

PRELODGE MENT ADVICE

Application No: PLM2018/0292
Meeting Date: 11 December 2018
Property Address: 3/28 Reddall Street MANLY
Proposal: Alterations and additions to a residential flat building
Attendees for Council: Daniel Milliken – Principal Planner
Ben Price – Planner

General Comments/Limitations of these Notes

These notes have been prepared by Council 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 specific issues discussed and conclusions reached at the pre-lodgement 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 development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of the Manly LEP 2013 and the Manly DCP 2013 within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
Loft conversion	<p>While converting the existing loft to an attic space is possible, the proposal will need to be amended to fit the definition of “attic”.</p> <p>attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.</p> <p>The key parts of that definition are “wholly within a roof” and “minor elements such as dormer windows”.</p> <p>Council has consistently applied this definition to mean that an attic is possible but it must not look like a full storey.</p> <p>In this regard, the relatively long sides of the addition are not minor elements. Each side must be broken up into two dormer elements which must not be wider than approximately 3.0m.</p> <p>The current design would not be supported. However, an amended design that reduces the elements protruding from the roof form to just dormer windows, is likely to be supported.</p> <p>It is also noted that there are two access stair cases up to the top level. It is recommended that one be deleted to further reduce the bulk of the additions.</p>
Upper level balconies	<p>The proposed front balcony will be highly visible within the streetscape. The planter boxes will help reduce its impact.</p> <p>The rear balcony may result in privacy impacts. It is recommended that this balcony be reduced in size.</p>

MANLY LOCAL ENVIRONMENTAL PLAN 2013 (MLEP 2013)

Note: MLEP 2013 can be viewed at the NSW Government Legislation website.

Zoning and Permissibility	
Definition of proposed development: (ref. MLEP 2013 Dictionary)	Definition
Zone:	R1 General Residential
Permitted with Consent or Prohibited:	Permitted with consent



Principal Development Standards:	
Clause 4.3 Height of Buildings	
Standard	Proposed
8.5m	11.13m
Comment <p>The new works will exceed the height limit by a significant margin. It is noted that the new works are lower than the current building, this will be an important argument to justify the departure.</p> <p>A clause 4.6 request must be submitted with the application. The 4.6 request must address the recent court case of <i>Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118</i>, and the principal it sets out.</p> <p>In part, this case states that it is no longer sufficient to say that either the non-compliance doesn't cause any impacts and/or that all surrounding properties have similar heights. There must be sufficient circumstances particular to the subject site to justify why a non-compliant structure is better than a compliant one.</p> <p>An inadequate 4.6 request will result in the refusal of the application.</p>	
Clause 4.4 Floor Space Ratio	
Standard	Proposed
0.6 to 1	Unknown
Comment <p>An accurate FSR calculation must be submitted with the application, demonstrating compliance.</p>	

MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

Note: The MDCP 2013 can be accessed via Council's website.

Part 3: General Principles of Development
Streetscape
Comment <p>The proposal must not result in an obvious new upper level, hence the importance of amending the design to just show dormer windows protruding from the roof form.</p>
Amenity
Sunlight Access and Overshadowing Comment <p>Shadow diagrams demonstrating the overshadowing impact will be required to be submitted with the application.</p>
Privacy and Security Comment <p>Privacy from the upper level rear balcony may be a concern. It is recommended that it be amended to a smaller Juliet balcony (it is noted that it is labelled as such on the plans).</p>



Maintenance of Views

Comment

View loss from properties to the south west is unlikely to be an issue but should be investigated during the preparation of the DA.

Part 4: Built Form Controls

4.1.4.1 Street Front Setbacks

Comment

The proposed setbacks are acceptable.

4.1.4.2 Side Setbacks and Street Frontages

Comment

The proposed setbacks are acceptable.

4.1.4.4 Rear Setbacks

Comment

The proposed setbacks are acceptable

4.1.5.2 Landscaped Area

Comment

Landscaped calculations should be demonstrated on the plans submitted with the DA.

Documentation to accompany the Development Application

- Electronic copies (USB)
- Statement of Environmental Effects
- Request to vary a development standard
- Cost of works estimate/ Quote
- Site Plan
- Floor Plan
- Elevations and sections
- A4 Notification Plans
- Survey Plan
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Waste Management Plan Ongoing
- Certified Shadow Diagrams
- BASIX Certificate
- Schedule of colours and materials
- Landscape Plan and Landscape Design Statement
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Preliminary Geotechnical Report

Please refer to Development Application Checklist for further detail.



Concluding Comments

These notes are in response to a pre-lodgement meeting held on 11 December 2018 to discuss alterations and additions to a residential flat building.

The proposal is not acceptable in its current form.

The upper level will need to be amended and reduced in size. The upper level must appear as an attic and as such, each side must be broken up into two dormer elements which must not be wider than approximately 3.0m.

In addition, the height non-compliance is significant and will need to be well justified in a Clause 4.6 request that references relevant case law (see above).

Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.