



northern
beaches
council

PRELODGE MENT ADVICE

Application No: PLM2019/0213

Meeting Date: 29/10/2019

Property Address: 66 Bower Street MANLY

Proposal: Alterations and Additions to a Residential Flat Building

Attendees for Council: Catriona Shirley – Planner
Kye Miles – Planner

Attendees for applicant: Carolyn Miles – Architect
Matt Cernec – Architect
Geoff Goodyer – Planner
Tony Melrose - Owner

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 Streetscape: The proposal involves constructing two double garages on a reduced front setback.	<p>The proposed garage location is generally supported by Council as the proposed location is consistent with the site's existing parking structures and is compatible with existing car parking structures within the vicinity of the subject site.</p> <p>Notwithstanding, it is advised to explore opportunities to introduce additional landscaping to soften the visual impact of the built form when viewed from the Bower Street.</p>
Issue Existing use rights: The proposal involves alterations and additions to a residential flat building. Existing use rights apply to this proposal, as the site is within the E3 Environmental Management zone.	<p>The proposal seeks to alter and intensify the existing use, through constructing storage spaces located under the new garages. As such, any future development application must address existing use rights. It is advised, that the proposed storage spaces are designed to ensure the area cannot be converted to separate accessible habitable areas.</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)	Alterations and Additions to a Residential Flat Building
Zone:	E3 Environmental Management
Permitted with Consent or Prohibited:	Prohibited. Existing use rights are to be addressed in any application as residential flat buildings are not permissible in the E3 zone.

Principal Development Standards:	
Clause 4.3 Height of Buildings	
Standard	Proposed
8.5m	4.5m
Comment <p>The proposed height of the garages is supported. However, it is essential that the height of the garages is sympathetic and responsive to the character of the local area or the form of other car parking structures within the visual catchment of the site.</p>	



MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

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

Part 3: General Principles of Development	
Streetscape	
<p>Comment</p> <p>The subject application provides an opportunity to enhance the current streetscape, and whilst the proposed design may mimic what currently exists, it is essential that the design is sympathetic and responsive to the character of the local area or the form of other development within the visual catchment of the site.</p> <p>Therefore, it is essential that the visual dominance of the proposed car parking structures is addressed by the architectural design and form with flat roof design and parapets that are not visually dominant. It is also advised that landscaping is to be incorporated within the street facing design. This will assist in minimising the visual impact of the built form.</p>	

Part 4: Built Form Controls	
4.1.4.1 Street Front Setbacks	
Control/Requirement	Proposed
Prevailing building line / 6.0m	Nil – 0.93m
<p>Comment</p> <p>The proposed garages are inconsistent with the 6.0m front setback. Furthermore, with nil setbacks to both sides, the garages are also inconsistent with the 1/3 of the wall height side setback requirement prescribed by clause 4.1.4.2 of MDCP 2013.</p> <p>As discussed the non-compliant setbacks of the garages are consistent with the existing streetscape. However, the design of the garages must not create additional bulk and scale that would be visually dominant and incompatible with the streetscape.</p> <p>Therefore, the proposed location of the garages within the front setback could be considered reasonable with an appropriate design, particularly as the location provides for functional and convenient parking onsite in place of the existing parking structures.</p>	
4.1.4.2 Side Setbacks and Street Frontages	
Control/Requirement	Proposed
1.89m (East) 1.77m (West)	Nil
<p>Comment</p> <p>Council can support this variation. The consideration of suitable wall treatment options (finishes and materials) to provide visual enhancement and break up the building bulk, as required by the DCP should be implemented. It is also recommended that screen planting is included forward of the garage to minimise the visual impact when viewed from the street.</p>	
Amenity	



Maintenance of Views

Comment

It is noted that due to the coastal location of the subject site, surrounding dwellings obtain views towards Manly Beach. Due to the height and bulk and scale of the proposed new garages, a view analysis may be required to ensure consistency with view sharing principles (Tenacity vs Warringah Council) for the properties on the southern side of Bower Street.

Specialist Advice

Referral Body	Comments
Bushland & Biodiversity <u>Relevant MDCP Clause</u> <ul style="list-style-type: none"> • NSW <i>Biodiversity Conservation Act 2016</i> Section 7.3 Test of Significance (“5-part test”) • Manly LEP Clause 6.5 (Terrestrial Biodiversity) • Manly DCP Section 5.4.2 (Threatened Species and Critical Habitat Lands) • Manly DCP Section 3.3.1.a)iv) Landscaping 	<p>General comments</p> <p>The proposal is for works within the southern portion of the site including excavation and the construction of new garages. The proposed landscaped area at the lower ground level appears to be approximately the same as existing.</p> <p>The subject site is within the mapped habitat area for the endangered population of Long-nosed Bandicoots at North Head, as listed under the NSW Biodiversity Conservation Act 2016 (BC Act). As such, a Test of Significance or ‘five-part test’ for impacts to the endangered population is required to be prepared in accordance with Section 7.3 of the BC Act. The proposal impacts (operational) are considered to be minor in nature, therefore Council can undertake this assessment internally during the DA assessment process.</p> <p>There is potential for biodiversity impacts to occur throughout construction, including but not limited to:</p> <ul style="list-style-type: none"> • Individual Bandicoots entering and becoming trapped within the works site (excavation area). • Temporary reduction of foraging habitat within the road reserve due to stockpiling / construction activities. <p>Conditions will be imposed which aim to avoid and minimise impacts to Bandicoots throughout construction.</p> <p>Information recommended to be submitted with the DA</p> <p>A Landscape Plan identifying vegetation proposed for retention and replacement specimens. The landscape plan should include a planting schedule detailing species, sizes and quantities, and should not include environmental or declared (‘Priority’ weeds).</p>



	The SEE should address: Compliance with the objectives of MLEP Clause 6.5 (Terrestrial Biodiversity), particularly in relation to potential impacts to bandicoots during construction.
Development Engineering	<p>Driveway:</p> <p>In accordance with the section 4.1.6 of Council's Manly DCP 2013, the maximum width of the garage shall be 6.2 m. However, there were two existing garages at the above property. Development Engineering has no objection to the garages as the existing setting.</p> <p>5 m wide crossings shall be designed on the road reserve in accordance with Council's Normal crossing profile.</p> <p>At least 3 cross-sections of each proposed driveway crossing shall be provided with the DA submission.</p> <p>Stormwater:</p> <p>The development site is located in Council's Manly Stormwater Zone 3. Stormwater shall be disposed to an existing approved system.</p>

Relevant Council Policies
<p>You are advised of the following (but not limited to all) Council's policies available via Council's website:</p> <ul style="list-style-type: none"> • Manly LEP 2013 • Manly DCP 2013 • Council's Manly Specification for On-site Stormwater Management 2003

Documentation to accompany the Development Application
<ul style="list-style-type: none"> • Electronic copies (USB) • Statement of Environmental Effects (including a detailed assessment of the existing use rights status of the development against the Act and Regs) • Cost of works estimate/ Quote • Site Plan • Floor Plan (with dimensions for setback shown) • Elevations and sections (with dimensions for height and setbacks shown) • A4 Notification Plans • Survey Plan (Registered Surveyor) • Site Analysis Plan • Demolition Plan • Excavation and fill Plan • Waste Management Plan (Construction & Demolition)



- Certified Shadow Diagrams
- Schedule of colours and materials
- Landscape Plan and Landscape Design Statement
- Erosion and Sediment Control Plan /Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Geotechnical Report

Please refer to Development Application Checklist for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 29/10/2019 to discuss alterations and additions to a residential flat building at No.66 Bower Street, Manly. The notes reference preliminary plans prepared by Watershed Design dated 03/10/19.

The proposal is acceptable and may be supported, subject to addressing the matters raised in these Notes.

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