

Appendix S: Manly Development Control Plan 2013 Compliance Assessment

The following provides an assessment of the relevant provisions contained within the Manly Development Control Plan 2013.

It should be noted that section 4.15(3A) of the EP&A Act makes clear that when considering a standard contained within a DCP with which a development application does not comply, a consent authority must *"be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards"*.

The following assessment demonstrates that the proposed development employs a reasonable alternative solution to the relevant DCP provisions that achieves the relevant objectives of the DCP and is appropriate in the circumstances of this particular site and development proposal. In this regard, it is reiterated that Section 3.42 of the EP&A Act states that *"the provisions of a development control plan made for that purpose are not statutory requirements"*.

Table 1 Pre-lodgement Meeting Notes and response

Comment	Response
Part 3.1 Streetscapes and Townscapes	
3.1.1.5 Garbage Areas	Bin storage will be at Basement 1, transferred via the car lift to ground level on collection day. With primary storage location in the basement, the bins will have no impact to the amenity of adjoining properties nor be discernible from the street.
3.1.1.1 Complementary Design and Visual Improvement	<ul style="list-style-type: none"> The proposal includes application for consent to use a portion of the road reserve fronting the site. This area will be used to provide an additional landscaped buffer to the ground floor apartments and reduces the visual impact of the built form. A raised planter bed to the Denison Street boundary provides clear separation of public and private domain, which is important in a pedestrian-active environment. Additionally, the planter softens the presence of the built form and presents a materiality fitting of the coastal location. The built form to both Denison Street and North Steyne is aligned with adjacent built form, as further discussed in the setbacks section below. The design quality and visual aesthetic of development on this site is significantly enhanced by the refined building design proposed, which incorporates a materials palette that includes natural materials fitting of the coastal locality. The design quality and visual aesthetic of development on this site is significantly enhanced as a consequence of the contemporary building design proposed.
3.1.1.2 Front Fences and Gates	<ul style="list-style-type: none"> The fencing clearly separates the private and public domain and is articulated with a solid base, lightweight upper portion and planter for additional visual amenity. The fence provides adequate privacy to the ground floor apartment in the pedestrian-active environment, consistent with the approach to privacy fencing to the neighbouring North Steyne property.

3.1.1.4 Garages, Carports and Hardstand Areas

Vehicle access is in the same location as current, to the western boundary off Denison Street. The driveway width has been minimised to lessen the visual impact to the street and suitable for the vehicle movements generated by the development (further detail is provided in the traffic report at **Appendix G**). The car lift enclosure is setback from the boundary and is subservient to the greater building form.

Part 3.2 Heritage Considerations

3.2.1.1 Development in the vicinity of heritage items, or conservation areas

The subject property is not heritage listed or located within a heritage conservation area however is located within the vicinity of a number of heritage items, listed in Schedule 5 of the Manly LEP, being:

- Beach Reserve- Merrett Park North Steyne and South Steyne, Manly. State Heritage Inventory, Heritage Item ID: 2020475.
- North Steyne Shelter Shed. Manly Library Local Studies, Fact Sheet.
- Pittwater Road Conservation Area, Manly. State Heritage Inventory, Heritage Item ID: 2020536.
- Public Shelters, South and North Steyne, Manly. State Heritage Inventory, Heritage Item ID: 2020085.
- St. Mary's Church, presbytery and school, Whistler Street (corner of Raglan Street), Manly. State Heritage Inventory Heritage Item ID: 2020234.
- Ocean Foreshores, Manly municipal area, boundary adjacent to the ocean, Manly. State Heritage Inventory, Heritage Item ID: 2020473.

A heritage impact statement is included at **Appendix Q**. The assessment of the proposed is summarised below (please refer report for further detail):

"The proposed works will be visible within view corridors towards these items and form part of their setting. The impact is minimal and acceptable because the proposed building is consistent in massing and scale with the buildings to its south fronting North Steyne and smaller in massing and scale than buildings to the north. There is nothing in the form, articulation, materials and finishes that will give the proposed building undue prominence within what is already a well-established setting of five plus storey buildings."

Part 3.3 Landscaping

3.3.1 Landscaping Design

This application is accompanied by a landscape plan prepared by Place Design Group and included at **Appendix C**. The proposal includes landscaping at ground and additional landscaping to planters on each floor. A green roof is also proposed to the car lift enclosure and to above Level 3.

The proposed landscaping significantly enhances the proposal and is a clear improvement to the current state of development which is limited to open turf. Landscaped planters to each floor softens the building envelope and provides viewing amenity to both street frontages and the adjacent residential developments to the south and west.

Use of the road reserve for landscaping provides additional amenity to the public domain and enhances the landscape character of the area.

Part 3.4 Amenity (views, overshadowing, overlooking / privacy, noise)

3.4.1 Sunlight Access and
Overshadowing, 3.4.2
Privacy and Security, 3.4.3
Maintenance of Views,
3.4.4 Other Nuisance
(Odour, Fumes etc.)

The scheme has been developed through detailed site and contextual analysis. Particular attention has been given to ensuring that the development not only responds to its immediate built form context and the form of development anticipated within the zone, but importantly, to ensure that appropriate residential amenity is maintained to the adjoining residential properties in relation to solar access, views and privacy. This is discussed in detail in the Section 4.6 Variation Request at **Appendix U** (Height) and **Appendix V** (floor space ratio).

As detailed in the Clause 4.6 Variation Request, it has been determined that the additional building height and floor space will not give rise to:

- any unacceptable overshadowing impact, as depicted on the accompanying shadow diagrams at **Appendix A**, analysed by SLR at **Appendix J** and assessed in the Variation Request.
- any unacceptable privacy impact, with mitigation measures proposed to retain privacy, including planting and screening to the southern neighbour
- any unacceptable loss of views, following analysis of a comprehensive set of view impact photomontages produced by a specialist consultant, included and assessed in the Variation Request.

Part 3.5 Sustainability

(Greenhouse Energy
Efficiency, Thermal
Performance, and Water
Sensitive Urban Design)

The design provides for sustainable development. A BASIX Certificate included at **Appendix H** confirms that development will exceed the NSW Government's requirements for sustainability. The specialist consultant has further detailed this in the Energy Efficiency and ESD Statement included at **Appendix I**.

Exceeding SEPP65, solar access and natural cross ventilation has been provided to each apartment, made possible by limiting yield to one apartment per floor. Further sustainable development initiatives incorporated into the design are identified in **Appendix I**.

Part 3.6 Accessibility

3.6.3.1 Accessible
(adaptable)
Accommodation
Requirements

Of the 5 apartments proposed, one is proposed to be an adaptable apartment in accordance with AS4299 (located at Level 1 – Unit 2). This is detailed in the access report included at **Appendix O**.

Part 3.7 Stormwater Management

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Management

All stormwater will be disposed of to the street drainage system as detailed in the stormwater management plan included at **Appendix F**. The engineer's report at **Appendix E** provides confirmation that the development is in accordance with Council's 'Water Management for Development Policy'.

Part 3.8 Waste Management

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The application is accompanied by a Waste Management Plan included at **Appendix M**. This plan provides confirmation that the development is in accordance with the appropriate sections of the Waste Management Guidelines.

An appropriately sized waste holding room is provided at Basement 2 level, with equitable access from the common lift. The bins are proposed to be transferred to ground level via the car lift on collection day, with sufficient temporary storage of the bins on site adjacent the driveway. This approach is further discussed in the *Key Planning Matters* section of the SEE.

Part 3.9 Mechanical Plant Equipment

3.9.1 Plant Rooms, 3.9.2 Roof-top Plant, Lift Towers etc., 3.9.3 Noise from Mechanical Plant

Basement exhaust extends to the rooftop. Air conditioning condensers are located behind the car lift enclosure at ground level, not visible from the public domain. These are set back from the boundary to neighbouring residential development to minimise acoustic impact. The remainder of the condensers are located within the basement. A noise impact assessment report has been provided at **Appendix R**.

Part 3.10 safety and Security

3.10.1 Safety, 3.10.2 Security (Casual Surveillance)

The proposed development is safe and secure for residents and visitors, and contributes to the safety and security of the public domain. Vehicular access is separated from access to the building lobby by a landscaped planter. The building entry is elevated above footpath level, enhancing visibility and security. Rooms and private open spaces oriented to the street provide passive surveillance of North Steyne and Denison Street. Fencing at the property perimeter, with a gate to the fire egress passage minimises opportunity for concealment.

Part 4.1 Residential Development Controls

4.1.1 Dwelling Density, Dwelling Size and Subdivision

4.1.1.1 Residential Density and Dwelling Size (b)

The site relates to D1 in Figure 24 and as such the minimum residential density is 50 sqm of site area per dwelling. This limits residential development of the site to 8 dwellings. The proposed development comprises less than the maximum at 5 dwellings and is thus compliant with this control.

4.1.1.1 Residential Density and Dwelling Size (d)

The following minimum apartment areas are prescribed: 75 sqm for 2 bedroom dwellings with 2 baths and 95sqm for 3 bedroom dwellings with 2 baths. The proposed apartments exceed these minimums as detailed in Platform Architect's SEPP65 Statement included at **Appendix B**.

4.1.2 Height of Buildings

4.1.2.1 Wall Height

The site relates to 'N1' in the Manly LEP Height of Building Map. For the N1 category, the DCP further limits the wall height to maximum 12 metres. The proposed volume departs from this control with wall heights to the Level 3 parapet greater than 12 metres. Discussion of this proposed volume is provided in the Clause 4.6 Variation Request included at **Appendix U** (Height) and **Appendix V** (floor space ratio).

The additional height is demonstrated to be consistent with the objectives of the LEP Height of Buildings Clause and does not give rise to any unacceptable impact to neighbouring development, as determined through analysis of viewing photomontages, solar studies and analysis of proposed privacy measures.

4.1.2.2 Number of Storeys

The site relates to 'N1' in the Manly LEP Height of Building Map and is limited by this control to 3 storeys. The proposed development consists of 5 storeys. Discussion of this aspect is provided in the Clause 4.6 Variation Request included at **Appendix U** (Height) and **Appendix V** (floor space ratio).

The additional storeys are reasonable in the context of the proposed and do not give rise to any unacceptable overshadowing, loss of solar access, privacy impact or viewing impact.

4.1.2.3 Roof Height

Please refer to the Clause 4.6 Variation Request included at **Appendix U** (Height) and **Appendix V** (floor space ratio) for a detailed analysis of the proposed massing and parapet heights.

4.1.4 Setbacks and Building Separation

4.1.4.1 Street Front setbacks To the North Steyne street frontage

The prevailing building line in the Raglan Street to Denison Street block comprises development built to the boundary. The proposed setback to North Steyne is greater than the prevailing building line. The minimum setback proposed is 200mm at the face of the curved Level 3 parapet. This setback increases to 1880mm where the curve recedes away from the boundary. This additional setback provides greater privacy for residents and improves presentation to the street by reducing moderating the volume. Greater setback is provided to the recessed top floor.

The boundary wall is setback 1.22 metres from the front boundary in response to the nature of the built form to the immediate south, which features glazed corner balconies. By setting back the proposed boundary wall, visual impact to the neighbouring apartments is minimized. This is further detailed in the Clause 4.6 Variation Request included at **Appendix U** (Height) and **Appendix V** (floor space ratio).

4.1.4.2 Side setbacks and secondary street frontages (a)

To the boundary shared with 1 Denison Street

The height of the proposed wall facing the boundary to 1 Denison Street ranges from 12.85 metres to 13.58 metres (there is a slight slope in the natural ground level from the north west to the south west corner). One-third of this height is the range from 4.28 to 4.4 metres. The setback provided ranges from 4.560 metres at the north west and 4.915 metres setback at the south west (the boundary is not parallel to the proposed building alignment). The setback is therefore in excess of the 1/3 control.

It is noted that the windows in this wall facing the boundary to 1 Denison are to habitable rooms (bedrooms) and the lift lobby. The master bedroom has primary outlook to the north and east (towards the ocean). The 1 Denison facing windows are frosted for privacy. The lift lobby window and bedroom 3 windows are obscured by a curved wall protrusion and a planter (noting that the DCP Clause 4.1.4.2 allows for projections by sun-hoods and the like). Therefore, although these windows are less than the ADG guided 6 metres to the boundary, appropriate privacy measures have been provided to adequately occlude direct viewing.

The ground floor car stacker enclosure projects into this setback, proposing a 1 metre setback at the narrowest point and a 1.15m setback at the widest point, sufficient for access to the mechanical plant. This ground floor volume presents minimal visual impact to the neighbouring property, being primarily obscured by the boundary fence and mitigated by a green roof with planting designed to cascade over the edge.

To the boundary shared with 59-60 North Steyne

	<p>The development at 59 North Steyne has been built to boundary, consistent with the continuous street wall addressing North Steyne. The existing built form on the site has an approximate setback of 0.8m to this boundary, a remnant of the previous character of North Steyne that comprised buildings with side setbacks.</p> <p>The proposal includes a wall at the site boundary (nil setback), meeting the neighbouring built form and consistent with the continuous street wall. The nature of this boundary relationship is detailed in the Clause 4.6 Variation Request included at Appendix U (Height) and Appendix V (floor space ratio).</p>
4.1.4.2 Side setbacks and secondary street frontages (c) windows from habitable dwellings	The windows to habitable rooms that face the boundary to 1 Denison Street are setback from that boundary at a distance greater than 3 metres and are therefore compliant with this control.
4.1.4.2 Side setbacks and secondary street frontages (d) secondary street frontages	<p><u>To the Denison Street frontage</u></p> <p>The existing built form on the subject site is an L-shape. The ends of the existing form are close to both the Denison and North Steyne site boundaries. At the closest point, the existing built form is approximately 800mm to the Denison Street boundary. This is similar to the closest point of the neighbouring 1 Denison Street, at approximately 1 metre from the Denison boundary (refer survey at Appendix D). The proposed built form is also an L-shape. The closest point of the proposed built form to the Denison boundary is 1.445 metres. The remainder of the proposed built form is greater than this, ranging up to 5.580 metres to the typical floor. The proposed is therefore compliant with the DCP control to be consistent with the prevailing building line.</p>
4.1.5 Open Space and Landscaping	
4.1.5.1 Minimum Residential Total Open Space Requirements	<p>The site relates to Area OS1 in Figure 34 of the DCP. The proposed development exceeds this control with greater than 45% of the site area provided as open space and greater than 25% of the open space being landscaped area. Refer to the architect's documentation at Appendix A for illustration and summary of the landscape provision.</p> <p>Given the constrained nature of the site, there is limited opportunity for landscaping to have a horizontal dimension of at least 3 metres, and an unbroken area of 12 sqm. However, landscaping has been provided to all available area and to each floor above ground, softening the built form. At Level 4, a landscaped perimeter is provided as this floor is set inwards from the floors below.</p>
4.1.5.2 Landscaped Area	The Landscaped area has been designed to provide the minimum soil depths guided by this control, refer to the sections included in the Architect's documentation at Appendix A . As required for sites up to 500 sqm in Area C, one tree is proposed to the deep soil area. Further to this, additional trees are identified to planters above the basement. Refer to the Landscape Architect's plans at Appendix C .
4.1.5.3 Private Open Space	A principal private open space has been provided to each apartment of greater than 12sqm – refer to the Architect's Documentation at Appendix A and the SEPP65 Statement at Appendix B .

4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

Schedule 3 - Parking and Access	10 parking spaces are proposed for residents, exceeding the minimum requirement in this schedule. Visitor parking has not been provided on site. This is addressed in detail in the Traffic Impact Assessment included at Appendix G .
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4.1.6.3 Bicycle Storage	6 bicycle parking spaces have been provided at Basement 2. This exceeds the bicycle parking requirement in this clause. This is detailed in the traffic report included at Appendix G .
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4.1.6.4 Vehicular Access	Vehicular movement on the site, including driveway access, car lift and basement circulation, is outlined in the traffic report included at Appendix G .
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4.1.10 Fencing

4.1.10.1 Exceptions to maximum height of Fences	A boundary fence has been designed to provide adequate visual privacy between the public domain and the ground floor apartment and incorporates a planter to soften its visual impact. The fence has a solid base with vertical elements above. The fence has a maximum height of approximately 1.8 metres and is highly articulated with stone cladding and metal vertical elements.
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