

# Appendix T: Council Pre-lodgment Notes and Response

The following provides a response to the Pre-lodgment Meeting Notes provided by Northern Beaches Council on 31<sup>st</sup> August 2022.

**Table 1** Pre-lodgement Meeting Notes and response

Comment	Response
<b>Relevant Legislation and Planning Instruments</b>	
<b>Manly Local Environmental Plan 2013</b>	
<b>Part 2 – Zoning and Permissibility</b>	Noted.
Residential flat buildings are a permitted use in the R3 Medium Density Residential zone with consent.	
<b>4.3 Height of Buildings</b>	A Clause 4.6 Variation request is provided at <b>Appendix U</b> (Height) and <b>Appendix V</b> (Floor Space Ratio) and demonstrates that compliance with the maximum building height and floor space ratio development standards contained in Clause 4.3 and Clause 4.4 of the Manly LEP is unreasonable and unnecessary in the circumstances of the site and that the justification is well founded.
The proposed development exceeds the 13.0m maximum permitted building height under this control.	
Any non-compliance requires the submission of Clause 4.6 request demonstrating sufficient environmental planning grounds.	
The proposed development does not comply with the building height requirement, therefore, view loss and visual impact of the development as viewed from the adjoining development will be critical aspect of the proposal.	The 4.6 Variation request and includes a view impact assessment, demonstrating that the impacts are reasonable in the context of the site.
<b>4.4 Floor Space Ratio</b>	A Clause 4.6 Variation request is provided at <b>Appendix U</b> (Height) and <b>Appendix V</b> (Floor Space Ratio) and demonstrates that compliance with the maximum building height and floor space ratio development standards contained in Clause 4.3 and Clause 4.4 of the Manly LEP is unreasonable and unnecessary in the circumstances of the site and that the justification is well founded.
The proposed development exceeds the maximum permitted floor space ratio under this control. [1.5:1]	
It is noted that the DSAP Report concluded that “Any breaching of the height controls and FSR will need to be supported by an analysis of the benefits compared to a complying scheme”.	
	A complying scheme as been prepared by Platform Architects, included with the Architectural Documentation at <b>Appendix A</b>

	and assessed in the Clause 4.6 Variation Request at <b>Appendix U</b> (Height) and <b>Appendix V</b> (Floor Space Ratio). This scheme provides comparison with the proposed application for assessment of solar access, privacy and view impact to the neighbouring developments, and finds that the impact of the proposed is consistent with a complaint scheme, with minor additional viewing impact to one neighbouring apartment.
<b>6.9 Foreshore Scenic Protection Area</b>  The applicant is required to address the relevant clauses within the Manly LEP including clause 6.9 Foreshore Scenic Protection Area.	Refer to the <i>Planning Assessment</i> section in the SEE.
<b>Coastal Management Act 2016</b>	
The subject site is located within the coastal zone of NSW and must comply with the relevant provisions of the Coastal Management Act 2016 (CM Act). The objectives and general requirements of the CM Act must be addressed within the Statement of Environmental Effects (SEE) report as it relates to development within the coastal zone.	Refer to the <i>Planning Assessment</i> section in the SEE.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>	
The objectives and coastal management provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021 applicable to all sites located within the coastal zone. The subject site has been included on both the 'Coastal Environmental Area' and 'Coastal Use Area' maps, which are administered under the SEPP (RH). As such, sections 2.10, 2.11 & 2.12 of the SEPP (RH) must be addressed with the SEE report.	Refer to the <i>Planning Assessment</i> section in the SEE.
<b>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</b> <b>NOTE: now contained within State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	
The subject property is also mapped within the 'Sydney Harbour Catchment' area under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. As such the objectives and relevant provisions of this plan apply to the subject site. Specifically, the SEE report must demonstrate that the proposed development can achieve the SREP (SHC) objectives and the planning principals relating to Sydney Harbour Catchment (Part 2, section 12 & 13).	The State Environmental Planning Policy (Biodiversity and Conservation) 2021 replaces the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The relevant clauses in this SEPP have been addressed in <i>Planning Assessment</i> section of the SEE.
<b>Manly DCP 2013</b>	
<b>Height of Buildings</b>  The proposed wall heights for the development are ... noncompliant with the control and found to be inconsistent with objectives of the control.	Discussion of this proposed volume is provided in the Clause 4.6 Variation Request included at <b>Appendix U</b> (Height) and <b>Appendix V</b> (Floor Space Ratio).

	<p>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.</p>
<p><b>Side Setbacks and Secondary Street Frontage</b></p> <p>Given that the wall height or the site setback to the neighbouring 1 Denison Street is 12.6 metres, a side setback of 4.2m is required as per the DCP. This proposal provides for a setback of 3.475m, or a 19% shortfall.</p>	<p>The proposed setback to 1 Denison Street has been revised following the pre-lodgment discussion and is now compliant with this control.</p>
<p><b>Open Space and Landscaping</b></p> <p>The site comes under OS1 in Figure 34 of the Manly DCP 2013, resulting in the total open space required at least 45% of the site area. The proposal includes 211.49m<sup>2</sup> (51.45% of site area) of open space.</p> <p>The DCP requires 25% of the Total Open Space Area to be Landscaped Area, the proposal includes 123.06m<sup>2</sup> (58% of the sites open space).</p> <p>The proposal includes a total of 147.67m<sup>2</sup> private open space, which is greater than the 60m<sup>2</sup> required.</p>	<p>The proposed development remains compliant with the provision of open space and landscaping. Refer to the architect's documentation at <b>Appendix A</b> for illustration and summary of the landscape provision.</p>
<p><b>Specialist Advice</b></p>	
<p><b>Landscape</b></p>	
<p>The Statement of Environmental Effects shall include commentary of relevant landscape clauses of SEPP No. 65 and the associated Apartment Design Guide, including control 3E Deep Soil Zones, 4O Landscape Design and 4P Planting on Structures, and the controls of Manly DCP, including: 3.3.1 Landscape Design, 4.1.5 Open Space and Landscaping, and 4.1.5.2 Landscaped Area.</p>	<p>For discussion of the landscape clauses of SEPP65 and the ADG, please refer to the SEPP65 Statement by Platform Architects at <b>Appendix B</b>.</p> <p>For discussion of the landscape controls in the Manly DCP, refer DCP Compliance Assessment at <b>Appendix S</b>.</p>
<p>A Landscape Plan is required to demonstrate that the proposed development satisfies the DCP clauses, including:</p> <p><b>3.3.1 Landscape Design</b></p> <p>- provide native tree planting to satisfy 4.1.5.2: to be located either within the deep soil area to the frontage, or within the rear landscape courtyard within a 1 metre deep planter with the</p>	<p>A landscape plan has been provided by Place Design Group and is included at <b>Appendix C</b>.</p> <p>Trees to both the deep soil area and rear courtyard are proposed. A species specification is included in the Landscape Architect's documentation. Landscape is further discussed in the <i>Key Planning Matters</i> section of the SEE.</p>

provision of minimum 9m<sup>3</sup> soil volume and soil area of 3.5m x 3.5m or equivalent, as required by the Apartment Design Guide.

- landscaping to provide adequate private open space amenity
- design consideration should be given in tree planting locations to minimise loss of sunlight, privacy, views, and noise for neighbouring properties

#### 4.1.5 Open Space and Landscaping

- maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting.

Soft landscaping has been provided to all available area at ground floor, please refer landscape plan at **Appendix C**.

##### 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
- (b) ii) a minimum horizontal dimension of 0.5m measures from the inner side of the planter bed/box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation regime, as noted in the DCP - in consideration of proximity to public domain areas it is considered a wider minimum planter bed is provided in the order of minimum 900mm.
- (c) minimum number of native trees to be supported within the site in a deep soil zone - 1 tree

Any on slab planter or roof garden shall comply with the following soil depth guidelines:

- 300mm for groundcovers
- 600mm for shrubs and accents
- 1m for small trees

For discussion of the landscape controls in the Manly DCP, refer DCP Compliance Assessment at **Appendix S**.

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** and the Landscape Architect's documentation at **Appendix C**.

#### Landscape information to be submitted for development application consideration:

- › Landscape Plan shall be submitted in accordance with Council's DA Lodgement Requirements.
- › The landscape proposal shall include mass planting to all garden and planter areas as it is considered lawn is an inappropriate solution within the property given limited landscape areas that will lead to lawn failure and/or replacement with pavement.
- › The landscape proposal for the landscape courtyard, noting access provisions to the courtyard are not clear in the current documents.
- › The landscape proposal for the roof garden over the car lift noting the requirement for minimum soil depth and structural capacity of slab to support the wet weight of planting and soil.

A landscape plan has been provided at **Appendix C**. The Architect's documentation includes landscape calculations at **Appendix A**.

Mass planting is proposed to garden and planter areas, with the exception to a limited turfed area on the ground floor to provide open outdoor recreation space to the ground floor apartment. This area is provided with sufficient soil depth as indicated in the landscape architect's sections.

It is noted that access to the landscaped courtyard to the rear is from the ground floor apartment bedrooms.

#### Flood Engineer

##### Floor Levels

The FFL of the proposed ground floor level is set at 5.6m AHD (at the flood planning level).

Floor levels within the development shall be set at or above the Flood Planning Level. The plans indicate a floor level of 5.50m AHD which is below the Flood Planning Level.

A small part on the northern side of the site is affected by the medium flood risk precinct. The Flood Planning Level is 5.6m AHD.

### Car Parking

All enclosed car parks (including basement car parks) must be protected from inundation up to the Flood Planning Level. All access, ventilation, driveway crests and any other potential water entry points to any enclosed car parking shall be above the Flood Planning Level.

Where a driveway is required to be raised it must be demonstrated that there is no net loss to available flood storage in any event up to the 1% AEP of flood event and no impact on flood conveyance through the site.

Council will not accept any options that rely on electrical, mechanical or manual exclusion of the floodwaters from entering the enclosed carpark however may consider hydraulic flood gates.

Hydraulic flood gates are proposed to the car park entry (access to the car lift). The fire stair exit to Denison Street is also provided with appropriate flood protection. This is further detailed in the engineering report included at **Appendix E**, and accompanying civil engineer's drawings at **Appendix F**.

### Emergency Response – EI

Where flood-free evacuation above the Probable Maximum Flood level is not possible, new development must provide a shelter-in-place refuge where:

- a) The FLOOR LEVEL is at or above the Probable Maximum Flood level; and
- b) The floor space provides at least 2m<sup>2</sup> per person where the flood duration is long (6 or more hours) in the Probable Maximum Flood event, or 1m<sup>2</sup> per person for less than 6 hours;
- c) It is intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants without reliance on an elevator; and
- d) It must contain as a minimum: sufficient clean water for all occupants; portable radio with spare batteries; torch with spare batteries; and a first aid kit

The SCP Engineer's report provided at **Appendix E** notes:

*Flood Risk Management will be addressed through a Shelter-In-Place. Typically, urban overland flow catchments operate as a flash-flood scenario with very limited ability to excavate and a short duration of peak flow. Since the property has been designed to withstand flood effect up to the FPL, this is a suitable refuge for residents to Shelter-In-Place.*

### Fencing – FI

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level. Openings should be a minimum of 75mm x 75mm.

Please refer to the flow path design and details provided in the engineering report included at **Appendix E**, and accompanying civil engineer's drawings at **Appendix F**.

### Heritage

The existing property on the subject site is not a listed heritage item, however it dates back to the early 20th century, therefore, a

Please refer to the Heritage Impact Assessment included at **Appendix Q**.

photographic archival recording is required. A Heritage Impact Statement (HIS) is required, assessing the impact of the proposal in the context and upon the heritage items and the conservation area. Any DA would also need to include full details of colours and materials proposed.

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."*

The development application includes details of materials and finishes included at **Appendix A**, which are separately assessed in the Heritage Impact Statement.

## Traffic

Referencing Manly **DCP parking rates** for a residential zoning the development as proposed is required to provide 8 residential parking spaces and 2 visitor spaces. The amended plans suggest that the development will provide 10 parking spaces including two disabled spaces and a visitor/wash bay. The quantum of parking meets the DCP requirements and is acceptable.

Please refer to the Traffic Impact Assessment included at **Appendix G**. Ten spaces are proposed across two basement levels for resident parking.

Visitor parking is proposed to be off-site given the restriction of a car lift and the availability of off-street parking in close proximity to the site.

Access to all parking spaces is proposed to be facilitated via a **car lift**. While the use of a car lift is not opposed in principle the following must be considered:

- o The car lift must be located no less than 6m inside the property boundary so that a vehicle waiting to access the car lift does not obstruct/partly obstruct the footpath area. Although not dimensioned, the car lift appears to be sited 6m inside the property
  - o The driveway must be designed so that a B99 vehicle exiting the car-lift and accessing the street can drive past a B85 vehicle waiting (entirely within the property boundaries) to access the lift...
- If the developer choses to submit plans which do not allow for passing (i.e the driveway is to remain single width) this will need to be justified in the traffic impact report, providing an analysis of the likely frequency of vehicle to vehicle conflict together with measures such as traffic light control to manage/reduce the level of impact of such interactions.

Please refer to the Traffic Impact Assessment included at **Appendix G** for detailed analysis of the proposed vehicular provisions and arrangement.

Measured at the centreline of the driveway, the car lift is positioned greater than 6 metres inside the property boundary.

The engineer has provided traffic flow and servicing rates to demonstrate suitability of the proposed driveway width and nil requirement for a waiting bay. The engineer identifies: *AS2890.1 -2004 at Clause 3.2.2 notes that driveway ramps can be designed with reduced widths that do not permit unobstructed two-way traffic movements in*

<p>o The driveway is proposed to be only 3.8m in width. As outlined above the driveway should be at least 5.5m wide for a distance of at least 6m inside the property as required by AS2890.1 clause 3.2.2 (to ensure space for 2 cars to pass inside the property boundary and minimise impact upon passing street traffic)</p> <p>o Visitor parking spaces will need to be accessed via the car lift. The car lift must therefore be accessible to visitors via an intercom or similar measures. Details to be provided with the DA</p>	<p><i>situations where there are expected to be less than 30 vehicle movements (two way) per hour. For the subject site traffic movements are anticipated to be between two and three vehicles per hour (worst case) which is well below this threshold noted in AS2890.1. The driveway width is therefore considered suitable given the site context.</i></p>
<p><b>Visitor parking spaces</b> and residential parking spaces are to be denoted on the DA plans. The plans currently make allowance for only 1 visitor parking space which is deficient by one.</p>	<p>Please refer to the traffic report included at <b>Appendix G</b> for analysis and description of the approach to visitor parking. All basement parking is proposed to be for resident vehicles.</p>
<p><b>Pedestrian sight line triangles</b> consistent with AS2890.1 clause 3.2.4 (b) must be available at the point where the driveway meets the property boundary. These have not been plotted on the pre-lodgement plans</p>	<p>Please refer to the traffic report included at <b>Appendix G</b> for discussion of the driveway design and vehicular movement.</p>
<p>The <b>parking aisle</b> is 3.59m adjacent to the disabled parking bay shared zones. This is adequate. AS2890.6 clause 1.3.2 allows the shared area to be driven over however, to ensure the safety of disabled persons using the area bollards must be erected at either end of the shared zone to prevent unnecessary encroachment by circulating traffic. Swept path plots must be provided to demonstrate that a B99 vehicle can circulate to and from the car lift and car spaces without encroaching significantly on the disabled parking space shared zone.</p>	<p>Please refer to the traffic report included at <b>Appendix G</b> for discussion of the driveway design and vehicular movement.</p>
<p><b>Swept path plots</b> must be provided with the DA to demonstrate access to and from critically located parking spaces (1,2,5, 6,7 &amp; visitor) by the B85 vehicle</p>	<p>Please refer to the traffic report included at <b>Appendix G</b> for analysis and description of car parking, including swept paths.</p>
<p><b>Bicycle parking</b> for 8 bikes has been shown on the plan for basement 1, there are also basement storage areas which could be utilised for any additional bikes. The bicycle parking provisions are considered adequate</p>	<p>Please refer to the traffic report included at <b>Appendix G</b> for analysis and description of bicycle parking.</p> <p>6 bicycle parking spaces are proposed. Additionally, as noted by Council's traffic officer, basement storage areas can be utilized for additional bicycle parking.</p>

## Civil

### Stormwater:

The subject site is located within Council's Manly Stormwater Zone 2. In general, an on site absorption system shall be designed to discharge the collected on site stormwater in accordance with Council's Water Management for Development Policy. The overflow from the absorption system shall be discharged into the nearby Council stormwater pit. The design of the absorption

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'.



system must be supported with a soil infiltration rate which is determined by a qualified Geotechnical Engineer/ Geologist.	A geotechnical report is provided at <b>Appendix K</b> .
<b>Subsoil Drainage:</b>  Any subsoil drainage from the proposed basements must be discharged into Council's stormwater pit directly.	All stormwater will be disposed of to the street drainage system as detailed in the stormwater management plan included at <b>Appendix F</b> . The engineer's report at <b>Appendix E</b> provides confirmation that the development is in accordance with Council's 'Water Management for Development Policy'.
<b>Footpath:</b>  The proposed development may require a footpath upgrade on Denison Street. Please contact Council's Road Assets Team for further advice.	Council to advise on required upgrade to footpath on Denison Street.
<b>Waste</b>	
For the five residential units Council will provide 6 x 240 litre bins. Each bin being 600mm wide and 750 mm deep. Both the basement bin storage room and the ground level holding bay appear to be large enough to accommodate this number of bins.	The proposal remains accommodating of the number of bins provided by Council in the basement bin holding room. All bins are accommodated space alongside the driveway on the relevant collection day(s). Please refer to the <i>On-going waste management</i> discussion in the SEE's <i>Key Planning Matters</i> section.
The applicant is to provide an explanation as to the method of transferring the bins between the basement bin room and the street level holding bay. The path of travel is to remain entirely within the property. Please bear in mind that using this arrangement creates an ongoing physical or financial burden for the owners of the property and that transferring the bins via the residential lift is not a good amenity outcome for the residents.	Bins are proposed to be transferred via the car lift from basement to the ground floor.  Please refer to the <i>On-going waste management</i> discussion in the SEE's <i>Key Planning Matters</i> section.
The path of travel used by Councils' servicing staff when emptying the bins must be entirely separate from the vehicular driveway and any passing/waiting bay. This path must be 1200mm wide, have a smooth non-slip surface and contain no steps or ramps greater than 1 in 8. The maximum permissible distance of the bin holding bay to the property boundary with the street is 6.5 metres.	The bin collection area is proposed to be at the side of the driveway, within 6.5m of the property boundary. Given the limited number of apartments in the development (5), the rate of driveway use is considered low (refer to traffic assessment at <b>Appendix G</b> ) and a dedicated path is not included in the proposal.  Please refer to the <i>On-going waste management</i> discussion in the SEE's <i>Key Planning Matters</i> section.
<b>Documentation to accompany the Development Application</b>	
Lodge Application via NSW Planning Portal	Noted
Statement of Environmental Effects	As submitted.
Clause 4.6 Variation Statement	Refer <b>Appendix U</b> (Height) and <b>Appendix V</b> (Floor Space Ratio).



Scaled and dimensioned plans: o Site Plan; o Floor Plans; o Elevations; and o Sections.	Refer <b>Appendix A.</b>
Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).	Refer <b>Appendix A.</b> Further solar access assessment by SLR at <b>Appendix J.</b>
Cost Summary Report (prepared by a Quantity Surveyor for works equal to or greater than \$1,000,001)	Refer <b>Appendix P.</b>
Survey Plan (Boundary Identification Survey)	Refer <b>Appendix D.</b>
Site Analysis Plan	Refer <b>Appendix A.</b>
Demolition Plan	Refer <b>Appendix A.</b>
Excavation and Fill Plan	Refer <b>Appendix A.</b> Refer also Civil Drawings at <b>Appendix F.</b>
Waste Management Plan (Construction & Demolition)	Refer <b>Appendix M.</b>
Driveway Design Plan (if any change is proposed to the driveway)	Refer <b>Appendix F.</b>
Erosion and Sediment Control Plan / Soil and Water Management Plan	Refer <b>Appendix F.</b> Refer also report at <b>Appendix E.</b>
Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist	Refer <b>Appendix F.</b> Refer also report at <b>Appendix E.</b>
Landscape Plan	Refer <b>Appendix C.</b>
BASIX Certificate	Refer <b>Appendix H.</b>
Access Report	Refer <b>Appendix O.</b>
Acid Sulfate Soils Report	Refer Preliminary Site Investigation (Contamination) Report at <b>Appendix L.</b>
Arboricultural Impact Assessment (if the proposed development requires the removal, or works within 5.0m, of any protected trees on the site, adjoining properties and/or road reserve)	N/A
Building Code of Australia (BCA) Report	Refer <b>Appendix N.</b>
Flood Risk Assessment Report	Refer <b>Appendix E.</b> Refer also Civil Drawings at <b>Appendix F.</b>
Geotechnical Report	Refer <b>Appendix K.</b>
SEPP 65 Report	Refer <b>Appendix B.</b>
Statement of Heritage Impact	Refer <b>Appendix Q.</b>
Traffic and Parking Report	Refer <b>Appendix G.</b>

For the full list of specialist reports and documentation included with this application, please refer to the Statement of Environmental Effects.