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MEMORANDUM

DATE: 20 June 2019
TO: Sydney North Planning Panel
CC: Rodney Piggott, Manager Development Assessments
FROM: Claire Ryan, Principal Planner
SUBJECT: 2018SNH067 (DA2018/1708) – 195-197 Sydney Road, Fairlight

Dear Panel,

2018SNH067 (DA2018/1708) at 195-197 Sydney Road, Fairlight was heard by the Sydney North Planning Panel on 11 June 2019. The Panel moved to defer the matter to seek draft conditions of consent, addressing the following:

1. *Deletion of the café;*
2. *Increase the landscaping to the front and side setbacks to incorporate canopy trees (using in part the area of the deleted café);*
3. *Stormwater and drainage improvements;*
4. *Plan of management; and*
5. *Geotechnical concerns.*

In accordance with the above, a draft set of conditions has been prepared.

Point 1 is addressed by Condition No. 22 Deletion of Café.

Point 2 is addressed by Condition No. 17 Amended Landscape Plans.

Point 3 is addressed by:

- Condition No. 8 On-site Stormwater Detention;
- Condition No. 29 Stormwater Drainage System Documentation to RMS;
- Condition No. 42 Authorisation of Legal Documentation Required for Onsite Detention
- Condition No. 43 Registration of Encumbrances for On-site Stormwater Detention;
- Condition No. 45 On-Site Stormwater Detention Compliance Certification; and
- Condition No. 46 Positive Covenant and Restriction as to User for On-site Stormwater Detention.

Point 4 is addressed by:

- Condition No. 2 Approved Land Use – Boarding House;
- Condition No. 13 Boarding House Plan of Management;
- Condition No. 48 Boarding House Plan of Management Compliance;
- Condition No. 59 Use of Communal Areas; and
- Condition No. 61 Occupancy of Boarding House.



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Point 5 is addressed by:

- Condition No. 9 Structural Adequacy and Excavation Work;
- Condition No. 14 Consultation Before Excavation;
- Condition No. 19 Pre-commencement Dilapidation Report;
- Condition No. 23 Ground Vibration Monitoring Plan;
- Condition No. 28 Excavation Documentation to RMS;
- Condition No. 34 Protection of Adjoining Property – Excavation;
- Condition No. 37 Ground Vibration Monitoring; and
- Condition No. 47 Post-Construction Dilapidation Report.

The draft set of conditions also contains standard conditions of consent and other conditions of consent recommended by internal and external referral bodies.

The Assessment Report in relation to this application noted that development contributions applied according to Clause 4.4.9 Boarding Houses of the MDCP 2013. However, it is noted that the Manly Development Contributions Plan 2004 is silent on boarding houses. Accordingly, a condition requiring development contributions has not been applied. If the Panel is of the opinion that development contributions apply, the following condition is drafted for reference in accordance with Clause 4.4.9 of the MDCP 2013:

Development Contribution - Boarding House

A contribution is to be paid for the provision of or increase the demand for public amenities and public services as a consequence of the development in the area. The total contribution for this development of demolition works and construction of a boarding house is \$430,403.40, being \$5,738.712 per boarding room. This contribution shall be paid to Council prior to the release of the Construction Certificate.

Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.

Regards,

Claire Ryan
Principal Planner
Planning and Community
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