



Pre-lodgement Meeting Notes

Application No:	PLM2021/0163
Meeting Date:	20 July 2021
Property Address:	291 Condamine Street, Manly Vale
Proposal:	Demolition and construction of a shop top housing development
Attendees for Council:	<ul style="list-style-type: none">• Steve Findlay – Development Assessment Manager• Tony Collier – Principal Planner• Adam Croft – Planner• Dominic Chung – Senior Urban 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 Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011, 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.



STATE ENVIRONMENTAL PLANNING POLICY No. 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* includes the following clauses which are required to be addressed in the design of the proposal and discussed within the Statement of Environmental Effects:

- Clause 28 - Determination of development applications.
- Clause 30 - Standards that cannot be used as grounds to refuse development consent or modification of development consent.
- Schedule 1 – Design Principles.

Furthermore, the following sections of the associated *Apartment Design Guide* (ADG) are to be satisfactorily incorporated into the design of the development:

- Part 3 – Siting the development.
- Part 4 – Designing the building.

The Statement of Environmental Effects is to include a table detailing compliance with the above-mentioned sections.

Note: Pursuant to Clause 50(1A) of the *Environmental Planning and Assessment Regulation 2000* the Development Application must also be accompanied by a statement by a qualified designer.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

WLEP 2011 can be viewed at:

<https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Shop Top Housing
Zone:	B2 Local centre
Permitted with Consent or Prohibited:	Permitted with Consent

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
4.3 – Height of Buildings	11.0m	9.7m to 13.7m	No +2.7m (24.5%)

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.

Please be aware that any proposed variation to the Development Standard (i.e. over 10%) will be referred to the Northern Beaches Local Planning Panel for determination following assessment by Council's Development Assessment team.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

WDCP 2011 can be viewed at:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

The following notes the identified non-compliant areas of the proposal only.

Part B – Built Form Controls		
Control	Permitted	Proposed
B2 – Number of Storeys	3	4 (+1 storey)
<p>The development includes four storeys which exceeds the requirement.</p> <p>It is noted that other shop top housing developments in the area have been approved with a part 4th storey which is typically situated at the centre of the site. This has been done to provide the 3rd storey towards the front (Condamine Street) and rear (Sommerville Lane) in combination with the sloping topography of each respective site.</p> <p>As discussed at the meeting, the same format can be supported provided that the proposed 4th storey is stepped back further into the site and away from Condamine Street so as to become less visible from the street. It was recommended at the meeting that the 4th storey (notated as the 3rd floor on the plans) be setback 10m from the front boundary to address this.</p>		
B5 – Side Boundary Setbacks	Merit Assessment	North: Nil South: Nil
Acceptable		
B7 – Front Boundary Setbacks	Ground Floor: Nil First Floor: Nil Second Floor: 5.0m	Ground Floor: Nil First Floor: Nil to 2.5m Second Floor: Nil to 2.5m Third Floor: 5.0m
<p>The development does not comply with the front setback requirements at the first and second floor under 'Other land the B2 zone' which stipulates:</p> <ul style="list-style-type: none"> • Ground, first and second floors of building: Aligned to street frontage. • For any storey above the second floor: 5.0m. <p>The front boundary setback control aims to achieve a continuous two storey podium/street wall along Condamine Street to minimise visual dominance and to maintain human scale in what is a comparatively low-lying commercial precinct.</p> <p>It was advised at the meeting that the ground floor and first floor can remain as proposed but the 2nd floor is to be stepped back 5.0m from the front boundary in its entirety (i.e. no room protrusions forward of the building line) to provide maintain this aim.</p>		
B9 – Rear Boundary Setbacks	Merit Assessment	Nil to 2.7m



Part B – Built Form Controls

Acceptable.

Part C – Siting Factors

C2 – Traffic, Access and Safety

Concern was raised at the meeting with respect to the reliance upon the two car lifts to service the three car parking levels and to facilitate access and egress from Condamine Street.

The concern is centred around the potential for a lift (or both lifts) to fail which could compound an adverse impact on Condamine Street and the B-Line bus lane due to queuing or the possibility that, under such circumstances, residents would need to inconveniently park further away (i.e. on Sunshine Street, Kenneth Road or Koorala Street) pending repair which isn't desirable if carrying shopping and/or in bad weather. This concern relates to three of the primary objectives of the control:

- a) traffic hazards;
- b) vehicles queuing on public roads; and
- e) interference with public transport facilities.

It was recommended at the meeting that the design approach employed for the now operational development at No. 299 Condamine Street be examined and utilised given that that site has similar characteristics and limitations as the subject site. You are encouraged to review the approved plans for DA2007/0361 which are can be obtained from Council's Records Department via this link: <https://www.northernbeaches.nsw.gov.au/council/forms/information-access>

C3 – Parking Facilities

Residential: 13 spaces
 Visitors: 3 spaces
 Retail: 2 spaces
 Total: 18 spaces

13 spaces

Appendix 1 (Car parking Requirements) of the WDCP 2011 stipulates that the following off-street car parking is required to be provided on the site:

Use	Required	Proposed
Residential		
1 Bedroom (5)	1 space/dwelling = 5 spaces	10 spaces
2 Bedroom (5)	1.2 spaces/dwelling = 6 spaces	
3 Bedroom (1)	1.5 spaces/dwelling = 1.5 spaces	
Visitors (11 dwellings)	1 space/5 dwellings = 2.2 (3) spaces	3 spaces
Retails (32m ²)	1 space/16.4m ² GLFA = 1.9 (2) spaces	Nil
Total	17.5 (18) spaces	13 spaces (-5 spaces)

Please refer to separate comments provided by Council's Traffic Engineering Coordinator later in these Notes.

Specialist Advice

Development Assessment

Height and number of storeys

- The proposed building height of 13.7m exceeds the 11m control. The extent of this non-compliance will be reduced through the increased front setbacks to the upper levels as



Specialist Advice

discussed below. Any non-compliance requires the submission of Clause 4.6 request demonstrating sufficient environmental planning grounds.

- Development fronting Condamine Street is generally limited to two storeys, with upper levels progressively stepped back. To maintain consistency with the streetscape, the proposed second storey should be set back up to approx. 5m and the third storey stepped again further into the site consistent with neighbouring properties.

Rear setback

The rear setback is to be increased by 1.0m in accordance with Traffic/Engineering advice to allow for future widening of the laneway. The upper level setbacks should also achieve consistency with surrounding developments adjoining the laneway. Some form of privacy treatment must be provided to minimise overlooking of the properties on the western side of the laneway.

South elevation

It is noted that the adjacent building to the south includes balconies and windows that project towards the subject site. Consideration should be given to façade/window treatments to mitigate privacy impacts between the proposed units and the adjoining development.

Internal amenity

Concern is raised in relation to the internal configuration of the apartments, particularly the location of the east-facing bedrooms adjacent to the living rooms and balconies of adjoining units.

Car parking

- Required 18 spaces (2 retail), proposed 13 spaces.
- The proposal includes a shortfall of 5 spaces, which is unacceptable. It is noted that the design revisions discussed may reduce the overall yield or number of bedrooms, and subsequently reduce car parking requirements. However, a greater level of compliance is required (as per Traffic comments).

Urban Design

The applicants should address the following urban design issues:

1. Design and Sustainability Advisory Panel and a further PLM will be required. A comprehensive site analysis should be provided to arrive at the design strategy taken e.g. constrained site with a slope to determine access to retail parking from Condamine Street and residential parking from the laneway. The proposed lower residential floor will be replaced with a carpark resulting in a reduction of residential units/ carpark/ basement excavation requirements.
2. Building setback of 5m to the third floor to maintain a two storey building frontage to Condamine Street will be required to be consistent with the adjacent developments. The top (fourth) floor should be stepped back further to line up with the building to the north. The height breach over the 11m building height control generating additional shadow should not cast shadows over habitable spaces/ rooms to the development to the south or block any view corridor if any. The proposal should be compared to a compliant scheme to justify why non-compliance will result in a better outcome on environmental and public benefit reasons e.g.



Specialist Advice

- Rear laneway widening may be used to justify minor breach in building height provided it does not reduce the amenities to the adjoining residential flat buildings.
3. Proposed windows to the south elevation should address privacy issues to the neighbouring residential building to the south which has balconies and windows facing north.
 4. The proposed bedrooms fronting the east and west facades should be relocated to maximise sun exposure to the living areas to comply with Apartment Design Guide requirements.
 5. The residential entry should be from Condamine Street to be considered safe as per Crime Prevention Through Environmental Design (CPTED) principles. Active planning that incorporates safety can lead to reducing opportunities for criminal behaviour and improving perceptions of safety in the community.
 6. Shop frontage to Condamine Street should be maximised as much as possible to activate the footpath/ street front. Proposed awning should be in keeping with the height of the awning next door and be setback 1m from the road kerb (1.5m setback for street trees if required). Refer to the Northern Beaches - Public Space Vision Design Guidelines as a guide for the evaluation, planning and design of streets and open spaces and public/ private interfaces.

Development Engineering

1. The location of the vehicle access driveway off Condamine will conflict with the current location of an RMS stormwater inlet pit as such comments from TransportNSW (TfNSW) by sought as to whether the moving of this pit is viable.
2. The application will require a stormwater drainage plan and the provision of on-site stormwater detention in accordance with Councils Water Management for Development Policy.

Traffic

- The development is proposed with a new point of vehicular access to Condamine Street. As a general principle, for safety reasons, access to/from a major road is to be avoided. Both the RMS guide to Traffic Generating Development (section 6.2.1) and the Australian Standard for off street parking AS2890.1 (Table 3.1 note 2) recommend against locating driveways on a major road frontage. Access to and from the site would be preferred from Somerville Place where traffic volumes are lower, where sight lines would not be obscured by parked vehicles, where pedestrian/vehicle conflict would be minimised and where vehicles slowing to enter the property would not impede or pose a risk to high volume through traffic safety. As an alternative, to reduce the movements to and from the driveway to Condamine Street an option involving two driveways, one to Condamine and another to Somerville Place could be considered, similar to that provided for the development at No. 299 Condamine Street.
- If a new point of vehicular access is to be sought to/from Condamine Street it would require support and approval from TfNSW.
- Swept path plots should be provided to demonstrate that forwards entry and exit to and from the public road and all parking spaces is possible in a forwards direction.
- The driveway width should be 5.5m for at least the first 6m inside the property boundary particularly for access off Condamine St to minimise vehicle conflict and the need for queuing on the public road.
- Vehicle access points must have a pedestrian sight line triangle consistent with the requirements of AS2890.1 section 3.2.4(b).



Specialist Advice

- Dedication of a strip of land on the Somerville Lane frontage of the site will be required to allow for widening of the lane to a width of 5.5m to allow for safer two way traffic flow and safer pedestrian use of the lane. This is consistent with a number of other recent approvals for properties fronting Somerville Place.
- DCP parking requirements are for 2 spaces to support the retail use, 12.5 residential spaces and 2.2 visitor spaces. It is proposed by the developer that only 13 spaces be provided. The preliminary traffic report references rates in the RMS Guide to Traffic Generating Development for high density development in a sub-regional centre. This development is not a high density development and as such if the RMS rates are being relied upon the rates for medium density development (less than 20 dwellings) should be used. This would yield similar numbers to the DCP requirement. Irrespective of the above some reduction in the residential car parking component would be acceptable given that the Manly Vale B-Line bus stop is sited within 200m of the site.
- It is noted that most of the off street parking is proposed to be accessed via a car lift with a vehicle turntable also proposed. This is not considered a convenient or appropriate means of access to the site particularly for visitor or retail parking which must be able to be accessed without reliance upon mechanical devices. Council does not favour the use of car lifts and the Warringah DCP section C3 outlines that car parking “shall avoid the use of mechanical car stacking spaces”. Alternative means of providing access to the car parking requirements of the development should be explored.
- No off street loading bay is to be provided however given the small size of the retail component of the development the absence of a loading bay is considered acceptable with the majority of deliveries by courier vans and other smaller vehicles considered likely. These deliveries would be able to be accommodated within one of the visitor parking bays.
- It is noted that four accessible parking spaces have been proposed. This seems excessive given that only 2 adaptable units are proposed and given the shortfall in parking supply. It is also noted that access to and from the shared zone area adjacent to some of the spaces is impeded by the proximity of the car lift. This is particularly the case for space number 11. Clear access to and from the shared unload area should be provided

The development application should be accompanied by a comprehensive traffic and parking impact report and by a set of plans which includes dimensioning of the parking bays, parking aisle and driveway widths. A driveway profile between the kerb alignment and the base of the driveway is also required

Waste Management

This property receives the Council waste collection services from the kerbside on Condamine Street.

No waste collection services are delivered by Council via Sommerville Lane at the rear of the property.

Council has no intention of delivering the waste services from Sommerville Lane even if the road pavement is widened.

Council will provide a “wheel out / wheel in service” for the residential waste & recycle bins at this property.



Specialist Advice

Residential Bin Storage Room

- The bin room must be large enough to contain 10 x 240 litre bins (required number for 11 residential units). Any isles between rows of bins or a wall must be a minimum of 1 metre wide.
- The door to the bin room must - open outwards away from the direction of travel when taking bins to the truck for emptying, - be 1200mm wide, - remain unlocked on the nominated collection day - and be able to be latched in the open position.
- Access to this bin room for service staff must not be via the vehicular driveway.

Residential Bulky Goods Storage Room

- A storage room for bulky goods must be provided within the building.
- The room must be rectangular or square in shape.
- The volume is to be 4 cu metres for each 10 residential units and part thereof.
- Material in the room is to be stacked no more than 2 metres high.

Retail Bin Storage Room

- An appropriately sized bin storage room is to be provided for the retail unit.
- This room must be separate to the residential bin room and bulky goods room.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Statement signed by the building designer addressing the SEPP 65 Design Principles
- ADG Compliance Table
- Comprehensive Site Analysis
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations;
 - Sections; and
 - Schedule of Colours and Materials
- Photomontage depicting the development from Condamine Street, Sommerville Lane and along the pedestrian laneway
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate and Quantity Surveyor Report
- Survey Plan (**Boundary Identification/Definition Survey**)
- 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
- Geotechnical Report
- Access Report
- Acoustic Report (to also address Clause 102 of SEPP Infrastructure)
- BASIX Certificate(s)



Documentation to accompany the Development Application

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 20 July 2021 to discuss demolition and construction of a shop top housing development at 291 Condamine Street, Manly Vale. The notes reference the undated plans prepared by RFA Architects.

The proposal, as presented at the meeting, is **not supported**. A redesign is required to address the fundamental issues identified and discussed in these Notes.

The rear of the site (Sommerville Lane) is subject to road widening by 1.0m to facilitate traffic flow along the laneway. This has been applied consistently to all mixed-use development along the eastern side of the laneway and the proposed development is to incorporate the same rear setback (at all levels). The 1.0m wide strip is to also be dedicated to Council.

Early consultation is to occur with the RMS to establish drainage and the conflict of the proposed driveway with the current location of an RMS stormwater inlet pit. Drainage into an RMS drainage asset will likely trigger Integrated Development.

Please ensure that the matters 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.