

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0139
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Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot CP SP 11874, 5 Commonwealth Parade MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA436/2008 granted for alterations and additions to a 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:	Proprietors of Strata Plan 11874
Applicant:	Platform Architects Pty Ltd

Application Lodged:	15/04/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	02/05/2020 to 16/05/2020
Advertised:	02/05/2020
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposed development involves the modification to development consent DA436/2008 (as amended) for a four (4) storey residential flat building containing three (3) residential units. Specifically, the changes proposed consist of:

Basement Floor Plan

- A 100mm increase in the approved basement slab level to reduce excavation;
- The replacement of the approved car stackers with tandem spaces to reduce excavation;
- The realignment of the Commonwealth Parade entrance stair to improved privacy to Unit 1;
- The adjustments to the entrance ramp; and
- The relocation of the OSD tank.

Ground Level Floor Plan

- Reconfiguration of this floor plate to account for the removal of the car stacker and to improve access, daylight and natural ventilation. No increase in GFA/FSR is proposed; and
- Modifications to balcony design and landscape planter box locations.

Level 1 Floor Plan

- An 80mm increase in the approved slab level;
- The introduction of a skylight over the family room of Unit 1 below and an increase in the size of the northern void over enhance the amenity of Unit 1 below; and
- Modification and enhancement of the approved western courtyard including an increase in landscaping in this location

Level 2 Floor Plan

- A 170mm increase in the approved slab level.

Level 3 Floor Plan

- A 260mm increase in the approved slab level; and
- Minor internal reconfiguration works, deletion of the northern hallway window and a reduction in the size of the south facing fenestration.

Roof Plan

- A 170mm increase in the approved ridge level and the introduction of a new skylight.

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 - 4.3 Height of buildings

Manly Local Environmental Plan 2013 - 4.4 Floor space ratio

Manly Local Environmental Plan 2013 - 6.2 Earthworks

Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 3.4.3 Maintenance of Views

Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of

Storeys & Roof Height)

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

Manly Development Control Plan - 4.1.5 Open Space and Landscaping

Manly Development Control Plan - 4.1.8 Development on Sloping Sites

SITE DESCRIPTION

Property Description:	Lot CP SP 11874 , 5 Commonwealth Parade MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the north-western side of Commonwealth Parade.</p> <p>The site is irregular in shape with a frontage of 15.4m along Commonwealth Parade, 9.2m to the Crescent and a depth of 38.8m. The site has a surveyed area of 460m².</p> <p>The site is located within the R1 General Residential zone and accommodates a three storey flat building with vehicular access via an existing driveway from The Crescent to an existing single garage to the rear of the existing dwelling.</p> <p>The site 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. Development in this area of Commonwealth Parade consist of residential flat buildings between 3 and 7 stories in height. Across the road to the east North Harbour.</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.

MOD2018/0161- Section 96(1A) Modification of Development Consent DA0436/2008 granted by Northern Beaches Council for basement additions to a three (3) storey Residential Flat Building. The works included:

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

MOD2018/0575 - Section 4.55 (2) Modification of Development Consent DA436/2008 granted by the Development Determination Panel on 27 February 2019. The modifications can be summarised as internal floor layout changes on each level, narrowing and lengthening of the level three floor area and change from a curved roof to a flat roof.

Status of Consent No. DA436/2008

It has been confirmed that Development Consent No. DA436/2008 has not lapsed, therefore, this modification can be dealt with.

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 (as amended), in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(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	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <p>The development maintains generally the same building footprint, massing and bulk of the previously approved development with the exception of a 170mm increase to the maximum building height which is not considered to give rise to any unreasonable impacts</p>

Section 4.55(1A) - Other Modifications	Comments
	with regards to overshadowing, views or privacy. The extension of the front balcony towards the street to replace the previously approved staircase structure does not have a detrimental impact upon the streetscape and allows additional privacy for the residents of Unit 1. The previously approved retaining wall adjacent to the staircase is replaced by the balcony structure and is therefore generally consistent with the facade approved under DA436/2008 (as amended).
(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	<p>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 for the following reasons:</p> <p>The modifications do not generate any additional floor area and retains the development footprint of the building with the exception of the projection forward of the front balcony towards Commonwealth Parade which has found to not have a detrimental impact upon the streetscape (for reasons stated above). The number of units and floor area of the building remains unchanged and the visual appearance of the building remains consistent with that already approved.</p>
(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 2011 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 draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to an updated geotechnical report. This information was provided to the satisfaction of Council.</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 matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). 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 insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p>

Section 4.15 'Matters for Consideration'	Comments
	<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> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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 “Notification & Submissions Received” 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.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

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 3 submission/s from:

Name:	Address:

Name:	Address:
Mr Robert Gerald Porteous	14/7 Commonwealth Parade MANLY NSW 2095
Mr Alexander Tryfon Manu Ms Boronia Clair Foley Mr Noel John Purcell	41 Carter Road BROOKVALE NSW 2100
Mrs Julia Frances Harris	70 Condamine Street BALGOWLAH NSW 2093

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

- The development will have a traffic impact for vehicles travelling along Commonwealth Parade.
- The development and associated excavation for the carpark has potential to impact the structure stability of 7 Commonwealth Parade.
- Not satisfied that the current conditions of consent adequately set out specific requirements to protect and support the structural integrity of our building (1-3 The Crescent), given the documented risks involved with the deep and extensive excavations involved that extend right up to our side boundary and deeper than the foundations of our building. It is requested the recommendations of the geotechnical report submitted with MOD2018/0575 to be included as a consent condition.
- The submitted plans are unclear if privacy screens are being used for the north and south facing windows. The acronym 'BL' is assumed to mean privacy screen, however is not identified in the plans. It is requested privacy screens be used.
- Concern for potential for car accidents with vehicles entering the basement car park at 5 Commonwealth Parade. The speed limit at the point of entry to the car park is 50 kmph, and a vehicle behind may not slow down sufficiently (for whatever reason) as a vehicle enters the car park. We suggest that the Council / Transport for NSW consider extending the existing 40 kmph speed limit in Manly further along Commonwealth Parade, to Federation Point.

The matters raised within the submissions are addressed as follows:

- *The development will have a traffic impact for vehicles travelling along Commonwealth Parade.*
Comment:

The proposed number of units is unchanged via this modification and there is no increased parking/traffic demand as a result of the modifications. The original recommended conditions including left in/left out only to the site from Commonwealth Parade have been included on the updated plans. Council's traffic team have reviewed the proposed development and raised no objection to the modifications. The total number of carparking spaces is retained.

- *The development and associated excavation for the carpark has potential to impact the structure stability of 7 Commonwealth Parade.*

Comment:

The modification involves a minor increase in the basement level by 100mm of additional depth, however, the removal of the car stacker is proposed which reduces the maximum depth of excavation adjacent to the southern boundary by 2.1m. The basement walls remain in the same position as originally approved and therefore, it is considered that there is no additional impact via excavation as a result of the modification.

An updated geotechnical report making reference to the latest issue of plans have been submitted with the application which deals with the structural support of adjoining sites. The recommendations of the updated geotechnical report will be included as consent conditions.

- *Not satisfied that the current conditions of consent adequately set out specific requirements to protect and support the structural integrity of our building (1-3 The Crescent), given the documented risks involved with the deep and extensive excavations involved that extend right up to our side boundary and deeper than the foundations of our building. It is requested the recommendations of the geotechnical report submitted with MOD2018/0575 to be included as a consent condition.*

Comment:

The geotechnical report submitted with MOD2018/0575 was referenced in Condition 1 of the modified development consent and the condition requires that the recommendations of the report be complied with. Each individual recommendation need not be referenced in the consent.

In addition, an updated geotechnical report making reference to the latest issue of plans has been submitted with the application which deals with the structural support of adjoining sites. The compliance with the updated geotechnical report will be included as consent conditions.

- *The submitted plans are unclear if privacy screens are being used for the north and south facing windows. It is requested privacy screens be used.*

Comment:

The applicant has provided an updated cover sheet which clarifies the notation 'BL' is in regards to Blade Privacy Screens which will be used throughout the north and south elevation.

- *Concern for potential for car accidents with vehicles entering the basement car park at 5 Commonwealth Parade. The speed limit at the point of entry to the car park is 50 kmph, and a vehicle behind may not slow down sufficiently (for whatever reason) as a vehicle enters the car park. We suggest that the Council / Transport for NSW consider extending the existing 40 kmph speed limit in Manly further along Commonwealth Parade, to Federation Point.*

Comment:

The vehicle entry/exit is a matter that has been dealt with under the original development application. The original consent conditions from Council's traffic team have been incorporated into the amended plans, including a splayed driveway. Council's traffic engineers have reviewed the plans and do not consider the amendments to present additional traffic risk.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The modification application seeks to further refine the building design to enhance amenity ground floor planter layout along Commonwealth Parade as shown in the architectural plans.</p> <p>The landscape component of the modification proposal is acceptable subject to the issue the continuation of the landscape conditions under Mod2018/0575, being ANS17- On site amended landscape plans; ANS19- Landscape Maintenance; and ANS20- Environmental Management.</p> <p>Council's Landscape Referral section have assessed the application against the landscape Development, and section 4: Development Controls and Development Types.</p>

Internal Referral Body	Comments	
NECC (Development Engineering)	Development Engineering has no objection to the modification application. However, some new conditions shall be placed to reflect the current Council's requirements.	
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS	
	Discussion of reason for referral	
	The proposal has been referred to Heritage as the subject property adjoins two heritage items:	
	'Hilder Lea' Residential Flat Building - 7 Commonwealth Parade	
	12 Stone Kerb - Along the western side of Commonwealth Parade	
	Details of heritage items affected	
	Details of the item as contained within the Manly heritage inventory are as follows:	
	Hilder Lea	
	<u>Statement of significance:</u> The Hilder Lea block of flats is of significance for the local area for historical and aesthetic and as a representative example of early "Chicagoesque" style architecture applied to residential flats. The building is one of the earliest high rise apartment buildings built in the Manly area of the Sydney area. The building has local landmark qualities and makes a major contribution to the townscape of Manly.	
	<u>Physical description:</u> A seven storey rendered flat building with elaborate parapet. The southern façade is an advanced architectural style in an American inspired idiom, though executed on a tight budget. The building which dominates its immediate surroundings is a familiar landmark in the Manly Cove area.	
	Stone Kerbs	
	<u>Statement of significance:</u> Stone kerbs are heritage listed	
	<u>Physical description:</u> Sandstone kerbing to streets relating to paving and kerbing of streets in the nineteenth century. Mostly located within Manly Village area and adjacent lower slopes of Eastern Hill and Foxglove Hill.	
Other relevant heritage listings		
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
Australian Heritage Register	No	
NSW State Heritage Register	No	
National Trust of Aust (NSW) Register	No	
RAIA Register of 20th Century	No	

Internal Referral Body	Comments		
	Buildings of Significance		
	Other	No	
	Consideration of Application		
	The proposal seeks consent for modifications to an approved residential flat building. The retains vehicular access from Commonwealth Avenue which requires removal of the he sandstone kerbing. Heritage notes this access is already approved under previous con Heritage would suggest that the sandstone removed from the kerb be reused on the site also considers the modifications proposed are minor and will not impact upon the herita significance of the Hilder Lea building.		
	Consider against the provisions of CL5.10 of MLEP.		
	Is a Conservation Management Plan (CMP) Required? No		
	Has a CMP been provided? No		
	Is a Heritage Impact Statement required? No		
	Has a Heritage Impact Statement been provided? No		
	Further Comments		
COMPLETED BY: Brendan Gavin, Principal Planner			
DATE: 7 August 2020			
Strategic and Place Planning (Urban Design)	The modifications to the proposal seek to amend the material finishes schedule and incre for the residential units. The proposed finishes are acceptable and the overall increase in		
Traffic Engineer	General information Modification based on the approved DA2008/436 for demolition of existing buildings and car parking at 5 Commonwealth Parade, Manly. Modifications related to traffic are: <ul style="list-style-type: none">- replacement of the approved car stackers with tandem spaces to reduce e- The adjustments to the entrance ramp; and- proposes to modify Consent Condition No. 5, which requires the construct of the site. Instead, it is now proposed that the TfNSW required access restriction Traffic: <ul style="list-style-type: none">• Modification has equal or less impact on traffic (construction traffic & traffic gener• Site has two (2) street frontage:		

Internal Referral Body	Comments
	<ul style="list-style-type: none"> - Commonwealth Parade – Regional Road - The Crescent – Local Road <p>Public transport</p> <p>Available and no impacts.</p> <p>Parking:</p> <ul style="list-style-type: none"> • Required: <ul style="list-style-type: none"> - Parking Rate According to Manly DCP: <p>Residential</p> <p>2 parking space / two or more bed rooms unit</p> <p>0.16 visitor parking / dwelling</p> - Number of spaces required: <p>Residential</p> <p>2 x three-bedroom@ 2 space So required spaces = 4</p> <p>1 x Four-bedroom@ 2 space So required spaces = 2</p> <p>Visitors @ 0.16 per dwelling So required space = 1</p> <p>Total required spaces = 7 • Provided 8 spaces at basement level including <ul style="list-style-type: none"> - 4 Tandem parking - 3 single spaces and - 1 Visitor space <p>Parking provisions satisfy the requirements.</p> <p>Access and circulation swept paths:</p> </p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> Access: <ul style="list-style-type: none"> DA conditioned to construct central median island extension along Comm <p>Based on developer's analysis & design it is not feasible to build the r However, Council prefers to construct central median island extension</p> Combined (entry/exit) driveway width of 8.44m. Exit/Entry in a forward direction Vehicular crossing and driveway should comply with AS2890. <ul style="list-style-type: none"> Roller door at basement level to the entry to Garage Swept paths are looking ok. <p>Pedestrian safety:</p> <ul style="list-style-type: none"> No concern. <p>Servicing:</p> <ul style="list-style-type: none"> Waste collection and other service vehicles use on-street parking. <p>Ongoing</p> <p>All facilities should be maintained throughout the lifetime of project.</p> <p>Conclusion</p> <p>In view of the above, the proposed modifications can be approved with conditions.</p> <p><i>Planner Comment: Council's traffic engineers recommended that a condition of developn Residential Parking Permits. However, the subject modification application does not char development and therefore, the condition is not considered relevant to this modification a development assessment process. Therefore, the condition as recommended by Council</i></p>

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)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

An amended BASIX certificate has been submitted with the application (see Certificate No. 315056M_07 dated 3 April 2020).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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.

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	10.6m	10.77m	N/A	Yes
Floor Space Ratio	FSR: 0.75:1	FSR: 1.369:1 (629sqm)	FSR: 1.367:1 (626sqm)	N/A	No - However 3sqm less than approved.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

The maximum height of the building is proposed to increase 170mm from the current approved plans. The maximum building height increase of 170mm is measured at the ridge line of the roof.

The increase in building height is also related to the increased floor levels of the development which cumulatively across all levels result in a 260mm increase in the floor level taken from Level 3 FFL. Similarly, the wall height of the development has increased 260mm in response to the floor level increase.

However, while cumulative increase in the floor levels and wall height is 260mm, the roof form has been compacted and the roof pitch decreased to only result in a maximum building height increase of 170mm, as measured at the highest point of the building (roof ridge line). The compacting of the roof form is noted on the plans.

4.4 Floor space ratio

The proposed floor space ratio approved under the original development application (and subsequent

modification applications) was non-compliant with the 0.75:1 FSR requirement.

The development as currently approved consists of a 1.369:1 FSR (629sqm). The proposed development results in a minor decrease in Floor Space Ratio of 1.367:1 FSR (626sqm) or 3qm reduction. Although non-compliant, the proposal consists of less floor space than currently approved and is therefore consistent with the originally approved development.

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

- (b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

- (c) the quality of the fill or the soil to be excavated, or both*

Comment: The excavated material will be processed according to the Waste Management Plan, as submitted for the original development application. Conditions will remain on the original consent as issued.

- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

- (e) the source of any fill material and the destination of any excavated material*

Comment: The excavated material will be processed according to the Waste Management Plan for the development. Conditions have been included in the original consent requiring any fill to be of a suitable quality.

- (f) the likelihood of disturbing relics*

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area*

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 460sqm	Requirement	Approved	Proposed	Complies
4.1.1.1 Residential Density and Dwelling Size	Density: 1 dwellings per 150sqm site are	3 dwellings	3 dwellings	Unchanged
4.1.2.1 Wall Height	North: 10.5m	10.1m	10.36m (+260mm)	Yes
	South: 10.5m	10.3m	10.56m (+260mm)	No - See comments
4.1.2.2 Number of Storeys	3	3	3	Unchanged
4.1.2.3 Roof Height	Height: 2.5m	0.6m	0.4m	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	0m to basement 2.48m to first floor balcony 3.5m to second floor 4.5m to third floor	0m to basement/planter box 1.2m to first floor balcony 3.5m to second floor 4.5m to first floor	No - See Comments
4.1.4.2 Side Setbacks and Secondary Street Frontages	South: 0.9 - 3.5m (varies based on wall heights) North: 1m - 3.5m (varies based on wall heights)	0.2m - 3m 0.2m - 3.5m	0.2 - 3m 0.2m - 3.5m	Unchanged
	Windows: 3m	1.3m	1.3m	Unchanged
4.1.4.4 Rear Setbacks	8m	7.3m to	7.3m to basement	Unchanged

		basement 7.2m to ground 0m to first floor and landscaping 5.8m-7.5m to second floor 12.7m to third floor	7.2m to ground 0m to first floor and landscaping 5.8m-7.5m to second floor 12.7m to third floor	
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS2	Open space 50% of site area (230sqm)	66.7% 305sqm	66.7% 305sqm	Yes
	Open space above ground 40% of total open space	57% (175sqm)	57% 175sqm	Unchanged
4.1.5.2 Landscaped Area	Landscaped area 30% of open space	20% (60sqm)	21% (64.7sqm)	No - However minor increase
4.1.5.3 Private Open Space	12sqm per dwelling	60sqm per dwelling average	22sqm - 65sqm	Yes
Schedule 3 Parking and Access	6 spaces (Including 1 visitor space)	8 spaces (including visitor space)	6 spaces, plus 1 visitor space	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.5.8 Water Sensitive Urban Design	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	No	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes

Detailed Assessment

3.4.1 Sunlight Access and Overshadowing

The proposed development involves an increase in building height of 170mm. The applicant has provided elevation shadow diagrams which demonstrate the difference between the current approved design in comparison to the proposed new design with increased height.

The shadow diagrams demonstrate a minor increase in overshadowing at 9am and 12pm, with no difference at 3pm due to the site orientation. The shadow diagrams at 9am show that a reasonable portion of the window surface upon the northern facade of 7 Commonwealth Parade will retain sunlight, with solar access to these windows improving until 12pm. The shadow diagram shows that at 12pm there is a minor increase in overshadowing, however the impacted windows will still retain solar access to the majority of the window surface as already approved.

The increase in building height of 170mm will still allow the adjoining property at 7 Commonwealth Parade to retain reasonable solar access and no additional windows are overshadowed as a result of the modification, with those existing impacted windows still receiving a reasonable amount of solar access as shown in the shadow diagrams.

3.4.2 Privacy and Security

Privacy is not further impacted as a result of the modification application with the one window removed on the northern elevation and one window reduced in size on the southern elevation. The modifications therefore do not result in any additional privacy impacts. The increase in the overall building height of 170mm is considered to make a negligible difference with regard to visual privacy and overlooking.

3.4.3 Maintenance of Views

The applicant has provided a sight line analysis as viewed from the east of the site, looking west towards the harbour. The view analysis shows an increase in building height and shows the comparison between the approved building envelope and the proposed envelope. The additional height of 170mm for the ridge line and 260mm for the wall height is considered to make a negligible difference when compared to the existing approval and when compared to the existing building on the site. This is demonstrated in the sight line analysis provided with the application which includes views from the eastern (rear properties) towards the harbour.

The additional building height does not result in further impact when compared to the impact resulting from the roof form of the existing building, as shown the view line diagrams. Side setbacks are unchanged via the modification which retain view corridors through the side boundaries.

No submissions have been raised with regards to view impacts for this modification application. The development as modified is consistent with the *Tennacity* Planning Principle established by the NSW Land and Environment Court.

4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Description of non-compliance

The DCP requires a maximum wall height of 10.5m. The approved development consists of wall heights of 10.1m (north) and 10.3m (south). The increased wall height of 260mm will result in a minor non-compliance to wall height on the southern wall of 10.56m, or, 60mm. The non-compliance is for part of the southern elevation only, at the lowest point of the site. The remainder of the development remains compliant with the control.

Consideration of Variation

In considering a variation to the control, the development is assessed against the outcomes of the control as follows:

(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,

Comment: The building is compliant with the maximum building height and therefore considered to be consistent with the height of development envisaged for the site (11m). The buildings on the surrounding sites consist of greater bulk and scale and in the site context, the proposed development is not out of character for the site.

(b) to control the bulk and scale of buildings,

Comment: The envelope, side setbacks and design of the building is unchanged via this modification application, with the overall wall height increased by 260mm resulting in a minor (60mm) non-compliance to wall height. The building is remain consistent with the approved

bulk and scale with a high level of articulation to break up the building bulk. The upper floors remain stepped in to mitigate height and scale.

(c) to minimise disruption to the following—

(i) views to nearby residential development from public spaces (including the harbour and foreshores),

(ii) views from nearby residential development to public spaces (including the harbour and foreshores),

(iii) views between public spaces (including the harbour and foreshores),

Comment: The applicant has provided a sight line analysis with the application showing the difference between the approved development and the proposed changes, which includes the increased wall height. The view analysis demonstrates that there will be negligible additional view impacts with the view corridors along the side boundaries maintained, the the additional wall height creating no further impact when compared to the existing building roofline.

(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,

Comment: Detailed elevation shadow diagrams have been submitted with the application which demonstrate that solar access will only be affected a minor amount, with the adjoining building retaining solar access to a portion of the window surface at 9am (and improving throughout the day) which is consistent with the original approval.

(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

Comment: The proposed development is not within a recreation or environmental protection zone.

Overall, the proposed development is considered to achieve the outcomes of the control and Manly DCP/LEP. Therefore, in this particular circumstance the variation to the control is supported.

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

Description of non-compliance

The DCP requires that the front setback be either 6m or consistent with the prevailing building line.

The proposed modifications are consistent with the approved front setbacks for the basement, second floor and third floor. However, the modification involves an amendment to the front balcony setback upon the first floor. The approved front balcony setback is 2.48m, while the proposed modified front balcony setback is 1.2m.

The approved development consists of a zero setback staircase and wall which presents to Commonwealth Parade. The modification involves removal of this staircase arrangement and simplifying the stair access to the site down the northern boundary, rather than across the front boundary. In response to the staircase relocation, the front balcony setback is reduced. However, the protrusion of the first floor balcony is not considered to result in a negative streetscape outcome and is

consistent with the sandstone walls along the front boundary of 7 Commonwealth Parade. A planter box is provided around the balcony to allow softening of the built form upon the street.

Council's Urban Design Officer has reviewed the proposal and supports the changes with regard to the streetscape outcome.

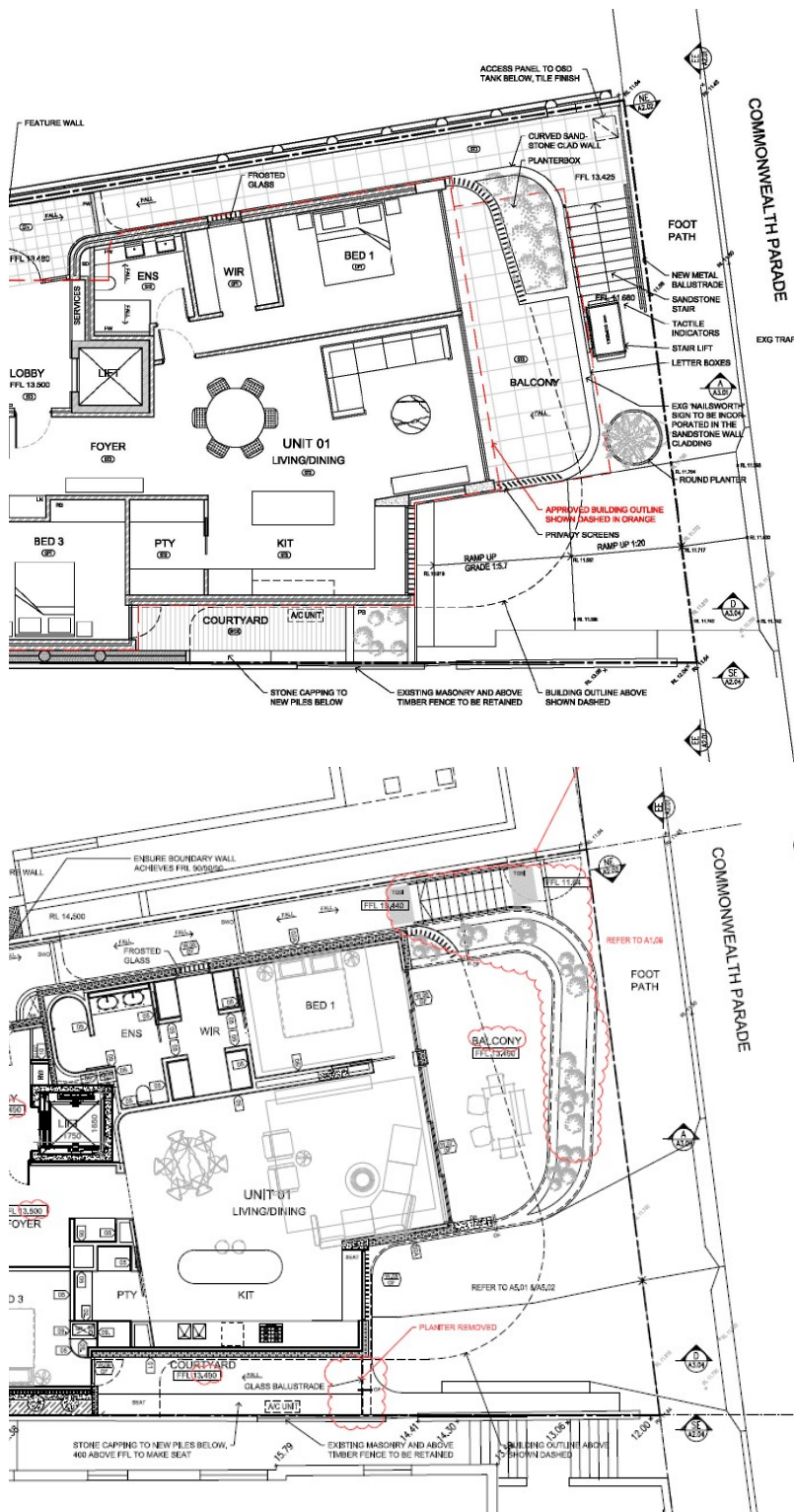


Figure 1 - Approved development (left) and proposed development (right) first floor.

Merit Consideration

In assessing the merits of the variation, the proposal is assessed against the outcomes 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 existing streetscape consists of sandstone walls built to the boundary of Commonwealth parade, with some landscaping behind. The proposed development is not inconsistent with the existing streetscape and also the development as approved. The amendments will provide larger planter boxes for the full frontage of the streetscape and will result in an outcome generally consistent with that already approved.

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 defining and adding character to the streetscape including the provision of adequate space between buildings;
facilitating safe and adequate traffic conditions including levels of visibility around corner lots and*

Comment: As discussed previously in this report, the proposed amendments will not result in unreasonable impacts to privacy, view impact or solar access for the surrounding sites. The access arrangements for the site are unchanged.

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

Comment: The building provides a simplified pedestrian access point and reduces the overall 'clutter' along the street edge.

Objective 4) To enhance and maintain natural features by:

accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation, ensuring the nature of development does not unduly detract from the context of the site and preserving the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied

Comment: The amended front setback does not result in an impact to existing vegetation and the new balcony configuration provides additional planter box area for softening the street edge.

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

Comment: This is not applicable to the proposal.

The proposed development is considered to meet the objectives of the Manly DCP/LEP and is not inconsistent with the outcome of the development as already approved. Therefore, the variation to the control is supported in this particular circumstance.

4.1.5 Open Space and Landscaping

The development as already approved consists of 20% landscaped area for the total site. The DCP requirement is 30% landscaped area.

The modifications slightly increase the total amount of landscaped area to a total of 21%. This is still

non-compliant with the control, however, given the total amount of landscaping is increased via this modification, the variation can be supported given the increase from the approved situation.

4.1.8 Development on Sloping Sites

The applicant has provided an updated geotechnical report which makes reference to the amended issue of plans. The report provides recommendations for the development during construction. The report deals with the stability of the adjoining site and makes recommendations in this regard. The report will be referenced in the conditions of consent and to be complied with during construction of the development.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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

Northern Beaches Section 7.12 Contributions Plan 2019

Section 7.12 contributions were levied on the Development Application.

Determination Pathway

The history of the development has been reviewed with regards to the various determination pathways for the application and modification application. The original application was determined by former Manly's Development Assessment Unit (current equivalent panel now Development Determination Panel).

The subsequent modification applications have been dealt with by either the Development Determination Panel (DDP) or by delegated authority at a Manager Level depending on the if the applications was a Section 4.55(1A) or Section 4.55(2).

The two most recent applications have been dealt with as follows:

- MOD2018/0161 - This application was able to be dealt with under manager sign-off due to being a Section 4.55(1A).
- MOd2018/0575 - This application was required to be dealt with by the Development Determination Panel due to being a Section 4.55(2).

The current application is a Section 4.55(1A) and therefore is not required to go back to the DDP for determination. Further, there are no current development consent conditions that have been imposed by a previous panel (DAU or DDP) which are directly amended or contrary to those conditions opposed by a determination Panel. This includes any conditions in relation to building height.

Therefore, this application being a Section 4.55(1A) is not required to be determined by the DDP.

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. Mod2020/0139 for Modification of Development Consent DA436/2008 granted for alterations and additions to a residential flat building on land at Lot CP 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
A0.00 - Rev 4.55	13/03/2020	Platform Architects
A1.00 - Rev 4.55	13/03/2020	Platform Architects

A1.01 - Rev 4.55	13/03/2020	Platform Architects
A1.02 - Rev 4.55	13/03/2020	Platform Architects
A1.03 - Rev 4.55	13/03/2020	Platform Architects
A1.04 - Rev 4.55	13/03/2020	Platform Architects
A1.05 - Rev 4.55	13/03/2020	Platform Architects
A1.06 - Rev 4.55	13/03/2020	Platform Architects
A2.01 - Rev 4.55a	29/07/2020	Platform Architects
A2.02 - Rev 4.55a	29/07/2020	Platform Architects
A2.03 - Rev 4.55a	29/07/2020	Platform Architects
A2.04 - Rev 4.55a	29/07/2020	Platform Architects
A3.01 - Rev 4.55a	29/07/2020	Platform Architects
A3.02 - Rev 4.55a	29/07/2020	Platform Architects
A3.03 - Rev 4.55a	29/07/2020	Platform Architects
A3.04 - Rev 4.55a	29/07/2020	Platform Architects
A5.01 - Rev 4.55	13/03/2020	Platform Architects
A5.04 - Rev 4.55	13/03/2020	Platform Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
C-1000 Rev B	30/03/2020	BG&E Engineering
C-1010 Rev B	30/03/2020	BG&E Engineering
C-1200 Rev B	30/03/2020	BG&E Engineering
C-1201 Rev B	30/03/2020	BG&E Engineering
C-1350 Rev B	30/03/2020	BG&E Engineering

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
External Finishes Board	13/03/2020	Platform Architects
BASIX Certificate No.315056M_07	3/03/2020	AGA Consultants
Access Report, Ref PRO-04686-J3F9	26/02/2020	Building Innovations Australia
Geotechnical Report, Ref 23373SD2rpt Rev 1	8/07/2020	JK Geotechnics

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

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

Add Condition 'Amended Landscape Plan' Prior to Issue of a Construction Certificate to read as follows:

The landscape plans under Mod2018/0575 shall be amended to co-ordinate with the architectural plans, and shall be issued to the Certifying Authority for approved prior to the issue of the Construction Certificate.

Reason: Co-ordination of proposed landscape works with updated architectural plans.

Add Condition 'On-site stormwater detention details' Prior to Issue of a Construction Certificate to read as follows:

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003, and generally in accordance with the concept drainage plans prepared by Momentum Projects, Project number S19156, drawing number C-1350, dated 30/3/2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

Add Condition 'Positive Covenant and Restriction as to Use for On-site Stormwater Disposal Structures' Prior to Issue of a Occupation Certificate to read as follows:

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

Add Condition 'Submission Road Act Application for Civil Works in the Public Road' Prior to Issue of a Construction Certificate to read as follows:

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of driveway crossing and footpath along The Crescent and Commonwealth Parade which are to be generally in

accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information: The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

Add Condition 'Central Median Island' prior to the issue of a Construction Certificate to read as follows:

As per Development Consent Condition No: 5, Council prefers to construct central median island extension along Commonwealth Parade to prevent right turn movements into and out of the site.

In this regard, Council acknowledges the design constraints and suggest reducing the length of extension to suit the design. Also, the Island can be mountable for larger vehicles to mount if necessary. Design of the median island should satisfy the following:

- Prevent right turn movements into and out of the site
- No impacts on parking
- Vehicles not encroaching on the wrong side of the road.

Plans prepared by a suitably qualified Engineer shall be submitted to and approved by the accredited certifier prior to the issue of the Construction Certificate.

In addition, the plan including signs and line markings shall be submitted to and approved by Council's Local Traffic Committee prior to the issue of the Construction Certificate.

Reason: To ensure the safety and unimpeded traffic flow on Commonwealth Parade and safe exit from the property.

Add Condition 'Vehicle Access & Parking' Prior to Issue of a Construction Certificate to read as follows:

All internal driveways, vehicle turning areas, garages and vehicle parking space bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken;

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the accredited certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to maneuvering, access and parking of vehicles.

Add Condition 'Visitor parking spaces locate behind roller door' Prior to Issue of a Construction Certificate to read as follows:

The installation of any security roller shutter for parking areas shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure visitor car parking is accessible to visitors.

Add Condition 'Work Zones and Permits' Prior to Issue of a Construction Certificate to read as follows:

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit if it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management / Control Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones are monitored and installed correctly

Add Condition 'Traffic Management' During Works to read as follows:

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: Traffic management plan is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation

Add Condition 'Removal of Redundant Driveways' Prior to Issue of an Occupation Certificate to read as follows:

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy

Add Condition 'Reinstating the damaged road reserve during construction' Prior to Issue of an Occupation Certificate to read as follows:

Any damages to road reserve shall be reinstated to Council standard. Suitably prepared plans shall be submitted to for an approval under and approved by Council. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maintain road reserve to the standards

Add Condition 'Accessibility of parking spaces' Prior to Issue of an Occupation Certificate to read as follows:

The parking facilities including visitor parking are to be accessible and identifiable at all times. Necessary signs and markings have to be maintained throughout the lifetime of the development.

Reason: To ensure residents, retailers and visitors are not forced to park on public streets when parking has been provided within the development.

Add Condition 'Parking Enclosure' as an On-going Condition to read as follows:

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

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

Signed



Jordan Davies, Planner

The application is determined on 10/08/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments