

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/0119
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<b>Responsible Officer:</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	Lot 51 DP 1237990, 1 West Promenade MANLY NSW 2095
<b>Proposed Development:</b>	Alterations and additions to an existing commercial / retail building
<b>Zoning:</b>	Manly LEP2013 - Land zoned B2 Local Centre
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Manly Civic Club
<b>Applicant:</b>	Pbdt Projects Services

<b>Application Lodged:</b>	23/02/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	08/03/2021 to 22/03/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 64,515.00
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### Executive Summary

The proposal seeks approval for the addition of five (5) white PVC sail awnings over the existing outdoor terrace areas of the Manly Civic Club.

The Manly Civic Club is a Heritage Listed Building, item I156 - Auckland Garage, on the corner West Promenade and Gilbert Street. The subject site is also located opposite Gilbert Park and within close proximity to a number of other heritage items.

In light of the alterations and additions to the Heritage Listed Building the application is referred to the Northern Beaches Local Planning Panel for determination.

The subject site contains a registered club (Manly Civic Club), and a residential flat building.

The public exhibition of the proposal resulted in one submission. The primary issue raised related to the visual impact of the proposed sail awnings from the adjoining residential flat building.

Council's Heritage Officer has serious concerns with three (3) of the proposed five (5) sail awnings B1, B2 and B3, in that these three sail awnings will obstruct the views to the significant features of the Heritage Item. Particularly important as the building has landmark status and can be visually seen from the forecourt outside Manly Town Hall as well as the intersection of Belgrave Street and Gilbert Street.

The assessment has found that the proposed development (as conditioned) is satisfactory in relation to character, streetscape, heritage impact and, on balance given the adaptive nature of the proposal, with respect to the adjoining residential units internal and external residential amenity.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be approved subject to conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application includes the addition of five (5) white PVC awning sails over the existing outdoor terrace areas of the Manly Civic Club.

The sails are to be located within the front setback of the subject site, with the sails attached to the front and sides of the Heritage Listed building.

The sails will be fixed to the exposed roof rafters and masonry walls of the building and extend to the existing boundary fence where they will be supported by powder-coated metal posts and rails.

The posts will be affixed to the existing planter wall upstand.

The sail awnings are not a fixed structure, rather they are able to be removed when no longer needed.

## **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 - Zone B2 Local Centre  
 Manly Local Environmental Plan 2013 - 5.10 Heritage conservation  
 Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area  
 Manly Local Environmental Plan 2013 - 6.11 Active street frontages  
 Manly Local Environmental Plan 2013 - 6.13 Design excellence  
 Manly Local Environmental Plan 2013 - 6.21 Noise impacts—licensed premises  
 Manly Development Control Plan - 3.1.3 Townscape (Local and Neighbourhood Centres)  
 Manly Development Control Plan - 3.2 Heritage Considerations  
 Manly Development Control Plan - 4.2.3 Setbacks Controls in LEP Zones B1 and B2  
 Manly Development Control Plan - 5 Special Character Areas and Sites

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 51 DP 1237990 , 1 West Promenade MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the north side of West Promenade.</p> <p>The site is regular in shape with a surveyed area of 1562m<sup>2</sup>. The frontage to the subject site is 33.35m along West Promenade, 43.98m along Gilbert Street, and 24.59 to Eustace Street.</p> <p>The site is located within the B2 Local Centre zone and is part of a recently constructed mixed use development approved under DA0176/2016. The subject development is comprised of a registered club (the Manly Civic Club) with a residential flat building above.</p> <p>The subject site contains a Heritage Listed Building, Item I156 - Auckland Garage building (former service station) of which the Manly Civic Club operates from.</p> <p>The subject site is located opposite Gilbert Park and is within close proximity to a number of heritage items:</p> <ul style="list-style-type: none"> <li>• Item I252 - Residential flat buildings 3, 5, 6, 7 and 8 West Promenade</li> <li>• Item I 253 - Uniting Church 4 West Promenade</li> <li>• Item I157 - Gilbert Park and Item 12 - Stone kerb - West Promenade.</li> </ul> <p>Adjoining and surrounding development is characterised by residential flat buildings and a place of public worship.</p>

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 Development Application history:

- **DA0176/2016** for construction of a mixed-use development and alterations to the existing Auckland Garage building, comprising a registered club at ground level and residential accommodation above, basement carparking and associated landscaping - Approved on 28 June 2017 the Sydney North Planning Panel.
- **DA0176/2016** Part 2 for Section 96 to modify approved construction of a mixed-use development and alterations to the existing Auckland Garage building, comprising a registered club at ground level and residential accommodation above, basement carparking, associated landscaping and strata subdivision - Approved on 19 September 2017 under staff delegation.
- **DA0176/2016** Part 3 for Section 96 to modify approved construction of a mixed-use development and alterations to the existing Auckland Garage building, comprising a registered club at ground level and residential accommodation above, basement carparking, associated landscaping and strata subdivision - Approved on 1 November 2017 under staff delegation.
- **Mod2018/0318** for Modification of Development Consent DA176/2016 granted for construction of a mixed use development comprising a registered club and residential dwellings - Approved on 31 July 2018 under staff delegation.
- **Mod2018/0449** for Modification of Development Consent DA2016/0176 granted for Construction of a mixed use development comprising a registered club at ground level and residential accommodation above basement carparking and associated landscaping - Approved on 14 January 2019 under staff delegation.
- **DA2018/1843** for Stratum subdivision of one Lot into two Lots of an approved mixed use development - Approved on 21 February 2019 under staff delegation.
- **DA2020/0145** for Business Identification Signage - Approved on 15 May under staff delegation.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under 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 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. / This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 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 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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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 08/03/2021 to 22/03/2021 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 George Max Gordon Mrs Kay Ruth Gordon	510/54-68 West Esplanade MANLY NSW 2095

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

- **Visual Amenity**

The matters raised within the submissions are addressed as follows:

- *Concern was raised from a resident of the adjoining residential flat building that the proposal will be "unsightly and not in keeping with the general appearance of the building and the neighbourhood".*

Comment:

The proposed five (5) sail awnings will cover the outdoor areas within the subject site. The proposal and Heritage Item Conservation Management Plan (CMP) have been reviewed by Council's Heritage Advisor, who raised concerns as to the visual impact the sail awnings will have on the Heritage listed building.

The amenity impacts of the proposal, particularly in relation to acoustic, privacy, front setbacks and streetscape outcomes for the Heritage item have been addressed in the section of this report relating to Part 3 of the Manly DCP 2013 – General Principles of Development.

The Heritage and planning assessment concluded that the sides of the building are considered the only appropriate location for the sail awnings as the side of the buildings contain less heritage detailing and are less visually significant. It was also considered that the sail awnings over the side outdoor terrace areas would reduce the acoustic impact of the outdoor areas, and assist to obscure views of the intrusive existing doorway openings, particularly from the streetscape.

In order to satisfy the Manly LEP and DCP controls, only awnings A1 and C1 can be supported. The proposal is to be conditioned to remove awnings B1, B2 and B3 from the proposal.

Councils Heritage officer considers the conditioned proposal would not unreasonably impact the nearby heritage listed items, being the apartment buildings on West Promenade, the stone kerbs or Gilbert Park.

In this regard, given the nature of the conditioned proposal, its location, acoustic improvements and Heritage outcomes, the impact is not considered to be unreasonable and this issue does not warrant the refusal of the application.

## REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	The proposal has been referred to Heritage as the subject property is a heritage item, and is within proximity to a number of others.
	<b>I156 - Auckland Garage</b> - Gilbert St (corner West Promenade and Gilbert Street)
	<b>I2 - Stone Kerbs</b> - (Eastern side of West Promenade adjoining Gilbert Park)
	<b>I157 - Gilbert Park</b>
	<b>I252 - Residential flat buildings</b> (3, 5, 6, 7 and 8 West Promenade)
	Details of heritage items affected
	Details of the item as contained within the Manly inventory is as follows:
	<p><b>Auckland Garage</b>  <u>Statement of significance:</u>  A well preserved and rare example of a petrol service station in the Inter War Spanish Mission style dating from the 1930s.</p> <p><u>Physical description:</u>  Single storey rectangular building in Inter War Spanish Mission style</p>

Internal Referral Body	Comments		
	<p>with roofed forecourt and garage attached at the rear. Gabled tiled roof with slightly off centre gabled bay to the façade., brick walls with white painted stucco. The building is set at a diagonal to the two streets, the forecourt forming a triangle at the street corner. The gabled bay to the façade and the end walls feature stepping brickwork, windows and doors have semi-circular fanlights, and windows are 12-paned timber framed double hung.</p>		
	<p><b>Stone Kerbs</b> Statement of significance: Stone kerbs are heritage listed.</p>		
	<p>Physical description: 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 Fairlight.</p>		
	<p><b>Gilbert Park</b> <u>Statement of significance:</u> High significance as part of HG Simth's 1850's promenade system and integral with Manly's first planting.</p>		
	<p><u>Physical description:</u> Open space bounded by Belgrave Street, West Promenade leading from Gilbert Street to Sydney Road and Ivanhoe Park. Significant elements are mature trees; Araucaria Heterophylla and Ficus Macrophylla probably dating from the mid 19th century and Edwardian split stone edged raised planting beds.</p>		
<p><b>Residential Flat Buildings</b> <u>Statement of significance:</u> Significance in terms of building mass and scale but major significance as a backdrop to Gilbert Park.</p>			
<p><u>Physical description:</u> Streetscape consists of five three storey blocks of brick flats with tile roofs and the Manly Uniting Church (no.4). The flats have a variety of decorative devices but show many signs of Spanish Mission influence. No.6 provides a good example of polychrome brickwork used as ornament. While none of the buildings have particular architectural significance, their scale, style and grouping opposite Gilbert Park has great influence on the streetscape and as a group of similar date (c.1920-c.1930) they provide evidence of Manly's early 20th century development boom.</p>			
Other relevant heritage listings			
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		No	
Australian Heritage		No	



Internal Referral Body	Comments		
	Register		
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register		
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
Consideration of Application			
<p>The proposal seeks consent for new sail clothes attached to the heritage listed former garage and service station. The heritage item was retained and adaptively reused as part of the Manly Civic Club redevelopment project approved under DA0176/2016. As part of that approval a Conservation Management Plan (CMP) was prepared by NBRS + Partners in 2017 to guide the ongoing management of the heritage item. Therefore any consideration of this proposal needs to also consider that CMP.</p>			
<p>In brief the most important parts of the CMP in relation to this proposal are listed below.</p>			
<ul style="list-style-type: none"> <li>On page 59, the statement of cultural heritage significance indicates the building has landmark significance due to its corner location adjacent Gilbert Park and has a visual relationship through to the forecourt of Manly Town Hall.</li> <li>Pages 60 and 61 of the CMP detail the heritage significance grading undertaken which indicates the front walls, windows and porte-cochere are of high significance. It also indicates the north eastern and southern western walls are of high significance except for the intrusive doorway openings.</li> <li>On page 67 under recommendation 16, the plan indicates that future uses should expose original fabric to view and remove intrusive elements.</li> <li>On page 68 under Views and Settings, recommendations 31 and 32 detail that views to the front and side of buildings along Gilbert Street and West Promenade should be retained, as well as views to the place from the southern forecourt of Manly Town Hall.</li> </ul>			
<p>Based on the above recommendations from the CMP, Heritage cannot support the proposal. The proposed awnings along the front (awnings B1, B2 and B3) are considered to detract from the building and its significance and will interrupt views to the item as well as its significant features. As noted within the CMP, the building has landmark status and can be seen from the forecourt outside Manly Town Hall as well as the intersection of Belgrave Street and Gilbert Street. The proposed awnings along the front will obscure the view of the item and its high significance features</p>			

Internal Referral Body	Comments
	<p>which would diminish its landmark status. Heritage disagrees with the HIS where it states the proposal would not alter an understanding of the architectural character of the item.</p> <p>Further, these awnings would be considered to run counter to Objective 1 under the Manly DCP section 3.2 Heritage Considerations to conserve significant heritage items including views. It would also run counter to control 3.2.1.1 (c) (iv) to retain and respect significant views to and from heritage items.</p> <p>Conversely, Heritage can on balance support awnings A1 and C1. These sides of the building are considered more appropriate places for the awnings as views to and from these sides are less significant, these side walls have less detailing and the awnings would mostly obscure views of the intrusive doorway openings.</p> <p>Heritage considers there would be no impact to the heritage listed apartment buildings on West Promenade, the stone kerbs or Gilbert Park from the proposal.</p> <p>Based on the above, Heritage recommends amended plans to remove awnings B1, B2 and B3.</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? A CMP was provided with the previous development on the site - DA0176/2016 Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes a statement from NBRS + Partners has been provided.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response on the 7 December 2020 stating that the proposal is acceptable with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

## 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 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

### 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 who provided a response on the 7 December 2020 stating that the proposal is acceptable with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

### 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	Proposed	% Variation	Complies
Height of Buildings:	15m	2.5m - 3.3m	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	No
6.2 Earthworks	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.13 Design excellence	Yes
6.21 Noise impacts—licensed premises	Yes
Schedule 5 Environmental heritage	Yes

### Detailed Assessment

#### **Zone B2 Local Centre**

The subject site comprises of a registered club (the Manly Civic Club) with a residential flat building above.

Registered clubs are permissible with consent within the B2 Local Centre zone.

#### History

The subject site contains a registered club (the Manly Civic Club) with a residential flat building approved under **DA176/2016**.

Residential flat buildings are prohibited in the B2 Zone. The residential flat building on the subject site utilised the heritage incentive provisions in Clause 5.10 (10) of Manly LEP 2013 for the permissibility of the residential component on the subject site.

There is no change to the use of the subject site.

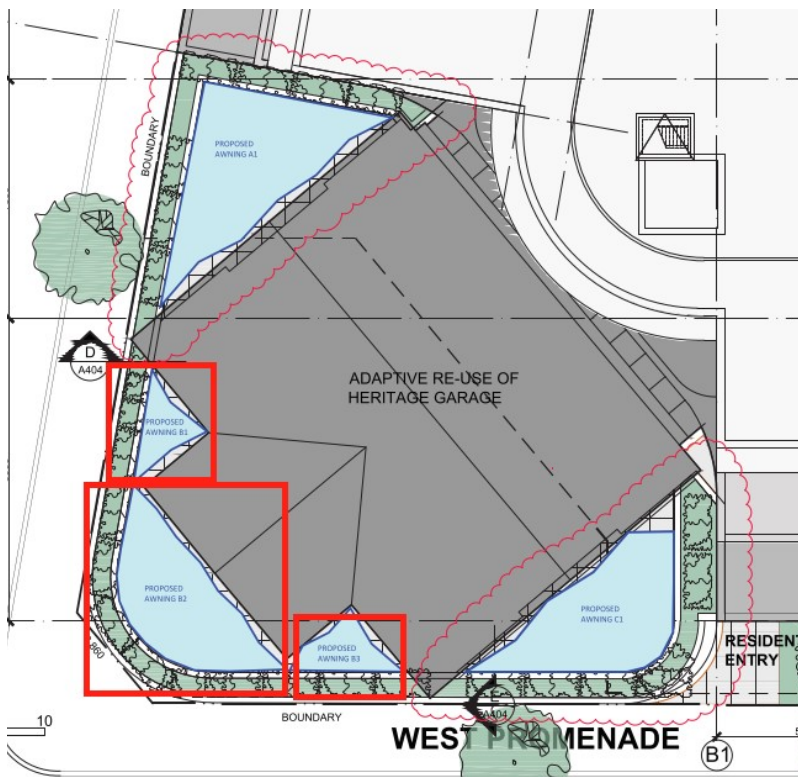
#### **5.10 Heritage conservation**

The proposal seeks consent for five (5) new sail awnings attached to the Heritage listed Auckland Garage former service station (Item 156 under Schedule 5 of the Manly LEP 2013). The heritage item was retained as part of the Manly Civic Club redevelopment project approved under **DA0176/2016** and a Conservation Management Plan (CMP) was prepared by NBRS + Partners in 2017 to guide the ongoing management of the heritage item.

The installation of five (5) sail awnings to the subject site does not conserve the heritage significance or associated heritage fabric of the Heritage Item.

Council's Heritage Advisor has reviewed the proposal with the CMP and has raised concerns with the proposal.

However, the proposal can be supported with the removal of awnings B1, B2 and B3 as these sail awnings are the items causing concern. These awnings obstruct the view lines to the heritage fabric of the Heritage item. The awnings to be removed via condition are highlighted in red within figure 1 below.



**Figure 1:** Awnings B1, B2 & B3 to be removed via condition of consent.

As a result, the assessment below is undertaken for only awnings A1 and C1 as awnings B1, B2 and B3 will be removed via a condition of consent.

- *a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*

Comment:

The proposed development (as conditioned) does not detract from the heritage building nor its heritage significance and will continue to allow views to the significant features of the buildings. As a result, the conditioned proposal will facilitate the conservation and restoration of the heritage listed Auckland Garage former service station (Item 156 under Schedule 5 of the Manly LEP 2013).

- *(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*

Comment:

The development as proposed is not in accordance with the Conservation Management Plan (CMP) prepared by NBRS + Partners in 2017. Council's Heritage Advisor has reviewed the proposal with the CMP and has raised concerns as to the consistency of the proposal with the CMP. As a result, proposed awnings B1, B2 and B3 will be removed via a condition of consent to ensure the proposal provides consistency with the CMP approved by the Sydney North Planning Panel under application DA176/2016.

- *(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*

Comment:

Conservation work specified within the Conservation Management Plan is enforced through the application of applied conditions within application DA176/2016.

- *(d) the proposed development would not adversely affect the heritage significance of the*



*heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*

Comment:

The proposed development (as conditioned) aims to conserve and enhance the heritage significance of the Auckland Garage and its setting via the conditioned removal of sail awnings B1, B2 and B3 which detract from the heritage significance of the building.

Councils Heritage Officer can support awnings A1 and C1 as these awnings are to be installed on the side of the building. The sides of the heritage building is less significant due to less heritage detailing, and the awnings would mostly obscure views of the intrusive doorway openings.

As a result, the proposal as conditioned, will not adversely affect the heritage significance and can be supported.

- *(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Comment:

The proposed development, as conditioned, is acceptable in relation to amenity. This is detailed in the section of this report relating to Part 3 of the Manly DCP 2013 – General Principles of Development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of MLEP 2011, MDCP 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.

## 6.9 Foreshore scenic protection area

The consent authority can be satisfied that the matters listed by clause 6.9 of MLEP 2013 have been considered, as follows:

- *a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*

Comment:

Noting that the significant features of the Heritage Listed building remains unchanged, the proposed development will not result in any adverse impacts upon the visual amenity of the harbour or coastal foreshore, particularly with respect to overshadowing or views.

- *b) measures to protect and improve scenic qualities of the coastline,*

Comment:

The proposed development (as conditioned) does not detract from the heritage building nor its heritage significance and will continue to allow views to the significant features of the buildings. As a result, the conditioned proposal will facilitate the conservation of the Heritage listed Auckland Garage former service station (Item 156 under Schedule 5 of the Manly LEP 2013) to maintain the scenic qualities of this specific area of the Manly Foreshore scenic protection area.

- *c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*

Comment:

The proposed development (as conditioned) does not detract from the heritage building nor its heritage significance. The existing building remains suitable for its location, being a contributory item

to the heritage significance of the Manly area.

- *d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Comment:

The proposed development does not result in any conflict between land-based and water-based activities.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of MLEP 2011, MDCP 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.

### 6.11 Active street frontages

The site is on land identified as "Active street frontages" on the Active Street Frontages Map and is subject to the provisions of 6.11 of MLEP 2013.

In accordance with clause 6.11(3), development consent must not be granted to the erection of a building or the change of use of a building unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

The proposal includes only the incorporation of external sail awnings over the outdoor terrace areas. As a result, the proposal maintains a business premises such that there is no change to the previously approved activated street frontages.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of MLEP 2011, MDCP 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.

### 6.13 Design excellence

The consent authority can be satisfied that the matters listed by clause Clause 6.13 Design Excellence of the MLEP 2013 are considered as follows:

- *a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*

Comment:

The proposal (as conditioned) is of suitable form in order to retain the existing sunlight to the Gilbert and Eustace Street areas.

- *b) is likely to protect and enhance the streetscape and quality of the public realm, and*

Comment:

The proposed development (as conditioned) is satisfactory in relation to built form, character, streetscape, heritage impact and, on balance given the adaptive nature of the proposal, with respect to the adjoining dwellings internal and external residential amenity.

- *c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*

Comment:

The proposed development (as conditioned) is located over the existing designated outdoor

recreational area for the Manly Civic Club. The two (2) sail awnings, A1 and C1, provide suitable definition at the ground level, with no change to the previously approved pedestrian entries, or building separation.

- *d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*

Comment:

The proposed development (as conditioned) does not result in visual or physical clutter in the streetscape. The sail awnings A1 and C1, and their location over the designated outdoor terrace areas provides consistency with existing access arrangements, and maintain the existing pedestrianised setting along Gilbert and Eustace Street areas.

- *e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*

Comment:

The proposed development (as conditioned) does not obscure required openings that allow the passive surveillance of the surrounding area to be maintained.

- *f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*

Comment:

The proposed development (as conditioned) is of suitable height, bulk and scale to be consistent with the heritage context and character of the surrounding area and demonstrates appropriate design for the listed heritage building.

- *g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*

Comment:

No other natural features of importance are present on the site. The proposal will not make any changes to the existing approved landscaping arrangement.

- *h) promotes vistas from public places to prominent natural and built landmarks, and*

Comment:

The Heritage and planning assessment concluded that the sides of the heritage building are considered a more appropriate location for the sail awnings as the side of the Heritage Listed building as the sides are less visually significant and contain less heritage detailing.

Councils Heritage officer considers the proposal (as conditioned) will not unreasonably impact the heritage listed apartment buildings on West Promenade, the stone kerbs or Gilbert Park from the proposal.

As a result, the proposal is to be conditioned to remove awnings B1, B2 and B3 and approve sail awnings A1 & C1 to ensure that the prominent area of the heritage building is visually identifiable from Gilbert and Eustace Street, and surrounding areas.

- *i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and*

Comment:

The proposed development (as conditioned) uses appropriate colours (white sails), with painted poles and anchor plates that match the colour of the rendered brickwork, in order to reduce visual impact and demonstrate appropriateness to the heritage significance of the Heritage listed item containing the Manly Civic Club.

- j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and*  
Comment:  
 The proposed development (as conditioned) is designed and sited to as to respond adequately to the site's constraints and surrounding development.
- k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.*  
Comment:  
 Services and utilities are incorporated effectively into the proposed development in order to minimise disruption at street level.

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

## 6.21 Noise impacts—licensed premises

The proposed sail awnings are to be located over the existing outdoor terrace areas of the Manly Civic Club.

Whilst three (3) sail awnings will be removed via condition, the two (2) remaining sails (A1 & C1) will assist in reducing the noise emulating to the neighbouring residents emanating from the outdoor courtyard areas surrounding the local heritage listed Auckland Garage building whilst the club is in operation.

As a result, the proposal (as conditioned) will improve the existing acoustic impacts and is consistent with the objectives and provisions of Clause 6.21 of the MLEP 2013.

## Manly Development Control Plan

### Built Form Controls

Built Form Controls - Site Area: 1562sqm	Requirement	Proposed	Complies
4.1.4.1 Street Front Setbacks (Gilbert Street and Eustace Street)	0m	1m - 1.5m	Yes

The application does not propose to alter the built form of the existing Heritage listed building.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	No	Yes
3.3.1 Landscaping Design	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
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Yes	No
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

### Detailed Assessment

#### **3.1.3 Townscape (Local and Neighbourhood Centres)**

The proposal is considered to make unreasonable change to the streetscape outcome for the Heritage item associated with the proposal, in that the proposal exhibits three (3) awning sails that will dominate and conceal the significant heritage frontage of the Heritage building on the subject site. Specially awnings B1, B2 and B3 are considered to detract from the heritage building and its significant features.

As stated within the approved CMP, views to the front and side of buildings along Gilbert Street and West Promenade should be retained, as well as views to the subject site from the southern forecourt of Manly Town Hall.

The three (3) sail awnings B1, B2 and B3 dominate the street frontage, which is inconsistent with predominant streetscape and not responsive to the heritage character of the local area or to the visual catchment of the site.

As a result, the proposal will be conditioned to remove awnings B1, B2 and B3 with the proposal to only include awnings A1 and C1.

As such, the proposed development (as conditioned) is consistent with the relevant townscape objectives.

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

#### **3.2 Heritage Considerations**

##### Merit consideration:

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

- *Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including:*



*significant fabric, setting, relics and view associated with heritage items and conservation areas; the foreshore, including its setting and associated views; and potential archaeological sites, places of Aboriginal significance and places of natural significance.*

Comment:

The proposed development involves the addition of five (5) sail awnings that detract from the buildings heritage significance and will interrupt views to the significant features of the heritage item. As such, the development is not consistent with this objective as it does not retain or conserve the cultural significance of Manly. For detailed heritage assessment see referral comments under Strategic and Place Planning (Heritage Officer).

As a result, the conditioned removal of proposed sail awnings B1, B2 & B3, with only sail awnings A1 and C1 to remain, is considered to satisfy the objectives of the control.

The sides of the heritage building are considered less significant. The location of the sail awnings on the sides of the heritage building are also thought to obscure views of the existing intrusive doorway openings.

The heritage building also has landmark status and can be visually seen from the forecourt outside Manly Town Hall as well as the intersection of Belgrave Street and Gilbert Street.

The removal of the sail awnings obstructing the view of the Heritage item and its high significance heritage features will maintain the existing landmark status.

As a result the proposal as conditioned satisfies this objective.

- *Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.*

Comment:

The proposed development provides for the retention/preservation of the existing heritage item, whilst improving the amenity for both the residents of the adjoining residential apartments.

As stated above, the conditioned removal of proposed B1, B2 & B3, with only sail awnings A1 and C1 to remain is considered to satisfy the objectives of the control as the sides of the heritage building are considered less significant, while the views to the significant heritage features are retained continuing to the contribution to the wider town centre.

- *Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.*

Comment:

The heritage building has landmark status and can be visually seen from the forecourt outside Manly Town Hall as well as the intersection of Belgrave Street and Gilbert Street. The removal of the sail awnings obstructing the view of the Heritage item and its heritage features will maintain the existing landmark status. As a result, the proposal (as conditioned) maintains the historic visual interest, architectural variety and continuity of the Manly townscape.

- *Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.*

Comment:

As discussed above, the heritage building has landmark status and can be visually seen from the forecourt outside Manly Town Hall as well as the intersection of Belgrave Street and Gilbert Street. The sides of the heritage building are considered less significant. Therefore to provide sail awnings along the side of the building will allow the the views to the significant heritage features to be retained.

The location of the sail awnings on the sides of the heritage building are also thought to obscure views of the existing intrusive doorway openings. The removal of the sail awnings obstructing the view of the item and its high significance features will maintain the existing landmark status.

As a result, the proposal (as conditioned) maintains the historic visual interest, architectural variety and continuity of the Manly townscape.

- *Objective 5) To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.*

Comment:

Within Development Application, DA0176/2016, the heritage item was retained and adaptively reused as part of the Manly Civic Club redevelopment project. As conditioned within the approval a Conservation Management Plan (CMP) was prepared by NBRS + Partners in 2017 to provide recommendations for the ongoing management of the heritage item. As a result the CMP was considered as part of the proposal to ensure good heritage management.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

#### **4.2.3 Setbacks Controls in LEP Zones B1 and B2**

Whilst the proposal compiles with the front setback requirements, and does not change the previously approved front setback of the heritage building, the proposed sail awnings provide limited front setback distances, 1.0m - 1.5m, to the Gilbert and Eustace Street front boundaries.

The proposal the front setbacks proposed do not protect and enhance the streetscape and quality of the public realm. An assessment was also provided by Councils Heritage Officer who states *"awnings along the front (awnings B1, B2 and B3) are considered to detract from the building and its significance and will interrupt views to the item as well as its significant features."*

As a result, the proposal is to be conditioned to remove awnings B1, B2 and B3, which are located within the visually prominent front corner setback, in order to satisfy the heritage and front setback controls of the MDCP 2013.

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

- *Objective 1) To ensure unobstructed access between the private and public domain.*
- *Objective 2) To maintain the existing streetscape of building to the boundary.*

Comment:

Whilst the proposed sail awnings do not prevent physical access between the private and public domain, the proposal does restrict the visual access to the heritage building. The proposed awnings along the highly visual front setback corner area (awnings B1, B2 and B3) are considered to detract from the building and will interrupt views to the heritage item as well as its significant features, see Photo 1 below.



**Photo 1:** View of the prominent front corner view of the Heritage Listed Building - Auckland Garage.

As noted within the CMP, the building has landmark status and can be seen from the forecourt outside Manly Town Hall as well as the intersection of Belgrave Street and Gilbert Street. The proposed awnings along the front will obscure the view of the item and its high significance features which would diminish its landmark status.

The conditioned removal of B1, B2 and B3 will provide uninterrupted views to the significant features of the heritage item, and meets the objectives of the control.

The proposed development (as conditioned) is satisfactory in relation to built form, character, streetscape, heritage impact and, on balance given the adaptive nature of the proposal, with respect to the adjoining internal and external residential amenity.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent / consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## 5 Special Character Areas and Sites

The retention of the existing view line to the front facades at both street frontages maintains the historic visual interest, architectural variety and continuity of the townscape.

The proposed development (as conditioned) is satisfactory in relation to built form, character, streetscape, heritage impact and, on balance given the adaptive nature of the proposal, with respect to the adjoining internal and external residential amenity.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent / consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly 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**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this 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

The proposed development (as conditioned) provides for the preservation of the existing heritage item (1156 - Auckland Garage, on the corner West Promenade and Gilbert Street), improving the amenity for both nearby residents and the Manly Civic Club tenants of the development and the buildings aesthetic contribution to the wider town centre.

The issue raised by submission received have been considered in the context of the proposal and specific conditions have been recommended to resolve the visual amenity concerns raised.

It is considered that the proposed development (as conditioned) satisfies *Clause 5.10 Heritage Conservation* of the Manly Local Environment Plan 2013, and the objectives of section 3.2 *Heritage Considerations*, and *Clause 4.2.3 Setback Controls in LEP Zones* of the Manly Development Control Plan 2013, and all processes and assessments have been satisfactorily addressed.

The application, as conditioned, has adequately addressed the concerns raised and is therefore recommended for approval subject to conditions.

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/0119 for Alterations and additions to an existing commercial / retail building on land at Lot 51 DP 1237990, 1 West Promenade, MANLY, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. **Approved Plans and Supporting Documentation**

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Site Plan A103-C	20/2/2017	Mijollo International
Proposed PVC Sail Location DA-01 Revision 2	Undated	Unauthored
South East Elevation & Section DA-02 Revision 1	Undated	Unauthored
North-East and South-west Elevations DA-03 Revision 1	Undated	Unauthored

**Reports / Documentation – All recommendations and requirements contained**



<b>within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Statement of Heritage Impact	4 February 2021	NBRD Architecture Heritage

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

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.

## 2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the

development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

### 3. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is

required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming

pools

- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 4. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 5. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- Sail awnings B1, B2 and B3 are not approved as part of this application. The stamped plans are to be amended to remove all reference to sail awnings B1, B2 and B3 prior to the issues of the construction certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

6. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To demonstrate the proposal complies with the approved plans.

8. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

**Signed**

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

**Rodney Piggott, Manager Development Assessments**



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**Peter Robinson, Executive Manager Development Assessment**