

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0196
Responsible Officer:	Luke Perry
Land to be developed (Address):	Lot 2 DP 1170245, 0 Wharves And Jetties MANLY NSW 2095 Lot 3 DP 1170245, 0 Wharves And Jetties MANLY NSW 2095 Lot 1 DP 1170245, 0 Wharves And Jetties MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA0142/2011 granted for alterations and additions to Manly Wharf
Zoning:	W2 Environmental Protection under SREP (Sydney Harbour Catchment), 2005
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Roads & Maritime Services TMG Developments Pty Ltd
Applicant:	Mod Urban Pty Ltd
Application lodged:	18/04/2018
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	27/04/2018 to 01/06/2018
Advertised:	28/04/2018
Submissions Received:	2
Recommendation:	Approval

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

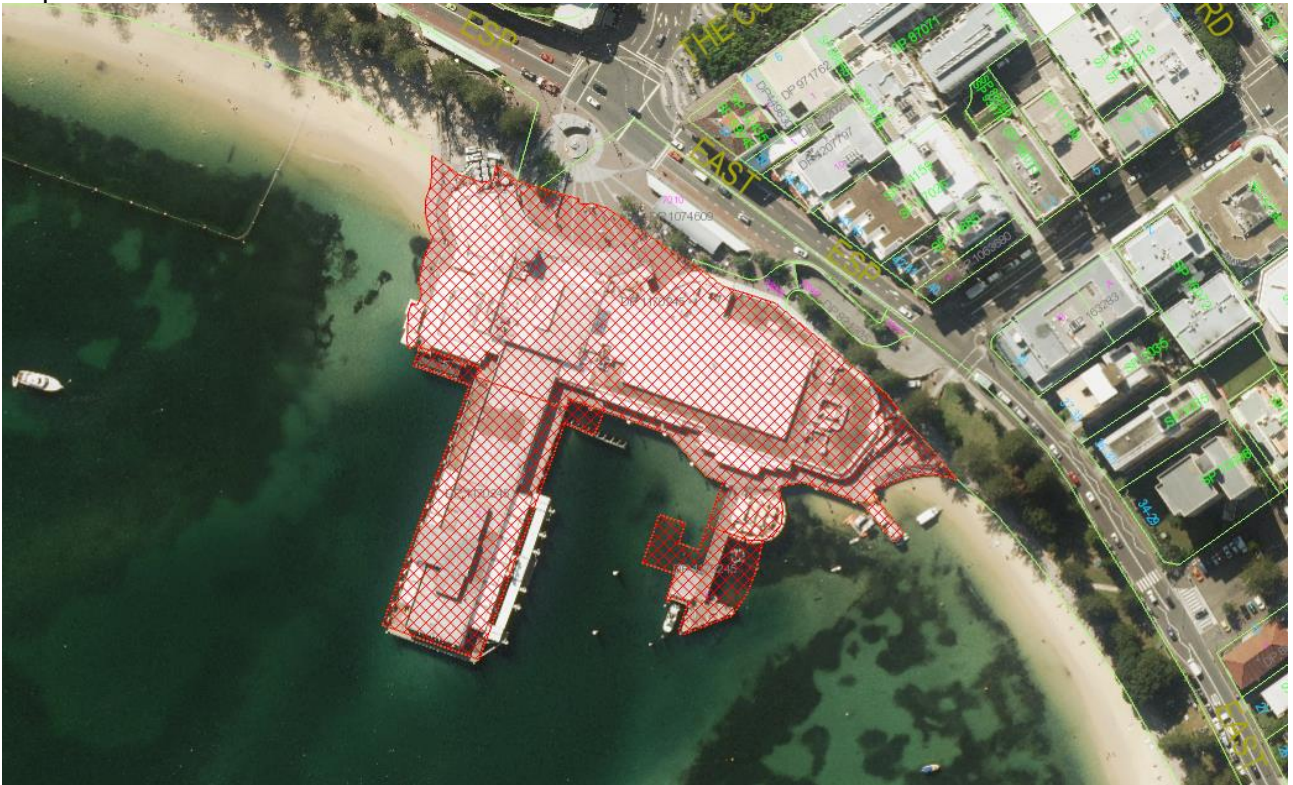
Property Description:	Lot 2 DP 1170245 , 0 Wharves And Jetties MANLY NSW 2095 Lot 3 DP 1170245 , 0 Wharves And Jetties MANLY NSW 2095 Lot 1 DP 1170245 , 0 Wharves And Jetties MANLY NSW 2095
Detailed Site Description:	<p>The subject site is legally described as Lots 1, 2 and 3 in Deposited Plan 1170245 and is commonly known as Manly Wharf. The site is located within Manly Cove and is located at the junction of East Esplanade and West Esplanade, Manly.</p> <p>The area of the site where the proposed development is located is within the boundaries defined as the Manly Wharf Lease Line and the line of the Mean High Water Mark. This site has an area of 13,405m².</p> <p>The subject site is located in Zone W2 Environmental Protection under SREP (Sydney Harbour Catchment), 2005.</p> <p>The site is oriented east west with the northern and southern boundaries fronting the western and eastern promenades, and Manly Cove respectively.</p> <p>The development site is limited to the eastern wing of Manly Wharf. The eastern wing currently accommodates a single retail level and first floor accommodating centre management offices. The existing eastern wing has frontage to Manly Cove and a curved entry at the north-eastern corner for the Manly Wharf Hotel.</p> <p>A single basement level sits below the Wharf deck level and is accessed from East Esplanade This level includes vehicle parking and loading facilities.</p> <p>The site has multiple pedestrian accesses from the street as well as from the Ferry terminal.</p> <p>The Wharf is surrounded by sheltered marine environment. The surrounding waters and nearby harbour foreshore is known to provide habitat for Little Penguins and possess other marine ecology including seagrass beds.</p> <p>Opposite the site to the west is Manly Corso. The Corso is a wide open promenade and public open space between Manly Beach and Many Wharf and provides street furniture, public art and a focal point for the Manly Town Centre. Commercial uses including shops, offices, restaurants, cafes, licensed premises and services and amenities dominate the frontages of The</p>

Corso. The scale of development along The Corso is varied between two (2) to four (4) storeys.

The uses opposite the site along East Esplanade are dominated by mixed use developments mainly consisting of ground floor commercial uses such as shops, offices, restaurants and cafes with residential above. Some of the building along East Esplanade consist primarily of multi-storey commercial developments. The scale of development along East Esplanade is predominately between three (3) to six (6) storeys.

The uses opposite the site along West Esplanade are dominated by mixed use developments mainly consisting of ground floor commercial uses such as shops, offices, restaurants and cafes with residential above. The scale of development along East Esplanade is predominately between three (3) to eight (8) storeys.

Map:



SITE HISTORY

Development Application No. 142/2011

This application was refused by the former Manly Independent Assessment Panel on 19 April 2012.

Subsequently an appeal was lodged by the application against the refusal of the application in the Land and Environment Court (LEC). The LEC approved the development by orders issued 7 November 2013.

Modification of DA142/2011 (Part 2):

This modification application, which is described within the former Manly Council Assessment Report as follows:

'Section 96 to modify approved Construction of a first floor addition to the existing Manly Warf structure including two (2) restaurant tenancies and changes to the ground floor including two (2) new retail tenancies – involving modifications to the approved first floor addition, addition of new lifts, new stairs, increase to floor area of two restaurant tenancies, addition of outdoor seating areas and modifications to conditions 1 in relation to architectural plans, 3 in relation to the provision of outdoor seating, 90 in relation to outdoor eating area and deletion of condition 86 in relation to addition doors- Manly Wharf.'

was approved by by the Manly Independent Assessment Panel on 15 October 2015/

PROPOSED DEVELOPMENT IN DETAIL

The modification application seeks to modify DA142/2011 granted for granted for alterations and additions to Manly Wharf.

Specifically the modifications involve the introduction of a 'valet parking' arrangement which will result in an increase in the number of car spaces from 70 spaces to 91 spaces.

The valet parking arrangement will provide:

- 77 stack parking spaces;
- 8 pick-up / drop off spaces;
- 4 dedicated pick-up spaces; and
- 2 accessible parking spaces.

The application also seeks to modify Condition No. 60 which relates to s94 contributions to reflect the additional car parking proposed as part of this modification application.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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 DA142/2011, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
<p>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:</p>	
<p>(a) 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>	<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 DA142/2011.</p>
<p>(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</p>	<p>Development Application DA142/2011 required general terms of approval to be issued by the NSW Office of Environment and Heritage. The subject modification application was referred to the NSW Office of Environment and Heritage who raise no objections to the proposed modifications subject to conditions included in the recommendation of this report.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Manly Local Environmental Plan 2011 and</p>

Section 4.55 (2) - Other Modifications	Comments
	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 96 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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan does not apply to this proposal.
Section 4.15 (1) (a)(iiia) – 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&A Regulation 2000 requires the consent 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>

Section 4.15 'Matters for Consideration'	Comments
	<p data-bbox="1155 192 1430 689"><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p> <p data-bbox="1155 730 1430 1128"><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 data-bbox="1155 1169 1430 1599"><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 matter has been addressed via a condition in the original consent.</p> <p data-bbox="1155 1639 1430 2121"><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/This Clause is not relevant to this application.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>Clause 98 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>Clause 143A 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>
<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>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah 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</p>

Section 4.15 'Matters for Consideration'	Comments
	nature of the existing and proposed land use.
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 “Public Exhibition” 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.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 2 submission/s from:

Name:	Address:
Mrs G Wellham	9 / 26 East Esplanade MANLY NSW 2095
Mr Glen Barry Wellham	PO Box 20 CROYDON NSW 2132

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

- *I object to the development of the wharf. I feel it is far too extensive. Hours should not be extended as its a residential area. The people in Manly should be considered and not just the visitors.*
- *I live close by at 24 East Esplanade. My peaceful enjoyment of Manly and those of my neighbours will be impacted by the scope of this development. I strongly disagree with the first floor development and any alterations to the ground floor extension and the increased trading hours.*

Comment:

The concerns raised above do not relate to the subject modification application. The modification application does not seek to change the approved hours of operation, the approved first floor or ground floor additions.

These matters do not warrant refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
NECC (Coast and Catchments)	<p>The SEE, traffic report and heritage report have been reviewed. There are no objections or conditions to the proposal as it affects parking only and does not have any Coastal impacts.</p>
Strategic and Place Planning (Heritage Officer)	<p>Further to a review of available documents and a site visit</p> <p>The application is an Integrated DA, thus a "prescribed DA" under the NSW Heritage Act 1977, i.e. requires approvals under the two Acts.</p> <p>Note that in case of any inconsistency in assessment under EPA Act (Local council) and the Heritage Act (NSW OEH), in heritage matters the assessment under the Heritage Act will prevail to the extent of the inconsistency (refer to NSW Heritage Act, Clause 68 – Consistency of approvals: "An approval given by a consent authority to a prescribed application is, to the extent of any inconsistency with the Heritage Council's determination of the application, void.")</p> <p>Therefore, we will have to include NSW OEH opinions in the assessment process and assess the proposal in concurrence with the NSW OEH.</p> <p>The following additional information is required to fully assess the impact of the current proposal: - determination by NSW OEH under NSW Heritage Act.</p>

Internal Referral Body	Comments
	<p>Please re-refer this application upon receiving the requested additional information.</p> <p>Kind Regards Zoran Popovic Heritage Advisor</p>
Traffic Engineer	<p>The applicant has adequately addressed the concerns raised as part of the previous referral.</p> <p>The Traffic Team raises no objection subject to conditions.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</p>
Nominated Integrated Development – NSW Office of Environment and Heritage	<p>The proposal was referred to the NSW Office of Environment and Heritage as the subject site is listed as a State Heritage Item.</p> <p>The NSW Office of Environment and Heritage provided comments on 1/06/2018 raising no objections to the proposed modification subject to conditions which have been included in the recommendation of this report.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject property is located within the Sydney Harbour Catchment therefore the provisions of this plan apply to this development.

The subject site is located in Zone W2 Environmental Protection under SREP SHC 2005.

The proposed development is not listed as a permissible use within Clause 18 of SREP SHC 2005 and as a result the proposal, and the approved development, relies upon the provisions of Clause 18(2) of SREP SHC 2005. The permissibility of the proposal has been considered through the assessment of the original application and subsequent modification. This application does not propose any change to the approved use and therefore the proposal is considered to be

permissible pursuant to cl 18(2) of SREP SHC 2005.

An assessment of the proposal against Clause 2(2) (aims of the SREP), Clause 14 (nominated planning principles), Clause 22 (relating to public access to and use of foreshores and waterways), Clause 23 (relating to maintenance of a working harbour), Clause 24 (relating to interrelationship of waterway and foreshore uses), Clause 25 (relating to foreshore and waterways scenic quality), Clause 26 (relating to maintenance, protection and enhancement of views) and Clause 27 (relating to boat storage facilities) has been undertaken.

The proposal is considered to be consistent with the above provisions of the SREP. Given the scale of the proposed modification and the works proposed referral to the Foreshores and Waterways Planning and Development Advisory Committee was not considered necessary.

Manly Local Environmental Plan 2013

Principal Development Standards

The subject site is not located within the land application map contained within the Manly LEP 2013. However, for guidance, the subject site is listed within Schedule 5 of the Manly LEP 2013 as a state listed heritage item.

Given the subject site sits outside of the land application map contained within the Manly LEP, there are no development standards applicable to the assessment of this application.

Compliance Assessment

Clause	Compliance with Requirements
Schedule 5 Environmental heritage	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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

Manly Section 94 Development Contributions Plan

The determination of DA142/2011 - Part 2 (modification application) imposed the following condition relating to s94 contributions:

60. A contribution is to be paid prior to the issue of an Occupation Certificate for this consent for the provision, extension or augmentation of traffic and parking, environmental programs, streetscape and landscaping, community facilities and administration that will, or are likely to be, required as a consequence of development in the area.

Total contribution for this development for construction of a first floor addition to the existing Manly Wharf structure including two (2) restaurant tenancies with plant rooms is currently \$1,197,737.54, however the amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to effect changes in land values, construction costs and the Consumer Price Index.

Section 94 Contributions calculations

Additional Gross Floor Area (GFA) - 1,339.7m².

- \$26,378.20 per 100m² GFA (2015-2016)
- Proposed additional GFA is 1,339.7m²
- $(1,339.7 / 100) \times \$26,378.20 = \$353,388.74$

Plus the provision of 24 car parking spaces, or payment of contribution in lieu if they cannot be provided on site. The current amount of contribution (2015 – 2016) for each parking space not provided on site is Manly CBD - \$35,181.20 per space. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

Manly DCP 2013

1 car parking space per 40m² of service area.

The total proposed service area is 1241.2m²(Restaurant 1 serviced area 360.9m² + Restaurant 2 service area 405.2m² + outdoor dining area 195.8m² = 961.9)

$961.9m^2 / 40 = 24$ no. of car spaces required to be provided by the proposed development.

Parking contribution = $24 \times \$35,181.20$
= \$844,348.80

Total Section 94 contributions = \$1,197,737.54

Comment:

As detailed above, the approved development provides a shortfall in the required amount of off street car parking of 24 spaces. The subject application increases the total amount of on site car parking by a total of 21 spaces. This increase reduces the shortfall of on site car parking to 3 car spaces.

Therefore it is considered reasonable to amend Condition No. 60 to reflect the additional car parking to read as follows:

60. A contribution is to be paid prior to the issue of an Occupation Certificate for this consent for the provision, extension or augmentation of traffic and parking, environmental programs, streetscape and landscaping, community facilities and administration that will, or are likely to be, required as a consequence of development in the area.

Total contribution for this development for construction of a first floor addition to the existing Manly Wharf structure including two (2) restaurant tenancies with plant rooms is currently \$458,932.34 however the amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to effect changes in land values, construction costs and the Consumer Price Index.

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961.9m² / 40 = 24 no. of car spaces required to be provided by the proposed development.

Parking contribution = 3 x \$35,181.20
= \$105,543.60

Total Section 94 contributions = **\$458,932.34**

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 EPs
- 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. Mod2018/0196 for Modification of Development Consent DA0142/2011 granted for alterations and additions to Manly Wharf on land at Lot 2 DP 1170245,0 Wharves And Jetties, MANLY, Lot 3 DP 1170245,0 Wharves And Jetties, MANLY, Lot 1 DP 1170245,0 Wharves And Jetties, MANLY, Lot 1 DP 809933,0 Wharves And Jetties, MANLY, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
N114471-01-01 (Manly Wharf Car Stacking)	17 April 2018	GTA Consultants

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

B. Add condition No. 1A - External referral/approval

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
NSW Office of Environment and Heritage	Response OEH Referral	1/06/2018

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

C. Modify Condition 60 to read as follows:

A contribution is to be paid prior to the issue of an Occupation Certificate for this consent for the provision, extension or augmentation of traffic and parking, environmental programs, streetscape and landscaping, community facilities and administration that will, or are likely to be, required as a consequence of development in the area.

Total contribution for this development for construction of a first floor addition to the existing Manly Wharf structure including two (2) restaurant tenancies with plant rooms is currently \$458,932.34 however the amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to effect changes in land values, construction costs and the Consumer Price Index.

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961.9m² / 40 = 24 no. of car spaces required to be provided by the proposed development.

Parking contribution = 3 x \$35,181.20
= \$105,543.60

Total Section 94 contributions = \$458,932.34

D. Add Condition 69 Valet Parking:

69. Valet Parking

The valet parking system shall be provided at all times to ensure parking is provided on site to service the development.

Reason: Adequate parking provision (DACTRGOG2)