

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0161
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 2 SP 11874, 5 Commonwealth Parade MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA0436/2008 granted for basement additions to a three (3) storey Residential Flat Building
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Cecil George Koutsos
Applicant:	Baxter & Jacobson Architects Pty Ltd
Application lodged:	29/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Other
Notified:	20/04/2018 to 09/05/2018
Advertised:	21/04/2018
Submissions Received:	1
Recommendation:	Approval

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 4.4 Floor space ratio

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

SITE DESCRIPTION

Property Description:	Lot 2 SP 11874 , 5 Commonwealth Parade MANLY NSW 2095
Detailed Site Description:	<p>The subject property is commonly known as 5 Commonwealth Parade, Manly and legally known as SP 11874. The site is located on the western side of Commonwealth Parade. The property is an irregular rectangle in shape, has a frontage of 15.4m to Commonwealth Parade and 9.2m to The Crescent, an average depth of 38.8m and an overall site area of 460m².</p> <p>The property currently contains a three-storey residential flat building with vehicular access via an existing driveway from The Crescent to an existing single garage to the rear of the existing dwelling. The property slopes approximately 6m from west to east. The adjacent property to the north, at 1-3 Commonwealth Parade, is developed with a three-storey residential development.</p> <p>The adjacent property to the south, at 7 Commonwealth Parade, is developed with a seven-storey residential development. Development in this area of Commonwealth Parade consists of residential developments.</p>

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA211/2004: Demolition and construction of a new four-unit residential flat building, and strata subdivision. Approved by DAU on 29 September 2006.
- DA436/2008: Amendment to the basement level design to minimise the environmental impact. Approved by DAU on 3 March 2009.
- DA436/2008 – Part 2: Section 96 to modify approved Basement additions to three (3) storey Residential Flat Building - involving the conversion of upper level apartment into two apartments - one (1) two (2) bedroom apartment and one (1) one (1) bedroom apartment with changes to the internal wall, door and windows. Withdrawn by the applicant on 13 August 2013.
- DA436/2008 – Part 3: Section 96 to modify approved Basement additions to three (3) storey Residential Flat Building – involving conversion of a car parking space into a storage area, level 1, 2 and 3 extension, pergola extensions to level 2 and level 3, internal alterations, delete planter box on level 1, addition of an dividing screen and changes to window and doors. Approved by DAU on 9 November 2016.
- DA436/2008- Part 4: Section 96 to modify a Residential Flat Building including the following:
 - Reduction in four units to three;
 - Reduction in parking requirement and introduction of a car stacker;
 - Reduction in basement level and adjustment of all other floor levels (increased floor to ceiling height, no additional overall height);
 - Changes to windows, doors, façade and eastern balconies;
 - Internal reconfiguration;
 - Addition of privacy screening to western balconies; and
 - Addition of hydrant and drencher booster assembly cupboards.

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification is for alterations and additions to the approved Residential Flat Building. These changes include the following:

Basement

- Relocation of stairs
- Relocation of mechanical services
- Relocation of garbage room
- Additional excavation for car stacker for car lift

Ground Level

- Changes to layout and addition of bedroom/ensuite
- Cut out of slab
- New roof at northern end of room
- Slight increase in floor space to Bedroom 2

First Level

- Changes to internal layout
- Decrease to south side setback and increase at north side setback
- Slight increase in floor space to Bedroom 3

Second Level

- Changes to internal layout
- Slight increase in floor space to Bedroom 3

Third Level

- Changes to internal layout

Roof Level

- Addition of skylights
- Extension of roof to cover extension of lower levels

Additional information regarding the fence and landscaping to the rear was submitted on 30 April 2018. These changes were minor and did not require re-notification, consistent with Part 2 of the Manly DCP 2013.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the

Assessment Report for DA436/2008- Part 4, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.15(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA436/2008- Part 4.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Manly Local Environment Plan 2013 and Manly Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any	None applicable.

Section 4.15 'Matters for Consideration'	Comments
draft environmental planning instrument	
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Anna Nicholson	1 / 20 Curl Curl Parade CURL CURL NSW 2096

The following issues were raised in the submissions and each have been addressed below:

- Proximity of works to southern boundary and concern for protection of 7 Commonwealth Parade during building and demolition works.
- Concern for existing excavation and proposed excavation for car lift.
- Concern for change in traffic flows since the DA was originally approved.
- Request for 'proof' of engineering impact on property and request for asbestos report
- Request for new dilapidation report.

The matters raised within the submissions are addressed as follows:

- Proximity of works to southern boundary and concern for protection of 7 Commonwealth Parade during building and demolition works.
Comment:
An assessment of setbacks under this report has found the proposed works at the southern boundary to be reasonable. Conditions also assist in protecting neighbouring properties.
- Concern for existing excavation and proposed excavation for car lift.
Comment:
The existing depth of excavation is approved and additional excavation is not for a greater depth. As such, the proposed excavation under this modification is substantially the same as approved and reasonable in terms of impact.
- Concern for change in traffic flows since the DA was originally approved.
Comment:
The proposed modifications do not propose any change to density, the existing car access or car parking situation in terms of traffic flows. No reasonable change can be made to the approved situation based on the lack of change in circumstance specifically in regards to the design and type of proposed development under the proposed modification.
- Request for 'proof' of engineering impact on property and request for asbestos report
Comment:
The conditions for this development consent will ensure a reasonable outcome for engineering and asbestos during the construction process.
- Request for dilapidation report.
Comment:
As a result of the change to works on the boundary and additional excavation, a condition has been imposed to require a dilapidation report for all works relating to the consent.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	The applicant proposed a minor change of DA0436/2008 and related applications. Development Engineer has no objection to the application subject to the following conditions of consent.
Strategic & Place Planning (Heritage Officer)	Further to a review of available documents, The application is a S.96, substantially the same as the originally approved DA. Therefore, it is fair to assess that impact of the current proposal will be closely similar to the impact of the previously approved DA. Based on the above, I have no objection to this proposal from heritage perspective and deem heritage conditions not required. Proposal is acceptable without conditions. Kind Regards Zoran Popovic Heritage Adviser
Waste Officer	Council's Waste officer had no objection to the proposed modification.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

Nil

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	11m	11.4m	11.4m	N/A	No but as approved.
Floor Space Ratio	FSR: 0.75:1	FSR: 1.3:1 (601m ²)	FSR: 1.369:1 (630m ²)	N/A	No, see comments.

Compliance Assessment

Clause	Compliance with Requirements
4.4 Floor space ratio	No

Detailed Assessment

4.4 Floor space ratio

Whilst the modification application will result in a Floor space ratio that exceeds the maximum permitted by Clause 4.3 of the MLEP 2013, the application does not strictly need to address the requirements of Clause 4.6. This application has been made under Section 4.55 of the Environmental Planning and Assessment (EP&A) Act 1979, which is a free-standing provision that in itself authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is subject to its own stand-alone tests (such as substantially the same test and consideration of all relevant s.79C matters) and does not rely upon having a Clause 4.6 variation in order to determine the modification application. Clause 4.6 regulates whether development consent may be granted, not whether an existing consent may be modified, and therefore does not apply to Section 4.55 modification applications. Nevertheless, an assessment of the variation is as follows:

The underlying objectives of the standard, pursuant to Clause 4.4 – ‘Floor space ratio’ of the MLEP 2013 are:

(1) The objectives of this clause are as follows:

a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,

Comment:

The proposed additional floor space relates predominantly to changing the use of an approved storage area to a bedroom. Along with this, there are other minor changes to at the side setback, with some parts of the building having an increased side setback and other areas having a decreased side setback. Overall this will provide a bulk and scale that is similar to the approved and desirable in the

streetscape.

b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,

Comment:

The proposed alterations to the lower levels would not have any unreasonable impact on views and some improvement would be gained with the increased setback at the top level.

c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,

Comment:

The proposed dwelling maintains the existing building height, maintains modulation in the side setbacks and maintains a similar front and rear setback. This has the effect of providing a building form that will maintain appropriateness in terms of visual nature in the area.

d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,

Comment:

The conversion of the storage area to a bedroom is in a location that would have no unreasonable impact as a result of increased usage for privacy and the changes in setbacks would not result in any unreasonable amenity impact.

e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.

Comment:

Not applicable.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the <insert zone> zone.

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The proposed development is for a residential use and is consistent with the objectives above.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the MLEP 2013?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment:

In this circumstance, providing flexibility to the floor space ratio development standard is appropriate as the non-compliance does not lead to any unreasonable amenity impact and would be appropriate in the street context.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

It is appropriate to allow flexibility in this circumstance as an addition of floor space can be made to the dwelling without having any unreasonable impact on amenity and the proposed development would be visually appropriate given the context of the site and topographical nature of the surroundings.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 460m ²	Requirement	Approved	Proposed	Complies
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	0m to basement and ground 2.12m to first floor 4.7m to second floor 7m to third floor	0m to basement and ground 2.12m to first floor 4.7m to second floor 7m to third floor	No but no change to building form as approved.
4.1.4.2 Side Setbacks and Secondary Street Frontages	South: 2.23m (based on wall height)	0m-2.2m	0-2.6m	No, see comments.
	North: 2.3m (based on wall height)	0m-3.3m	0-3.6m	No, see comments.
4.1.4.4 Rear Setbacks	8m	4.7m to basement 6.5m to ground 0m to first floor stairs and landscaping 7m to second	7.3m to basement 7.2m to ground 0m to first floor stairs and landscaping 7m to second floor	No, see comments.

		floor 10.8m to third floor (7.8m to balcony)	10.8m to third floor (7.8m to balcony)	
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS2	Open space 50% of site area (230m ²)	66.8% (307.6m ²)	68.5% (315m ²)	Yes.
	Open space above ground 40% of total open space	55% (169.6m ²)	55% (169.6m ²)	
4.1.5.2 Landscaped Area	Landscaped area 30% of open space	13% (40m ²)	12.7% (40m ²)	No but same total area as approved.
4.1.5.3 Private Open Space	18m / 12sqm per dwelling	20-71m ² per dwelling	20-71m ² per dwelling	Yes.
4.4.5 Excavation	Generally 1m Dilapidation or Geotechnical report (with exceptions for basement car parking)	8.1m for the purpose of a basement car park	8.1m for the purpose of a basement car park (more excavation but same depth)	Yes.
Schedule 3 Parking and Access- Residents	1 per dwelling, plus 0.2 per 2-bedroom dwelling, plus 0.5 per 3-bedroom dwelling: 5 spaces	7 spaces	7 spaces	Yes.
- visitors	0.25 spaces per dwelling: 1 space	1 space	1 space	Yes.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes

Detailed Assessment

4.1.4 Setbacks (front, side and rear) and Building Separation

Description of non-compliance

The proposal is for side setbacks that vary from being compliant and non-compliant at both the north and south side setback. This includes setbacks which vary from 0-2.6m at the south and 0-3.3m at the north.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

The proposed changes to side setbacks maintain reasonable modulation, with some parts of the building having an increased side setback and other areas having a decreased side setback. This will maintain an appropriate presentation to the street including spatial proportions and landscape character.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment:

The proposed development is generally within the approved building footprint and the alterations to the side setbacks would not result in any unreasonable amenity impact. The maintenance of the existing building height will also ensure that the proposed building maintains an appropriate amenity outcome.

Objective 3) To promote flexibility in the siting of buildings.

Comment:

The proposal maintains the siting of the approved dwelling with alterations to setbacks including both increased and decreased setbacks across the side elevations. This results in a building form that maintains a reasonable result in terms of maintaining amenity and maintaining an appropriate presentation of the building to the street.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are*

satisfied.

Comment:

The proposed landscaping and vegetation is as existing and as such the proposal would reasonably maintain natural features.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment:

Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Manly Section 94 Development Contributions Plan

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is

considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2018/0161 for Modification of Development Consent DA0436/2008 granted for basement additions to a three (3) storey Residential Flat Building on land at Lot 2 SP 11874,5 Commonwealth Parade, MANLY, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Drawing No. 2.20- Basement Floor Plan - Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 2.21- Ground Floor Plan- Unit 01 - Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 2.22- Level 01 Floor Plan- Unit 02 - Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 2.23- Level 02 Floor Plan- Unit 03 - Issue A	27/03/2018	Baxter and Jacobson
Drawing No.2.24- Level 03 Floor Plan- Unit 03 - Issue A	27/03/2018	Baxter and Jacobson
Drawing No.2.25- Roof Plan - Issue A	27/03/2018	Baxter and Jacobson
Drawing No.3.00- Elevations- Issue A	27/03/2018	Baxter and Jacobson
Drawing No.3.10- Elevations- Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 3.20- Elevations- Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 3.30- Sections A & B- Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 3.40- Sections C & D- Issue A	27/03/2018	Baxter and Jacobson

Drawing No. 3.50- Sections E & F- Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 3.60- Sections G- Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 3.70- Sections H- Issue A	27/03/2018	Baxter and Jacobson
Drawing No. 6.30- Garden Beds- Floor Plan and Sections - Issue A	27/03/2018	Baxter and Jacobson

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
Drawing No. 4.00-Landscape Plan	27/03/2018	Baxter and Jacobson Architects.

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Minimisation and Management Plan Checklist	23/08/2018	Baxter and Jacobson

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

B. Add Condition -ANS15- Dilapidation Report to read as follows:

A Dilapidation Report is required for this development. A photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items, is to be submitted to Council and the Accredited Certifier (where Council does not issue the Construction Certificate) prior to the issue of the Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property/ies.

All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

Reason: To maintain proper records in relation to the proposed development.

C. Add Condition -ANS16- Rear fence to read as follows:

The rear fence at The Crescent is to be no greater than 1.8 metres. Details notating compliance are to be provided to prior to the issue of a Construction Certificate.

Reason: To ensure the proposed fence does not have unreasonable bulk.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed




Thomas Prosser, Planner

The application is determined under the delegated authority of:




Rodney Piggott, Manager Development Assessments




ATTACHMENT A

Notification Plan	Title	Date
 2018/238420	Plans - Notification	28/03/2018

ATTACHMENT B

Notification Document	Title	Date
 2018/244541	Notification Map	18/04/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/238410	Owners Consent	07/03/2018
 2018/238414	Report - BASIX Certificate	27/03/2018
 2018/238416	Report - NatHERS Summary	27/03/2018
 2018/238417	Report - NatHERS Specifications	27/03/2018
 2018/238415	Report - NatHERS Unit Certificates	27/03/2018
 2018/238411	Cover Letter	27/03/2018
 2018/238418	Report - Waste Management Plan	27/03/2018
 2018/238413	Report - Statement of Environmental Effects	28/03/2018
 2018/238420	Plans - Notification	28/03/2018
 MOD2018/0161	5 Commonwealth Parade MANLY NSW 2095 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	29/03/2018
 2018/238427	Plans - NatHERS Stamped	03/04/2018
 2018/238424	Plans - Landscape	03/04/2018
 2018/238425	Plans - Certification of Shadow Diagrams with Plans	03/04/2018
 2018/238430	Plans - Internal	03/04/2018
 2018/238429	Plans - External	03/04/2018
 2018/238423	Plans - Survey	03/04/2018
 2018/238431	Plans - Master Set	03/04/2018
 2018/254027	fee quote 5 Commonwealth Pde Manly	11/04/2018
 2018/254014	email Baxter & Jacobson Architects	13/04/2018
 2018/254024	fee quote 5 Commonwealth Pde Manly	13/04/2018
 2018/234613	5 Commonwealth Parade - Manly - Authorisation	13/04/2018
 2018/238198	DELETE	16/04/2018
 2018/238225	DA Acknowledgement Letter - Baxter & Jacobson Architects Pty Ltd	16/04/2018
 2018/238262	Modification Application Form	16/04/2018
 2018/238408	Applicant Details	16/04/2018
 2018/243382	Environmental Compliance (Building Control) - Assessment Referral - Mod2018/0161 - 5 Commonwealth Parade MANLY NSW 2095	17/04/2018
 2018/241967	Development Application Advertising Document - Baxter & Jacobson Architects Pty Ltd	17/04/2018
 2018/242059	Request for Further Information - Mod2018/0161	17/04/2018

	2018/242546	Waste Referral Response	17/04/2018
	2018/244515	DA Acknowledgement Letter (not integrated) - Baxter & Jacobson Architects Pty Ltd	18/04/2018
	2018/244541	Notification Map	18/04/2018
	2018/244556	Notification Letter - Mod - 96	18/04/2018
	2018/256485	Baxter & Jacobson Architects - DA notification on display - Mod2018/0161 5 Commonwealth Parade Manly	24/04/2018
	2018/254876	FW: signage 5 Commonwealth Pde	24/04/2018
	2018/259220	Heritage Referral Response - MOD2018/0161 - 5 Commonwealth Parade, Manly	27/04/2018
	2018/261758	ADDITIONAL INFORMATION - FW: S96 436-2008(3) - 5 COMM PDE - MANLY	30/04/2018
	2018/264477	5 COmm Pde - Manly - Garden Beds	01/05/2018
	2018/283681	Submission - Owners Corporation 7 Commonwealth Parade Manly	09/05/2018
	2018/289691	Submission - Moginie	10/05/2018
	2018/289820	Submission Acknowledgement Letter - Anna Nicholson - SA2018/283681	11/05/2018
	2018/337045	Engineering Referral Response	01/06/2018
	2018/349209	180427_110-09_COMMONWEALTH PDE_S96(3)_GARDEN BEDS	07/06/2018
	2018/349236	REVISED MASTER SET WITH ADDED FENCE DETAIL PLAN	07/06/2018