing and privacy to No. 17 Parkview Road; and
- Car parking (noting that a carport is not supported).

Please ensure that the issues raised in these 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.