

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0393
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Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot 4 DP 249261, 4 Laura Street SEAFORTH NSW 2092
Proposed Development:	Modification of Development Consent DA148/2014 granted for alterations and additions to an existing dwelling including a sea wall
Zoning:	Manly LEP2013 - Land zoned E3 Environmental Management
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Marcelle Carr
Applicant:	Amanda Elboz

Application Lodged:	28/08/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	04/09/2020 to 18/09/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to modify development consent DA148/2014 granted for alterations and additions to an existing dwelling including new masonry sea wall and retaining walls to replace existing timber logs, new timber stairs, new decks, new decked landings, new walkways and increasing the depth of the existing boatshed. The proposed modifications include the following:

- Relocate approved stairs from the western side of the foreshore to the eastern side to ensure the sandstone floaters at the water front are not disturbed as per condition ANS18.
- Approved sea-wall lowered by 400mm and timber ramp lowered to a level deck.
- Alter layout of approved retaining walls and storage shed to suit levels.

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 4 DP 249261 , 4 Laura Street SEAFORTH NSW 2092
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Laura Street.</p> <p>The site is irregular in shape with a frontage of 4.875m along Laura Street and a depth of 55.1m. The site has a surveyed area of 976.2m².</p> <p>The site is located within the E3 Environmental Management zone and accommodates a four-storey residential dwelling with a number of ancillary structures including a large courtyard area with swimming pool at the rear of the dwelling, terraced gardens and multiple timber decks towards the foreshore and a timber jetty. Parts of the site is under construction subject to development consent DA148/2014 and subsequent modifications.</p> <p>The site falls approx. 21m from the front boundary towards the foreshore. The site falls steeply by approx. 9.5m from the southern side of the swimming pool area to the foreshore.</p> <p>The site contains a number of natural environment elements, including rock outcrops and the foreshore</p>

frontage. The site does not contain any significant canopy trees, but has a number of garden areas between the rear courtyard and foreshore. This area is currently under construction.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low density residential dwellings with ancillary structures and outbuildings, including swimming pools, jetties and boatsheds..

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:

Application **DA198/2010** for Alterations and additions to an existing dwelling including second floor addition, new roof and extend garage was approved on 28/09/2010 by the Manly Council Development Assessment Unit.

Application **DA148/2014** for Alterations and additions to an existing dwelling including new masonry sea wall and retaining walls to replace existing timber logs, new timber stairs, new decks, new decked landings, new walkways and increasing the depth of the existing boatshed was approved on 25/02/2015 by the Manly Council Development Assessment Unit.

Application **BC2019/0071** for changes from DA198/2010 to lower ground floor, ground floor, first floor and second floor was approved on 20/09/2019.

Application **Mod2019/0241** for Modification of Development Consent DA148/2014 granted for alterations and additions to an existing dwelling including a sea wall was approved on 18/12/2019 by

the Development Determination Panel.

Application **DA2020/0586** for Alterations and additions to a dwelling house was approved on 09/09/2020 by the Development Determination Panel.

Application **DA2020/0915** for Alterations and additions to a dwelling house was approved on 25/09/2020 by Council staff under delegated authority.

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 DA148/2014, 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 proposed modifications relate to minor level and layout amendments to the approved retaining walls and seawall in the foreshore area. The modifications are not expected to have an increased environmental impact to the site or adjacent land to that of the approved development.</p>
(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 DA148/2014 for the following reasons:</p> <p>The modification is considered to be of a scale that is</p>

Section 4.55(1A) - Other Modifications	Comments
	consistent with the approved development. The modification will not change the approved residential land 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	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Manly Local Environment Plan 2013 and Manly Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

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

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any 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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent

Section 4.15 'Matters for Consideration'	Comments
of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p>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. No additional information was requested in this case.</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 matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <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 'Matters for Consideration'	Comments
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 04/09/2020 to 18/09/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

Name:	Address:
Watermark Planning	PO Box 445 FORESTVILLE NSW 2087

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

- Retaining wall on eastern boundary
- Fencing
- Planting levels
- Stair location

The matters raised within the submissions are addressed as follows:

- *Concern is raised regarding the lack of an eastern elevation plan showing the proposed modification to the retaining wall along the eastern side boundary.*

Comment:

While an east elevation plan has not been submitted, the site plan and south elevation plan clearly indicated the RLs of the retaining wall along the eastern boundary. It is considered the proposed alterations to the retaining wall is substantially similar to the retaining walls approved under Mod2019/0241. As such, it is not expected there will be a substantial change in amenity impact to the eastern adjacent property.

- *Concern is raised that the proposal makes no reference to the existing mesh wire fence separating the subject site and the eastern adjacent property. It is requested the existing condition is maintained.*

Comment:

The proposed retaining walls and their setback to the eastern side boundary is generally consistent with existing approvals. The proposed modification is not expected to cause a significant change in amenity to that of the existing approvals.

- *Concern is raised that the revisions to the planting schedule may impact upon view corridors.*

Comment:

The proposed changes to the planting schedule is not expected to cause an unreasonable impact to view corridors enjoyed by the subject site and the eastern adjacent dwelling.

- *Concern is raised the proposed stair relocation will cause greater privacy impact to the eastern adjacent dwelling.*

Comment:

While it is acknowledged there may be a minor additional privacy impact on the eastern adjacent property due to the relocation of the stairway closer to the side boundary, the relocation is required to ensure compliance with consent conditions to limit the impact of development on natural environment features along the foreshore.

It is unlikely that the stairway will be the primary access path to the waterfront due to the inclinator located adjacent to the western boundary. Proposed plantings along the eastern boundary will assist in the mitigation of privacy impacts to the adjacent property.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>The proposed development has been assessed against Manly Local Environmental Plan 2013 cl. 6.5 Terrestrial biodiversity and State Environmental Planning Policy (Coastal Management) cl 13 Development on land within the coastal environment area.</p> <p>The proposed modification is designed, sited and will be managed to avoid any significant adverse environmental impact, including the integrity and resilience of the ecological environment, native vegetation and fauna and their habitats. Therefore it complies with the relevant controls.</p>
NECC (Coast and Catchments)	<p>The modification application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018, Sydney Harbour Catchment Regional Environment Plan, 2005 and Sydney Harbour Foreshores</p>

Internal Referral Body	Comments
	<p>and Waterways Area Development Control Plan, 2005. It has also been assessed against requirements of the Manly LEP and DCP.</p> <p>The application has also been assessed using Northern Beaches SREP assessment template.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>Further, the applicant has proposed modification of an approved seawall by lowering 400mm, previously supported by studies. Hence the proposed development has been assessed also against the requirements of the Section 27 of the <i>Coastal Management Act 2016</i>. As described in the Revised Statement of Modifications prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020 "the modified works are to be funded and maintained by the owner." Based on the impact and risk identified, Council applies maintenance condition as per Section 27(b)(ii) in approving this DA</p> <p>State Environmental Planning Policy (Coastal Management) 2018 The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Clauses 13 (coastal environment area) and 14 (coastal use area) do not apply as the site is also located within the SREP area. Hence, only Clause 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Revised Statement of Modifications report prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020 , the DA satisfies requirements under Clause 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal</p>

Internal Referral Body	Comments
	<p>Management) 2018.</p> <p>Sydney Regional Environment Plan (Sydney Harbour Catchment), 2005</p> <p>Harbour Foreshores & Waterways Area</p> <p>The subject site is located within the Sydney Harbour Catchment and is identified as being within the Foreshores and Waterways Area. Hence Part 2, Clause 14 and Part 3, Division 2 apply in assessing this DA.</p> <p>On internal assessment and as assessed in the submitted Revised Statement of Modifications prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020, it is determined that the Planning Principles and Matters for Consideration of the Area have been met.</p> <p>Manly LEP 2013 and Manly DCP</p> <p>Foreshores Scenic Protection Area Management</p> <p>The subject site is also shown to be as "Manly Foreshores Scenic Protection Area" on Council's Foreshores Scenic Protection Area in Manly LEP 2013. As such, Clause 6.9 (Foreshores Scenic Protection Area) of the Manly LEP 2013 and Part 5, section 5.4.1 Foreshores Scenic Protection Area of the Manly DCP 2013 will apply to proposed development on the site.</p> <p>On internal assessment and as assessed in the submitted Revised Statement of Modifications prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020, the DA satisfies requirements under Clause 6.9 (Foreshores Scenic Protection Area) of the Manly LEP 2013 and Part 5, section 5.4.1 Foreshores Scenic Protection Area of the Manly DCP 2013.</p> <p>As such, it is considered that the application does comply with the requirements of the Clause 6.9 (Foreshores Scenic Protection Area) of the Manly LEP 2013 and Part 5, section 5.4.1 Foreshores Scenic Protection Area of the Manly DCP 2013.</p>

Internal Referral Body	Comments					
	<p>Development on Foreshore Area</p> <p>The subject site is also shown to be as “Manly Foreshores Area” on Council’s Area “within the foreshore building line Map” in Manly LEP 2013. Hence, Part 6, Clause 6.10 –Limited development on foreshore area of the Manly LEP 2013 applies for any development within the foreshore area.</p> <p>The modified works are consistent with the approved works with altered layout of walls and relocation of stairs. The proposed modification will not have any unreasonable impacts to the visual amenity of the harbour or foreshore. There is no public access from the foreshore area.</p> <p>On internal assessment and as assessed in the submitted Revised Statement of Modifications prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020 , the DA satisfies the objectives and requirements of Part 6, Clause 6.10 of the Manly LEP 2013.</p>					
NECC (Development Engineering)	<p>The applicant proposed to install a new inclinor and amend the retaining wall layout.</p> <p>Development Engineering has no objection to the application.</p> <p>No additional engineering condition is required.</p>					
Strategic and Place Planning (Heritage Officer)	<table><tr><th>HERITAGE COMMENTS</th></tr><tr><th>Discussion of reason for referral</th></tr><tr><td><p>The proposal has been referred to Heritage as the subject site adjoins a heritage item and proposes works around the item</p><p>Item I1 - Harbour Foreshore - all foreshores around Sydney Harbour</p></td></tr><tr><th>Details of heritage items affected</th></tr><tr><td><p>Details of the item as contained within the Manly Heritage Inventory is as follows:</p><p><u>Statement of significance:</u></p></td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>The proposal has been referred to Heritage as the subject site adjoins a heritage item and proposes works around the item</p> <p>Item I1 - Harbour Foreshore - all foreshores around Sydney Harbour</p>	Details of heritage items affected	<p>Details of the item as contained within the Manly Heritage Inventory is as follows:</p> <p><u>Statement of significance:</u></p>
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Details of heritage items affected						
<p>Details of the item as contained within the Manly Heritage Inventory is as follows:</p> <p><u>Statement of significance:</u></p>						

Internal Referral Body	Comments		
	Natural landscape type - Aesthetic.		
	<u>Physical description:</u> Length of foreshore including natural and built elements of the landscape. Rocky sandstone ledgers, beaches, mud flats and sandstone retaining walls and timber structures.		
	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 Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	The proposal seeks consent for modifications to an approved application for landscaping works. The application proposes relocating the staircase from the western end of the property to the eastern end, lowering the height of the sea wall and deck as well as altering the layout of the retaining walls. Heritage has reviewed the proposal and considers there to be no impact to the heritage item.		
	Therefore Heritage raises no objections and requires no conditions.		
	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			

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.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Refer to Coast & Catchments comments for SREP assessment.

SEPP (Coastal Management) 2018

Refer to Coast & Catchments comments for CM SEPP assessment.

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:	8.5m	Raised piers for inclinator track - 0.8m Retaining wall/shed - 2.6m	Unaltered	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	Yes
6.2 Earthworks	Yes
6.5 Terrestrial biodiversity	Yes

Clause	Compliance with Requirements
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.10 Limited development on foreshore area	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 976.3m ²	Requirement	Approved	Proposed	Complies
4.1.2.1 Wall Height	E: 7.7m (based on gradient 1:5)	Storage shed - 0.0m (excavated into site)	2.6m	Yes
	W: 7.7m (based on gradient 1:5)	Storage shed - 0.0m (excavated into site)	2.6m	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	E: 0.86m (based on wall height)	Storage shed - 3.5m	4.6m	Yes
4.1.4.5 Foreshore Building Lines and Foreshore Area	FBSL	Below FSBL	Unaltered	As approved
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS4	Open space 60% of site area	69% (676m ²)	Unaltered	Yes
4.1.5.2 Landscaped Area	Landscaped area 40% of open space	25% (147m ²)	Unaltered	As approved

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
3.8 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

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	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 2019

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. Mod2020/0393 for Modification of Development Consent DA148/2014 granted for alterations and additions to an existing dwelling including a sea wall on land at Lot 4 DP 249261,4 Laura Street, SEAFORTH, subject to the conditions printed below:

A. Add Condition No. DA1B - 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
L-01 Rev I	24/07/2020	Space Landscape Designs
L-02 Rev I	24/07/2020	Space Landscape Designs
L-03 Rev I	24/07/2020	Space Landscape Designs

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Comments (Ref: J0220B)	28/07/2020	White Geotechnical Group

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L-04 Rev I	24/07/2020	Space Landscape Designs

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

B. Add Condition No. 15A - Installation and Maintenance of Sediment and Erosion Control to

read as follows:

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

C. Add Condition No. 50 - No Planting Environmental Weeds to read as follows:

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

D. Add Condition No. 51 - Dead or Injured Wildlife – Manly LEP Clause 6.5 to read as follows:

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

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

Signed



Nick Keeler, Planner

The application is determined on 14/10/2020, under the delegated authority of:



Tony Collier, Acting Development Assessment Manager