

Memo

Department

To: Northern Beaches Local Planning Panel - 1 November 2023

Cc: Peter Robinson – Executive Manager Development Assessments

From: Alex Keller – Principal Planner

Date: 23 November 2023

Subject: Deferred Item - 4.1 DA2022/1164 - 34-35 South Steyne Manly -
Demolition and construction of a commercial building
Additional view analysis and plans with condition change

Record Number: 2023/772643, 2023/759905, 2023/759905

Background

At the NBLPP meeting of 1 November 2023 the panel considered the proposed development and made the following decision:

DEFERRAL FOR FURTHER CONSIDERATION OF DEVELOPMENT APPLICATION

*The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** further consideration of Application No. DA2022/1164 for Demolition and construction of a commercial building on land at Lot B DP 102407, 34 - 35 South Steyne, Manly, Lot 2 DP 861591, 34 - 35 South Steyne, Manly, to give the applicant the opportunity to submit to Council by 16 November 2023 the following:*

- a) A further amended plan showing a reduction in the overall height of the building by 0.5 metre below that of the existing amended plan, with the exception of the front parapet which should be aligned in height with the adjacent buildings as per the existing amended plan.*
- b) Modelling showing the impact of the further amended plans on views from Units 632, 633 and 732 of 25 Wentworth Street, Manly.*
- c) Modelling showing the impact of a building envelope constructed to the maximum building height (Clause 4.3) of the Manly Local Environmental Plan 2013 (with the exception of the front parapet which should be aligned in height with the adjacent buildings as per the existing amended plan) on views from Units 632, 633 & 732.*

If the requested information is not received by the date above, the Panel may proceed to determine the application on the material before it. The Chair will have the discretion to extend the above date if reasonable grounds are provided by the applicant.

Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

REASONS FOR DEFERRAL: *The Panel's view is that it requires additional information in order to determine the matter because of the critical nature of view impacts on adjacent residences resulting from the proposed exceedance of maximum building heights.*

Vote: 4/0"

The applicant submitted the requested information on 16 November 2023. The following is a response to each item.

Comment

- a) The applicant has carried out additional view analysis and provided amended plans showing a lower building height (reduced by 0.5m). The front parapet height has been retained and is consistent. (See attachments: Visual Impact Report dated 15 November 2023, Visual Impact Images dated 15 November 2023 and Amended Master Plans dated 14 November 2023.)
- b) Modelling has been prepared with additional photomontages for views from Units 632, 633 and 732 of 25 Wentworth Street, Manly. The photo montages demonstrate that a lower building does afford some marginal gain with the proposed scheme by lowering the overall height for views from Units 632, 633 and 732 in terms of visibility of the 'whitewash' zone of Manly Beach
- c) The additional view montages representing a 'compliant scheme' within the DCP/LEP envelope as per paragraph (c) which demonstrates that the rear bulk of a compliant scheme does not afford any substantive gains in view nor compromises any diagonal views toward Queenscliff for the corner units on Level 5 and 6.

Applicant's request for amendment to condition 3

In consideration of the amended plans dated 14 November 2023 the applicant has also sought further clarity on condition No.3 so that the building may be occupied using a Complying Development Certificate for fit-out in so far as the CDC complies with the consent conditions and nominated floor usage areas shown on the plans, rather than be required to submit another DA for the same area fit-out already depicted.

Amended wording to condition No.3 is therefore recommended as follows:

"3. Approved Land Use

Fit out and use of the premises is permitted subject to issue of a Complying Development Certificate provided the uses correspond with the specified areas of floor use as delineated on the approved plans for this consent. For clarity: Levels 1-3 is permitted to be office space for first use with the Ground Floor and B1 floor space permitted for “food and drink premises” pursuant to Manly LEP 2013.

The building is approved as a commercial premises, in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows:

commercial premises means any of the following:

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.*

Any variation to the approved land use and/occupancy of any floor level beyond the scope of the above definition will require the submission to Council of a new development application. Floor area usage is to conform to the location and areas annotated on approved plans and conditions of this consent.

Reason: To ensure compliance with the terms of this consent.”

Conclusion

The addition view analysis provided demonstrates improved view sharing for Units 632, 633 and 732 by the lower overall height of the building and that a compliant development does not provide any significant view benefit over the proposed scheme. Two further submissions in relation to view considerations have been received, associated with Unit 733 (J Lloyd) and Unit 632 (J Fortescue). Submission concerns raised do not alter the staff planning assessment but do seek further height change to the NBLPP Minutes of 1 November 2023.

The amended plans do not require re-notification pursuant to Council’s *Community Participation Plan* as the view impact is improving amenity by lowering the building height / bulk.

The requested change to condition No.3 is acceptable to enable a CDC to permit occupation of commercial floorspace that is consistent with the recommended conditions of consent and plans.

Recommendation

- A.** That NBLPP approve DA2022/1164 at 34-35 South Steyne Manly - Demolition and construction of a commercial building, as per the assessment report, the 2 supplementary memos dated 21 October 2023, with the further following amendments to conditions:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

- a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A-DA-101-001 Demolition Plan Issue DA	20.5.2022	Durbach Block Jagers
A-DA-110-000 Basement 2 Plan Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-110-001 Basement 1 Plan Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-110-003 Ground Plan Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-110-004 Level 1 Plan Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-110-005 Level 2 Plan Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-110-006 Level 3 Plan Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA 110-007 Roof Plan Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-210-001 North & South Elevations issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-210-002 East & West Elevation Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-310-001 Sections AA, BB & EE Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-310-002 Sections CC Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-310-003 Section DD Issue DA-E	14.11.2023	Durbach Block Jagers
A-DA-810-001 Materials and Finishes (this drawing is subject to conditions)	29.6.2022	Durbach Block Jagers

Engineering Plans		
Drawing No.	Dated	Prepared By
C-001 P2 Stormwater Management Plan	30.6.2022	Edge
C-101 P2 Sediment and Erosion Control Plan	30.6.2022	Edge
C-301 P2 Ground Stormwater Layout	30.6.2022	Edge

C-302 P2 Basement 2 Stormwater layout	30.6.2022	Edge
C-391 P2 Pre and Post Catchment Plan	30.6.2022	Edge

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
NCC Energy Efficiency (Section J) 1.2	29.6.2022	IGS
Fire Safety Report 222007_FSS_02	5.7.2022	Affinity Fire Engineering
Geotechnical Investigation Report P2474_01 (Including Supplementary Geotechnical Information P2474_05 dated 1.9.2023)	14.3.2022	Morrow
Noise Impact Assessment VE-N22_017	19.6.2022	IGS
Construction Management Plan 1.1	28.6.2022	Lords Group
BCA Compliance Assessment	30.6.2022	Blackett Maguire Goldsmith
Acid Sulphate Soils Assessment 122073	27.6.2022	Geosyntec
Flood Risk Management Report 220553R002	30.6.2022	Edge Consulting

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-01 Site Plan - Landscaping*	1.8.2023	Wyer & Co
DA-02 Soil Depth Plan - Landscaping *	1.8.2023	Wyer & Co
DA-03 Level 1 Landscape Plan*	1.8.2023	Wyer & Co
DA-04 Level 3 Landscape Plan*	1.8.2023	Wyer & Co

*Landscape plans are to be updated to be consistent with the Stamped Architectural Drawings for construction.

Waste Management Plan		
Drawing No./ Title.	Dated	Prepared By
Waste Management Plan*	22.6.2022	DK

A 'Bulk Excavation diagram' is to be prepared prior to commencement to accompany the WMP for disposal of soil material volume.		
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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.”

3. Approved Land Use

Fit out and use of the premises is permitted subject to obtaining of a Complying Development Certificate provided the uses correspond with the specified areas of floor use as delineated on the approved plans for this consent. For clarity: Levels 1-3 is permitted to be office space for first use and the Ground Floor and B1 floor space permitted for “food and drink premises” pursuant to Manly LEP 2013.

The building is approved as a commercial premises, in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows:

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Any variation to the approved land use and/occupancy of any floor level beyond the scope of the above definition will require the submission to Council of a new development application. Floor area usage is to conform to the location and areas annotated on approved plans and conditions of this consent.

Reason: To ensure compliance with the terms of this consent.”

B That the matters addressed in the Memo to NBLPP – “Submission to NBLPP – BBF Planners (for Applicant)” - dated 21 October 2023 - also be included as recommended therein.

Attachments:

Visual Impact Report, dated 15 November 2023, Urbaine

Visual Impact Images, dated 15 November 203 Urbaine

Amended Master Plans, dated 14 November 2023 – Durbach Block Jagers