



northern
beaches
council

PRELODGE MENT ADVICE

Application No: PL2018/0135
Meeting Date: 26 June 2018
Property Address: 82 Bower Street MANLY
Proposal: Alterations and Additions to existing dual occupancy
Attendees for Council: Rod Piggott (Manager, Development Assessment)
Adam Croft (Planner)
Attendees for applicant: Lance Doyle (Town Planner)
David White (Architect)
Andrew Tzannes (Architect)

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
<p>Tree Removal</p> <p>Removal of existing Weeping Fig tree in front yard.</p> <p><u>Relevant MDCP/MLEP Clause</u></p> <p><i>Clause 3.3.2.3, Figure 7A</i></p>	<p>Council's Landscape Officer raised no objection to the proposed removal of the Weeping Fig, subject to replacement with local native species and demonstrated net environmental enhancement. The full Landscape comment is included below.</p>
<p>Retaining Wall</p> <p>Repair / reconstruction of damaged wall.</p>	<p>Council has no objection to the proposed repair or reconstruction of the eastern external wall.</p>
<p>Application Type</p> <p>Applicant queried the application required for the proposed works.</p>	<p>The proposed works can be lodged as a Section 4.55(S94) (1A) Modification involving minimal environmental impact.</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 existing dual occupancy
Zone:	E3 Environmental Management
Permitted with Consent or Prohibited:	Prohibited. Existing use rights should be addressed in any application as dual occupancies are not permissible in the E3 zone.

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	
Comment	No physical works are visible from the streetscape.
Heritage Considerations	
Comment	N/A
Landscaping	



<p>Comment</p> <p>Council's Landscape Officer raised no objection to the proposed removal of the Weeping Fig, subject to replacement with local native species.</p>
<p>Amenity</p>
<p>Sunlight Access and Overshadowing</p> <p>Comment</p> <p>The proposed works are not anticipated to result in any additional overshadowing.</p>
<p>Privacy and Security</p> <p>Comment</p> <p>The proposed works will have no unreasonable impact in relation to privacy.</p>
<p>Maintenance of Views</p> <p>Comment</p> <p>The proposed repair/reconstruction of the existing wall will not cause any unreasonable view loss.</p>

Part 4: Built Form Controls	
4.1.2.1 Wall Height	
Control/Requirement	Proposed
Eastern side: 8m	8.3
<p>Comment</p> <p>Council can support the proposed works to the eastern wall subject to maintaining the previously approved wall height.</p>	
4.1.4.2 Side Setbacks and Street Frontages	
Control/Requirement	Proposed
1.73m	0m-1.4m
<p>Comment</p> <p>Council can support the proposed works to the eastern wall subject to maintaining the previously approved setbacks.</p>	

Specialist Advice	
Referral Body	Comments
<p>Landscape Officer</p> <p><u>Relevant MDCP Clause</u> <i>Clause 3.3.2.3, Figure 7A</i></p>	<p>I consider that removal of the tree would be favourably considered based on my comments as follows:</p> <ol style="list-style-type: none"> 1. I note that the site has been subject to several DAs which make reference to this tree (Ficus Benjamin Weeping Fig). 2. Plans for DA0034/216 indicated removal of the tree. I note that there were no objections to the removal of the tree on environmental grounds, however Council's Landscape Assessment conditioned retention of the tree, but no specific reasons were noted. 3. The Notice of Determination subsequently included retention of



	<p>the tree.</p> <p>4. DA0168/2017 was submitted with plans indicating retention of the tree as per the previous consent and the Notice of Determination therefore included retention of the tree.</p> <p>5. Subsequent to that determination, Council's DCP was amended to include Ficus Benjamin as a species which may be removed without Council Consent:</p> <p style="padding-left: 40px;">c) Council's consent is not required for:</p> <p style="padding-left: 80px;">i) the removal of any tree on the Exempt Tree Species List (see Figure 7A);</p> <p>Figure 7A - Exemption Species: The following Tree species are suitable for removal without consent unless identified as a Heritage item or within a Heritage area.</p> <p>COMMON NAME - All Ficus spp. (except Moreton Bay Fig, Port Jackson Fig and Sandpaper Fig)</p> <p>6. The Arborist's Report provided with the PLM application notes the previous intent to remove the tree and Clause 3.3.1 (b) (ii) of Manly DCP encouraging the use of locally occurring native species to provide habitat for local fauna and preserve threatened native species.</p> <p>7. In support of removal the Arborist's Report makes reference to a proposed Landscape Plan (Hannan 2018) indicating replacement native species. The plan was not sighted with the PLM documents.</p> <p>8. However, providing that a revised landscape plan was provided with a modification indicating replacement local native tree planting for the removal of the now exempt Fig species (in addition to trees already approved for planting under the current consent) and demonstrating net environmental enhancement in the long term, removal of the Fig would not be opposed in this instance.</p>
--	---

Relevant Council Policies
You are advised to review Council's policies available via Council's website.

Documentation to accompany the Development Application
<ul style="list-style-type: none"> • Electronic copies (USB) • Statement of Environmental Effects • Cost of works estimate/ Quote • Site Plan • Floor Plan • Elevations and sections • A4 Notification Plans • Survey Plan • Site Analysis Plan • Demolition Plan • Waste Management Plan (Construction & Demolition) • Certified Shadow Diagrams (if relevant) • Landscape Plan and Landscape Design Statement • Arboricultural Impact Assessment Report • Erosion and Sediment Control Plan / Soil and Water Management Plan



- Flora and Fauna 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 dual occupancy at 82-84 Bower Street, Manly. The notes reference preliminary plans prepared by Smith and Tzannes submitted on 12 June 2018.

The proposal is acceptable and may be supported, subject to the recommendations made by Council's Landscape Officer.

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