



northern
beaches
council

PRELODGE MENT ADVICE

Application No: PLM2018/0134

Meeting Date: 26 June 2018

Property Address: 19-23 The Corso MANLY

Proposal: Alterations and Additions to existing building

Attendees for Council: Rod Piggott – Manager Development Assessment
Luke Perry – Principal Planner

Attendees for applicant: Tim Peterson – Owner
Andrew Tripet – Architect
James Lidis – Planning Consultant

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.



GENERAL COMMENTS

The proposal is for alterations and additions to the existing shop top housing development.

Specifically the works involve the internal reconfigurations within the rear commercial tenancy located on the ground floor.

Alterations are proposed to the residential dwellings located on the first, second and third floors in the form of internal reconfigurations and extension of the apartments into the existing staircase/landing areas located on the eastern and western elevations of the building.

The proposal also includes the addition of a new 2 bedroom dwelling at the rear (Market Lane) on the third floor.

SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
Heritage	Refer to the 'Specialist Advice' section of these notes.
Bulk/Scale/Visual Impact	<p>As discussed at the meeting the proposed new dwelling on the third floor is to be setback further from the northern boundary of the site to ensure the visual impact of the addition is effectively minimised.</p> <p>Any new building works at the rear of the site on the third floor must not be read as a new storey and should only read as a roof form from the public domain.</p> <p>In this regard, a minimum setback of 3.5m should be provided. If an alternative setback is to be proposed a comprehensive view analysis should be provided with the development application to demonstrate the visual impact from the public domain and adjoining properties.</p>
Sewer Infrastructure	<p>It is noted that the site is burdened by an easement for sewer infrastructure.</p> <p>Council is not the asset owner.</p> <p>In this regard you are strongly encouraged to discuss any proposal with the asset owner (Sydney Water) prior to lodging a development application.</p>

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No. 65 & Apartment Design Guide



SEPP No. 65 & Apartment Design Guide

SEPP 65 applies to the proposal.

In this regard and in addition to a statement of environmental effects a development application must include the following:

- (a) *an explanation of how:*

 - (i) *the design quality principles are addressed in the development, and*
 - (ii) *in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development,*

- (b) *drawings of the proposed development in the context of surrounding development, including the streetscape,*
- (c) *development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations,*
- (d) *drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context,*
- (e) *if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts,*
- (f) *photomontages of the proposed development in the context of surrounding development,*
- (g) *a sample board of the proposed materials and colours of the facade,*
- (h) *detailed sections of proposed facades,*
- (i) *a model that includes the context.*

Apartment Design Guide (ADG)

The application must demonstrate compliance/consistency with the ADG. Your attention and consideration is drawn to the following Clauses of the ADG that the proposal may not comply with in its current form:

Clause 3F Visual Privacy

Separation between windows and balconies is to be provided to ensure visual privacy is achieved. The extension of bedrooms into the existing stairs/landing areas will result in a numerical non-compliance with this guideline. Adequate justification is to be provided to support this non-compliance.

Clause 4A Solar and daylight access

Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. Shadow diagrams are to be submitted with the development application demonstrating compliance with this clause.

Clause 4D Apartment size and layout

Bedrooms are to have a minimum dimension of 3m (excluding wardrobe space). The two bedrooms contained within the proposed new dwelling do not meet this requirement. Each bedroom should satisfy the requirements of this Clause.



SEPP No. 65 & Apartment Design Guide

Clause 4G Storage

The proposal in its current form does not provide adequate storage areas to service the new residential apartments. 2 bedroom apartments must have a minimum 8m³ of storage and 3 bedrooms apartments must have a minimum 10m³ of storage.

Clause 4H Acoustic Privacy

This clause requires noise sources such as garage doors, driveways, and service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas to be located at least 3m away from bedrooms.

The proposal in its current form includes bedrooms that are within 3m of the lift shaft and circulation areas which are not acceptable. If acoustic treatments are to be relied upon, details of such treatments and an Acoustic Report is required to be submitted with a development application.

In addition to the above, the proposal provides a communal open space area on the first floor which has a void space to the floors above. The communal open space is located adjacent to balcony areas of first floor apartments which have the potential to cause acoustic impacts. The communal area should be deleted.

Conclusion

These matters and all other requirements of SEPP 65 should be addressed prior to lodging a development application.

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)	Shop top housing shop top housing means one or more dwellings located above ground floor retail premises or business premises.
Zone:	B2 Local Centre
Permitted with Consent or Prohibited:	Permitted with consent

Principal Development Standards:	
Clause 4.3 Height of Buildings	
Standard	Proposed
10m	14.97m (49.7% variation)



Comment

The proposal will result in non-compliance with this development standard. As discussed at the meeting the variation proposed could be supported subject to adherence to the advice within these notes.

Any variation to the development standard will require the submission of a written request seeking to justify the contravention of the standard in accordance with the requirements of Clause 4.6 under MLEP 2013.

Note: Building heights are measured from existing ground level.

Clause 4.4 Floor Space Ratio

Standard	Proposed
2.5:1 (1325sqm)	2.49:1 (1313sqm)

Comment

The proposal must comply with this development standard.

MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

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

Part 3: General Principles of Development
Heritage Considerations
<p>Comment</p> <p>The subject site is located within the Manly Town Centre Conservation Area.</p> <p>A Statement of Heritage Impact is to be lodged with any development application.</p>
Maintenance of Views
<p>Comment</p> <p>A comprehensive view loss analysis must be provided with a development application.</p>
Part 4: Built Form Controls
4.2.5.4 Car Parking and Access



Exceptions to parking rates/ requirements in Manly Town Centre

a) In exceptional circumstances and having regard to the merits of the application, Council may be prepared to allow a reduction in the any parking rate/ requirements in Manly Town Centre (including residential and commercial) where the applicant has demonstrated that:

(i) in the case of all uses other than dwellings, the dimensions or topography of the site would physically prevent the provision of some or all of the required spaces;

(ii) the required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways such that there would be a conflict with any other provisions of this DCP in particular the townscape objectives; or

(iii) the movement of vehicles to and from the site would cause unacceptable conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersections.

Application of Manly Section 94 Contributions Plan

b) In respect of onsite parking requirements generated by development under this plan in Manly Town Centre (other than dwellings, tourist accommodation and backpackers' accommodation), no more than 50 percent of the required car parking spaces is permitted to be provided onsite, with the remainder being provided by way of monetary contribution in accordance with the former Manly Council's Section 94 Contributions Plan.

Comment

There is no ability for additional car parking to be provided on site. Therefore a contribution will be required to be paid for the additional car parking required for the new dwelling.

Specialist Advice	
Referral Body	Comments
Development Engineer	The proposed site is located on the heart of Manly's CBD area. The applicant shall submit a detailed Construction Management Plan to identify the methodology of the construction in the DA submission. Please be advised that the pedestrian and vehicle traffic on the surrounding areas shall not be disturbed during the construction.
Heritage Advisor	I have no major concerns with this proposal, subject however to detailed assessment against planning controls.



Relevant Council Policies

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

- Manly Local Environmental Plan 2013
- Manly Development Control Plan 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
- 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
- Schedule of colours and materials
- Landscape 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
- Geotechnical Report
- Acoustic Report
- Traffic and Parking Report
- Construction Traffic Management Plan
- Access Report
- Fire Safety Measures Schedule
- SEPP 65 Assessment

Please refer to Development Application Checklist for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 26 June 2018 to discuss Alterations and Additions to existing building at 19-23 The Corso, Manly. The notes reference preliminary plans prepared by NBR Architecture dated 30 May 2018.

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



dwelling on the third floor is to be setback further from the northern boundary to ensure the visual impact from the public domain is effectively minimised.

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