

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0002
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Responsible Officer:	Adam Croft
Land to be developed (Address):	
Proposed Development:	Modification of Development Consent DA2018/1907 granted for Alterations and Additions to Place of Public Worship and heritage building to construct a two bedroom residence within the community hall
Zoning:	
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Presbyterian Church NSW
Applicant:	Manly Presbyterian Church

Application Lodged:	06/01/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	28/01/2020 to 11/02/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification includes changes as follows:

- Minor change to entry and stairs
- Changes to windows

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 - 5.10 Heritage conservation

SITE DESCRIPTION

Property Description:	
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the south-western corner of Raglan Street and Augusta Lane.</p> <p>The site is regular in shape with a frontage of 24m along Raglan Street and a frontage of 36.5m along Augusta Lane. The site has a surveyed area of 891.8m².</p> <p>The site is located within the R1 General Residential zone and accommodates a community building (St Andrew's Hall) built and used by the adjoining Presbyterian Church. The hall was constructed in 1906 and is a local heritage item - Item I217 St. Andrew's Hall and Manse.</p> <p>The site has an easterly aspect with a gentle slope. No significant vegetation or natural landforms occur on the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by a range of land uses. To the east and west of the site are other Presbyterian Church buildings, being the church and minister's residence respectively.</p>

Map:

ERROR: Land number required

SITE HISTORY

A Heritage Impact Statement was provided with the application which describes the history of the existing building. In summary, the building was constructed in 1906 for uses associated with the adjoining Presbyterian Church. The part of the building subject to the proposed modification is located in subsequent additions constructed in 1913.

A search of Council's records has revealed the following relevant history:

DA2018/1907 - Alterations and Additions to Place of Public Worship and heritage building to construct a two bedroom residence within the community hall - Approved 16 May 2019.

Mod2020/0057 - Modification of Development Consent DA2018/1907 granted for alterations and additions to Place of Public Worship and heritage building to construct a two bedroom residence within the community hall - Approved 17 February 2020.

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 DA2018/1907, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	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 DA2018/1907.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Manly Local Environment Plan and Manly Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

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

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any	See discussion on "Environmental Planning Instruments"

Section 4.15 'Matters for Consideration'	Comments
environmental planning instrument	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 applies to this proposal.
Section 4.15 (1) (a)(iiiia) – 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> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under</p>

Section 4.15 'Matters for Consideration'	Comments
environment and social and economic impacts in the locality	<p>the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (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 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 of the application Council received no submissions.

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>
Strategic and Place Planning	HERITAGE COMMENTS

Internal Referral Body	Comments
(Heritage Officer)	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as it is a heritage item - <i>I217 - St Andrew's Hall and manse</i> at 54 Raglan Street and within the vicinity of a number of heritage items as listed in the Manly LEP 2013, Schedule 5, being:</p> <p><i>I216 - Memorial Club</i> - 52 Raglan Street</p> <p><i>I218 - St Andrew's Presbyterian Church</i> - 56 Raglan Street</p> <p><i>I2 - All stone kerbs</i> - Manly municipal area</p> <p><i>I162 - Ivanhoe Park</i> - Ivanhoe Park (bounded by Sydney Road, Belgrave Street and Raglan Street)</p>
	Details of heritage items affected
	<p>Details of the heritage items as contained in the Manly Heritage Inventory are as follows:</p> <p><i>I217 - St Andrew's Hall and manse</i> <u>Statement of significance:</u> St Andrews Hall and Manse is of significance for Manly area for its historical, aesthetic and social reasons, and for the reasons of rarity and representativeness. The site has a long association with the local Presbyterian community since the 1880s, with the current buildings created in 1891 (Manse) i.e. in 1906 (Hall). The Hall and Manse, in concurrence with the adjoining church building, make a major contribution to the townscape character. The Hall is an important work of architect Frederick Trenchard Smith, who also designed the early alterations to the Hall in 1913.</p> <p><u>Physical description:</u> Hall: constructed c.1906 in red brick with stone foundations, lintels and a stone course at sill height, the building and its ornament are strongly influenced by Federation style architecture. The two buildings form a significant grouping in the streetscape.</p> <p><i>I218 - St Andrew's Presbyterian Church</i> <u>Statement of significance:</u> St Andrews Presbyterian Church is of significance for Manly area for its historical, aesthetic and social reasons, and for the rarity and representativeness of its qualities. The site has a long association with the local Presbyterian community since 1890 when the current building was created. The church building is a major landmark visible from the direction of Sydney Road and Belgrave Street and makes an important contribution to the streetscape, augmented by the St Andrews Hall and Manse immediately adjoining the site. The church building is an important work of the well known Sydney architect Sir John Sulman, representative of stone churches of its date of creation and additionally rare for its fine architectural</p>

Internal Referral Body	Comments				
	<p>qualities.</p> <p><u>Physical description:</u> Superb Victorian Romanesque style rock faced sandstone church with quoins and fenestration surrounds in dressed sandstone and with a gabled slate roof, featuring a profusion of Celtic influenced carved sandstone decorations. Consists of a nave, vestry and porch dominated by a tall campanile tower. Column capitals, arches, piers, are all intricately carved with curvilinear leaf forms, and the campanile tower features large gargoyles and a broached spire. There is a blond brick c. 1960s addition to the north (rear) of the Church, featuring sandstone quoins.</p> <p><i>12 - All stone kerbs</i></p> <p><u>Statement of significance:</u> Stone kerbs are heritage listed.</p> <p><u>Physical description:</u> 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><i>1162 - Ivanhoe Park</i> - Ivanhoe Park (bounded by Sydney Road, Belgrave Street and Raglan Street)</p> <p><u>Statement of significance:</u> The State Heritage listed item; Ivanhoe Park (including Manly Oval) cultural landscape, is important in the course of New South Wales cultural history combining a 'pleasure garden' park, a traditional 'village green' community and sporting venue, and a passive recreational garden, demonstrating the principal characteristics of a Victorian-era park adapted to the Australian setting. This landscape is unique within New South Wales as a place with a combined history of Aboriginal heritage and 150 years of recreation, sport and community use.</p> <p>Ivanhoe Park (including Manly Oval) cultural landscape, is a diverse and complex site with its natural sandstone outcrops and watercourse, Victorian 'gardenesque' plantings, rich diversity of native and planted tree species, war memorial garden, traditional 'village green' oval, and sporting complex. Combined, it demonstrates an unusual yet pleasing aesthetic.</p> <p><u>Physical description:</u> The 4.58ha Ivanhoe Park (including Manly Oval) cultural landscape consists of two distinct areas; the passive recreation area of Ivanhoe Park Botanic Gardens, and the active sport and recreation facilities of Manly Oval (the "Village Green"), tennis courts and lawn bowling greens. Along the western and northern edge of the park is a former tramway corridor.</p>				
	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="512 1966 1439 2000">Other relevant heritage listings</th> </tr> </thead> <tbody> <tr> <td data-bbox="512 2000 853 2136">Sydney Regional Environmental Plan (Sydney Harbour</td> <td data-bbox="853 2000 1439 2136">No</td> </tr> </tbody> </table>	Other relevant heritage listings		Sydney Regional Environmental Plan (Sydney Harbour	No
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Internal Referral Body	Comments		
	Catchment) 2005		
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
Consideration of Application			
<p>The proposal is for minor modifications to the approved DA2018/1907, including an addition of a small skylight to the eastern roof plane of the rear service wing, replacement of an existing window to the western elevation with a larger/elongated timber-framed and double-hung sash window and new timber stairs over existing steps.</p> <p>It is considered that this proposal will have a negligible impact upon the heritage significance of the item and the items within the vicinity. Therefore, no objections are raised on heritage grounds and no conditions are required.</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? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>			
Further Comments			
<p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 13 February 2020</p>			

External Referral Body	Comments		
Ausgrid: (SEPP Infra.)	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.		

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 (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.

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

There are no Principal Development Standards under Part 4 of of the Manly LEP to consider as part of this assessment.

Compliance Assessment

Clause	Compliance with Requirements

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Detailed Assessment

5.10 Heritage conservation

Council's Heritage Officer has assessed the application and raised no objection to the proposed modifications.

Manly Development Control Plan

Built Form Controls

There are no Development Controls under Part 4 of of the Manly DCP to consider as part of this assessment.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.2 Heritage Considerations	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
3.7 Stormwater Management	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5.5 Road Widening and Realignment	Yes	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

Northern Beaches Section 7.12 Contributions Plan 2019

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2020/0002 for Modification of Development Consent DA2018/1907 granted for Alterations and Additions to Place of Public Worship and heritage building to construct a two bedroom residence within the community hall on land at 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
DA-01 Site Plan	Rev. B, October 2018	Duffy Regan Design
DA-03 Floor Plan	Rev. B, October 2018	Duffy Regan Design
CC-04 Elevations	Rev. B, October 2018	Duffy Regan Design
DA-05 Elevation & Section A	Rev. B, October 2018	Duffy Regan Design

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

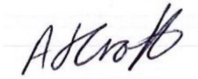
d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

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

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

Signed



Adam Croft, Planner

The application is determined on 23/02/2020, under the delegated authority of:



Anna Williams, Manager Development Assessments