



northern
beaches
council

PRELODGE MENT ADVICE

Application No: PLM2020/0099

Meeting Date: 4 June 2020

Property Address: 7 Bower Street MANLY

Proposal: Demolition of existing two storey detached dwelling and construction of a new two storey dwelling with pool.

Attendees for Council: Anna Williams, Manager Development Assessment
Anne-Marie Young, Principal Planner
Kristie King, Natural Environment Officer

Attendees for applicant: Ryan Ng and Hayden Co'burn, Architects – Cplus Architectural Workshop

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
Issue <ul style="list-style-type: none"> Bushfire. Landscaping Biodiversity Management / Flora and fauna / Species impact. 	Comments <p>The site is of environmental significance it is mapped as bushfire prone land (vegetation buffer), it is within the Manly Foreshore Scenic Protection area, Coastal Management SEPP area and has biodiversity significance in terms of the protection of bandicoots.</p> <p>As a result any future DA needs to be supported with technical reports including a bushfire report and an ecological assessment, refer to discussion below.</p> <p>An assessment against the provision of the Coastal Management SEPP can be contained within the SEE.</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)	Dwelling and swimming pool <i>Dwelling</i> <i>means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.</i> <i>Dwelling house</i> <i>means a building containing only one dwelling.</i> <i>Swimming pool</i> <i>has the same meaning as in the Swimming Pools Act 1992.</i>
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	9.2m.



Comment

There is a minor breach in the height of the dwelling at the northern (front) corner. It is preferred that the new dwelling fully complies with the built form controls, particularly the height development standard, as any adverse impacts as a result of a non-compliance, e.g. view loss cannot be supported. Any breach of the development standard will require the submission of a clause 4.6 variation. It is noted that an image of an envelope blanket was tabled at the meeting which illustrated the non-complying element. It is recommended that any future DA includes the submission of images from the envelope models.

When preparing documentation for lodgement a Clause 4.6 argument needs to form a separate document, and not as part of the statement of effects.

Note: Building heights are measured from existing ground level. The natural ground level and all RLs shall be annotated on the drawings.

Clause 4.4 Floor Space Ratio

Standard	Proposed
0.6:1	0.36:1

Comment

Complies. Any future DA shall include GFA calculations.

Clause 6.5 Terrestrial bio-diversity

Comment

The DA shall be supported with an ecological report which will detail measures to protect native fauna and flora and their habitats, refer to comments from the Natural Environment Unit.

Clause 6.9 Foreshore Scenic Protection

Comment

The proposal shall demonstrate that there will be no impacts on the foreshore. This clause can be addressed in the SEE.

Clause 6.13 Design Excellence

Comment

The concept plans presents a dwelling which has been well considered and addresses the sensitive environmental site constraints. The DA shall include information to address the provisions of this clause.

MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

Note: The MDCP 2013 can be accessed via [Council's website](#).

Part 3: General Principles of Development

3.1.1 Streetscape

**Comment**

The proposal will not be visually prominent from the street, will not impact on the streetscape character of the locality and retains a generous front setback consistent with the area.

In order to comply with *clause 3.1.1.1 (a) (ii)* the bulk and scale of the southwest elevation should be considered particularly given the large expanse of unarticulated wall / roof to this side elevation when viewed from No 9 Bower Street.

3.3 Landscaping**Comment**

There are no significant trees on the site and it appears that there are no works within 5m of a trees of neighbouring properties as such there are no landscape issues. Any future DA requires a landscape plan and documentation to show compliance with the landscape provisions. Refer to landscape comments below.

3.4 Amenity**3.4.1 Sunlight Access and Overshadowing****Comment**

The shadow diagrams are to demonstrate no unreasonable loss of solar access to the neighbouring properties in compliance with the controls. Elevational shadow diagrams should be submitted to support this application.

3.7 Stormwater

Details of stormwater management are required to comply with Councils Controls. Refer to Development Engineers comments below.

3.4.2 Privacy and Security**Comment**

The proposal is to be designed to minimise overlooking of side boundaries.

It is noted that first floor bedroom windows are proposed in the south-east elevation which are located 2.8m from the side windows to No. 9 Bower Street and 1.3 from the boundary. Details of devices to protect privacy to these windows shall be included in the DA.

The east facing upper floor elevated balcony is located 6.2m from the boundary. It is noted that the balcony will over-look the pool and landscaped courtyard. Any future DA shall provide details to show how the proposed landscaped screening will ensure privacy is maintained to No. 5 Bower Street.

3.4.3 Maintenance of Views**Comment**

The design of the proposal is to be informed by a detailed view loss analysis which will considered impacts on views from the upper floor balcony and east facing windows to No. 9 Bower Street.



Part 4: Built Form Controls	
4.1.4.1 Street Front Setbacks	
Control/Requirement	Proposed
6m	10.2m
Comment Complies	
4.1.2.1 Wall Height	
Control/ Requirement	Proposed
A wall height of 7.3m is permitted based on a gradient slope of 1:8.	5.4m - 8.1m.
Comment The proposal breaches the 7.3m wall height for a length of 9.1m. The non-compliance must be justified in the DA documentation which will include a discussion on how the development meets the objectives of the wall height control. The proposal shall demonstrate that any non-complying element will not result in unacceptable amenity impacts to neighbours.	
4.1.4.2 Side Setbacks and Street Frontages	
Control/Requirement	Proposed
1/3 Wall Height –a minimum 1.9m wall height is required to the south-east boundary Windows are to be positioned 3m from the side boundary.	Ground Floor – 1m First Floor - 1.3m (top of first floor 1.9m) Windows are 1.5m from the southern boundary.
Comment The design includes an angled roof feature along the south-east wall which tappers to the ground floor. The south-east side setback measurement has been taken from the outer edge of this roof / wall feature which varies in width from 1m to 1.9m. The non-compliance with the side boundary control should be justified in the DA documentation which will include a discussion on how the development meets the objectives of the side setback control. The proposal shall demonstrate that any non-complying element will not result in unacceptable amenity impacts to neighbours.	
4.1.4.4 Rear Setbacks	
Control/Requirement	Proposed
8m	8.6m
Comment Complies	
4.1.5.1 Minimum Residential Total Open Space Requirements and landscape area	
Control/Requirement	Proposed



<p>The site is mapped open space area OS3 requiring total open space to be at least 55% (348sqm) of the site area with a minimum 35% landscape area.</p> <p>3 native trees area required</p> <p>Minimum principal private open space required is 18sqm</p>	<p>67% (470.5sqm).</p> <p>The landscape plan shall include planting of 3 native trees.</p> <p>Complies</p>
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Comment

The plans shall be annotated to show the open space and landscape area in compliance with the control and the landscape plan shall include the provision of three native trees.

5.4.1 Foreshore Scenic Protection

Comment

The concept plans suggest that there will be minimal impact on the Foreshore Protection Area. The SEE shall include an assessment of this clause key issues include the use of materials of a non-reflective quality and colour that blends with the prevailing natural environment.

5.4.2 Threatened Species and Critical Habitat

The site is included in Map D requiring a 7 part test under Section 5A of the Environmental Planning and Assessment Act, 1979 in relation to long noses bandicoots. As such, the DA is required to be accompanied by an Ecological Impact Statement. Refer to comments below from the Natural Environment Unit.

Specialist Advice

Referral Body	Comments
Bio-diversity / Natural Environment	<p>The property is located within known habitat for the endangered population of Long-nosed Bandicoots at North Head, as declared under the Biodiversity Conservation Act 2016 (BC Act). As such, the DA is required to be accompanied by an Ecological Impact Statement which should:</p> <ul style="list-style-type: none"> • Include a 'Test of Significance' (or 'five part test') for impacts to the endangered bandicoot population • Address compliance with Manly LEP Clause 6.5 (Terrestrial Biodiversity) • Address compliance with Manly DCP Clause 3.3.1.iv) (Landscaping in Bandicoot Habitat) • Be prepared by a suitably qualified ecologist.



Development Engineer	<p>No stormwater management has been submitted in PLM. A stormwater plan must be designed in accordance with the section 4 Council's Manly On site Stormwater Management Specification 2003.</p> <p>And the collected on site stormwater shall be discharged into Bower Street.</p> <p>Driveway:</p> <p>A 3 m wide crossing has been designed/ built in accordance with Council's Normal High Profile if applicable.</p> <p>If a new driveway crossing is proposed, the design must include the protection on Council's existing channel on road reserve.</p>
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<p>Landscape Officer</p>	<p><i>General comment</i></p> <p>The existing site contains no significant tree planting following this week's removal of a mature Norfolk Island Pine in the rear yard under Rural Bushfire Services 10/50 rule. The remaining site area contains one small tree in the rear and various other plantings. The proposed development as shown on the plans will not impact upon the small tree, subject to final design (see Arboricultural Review below).</p> <p>Existing landscape works occur within the public road verge. Any additional new landscape treatment will not be supported.</p> <p><i>Landscape Plan</i></p> <p>A Landscape Plan for the site will be required to demonstrate how the built form will be softened by landscaping, to satisfy the Manly DCP controls, and satisfy the scope of documentation listed under the Development Application Lodgement Requirements.</p> <p>The development application documents will need to satisfy landscape control requirements included in Manly DCP2013:</p> <ul style="list-style-type: none"> • 3.3.1 Landscape Design, including <ul style="list-style-type: none"> - provision of native tree planting - landscaping to provide adequate private open space amenity • 3.4 Amenity <ul style="list-style-type: none"> - 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 <ul style="list-style-type: none"> - objective 2) to maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland. • 4.1.5.2 Landscaped Area <ul style="list-style-type: none"> - (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, wall or any structure - (c) native trees to be supported on site in deep soil zone <p>Tree planting shall be provided to the front and rear setback to soften the development.</p>
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<p>Landscape Officer continued</p>	<p>Arboricultural Review</p> <p>Under Council's DA Lodgement Requirements, an Arboricultural Impact Assessment report is required on existing trees on site and within the road reserve, and on neighbouring property where existing trees are within 5 metres of the proposed works, or is likely to be impacted by development. Impact to existing trees on adjoining properties is not supported.</p> <p>The Arboricultural Impact Assessment shall be prepared by a AQF level 5 Arborist, and shall include assessment, tree protection requirements, and possibly construction techniques to ensure tree preservation in the vicinity of existing tree roots and canopy.</p> <p>From my site observations it appears that no vegetation is impacted by the works. This requirement is to be confirmed by the applicant based on final design for DA and if no trees are within 5 metres of development works, including excavation, then no arboricultural assessment is required.</p>
<p>Transport</p>	<p>Comments dated 3 June 2020</p> <p>The driveway is generally required to be perpendicular to the kerb to ensure drivers have maximum sight visibility when exiting.</p> <p>Comments dated 23 June 2020</p> <p>Based on the information provided, we can accept the driveway in its current position in this instance. (Note: the information provided by the assessing Planner confirmed that the existing driveway is on Council land and the Applicant would prefer to retain it as is)</p>

Relevant Council Policies

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

- Manly LEP 2013
- Manly DCP 2013

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 (RL and natural ground level to be included on drawings)
- A4 Notification Plans
- Boundary 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
- Swimming Pool Plan and Section
- Photo Montage
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Geotechnical Report
- Bushfire Report
- Ecological Impact Statement including a 5 part test of significance.

Please note all DAs lodged after 1 July 2020 must be lodged via the Planning Portal.

Please also refer to Development Application Checklist for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 4 June 2020 to discuss proposed new two storey dwelling and pool at 7 Bower Street, Manly. The notes reference preliminary plans Revision C prepared by Cplus Architecture Workshop dated 29 May 2020.

The proposal is generally acceptable and is likely to be supported subject to issues that may arise through the statutory process, and subject to the following:

- Consideration for the height to be reduced to fully comply with the 8.5m height limit;
- Design treatment of windows in the south-east elevation to ensure privacy is maintained;
- Sufficient justification for the non-compliance with the following DCP built form controls, side setbacks and wall heights;
- Consideration for the treatment of the expanse of unarticulated solid wall /roof in the south-east elevation or a justification for the design, and
- The submission of the technical reports required to address the environmental site constraints.

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