



northern
beaches
council

PRELODGE MENT ADVICE

Application No: PLM2018/0148

Meeting Date: 10 July 2018

Property Address: 195 & 197 Sydney Road FAIRLIGHT

Proposal: Demolition Works and construction of a boarding house

Attendees for Council: Rod Piggott – Manager Development Assessment
Luke Perry – Principal Planner
Lea Lennon – Urban Designer

Attendees for applicant: Marko Damic - Architect
Peter Strudwick – Planner - Urbis

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.



THE PROPOSAL

The proposal involves the demolition of the existing dwelling houses and construction of a boarding house with 78 rooms and on site manager.

Basement car parking is provided for 40 vehicles, motorbikes and bicycles.

SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

| Issue/s Raised | Council Response |
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| Building envelope | <p>The following amendments should be made prior to lodging a development application:</p> <ul style="list-style-type: none">• The basement level must have a minimum 2 metre setback to the side and rear boundaries.• The Communal room/Entry office must be setback a minimum 2 metres from the western side boundary.• A minimum 2 metres landscape buffer must be provided around the perimeter of the site.• The seating and tables provided along the side boundaries must be deleted and replaced with soft landscaping.• The building mass is to be further reduced by way of additional physical separation north/south through the site. This would create 8 'pavilions' through the site effectively reducing the visual bulk and scale of the development when viewed from adjoining properties and the street.• Communal open space areas and private open space areas are to be sited and designed to ensure there are no unreasonable visual or acoustic impacts on adjoining properties.• The proposal does not comply with the minimum rear boundary setback of 8 metres. As discussed at the meeting the reduced setback may be supported subject to a visual/privacy analysis that demonstrates there will be no unreasonable visual impact from the adjoining property (i.e. the roof level of the proposed building is lower than the floor/ground level of the adjoining property). <p>Your attention is drawn to detailed comments made by Council's Urban Designer attached to these notes for further suggested amendments.</p> |
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| Extent of excavation | <p>The proposed extent of excavation is significant. Any development application must be supported by a comprehensive Geotechnical Report.</p> <p>The layout of the basement level cannot be supported in its current form.</p> <p>The basement level must have a minimum 2 metre setback to the side and rear boundaries of the site.</p> |
| Parking and access | <p>The subject site is located on Sydney Road which is a 'classified road' under the care and control of the NSW Roads and Maritime Service (RMS). In this regard, any development application will be referred to the RMS for approval.</p> |

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The development will be the subject of an application lodged pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The development is commonly referred to as a 'new generation boarding house' which essentially means that each room is self-contained. The fact sheet 'Supporting New Generation Boarding Houses', which was published by the NSW Department of Planning & Environment in August 2014, states that the "*SEPP helps create new generation boarding house accommodation by:*

- *Providing floor space incentives to encourage investment in new boarding houses.*
- *Setting clear standards for the design and construction of new generation boarding houses".*

Division 3: Boarding houses

Clause 25: Definition

Refer to the Standard Instrument definition of Boarding Houses under the Warringah Local Environmental Plan 2011 in these notes.

In this Division 'communal living room' means "*a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room*".

Clause 26: Land to which this Division applies

The site is located within the R1 General Residential zone and, as such, the proposed use is permissible with consent under MLEP 2013.

Clause 27: Development to which this Division applies

The site is located within the R1 General Residential zone and is situated not more than 400m walking distance of a bus stop used by a regular bus service (within the meaning of the *Passenger Transport Act 1990*).

An inspection of the bus timetables published by Transport NSW is required to be conducted by you to confirm that bus routes service the stops as per the definition of 'Accessible Area'. Written and detailed evidence is to be provided with a Development Application.

Note: Accessible area means "*land that is within 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at*



least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday”.

Subject to your confirmation that the site is located within an 'accessible area', as defined above, Division 3: Boarding Houses will apply to the proposal.

Clause 28: Development may be carried out with consent

The development constitutes the construction of a boarding house, as defined by the Standard Instrument.

Therefore, the development may be considered under this Division of the SEPP as development which may be carried out with consent.

Clause 29: Standards that cannot be used to refuse consent

A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

| Standard | Permitted | Comment |
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| (1) Density and scale | <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land,</p> | <p>The floor space ratio development standard applying to the subject site allows for a maximum floor space of 0.6:1.</p> <p>The proposal will therefore benefit from the additional 0.5:1 floor space ratio as per 1(c) of this clause.</p> <p>The maximum floor space is 1.1:1.</p> <p>The proposal must comply with this control and demonstrate compliance through floor space calculation plans which are to be submitted with a development application.</p> |



| Standard | Permitted | Comment |
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| | <p>plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p> | |
| (2)(a) Building Height | if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land. | <p>Consistent</p> <p>The development proposes a maximum building height that is compliant with the 8.5m height development standard permitted under MLEP 2013.</p> |
| (2)(b) Landscaped Area | if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. | <p>Inconsistent</p> <p>The landscaped treatment within the front setback is considered to be inconsistent and incompatible with the streetscape.</p> <p>The front setback area should be landscaped and free of any structures (ramps and porch areas).</p> |
| (2)(c) Solar Access | where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight | Shadow diagrams are to be submitted with a development application that demonstrate that the room will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. |
| (2)(d) Private Open Space | <p>if at least the following private open space areas are provided (other than the front setback area):</p> <p>i. one area of at least 20m² with a minimum dimension</p> | The proposal must comply with the requirements of this standard. |



| Standard | Permitted | Comment |
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| | <p>of 3.0m is provided for the use of the lodgers,</p> <p>ii. if accommodation is provided on site for a boarding house manager - one area of at least 8.0m² with a minimum dimension of 2.5m is provided adjacent to that accommodation.</p> | |
| (2)(e) Parking | <p>if:</p> <p>i. in the case of development in an accessible area - at least 0.5 parking spaces are provided for each boarding room, and</p> <p>ii. in the case of any development - not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site</p> | The proposal must provide adequate car parking in accordance with this standard. |
| (2)(f) Accommodation Size | <p>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>i. 12m² in the case of a boarding room intended to be used by a single lodger, or</p> <p>ii. 16m² in any other case.</p> | The proposal must comply with this standard. |

Clause 30: Standards for boarding houses

Any development application must comply with the standards specified within this Clause. The documentation submitted with the application (SoEE and plans) must demonstrate compliance with these standards.



The plan submitted with the application indicate the provision of two communal rooms, one on the basement floor which contains the entry office and communal room and a one on the ground floor.

As discussed at the meeting the communal room located on the basement floor should be relocated elsewhere within the building in a more accessible area for future residents. The size of the communal room should be commensurate with the total number of lodgers on site.

Clause 30: Character of the local area

The matter of assessing the character compatibility of development has been examined by the Land and Environment Court in *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003) NSWLEC 268* and *Project Venture Developments v Pittwater Council (2005) NSWLEC 191* where Senior Commissioner Roseth set out Planning Principles to better evaluate how a development should respond to the character of its environment.

The proposal in its current form is not considered to be compatible with the predominant character or style of housing of the zone (and area generally) and could not be supported.

Amendments could be made to the design of the building to ensure it compatible with the character of the local area.

These amendments have been detailed above the 'Issues' section of these minutes.

These notes contain recommendations to be considered in a redesign of the proposal and you are strongly encouraged to adopt them prior to lodging any development application.

MANLY LOCAL ENVIRONMENTAL PLAN 2013 (MLEP 2013)

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

| Zoning and Permissibility | |
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| Definition of proposed development: (ref. MLEP 2013 Dictionary) | Boarding house <i>boarding house means a building that:</i> (a) <i>is wholly or partly let in lodgings, and</i> (b) <i>provides lodgers with a principal place of residence for 3 months or more, and</i> (c) <i>may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</i> (d) <i>has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,</i> <i>but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</i> |
| Zone: | R1 General Residential |
| Permitted with Consent or Prohibited: | Permitted with consent |



| Principal Development Standards: | |
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| Clause 4.3 Height of Buildings | |
| Standard | Proposed |
| 8.5m | 8.5m |
| <p>Comment</p> <p>Any proposal must comply with this development standard. Detailed section plans (through each element of the building) must be submitted with a development application. The section plans must clearly indicate the overall height of the building and nominate the 8.5m height limit as a point of reference.</p> <p>Note: Building heights are measured from existing ground level.</p> | |
| Clause 4.4 Floor Space Ratio | |
| Standard | Proposed |
| 0.6:1 (+ and additional 0.5:1 as per SEPP ARH) = 1.1:1 | 1.1:1 |
| <p>Comment</p> <p>Any proposal must comply with this development standard and the SEPP provisions relating to floor space. Detailed floor space plans/calculations must be submitted with the development application.</p> | |

MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

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

The Statement of Environmental Effects must address the relevant controls of the MDCP 2013. These include (but are not limited to):

- 3.1 Streetscape and Townscapes
- 3.3 Landscaping
- 3.4 Amenity (views, overshadowing, overlooking/privacy, noise)
- 3.7 Stormwater management
- 4.1 Residential Development Controls (including addressing the objectives and providing justification for any variations proposed to the setback or landscaping under this section of the MDCP)

| Specialist Advice | |
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| Referral Body | Comments |
| Traffic Engineer | The off street car parking provision is compliant with the amended SEPP requirements for boarding houses i.e. 0.5 spaces per room and the carpark layout appears satisfactory. Plans submitted at DA stage should be fully dimensioned to show aisle widths and parking space width and length |



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| | <p>dimensions. Layout and dimensions must comply with the requirements of AS2890</p> <p>The off street loading dock must be min 6.4m in length and 3.5m in width as per the requirements of AS2890.2 Table 4.1</p> <p>A swept path plot must be provided with the DA showing a SRV turning in and out of the Loading Dock</p> <p>The path of travel to and from the loading dock and the street must have a clearance height of 3.5m for compliance with AS2890.2. If a lower clearance height is to be provided it should be justified in a traffic report submitted with the DA outlining the necessary clearance heights for servicing requirements of the development</p> <p>Clearance heights through the carpark to and from disabled parking spaces must be at least 2.2m. Clearance height over each disabled parking space must be min 2.5m as required by AS2890.6 section 2.4</p> <p>The Manly DCP Schedule 3 – Part A2 requires motorcycle parking at a rate of 1 space for every 5 boarding rooms – it appears from the plans that only 5 spaces have been provided on level 1 which is not compliant. The DCP requirement was prepared to suit the old SEPP car parking requirement and an argument could be made to reduce the quantum of motorcycle parking required. A supporting traffic report justifying a reduced number of motorcycle parking spaces should be provided if the developer does not increase the motorcycle parking requirement to meet the DCP requirement. Motorcycle spaces must have minimum dimensions of 2.5m x 1.2m</p> <p>The Manly DCP Schedule 3 – Part A2 requires bicycle parking at a rate of 1 space for every 5 boarding rooms – no bicycle spaces appear to have been provided. The DCP requirement was prepared to suit the old SEPP car parking requirement and an argument could be made to reduce the bicycle parking requirement. Some bicycle parking must be provided however a supporting traffic report justifying a reduced level of bicycle parking should be provided if the developer does not increase the bicycle parking requirement to meet the DCP</p> |
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| | <p>requirement.</p> <p>The driveway access serving the development must be a minimum of 6m in width to meet requirements of AS2890.1 table 3.1. As Sydney Road is a State Road, RMS consent for the new driveway access will be required.</p> <p>The ground level parking area shows 6 disabled parking spaces. These spaces must be complaint with the requirements of AS2890.6 including having a fixed bollard at the front of the space</p> <p>A condition will be placed on any approval for this DA requiring a construction traffic management plan to be submitted to ensure construction impacts of the development are appropriately managed and to minimise impacts on the wider community.</p> <p>A traffic report should be provided to support this DA discussing traffic, access and parking aspects of the DA and justification for any departures from DCP requirements.</p> |
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| Waste Officer | <p>The plan indicates approx. 78 dwellings. Council's waste guidelines consider boarding houses as 3 or more dwelling development and each dwelling will be provided with a waste service by Council – in the form of a shared service.</p> <p>The proposed waste room design and location in the plans submitted are not suitable. The bin room size is insufficient and the access to the bin room cannot support an MRV.</p> <p><u>Waste room design and location requirements.</u></p> <p>Applicant will need to ensure:</p> <ul style="list-style-type: none">• A bin room (fully enclosed) is located within 6500mm of the front property boundary and free of any obstructions.• The bin room has a footprint to accommodate 13 x 660L bins, emptied twice weekly. The door to the bin room must be 1200mm wide.• A dedicated path between the bin room to the property boundary must be slip proof, free of obstructions and 1200mm wide. <p><u>Bulk waste room requirements.</u></p> <p>Applicant will need to ensure a bulk waste room is provided adjacent to the bin room and 28 cubic meters (practical dimensions to accommodate lounges, mattresses and/or fridges)</p> |
| Urban Designer | Refer to attached comments. |



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| Landscape Officer | <p>Landscape Comments</p> <p>Pre-Lodgement Advice - PLM2018/0148 - 195-197 Sydney Road Fairlight</p> <p><u>Control 3.1.1 Streetscape (Residential Areas).</u></p> <p>Concern is raised that the bulk of the front walling does not satisfy 3.1.1. The resultant outcome of the proposal provides a dominant visual bulk when viewed from the public domain. An innovative design solution is required to reduce the impact to the streetscape.</p> <p><u>Control 3.3.1 Landscaping Design</u></p> <p>The proposal is illustrated as generally capable of satisfying 3.3.1, subject to clarification that landscape area calculations, which are not provided, satisfy the requirements.</p> <p>The proposal in terms of landscape areas to provide residential amenity is provided, with private open spaces available, subject to the provision of visual privacy through landscaping within the private open space and upon adjoining property private open spaces.</p> <p>The landscape areas generally are capable of supporting new native tree species that are typically expected to reach a mature height of 10m, expect along the western boundary where the basement is located along the boundary of 199 Sydney Road. The lack of deep soil along this boundary will impact upon the existing private open space within the adjoining property. Consideration of how adequate landscape screening for privacy is to be achieved shall be demonstrated, noting that any landscaping will be on-slab and restricted by the size capability of any planters to achieve a reasonable landscape outcome.</p> <p><u>Natural Features</u></p> <p>Site features such as natural rock outcrops/ledges are to be incorporated into the design.</p> <p><u>Existing Vegetation</u></p> <p>There are no trees of significance of the site. The existing street tree is in poor health and should be replaced as required by Control 3.3.3 Footpath Tree Planting.</p> <p>DA documents required</p> <p>A Landscape Plan will be required to demonstrate how the built form will be softened by landscaping and how landscaping will be incorporated to provide residential landscape amenity, to satisfy the following Manly DCP controls:</p> <p>-3.1.1 Streetscape (Residential Areas).</p> <p>-3.3.1 Landscape Design</p> |
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Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available via Council's website:

- Development Assessment Management Policy

Documentation to accompany the Development Application

- Electronic copies (USB)
- Statement of Environmental Effects
- Request to vary a development standard
- Cost of works estimate/ Quote - CIV
- 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
- Energy Performance Report
- Schedule of colours and materials
- Landscape Plan and Landscape Design Statement
- Arboricultural Impact Assessment Report
- Swimming Pool Plan
- Photo Montage
- Model
- Statement of Heritage Impact
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Stormwater Drainage Assets Plan
- Geotechnical Report
- Acoustic Report
- Traffic and Parking Report
- Construction Traffic Management Plan
- Construction Methodology Plan
- Access Report
- Fire Safety Measures Schedule
- SEPP 65 Report
- Integrated Development Fees
- Boarding House Management Plan

Please refer to Development Application Checklist for further detail.



Concluding Comments

These notes are in response to a pre-lodgement meeting held on 10 July 2018 to discuss Demolition works and construction of a boarding house at 195 & 197 Sydney Road, Fairlight. The notes reference preliminary plans prepared by Modularium dated 2 July 2018.

The proposal is not acceptable and requires redesign prior to submission.

Your attention is drawn to the detailed comments made under the 'Issues' section of these notes and comments made by Council's Urban Designer (attached). In summary, the building mass is to be further minimised through additional physical separation of building elements. The basement car park and the communal room/entry office must be setback a minimum 2 metres from the western side boundary.

A minimum 2 metre wide landscape buffer must be provided around perimeter of the site. The basement level car parking is to have a minimum 2 metre setback from any side or rear boundary.

The design of the communal open space area and private open space areas must be carefully considered to ensure no unreasonable amenity impacts to adjoining properties.

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