



northern
beaches
council

MEMORANDUM

DATE: 8 August 2023

TO: Sydney North Planning Panel (SNPP)

CC: Adam Richardson, Executive Manager Development Assessment

FROM: Maxwell Duncan, Principal Planner

SUBJECT: PPSSNH-395– DA2022/1910 – 61 North Steyne, Manly

TRIM No: 2023/500028

The purpose of this memo is to provide a response to the Panel in relation to an email from the Applicant in relation to the recommended Conditions of Consent. Further, the memo clarifies parts of the report.

Written submission from the Applicant

The email from the applicant seeks to amend the following recommended conditions.

LANDSCAPE

Condition 8- Amended Landscape Plan

The applicant has noted that condition 8(c) requires that the proposed fire hydrant fronting Denison Street is to be relocated. The amended plans (dated 14 April 2023) and updated landscape plans (April 2023) address the fire hydrant location. Council's landscape officer has reviewed the updated documentation and supports the amendment of this condition, subject to the revised wording below.

FLOODING

Condition 10 – Flooding and 47 - Restriction as to User and Positive Covenant over the self-actuating flood gate

The applicant has requested Conditions 10 and 47 be amended to fix an error within the condition which refers to a flood gate and undercroft. No flood gates or undercroft are proposed. Council's flood officer has reviewed the proposal and raises no concern with the proposed amendment to the condition, subject to the revised wording below.

TRAFFIC

Condition 13 – Construction Traffic Management Plan

The applicant has requested this condition be amended to ensure concrete pouring trucks are excluded from the condition which restricts truck movements during busy commuter times (8:00am – 9:30am and 4:30pm and 6:00pm). Council's Traffic officer has reviewed the request and supports the amended condition, subject to the revised wording below.

WASTE

Condition 28 – Waste and Recycling Requirements and Condition 55 – Street Level Bin Collection area

The applicant has requested Condition 28 and Condition 55 be amended. Council's Waste officer has reviewed the proposed request and does not support the amendment of either condition. Regarding Condition 28, the applicant seeks an exception in providing full compliance with the '*Northern Beaches Waste Management Guidelines*'. Insufficient information has been provided to justify a variation to this policy.

Condition 55 requires the floor at street level be flat, smooth non-slip and hardstand material. The applicant proposes gravel at this level. Council's Waste officer has stated that gravel at this level is not acceptable.

Report Clarification

The following clarification is provided in Council's Assessment Report:

Page 42 – SEPP (Building Sustainability Index: BASIX) 2004

The BASIX table to the top of page 42 of the assessment report notes that the required energy target to be 50, this target should read as 35. The BASIX Certificate shows the application proposes an energy target of 40, which is compliant with the requirement.

Page 82 – Recommendation

The recommendation on page 82 of the assessment report states

"Accordingly, the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2022/1910 for Demolition work and construction of a Residential Flat Building including basement car parking. on land at Lot CP SP 2492, 61 North Steyne, MANLY, subject to the conditions printed below:"

The reference to the Northern Beach Local Planning Panel, should read Sydney North Planning Panel, reflected in the following amended recommendation:

"Accordingly, the Sydney North Planning Panel, as the consent authority grant Development Consent to DA2022/1910 for Demolition work and construction of a Residential Flat Building including basement car parking. on land at Lot CP SP 2492, 61 North Steyne, MANLY, subject to the conditions printed below:"

RECOMMENDATION

The following changes to the conditions contained in the assessment report:

Note: Amended wording in condition 10 and 13 highlighted in bold.

- Amend **Condition 8 – Amended Landscape Plan** to read as follows:

Amended Landscape Plans shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

- a) a planting plan to indicate the planting design layout and quantities, including trees, shrubs and other planting,
- b) specific location of tree planting based on preserving existing prominent views from adjoining properties.

Certification shall be submitted to the Certifier that these amendments have been documented.

Reason: Landscape and streetscape amenity

- Amend **Condition 10 – Flooding** to read as follows:

In order to protect property and occupants from flood risk the following is required:

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 5.10m AHD.

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of 5.60m AHD shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Flood Planning Level 5.60m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 5.60m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed to cut electricity supply during flood events.

Floor Levels – C1

New floor levels within the development shall be set at or above the Flood Planning Level of 5.60m AHD.

Car parking – D6

All access, ventilation and any other potential water entry points, including entry ramp crests and flood gates to the basement car park shall be designed up to, at or above the Flood Planning Level of 5.60m AHD.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 5.60m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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.

- Amend Condition **47 - Restriction as to User and Positive Covenant over the self-actuating flood gate** to read as follows:

(a) The basement car park must be protected from inundation up to the Flood Planning Level of 5.60m AHD. This includes all potential water entry points such as for access and ventilation. The proposed flood gate is to install up to a level of 5.60m AHD and is to be self-actuating.

(b) A restriction as to user shall be created on the title over the self-actuating flood gate in order to prohibit the removal or modification of the self-actuating flood gate; and to ensure that the flood protection offered by the self-actuating flood gate is continuous and at a minimum level of 5.60m AHD. Such levels are to be detailed to Australian Height Datum on the Section 88B instrument and submitted to Council for approval. The terms of such a restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.

(d) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

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.

- Amend **Condition 13 – Maintenance of lift TH1** to read as follows:

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by a TfNSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the town centre, the number of truck movements during the major commuter peak times, being 8.00-9.30am and 4.30-6.00pm, should be limited. Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and

- type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
 - Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
 - Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
 - Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
 - The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
 - Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
 - Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
 - The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
 - Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
 - The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
 - Proposed protection for Council and adjoining properties.
 - The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

The following changes are made to Northern Beaches Council Assessment Report:

Page 42 – SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1348583M_04 dated 13 April 2023).

The BASIX Certificate indicates that the development will achieve the following:

| Commitment | Required Target | Proposed |
|-----------------|-----------------|----------|
| Water | 40 | 40 |
| Thermal Comfort | Pass | Pass |
| Energy | 35 | 40 |

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

Page 82 – Recommendation

Accordingly, the **Sydney North Planning Panel**, as the consent authority grant Development Consent to DA2022/1910 for Demolition work and construction of a Residential Flat Building including basement car parking. on land at Lot CP SP 2492, 61 North Steyne, MANLY, subject to the conditions printed below.