

Memo

Department

To: Northern Beaches Local Planning Panel – 1 Nov 2023

Cc: Peter Robinson – Executive Manager Development Assessment

From: Alex Keller – Principal Planner

Date: 31 Oct 2023

Subject: Submission to NBLPP – BBF Planners (for Applicant) – Item 4.1 DA2022/1164 34-35 South Steyne Manly – Demolition and construction of a commercial building.

Record Number: 2023/713242

Purpose

To address submission from BBF Planners (on behalf of the Applicant) requesting selected changes to the recommended conditions of consent for the subject development application.

Details

The requested changes by the applicant are outlined in italics below, with a response provided following each request.

Condition 4. No Approval for any Signage

- *We have provided a signage plan with the DA architectural pack. This condition is saying we will require a separate DA for these works. We request that this condition not apply to the signage as proposed.*

Amend condition 4 to read:

4. Approval for Signage

Signage shown on drawing A-DA-820-001 dated 29.6.2022 drawn by *Durbach Block Jagers* is approved for the purposes of this consent, including any BCA / fire / safety signage. No additional exterior fixed advertising signage is permitted.

Reason: Control of signage.

Condition 6b. General

- *The conditions reference BASIX throughout. Can we please remove reference to BASIX as it is a commercial development to which BASIX does not apply and would like to remove ambiguity for PCA.*

Condition 6b (re Basix) may be deleted.

Condition 6d. Policy controls

- *Delete this condition as there is no residential work.*

Condition 6d (re Home Building Act) may be deleted.

Condition 7n. Pool Spa

- *Delete this condition as there are no spa/ pools.*

Condition 7n (re pools and spas) may be deleted.

Condition 21. Vehicle Driveway Gradients

- *The submitted driveway plan is compliant and approved by traffic referral officer. Can we remove this condition as the cover page of the conditions note that the conditions take priority over the approved drawings so we do not want to have to amend the drawings when they are already compliant.*

Amend condition to read:

“Vehicle Driveway Gradients

The Applicant is to ensure driveway gradients comply with the approved plans and all parking spaces comply with AS2890.1 (including overhead clearance).

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property.”

Condition 32. Pre-construction dilapidation reports

- *We consider the requirement to obtain a dilapidation report on the building at 25 Wentworth Street to be overly onerous given that no common boundary is shared with this property and the significant number of apartments within this adjacent building.*

Potential damage to No.25 Wentworth Street was raised as a concern in public submissions. Conditions only applies in so far as works are in close proximity (as specified) such as damage to walls or barriers along Rialto side of No. 25 Wentworth Street building.

Condition allows for appropriate discretion in preparing the dilapidation report.

No change recommended.

Condition 47. Restriction as to user and positive covenant over the self actuating flood gate

We request that this condition be reworded to note that the removal of the flood gate is permitted so long as the required flood protection outcome is maintained through other means.

Amend condition to read:

47. Restriction as to User and Positive Covenant only if a self-actuating flood gate is installed.

A restriction as to user shall be created on the title over the self-actuating flood gate, if installed, in order to:

1. Prohibit the removal or modification of the self-actuating flood gate.
2. The flood protection offered by the self-actuating flood gate must be continuous and at a minimum level of 5.12m AHD. Such levels are to be detailed to Australian Height Datum on the Section 88B instrument and submitted to Council for approval.
Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

Conclusion

The above changes be incorporated to recommended conditions with Item 4.1.

Recommendation

The following changes be incorporated to the recommendation for Item 4.1 - DA2022/1164 at 34-35 South Steyne Manly – Demolition and construction of a commercial building.

Amend the following conditions to read as:

- 4. Approval for Signage
Signage shown on drawing A-DA-820-001 dated 29.6.2022 drawn by *Durbach Block Jagers* is approved for the purposes of this consent, including any BCA / fire / safety signage. No additional exterior fixed advertising signage is permitted.

Reason: Control of signage.”

- 21. Vehicle Driveway Gradients
The Applicant is to ensure driveway gradients comply with the approved plans and all parking spaces comply with AS2890.1 (including overhead clearance).

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property.

- 47. Restriction as to User and Positive Covenant only if a self-actuating flood gate is installed.

A restriction as to user shall be created on the title over the self-actuating flood gate, if installed, in order to:

1. Prohibit the removal or modification of the self-actuating flood gate.
2. The flood protection offered by the self-actuating flood gate must be continuous and at a minimum level of 5.12m AHD. Such levels are to be detailed to Australian Height

Datum on the Section 88B instrument and submitted to Council for approval.

Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

Delete the following conditions:

- 6b (Basix),
- 6d (Home Building Act) and
- 7n (Pools and spas).