

Chris Athas

c/o CHROFI
3/1 The Corso
Manly NSW 2095

Monday, 29th August 2022

Att: Stephanie Gelder
Northern Beaches Council

By email

Thank you for the opportunity to provide further information about the DA for 199-205 Pittwater Road, Manly. With this email, we are sharing the modifications and clarifications in response to the issues identified in the RFIs received on the 16th and the 17th August of 2022.

We have given consideration to Council's concerns raised in the latest correspondence and have revised our proposal to the extent possible, given the constraints of the existing buildings and the layout of the site.

In addition and in support of our response, I have attached via email;

- *Updated Architectural Set (CHROFI)*
- *Letter from Planner to address the Urban Design concerns (Colco Consulting)*
- *Letter to address the Accessibility requirements (Credwell Consulting)*
- *Letter from Heritage consultant to address the awning design concerns (Ruth Daniell)*
- *Letter to address parking amendments (tpp traffic planning)*

Please find the responses to each item of the Requests for Information below:

1. Urban Design Referral Response

In relation to point 2, the following requirements are to be satisfied from the State Environmental Planning Policy (Transport and Infrastructure) 2021:

2.120 Impact of road noise or vibration on non-road development

(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*

(d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom, or hallway)—40 dB(A) at any time.*

(4) In this section, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.

As previously stated, the developer is happy to incorporate double glazing to all first-floor windows facing Pittwater Road to improve the amenity and acoustic comfort of the residences. Please note that the proposal is also dealing with works to an existing building in a heritage conservation area and is not a new building, and the residential accommodation is an upgrade of existing apartments on Level 1. Notwithstanding, if required, the developer could undertake an Acoustic report at CC stage.

Based on Point 3, Manly Development Control Plan 2013 (MDCP) states the following in Clause 3.6 Accessibility.

Under Clause 3.6.1 of MDCP, "All DAs are to have regard to state and federal accessibility requirements, particularly residential development with more than 4 dwellings and non- residential development.

Specifically, Under Clause 3.6.3.1 Accessible (Adaptable) Accommodation Requirements, "Access in accordance with AS4299 - Adaptable Housing must be provided to at least 25 percent of dwellings within residential accommodation containing 4 or more dwellings."

Clause 3.6 of MDCP is required to be addressed in its entirety as it is noted that the Clause 3.6 of MDCP has not been included in the initial Statement of Environmental Effects. A response will require an Access Report to be prepared by a suitably accredited access professional, to demonstrate compliance with Clause 3.6 of MDCP 2013. Under Clause 3.6.2 Consideration of exceptions and standards to access requirements of MDCP 2014, this part explains alternative solutions to access requirements and what applicant's need to do to justify variations within the assessment process when full access cannot be achieved. Section 11 of the Disability Discrimination Act 1992 recognises that it may not be possible or fair to enforce the requirement of access to premises in all situations.

Please refer to the Access consultant and the Planner's response attached.

2. Heritage Office Referral response

Amended documents received on 21 June 2022 have been reviewed. The heritage response provided by Ruth Daniell has concluded that "For the reasons set out in this submission, including the degree of previous alterations to the building, the assessed significance, its lack of contribution to the Conservation Area and the lack of solid evidence for reconstruction I support an adaptation that retains the building form, restores the parapet, that employs good contemporary design is the preferable over a historicist conjectural reproduction of the original commercial building designed in 1914". It is agreed that there is lack of solid evidence for the reconstruction of the wrap-around verandah, however it is not agreed on the comment "its lack of contribution to the Conservation Area" and the lack of evidence on the original fenestration of the building as a careful analysis on the original external fabric would reveal the original fenestration of the first floor level. The existing building retains the original bulk and scale, including some original details in its original context, therefore it does contribute to the conservation area and this contribution could be enhanced after careful analysis of surrounding buildings that respects and supports the significance of the conservation area. The proposed individual awnings design is considered to be inconsistent with the character of the existing streetscape and the heritage conservation area. Therefore, considerations must be given to the replacement of these individual awnings with a continuous awning, to respect the character of the area and better relate to the existing heritage context and not overpower it.

Please find the Heritage Consultant's response attached to provide an assessment on the continuous awning.

The property does not form part of a system of continuous awnings, it is located as a stand-alone building at the end of the local retail strip on Pittwater Road, followed by a stand-alone existing gas

station and with half of it facing into a residential local street. A continuous awning would be an appropriate solution for a building which is part of a row or a group of buildings.

In this instance, the proposed awnings seek to enhance the geometry of the corner building, provide an considerate transition to the residential area, and considerably improve the streetscape in comparison to its current condition.

The proposed awnings provide a contemporary and high-quality retail design outcome, that will allow for bespoke and boutique shopfronts with fine grain detailing.

Please note the nearby corner properties along Pittwater Rd without continuous awnings: 183 Pittwater Rd, Manly and 178 Pittwater Rd, Manly.

Heritage also raised concerns about the billboard signage on the northern facade of the building. A reduction on the size of this signage has been proposed, but it is considered that removing this signage would be a better response to the conservation area or reduce the size significantly and remove the illumination as it is highly visible from Pittwater Road.

The existing billboard will be retained. As noted further below in the RFI, the Billboard Signage condition will be deleted.

Prior to Construction Certificate - Continuous awning

The proposed individual awnings should be replaced by a continuous awning, to respect the character of the area and better relate to the existing heritage context. Details demonstrating compliance with this condition are to be submitted to the Council prior to the issue of the Construction Certificate.

Reason: To respect the context and preserve the significance of the Pittwater Road Conservation Area.

Prior to Construction Certificate - Billboard signage

A reduction on the size of the signage, located at the roof level of the northern facade, has been proposed, but it is considered that removing this signage would be a better response to the conservation area or alternatively the size of the signage should be significantly reduced with no illumination, as it is highly visible from Pittwater Road. Details demonstrating compliance with this condition are to be submitted to the Council prior to the issue of the Construction Certificate.

Reason: To preserve the significance of the Pittwater Road Conservation Area.

Please note, from the last RFI it is noted that the Billboard is not being changed as part of this development application and therefore the Billboard Signage condition will be deleted by the Heritage Officer once they complete the referral response.

The applicant objects to the proposed draft consent conditions; and asks they be not included in the consent.

3. Plans – Master Set

The amended plans master set details on A-DA-201 (East Elevation) that the Existing Billboard is to be replaced. Can all notes in relation to the existing billboard please be amended to state Existing Billboard to be retained as detailed on A-DA-203.

Please find amended plans attached as requested.

4. Waste Referral Response

Waste Services Assessment - Amended Plans (submitted 25/7/2022)

Recommendation - Unacceptable

Specifically.

The residential binroom is too far from the property boundary with the street. Maximum allowable distance is 6.5 metres

Access to the residential binroom is via the vehicular driveway (unacceptable) OR via a pathway that is too long and with narrow pinchpoints (unacceptable).

The original plans proposed a residential binroom that was in an acceptable location.

Council does not permit residential multiple occupancy developments to place bins on the kerbside awaiting collection. All bins must be serviced via a "wheel out/wheel in" service from the binroom provided by Council's waste collection staff.

The previous location for the residential waste storage (currently proposed P10) was considered acceptable by Council and would satisfy the max. 6.5m distance from the street requirement. However, this requires the removal the proposed parking space P10 to accommodate for the residential waste to be relocated at the supported location. We have submitted revised plans to include an additional stacker, retaining the 10 parking spaces proposed and the supported location for the Waste storage.

As requested by the Traffic officer, we've provided the swept paths information for P5 & P6.

Regarding the P6 stacker space, the supplier has provided the following advice:

*If the EPS Evolution parking system is positioned in the bay that is at the end of an aisle, adjacent to the side wall, **it requires an additional 1.4m clearance from the end wall to enable platform to rotate.** If the platform is not able to rotate, then the vehicle will be required to access directing in front of the parking platform once the top platform is lowered.*

Please note 1.5m have been provided as noted on the amended plans.