

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0133
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Responsible Officer:	Stephanie Gelder
Land to be developed (Address):	Lot 501 DP 736679, 14 South Steyne MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA2021/0318 granted for alterations and additions to commercial development
Zoning:	Manly LEP2013 - Land zoned R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Stephen Hayes Pty Ltd
Applicant:	IKUS Pty Ltd T/A U+I Building Studio

Application Lodged:	03/05/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	10/05/2022 to 24/05/2022
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposed modified works to DA2021/0318 comprise of the following:

Ground Floor

- Existing double folding doors to be replaced on a like for like basis with new timber framed doors. Existing highlight windows are to be retained and repaired;
- Alteration to kitchen layout to allow proposed dumb waiter;
- Addition of office with staff lockers;
- Increase in size of bar counter;
- Addition of cleaner's cabinet below stairs;

First Floor

- Existing cool room to be replaced by a new cool room;
- Existing dumb waiter to be relocated;
- Fixed bar seating replaced tables and chairs;
- Fresh air intake grille in accordance with mechanical engineering specification; and

Roof

- Mechanical ventilation equipment revised to suit kitchen layout. All equipment located behind acoustic screens.

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

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 501 DP 736679 , 14 South Steyne MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of one (1) corner allotment located on the western side of South Steyne and southern side of Victoria Parade.</p> <p>The site is regular in shape with a primary frontage of 6.09m along South Steyne and a secondary frontage of 28.595m along Victoria Parade. The site has a surveyed area of 175.5m².</p> <p>The site is located within the R3 Medium Density Residential</p>

zone from MLEP 2013 and accommodates a two (2) storey building. The building is identified as a Heritage Item I225 - Residential/ commercial buildings - 7 and 14 South Steyne.

The site is relatively flat and is located within the Foreshore Scenic Protection Area.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by similar uses and is located adjacent to commercial premises to the South, residential flat buildings to the west, and is directly opposite Manly Beach to the east.

Map:



SITE HISTORY

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

DA1540/1985

Development Application for Restoration of the existing terrace building into shops and a restaurant. Approved on 20 August 1985.

DA1797/1986

Development Application for Proposed Establishment of Refreshment Room in Existing Shop Premises. Approved on 2 May 1986.

DA0115/2012

Development Application for Alteration and additions to existing building including replacement and relocation of mechanical ventilation systems (exhaust system) for the two (2) commercial kitchens. Approved on 19 July 2012.

Section 96(1A) to DA1540/1985

Section 96(1A) modification to the approved Restoration of the existing terrace building into shops and a restaurant - involving modification to opening hours.

Approved on 12 December 2013.

PLM2020/0286

Pre-Lodgement Meeting for Alterations and additions to an existing restaurant.

Meeting held on 17 December 2020.

The notes concluded: *The proposal is to satisfactorily subject to addressing the issues raised in the Notes prior to the submission of a Development Application.*

DA2021/0318

Development Application for Alterations and additions to commercial development.

Approved on 21 July 2021.

DA2021/1851

Development Application for Construction of Signage.

Approved on 29 November 2021.

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 DA2021/0318, 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> <ul style="list-style-type: none"> • The proposed modifications do not alter the

Section 4.55(1A) - Other Modifications	Comments
	<p>FSR or height of building.</p> <ul style="list-style-type: none"> The proposed modifications do not alter any built form controls as per the original consent. Therefore, it is considered that the modification 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	<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 DA2021/0318 for the following reasons:</p> <ul style="list-style-type: none"> 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 DA2021/0318. The works largely involve internal alterations, and minor external alterations that will not change the use of the premises or use of the site.
(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	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.</p>
(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.	<p>See discussion on "Notification & Submissions Received" in this report.</p>

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	There are no current draft environmental planning instruments.
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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 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 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of 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</p> <p>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>

Section 4.15 'Matters for Consideration'	Comments
	<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 from 10/05/2022 to 24/05/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Mr Paul Brendan Hannan	11 Soniver Road NORTH CURL CURL NSW 2099

The following issues were raised in the submissions:

- **Fresh Air Intake Louvre**

The above issues are addressed as follows:

- **Fresh Air Intake Louvre**

The submissions raised concern that the Fresh Air Intake Louvre for the mechanical plant may contribute to noise and impact amenity to residents at No.46 Victoria Parade and users of

Dungowan Lane. The objector is requesting that a noise suppressing facade is required over the Fresh Air Intake Louvre to absorb any noise that may be omitted.

Comment:

Council's Environmental Health Officer has reviewed objectors concerns in relation to the Fresh Air Intake Louvres. The Acoustic Report, and Mechanical Ventilation Plans have been reviewed and as such Condition 25 has been modified to require an acoustic certification report. The acoustic certification report is to be prepared by a suitably qualified acoustic consultant to ensure the mechanical plant recommendations and building use recommendations are in accordance with the Acoustic Report prepared by Koikas Acoustics Pty Ltd dated 1 April 2022. It is noted that the Fresh Air Intakes are attenuated by the proposed grates. In summary, Condition 25 as modified will ensure the proposed Fresh Air Intake Louvres will not give rise to any unreasonable acoustic or amenity impacts.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Environmental Health have reviewed the proposed modification and are in support of the proposal subject to minor changes to conditions based on the updated acoustic report and mechanical plant plans. New plans and reports should be referenced in the notice of determination for the modification of the consent.</p> <p>Recommendation</p> <p>Supported - subject to conditions</p>
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>Environmental Health have reviewed the proposed modification and are in support of the proposal. Environmental Health do not require any additional conditions relating to food premise fit out and construction that were not already incorporated in the previous notice of determination.</p> <p>Recommendation</p>

Internal Referral Body	Comments		
	Supported		
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed modifications (replacing doors, alteration to kitchen layout etc) are not considered to increase flood risk. No further flood related conditions.		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	The proposal has been referred to Heritage as the subject property is a heritage item.		
	I225 - Residential/commercial buildings - 7 and 14 South Steyne		
	Details of heritage items affected		
	Residential/commercial buildings - 7 and 14 South Steyne		
	<u>Statement of significance:</u> A good example of early 20th century architectural styles in this form of development; in textural interest provided to streetscape and in showing Art Nouveau and California Bungalow influence.		
	<u>Physical description:</u> Group of eight buildings of two to four floors, generally brick with render decoration. Provide a range of early twentieth century architectural styles from c. 1910-25, showing Art Nouveau and California Bungalow decoration and ornament in timber, shingle, brickwork and render.		
	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		
RAIA Register of 20th Century Buildings of Significance			
Other	N/A		
Consideration of Application			
The proposal seeks consent for modifications to an approved development application. Changes include internal layout reconfiguration, replacement of external doors on a like for like basis, revised approached for window WD06, new air intakes to the rear and revised rooftop mechanical plant ventilation. An			

Internal Referral Body	Comments
	<p>addendum heritage report has been submitted in support of the changes and concludes that the works will have a nil heritage impact. Heritage agrees with the conclusion of the addendum report and raises no objections to the modifications.</p> <p>There is also a number of other heritage items in close proximity to this property but given the small modifications proposed the works will not impact upon them or their significance.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of MLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes - An addendum heritage report has been provided</p> <p>Further Comments</p> <p>COMPLETED BY: Brendan Gavin, Principal Planner</p> <p>DATE: 11 May 2022</p>

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 (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

The site is located on land within the coastal environment area. The proposed modifications are unlikely to cause an adverse impact to items listed under Clause 2.10(1)(a-g) inclusive.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The site is located on land within the coastal environment area. The proposed modifications have been designed, sited, and managed to avoid an adverse impact to items listed under Clause 2.10(1)(a-g) inclusive.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - iv) Aboriginal cultural heritage, practices and places,
 - v) cultural and built environment heritage, and

- b) is satisfied that:
- i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The site is located on land within the coastal use area. The proposed modifications are unlikely to cause an adverse impact to items listed under Clause 2.11(1)(i-g) inclusive.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed modifications are not likely to cause increased risk of coastal hazards on the land or other land.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

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	13.0m	9.4m	unaltered	-	N/A

Buildings:					
Floor Space Ratio	FSR: 1.5:1 (263.26sqm)	FSR: 1.52:1 (267.4sqm)	unaltered	-	N/A

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	N/A
4.4 Floor space ratio	N/A
4.5 Calculation of floor space ratio and site area	Yes
5.8 Conversion of fire alarms	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes
6.21 Noise impacts—licensed premises	Yes
Schedule 5 Environmental heritage	Yes

Manly Development Control Plan

Built Form Controls

As outlined in DA2021/0318, there are no development controls under the Manly Development Control Plan (DCP) to consider as part of this assessment.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.2 Heritage Considerations	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
3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	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
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	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

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 2022

Section 7.12 contributions were levied on the Development Application.

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. Mod2022/0133 for Modification of Development Consent DA2021/0318 granted for alterations and additions to commercial development on land at Lot 501 DP 736679, 14 South Steyne, 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
Proposed Ground Floor Plan - DA10, Rev E	14 February 2022	Building Studio
Proposed First Floor Plan - DA11, Rev E	14 February 2022	Building Studio
Proposed Roof Plan - DA12, Rev E	14 February 2022	Building Studio
Proposed Elevation - DA30, Rev F	14 February 2022	Building Studio
Proposed Elevations - DA31, Rev F	14 February 2022	Building Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Acoustic Report	1 April 2022	Koikas Acoustics Pty Ltd
BCA Report	28 March 2022	Credwell Consulting
Heritage Addendum Report	March 2022	Dr Anne Warr

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

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

B. Modify Condition 10 - Building Code of Australia Fire Safety Requirements to read as follows:

The Building Code of Australia fire safety works and recommendations as contained in the NCC Assessment Report prepared by Credwell, dated 28/3/2022, Report Ref No. C20441-r4 and including any Performance Solutions are to be considered as part of the assessment of the Construction Certificate.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

C. Modify Condition 25 - Acoustic Assessment Recommendations to read as follows:

An acoustic certification report is to be prepared by a suitably qualified acoustic consultant which demonstrates compliance with the mechanical plant recommendations & building use recommendations made by Koikas Acoustics referenced as 4609R20210226pd14SouthSteyneManly_DAv2.docx and dated 1 April 2022.

The report is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any interim / final occupation certificate.

Reason: To protect surrounding residence and occupants from any noise generated by the operation of the development.

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

Signed



Stephanie Gelder, Planner

The application is determined on 04/08/2022, under the delegated authority of:



Rodney Piggott, Manager Development Assessments