

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0083
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 1 DP 76807, 29 - 33 Pittwater Road MANLY NSW 2095
Proposed Development:	Alterations and additions to an existing Mixed Use Development
Zoning:	Manly LEP2013 - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Jsalt Pty Ltd
Applicant:	Jsalt Pty Ltd

Application lodged:	04/02/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Mixed
Notified:	08/02/2019 to 26/02/2019
Advertised:	Not Advertised
Submissions Received:	3
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,492,359.00
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Northern Beaches Council is in receipt of Development Application DA2019/0083 for alterations and additions to an existing mixed use development at 29-33 Pittwater Road, Manly. The proposed development includes a cost of works of greater than \$1 million and has received three objections, requiring referral to the Development Determination Panel for determination.

The proposed development is compliant with the relevant development standards within Part 4 of the Manly Local Environmental Plan 2013. The proposed development is not compliant with the requirements of Clause 4.2.5.4 Car Parking and Access and Clause 4.4.4.1 Awnings in LEP B1 and B2 Business Zones of the MDCP 2013, though these non-compliances are acceptable on merit. The proposed development received three submissions relating to parking, gym operating hours, amenity, sustainability, colours and finishes, tree planting, and encroachment onto neighbouring land.

The application has been assessed against the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations

2000), relevant Environmental Planning Instruments (EPIs) and Council policies. Based on a detailed assessment of the proposal against the applicable planning controls, the proposal is suitable and is an appropriate development for the subject site. Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be **approved**.

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 Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 3.4.3 Maintenance of Views

Manly Development Control Plan - 4.2.5.4 Car Parking and Access

Manly Development Control Plan - 4.4.4.1 Awnings in LEP B1 and B2 Business Zones

SITE DESCRIPTION

Property Description:	Lot 1 DP 76807 , 29 - 33 Pittwater Road MANLY NSW 2095
Detailed Site Description:	<p>The Assessing Officer inspected the site on 25 June 2019.</p> <p>The subject site consists of one (1) allotment located on the western side of Pittwater Road, Manly.</p> <p>The site is irregular in shape with frontages of 14.02m along Pittwater Road and 14.325m along Kangaroo Lane, and an average depth of 48.35m. The site has a surveyed area of 665.3m².</p> <p>The site is located within the B2 Local Centre zone and accommodates a three-storey commercial development.</p> <p>The site is relatively level and does not include any</p>

significant vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by mixed use developments, including some residential uses.

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant recent history:

- Pre-lodgement meeting PL42/2017 for alterations and additions to the existing building was held on 19 September 2017

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- New entry from Pittwater Road;
- Construction of new shop with new shopfront window;
- New garbage storage area;
- Onsite detention system;
- Reconfiguration of existing stairs, including fire stairs;
- Construction of new stairs and lift;
- Recommission of existing lift;
- Widening of garage doors to Denison Street frontage;
- Façade refurbishment including reconfiguration of window openings and rationalisation of external pipework;

- Reconfiguration of existing serviced apartments; and
- Addition of a fourth storey, comprising four commercial suites.

On 10 May 2019, the Applicant provided amended plans removing the proposed onsite detention system, in accordance with comments from Council's Development Engineer that onsite detention is not required. These plans were not notified publicly, in accordance with Clause 2.6 Notification of Amended Development Applications of the MDCP 2013 - the amended plans differed from the original plans in minor aspects only, and were of lesser environmental impact with the removal of the onsite detention plan.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under 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	Mainly Development Control Plan applies 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 of 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, no additional information was requested.</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 of 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 clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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 of 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 environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under 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 process council is in receipt of 3 submission/s from:

Name:	Address:
Mr Luke Malcolm Maxwell	38 Denison Street MANLY NSW 2095
Ms Keinwen Marion Shephard	34 Denison Street MANLY NSW 2095
Boston Blyth Fleming Pty Ltd	Suite 1 9 Narabang Way BELROSE NSW 2085

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

- Inadequate parking and construction may impact on existing on-street parking.
- Privacy and noise impacts, including on approved development DA2017/1229 at No. 27 Pittwater Road.
- Special conditions regarding operating hours of the gym should be considered.
- Concerns regarding sustainability. BASIX rules have not been applied, but the boarding house component of the development could be considered residential.
- Proposed colours and finishes are not in keeping with the streetscape.
- Concern regarding the cost of works accuracy.
- Trees should be planted as per the photomontage.
- The existing building encroaches onto the neighbouring property - Owners consent has not been provided for this. Fire safety measures may also encroach on neighbouring property.

The matters raised within the submissions are addressed as follows:

- Parking
Comment:
The proposed development is acceptable in relation to parking for the reasons detailed in the section of this report relating to Clause 4.2.5.4 Car Parking and Access of the MDCP 2013.
- Amenity - Privacy / Overshadowing / View Sharing / Noise
Comment:
The proposed development is assessed in relation to amenity impacts in the section of this report relating to Clause 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) of the MDCP 2013. The proposed development is acceptable in relation to these matters.
- Gym Operating Hours
Comment:
The proposed development does not impact upon the approved operation of the gym. Any existing conditions of consent remain applicable.
- Sustainability
Comment:
The proposed development supported by a report providing an assessment of the energy efficiency of the proposed development in accordance with the requirements of Section J of the National Construction Code (formerly the Building Code of Australia). The report details that the proposed development is acceptable, subject to application of recommendations. This report has been applied as a consent document to be complied with. The proposed development and
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the energy efficiency have been reviewed by Council's Building Surveyor, who raised no objections in relation to this matter.

- Colours and Finishes

Comment:

The subject site is located on a section of Pittwater Road that is comprised of varying development types, styles, colours and finishes. The proposed colours and finishes are consistent with the streetscape and are acceptable in this context. The proposed development has been reviewed by Council's Heritage Advisor, who raised no objections to the proposal from a heritage perspective, considering the site is located within the Pittwater Road Conservation Area.

- Cost of Works

Comment:

The estimated cost of works of the proposed development is supported by a registered quantity surveyor's cost report, detailing how the estimate was achieved.

- Trees

Comment:

There is no requirement for the subject site to provide any landscaping or vegetation. The proposed development does not impact upon the existing street trees along Denison Street adjacent to the subject site.

- Encroachment on Neighbouring Land

Comment:

No works are proposed on adjoining land. The proposed wall encroachment is on airspace only and does not include built structures on neighbouring land. Notwithstanding this, conditions of consent have been applied to require that the southern wall of the subject site be rectified to be located wholly on the subject site and certified as structurally sound, and to require all works (including those in relation to fire safety measures) to be wholly within the property boundary.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building C Safety Department. There are no objections to approval of the development subject to in conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA at Standards. Issues such as this however may be determined at Construction Certificate S</i></p>

Internal Referral Body	Comments
	<p>Change of Use/Fire Safety Upgrade</p> <p>The existing levels of fire safety within the premises are to be upgraded to achieve an ad in accordance with the provisions of clause 94 of the Environmental Planning and Assess</p> <p>The fire safety upgrading works are to be included in the Construction Certificate and be occupation of the new building or part.</p> <p>Reason: To ensure adequate provision is made for fire safety in the premises for building</p>
NECC (Bushland and Biodiversity)	<p>The proposed development adjoins a vegetation Council reserve. Measures for the prote therefore be in place during the construction phase.</p>
NECC (Development Engineering)	<p><u>Original Development Engineering Referral Comments:</u></p> <p>The subjected site is classified as a low and medium flood risk in accordance with Council Flood study 2018."</p> <p>No on site stormwater detention system is required when the property is affected by flood The collected on site stormwater shall be discharged into the street kerb.</p> <p>The application must be referred to Council's Floodplain Planning & Response team for a the flood issue.</p> <p>Secondly, the proposed awnings along Pittwater Road and Denison Street do not comply Development Control Plan 2013.</p> <p>The designs must be amended in accordance with the section 4.4.4 of Manly DCP 2013. As a signage 'Blade' are proposed in this development, a referral should be sent to Coun comment.</p> <p>Development Engineer cannot provide conditions in this application at the moment. Please re-referred the application to Development Engineer when the above issues are r</p> <p><u>Assessing Officer's Comment:</u></p> <p>In response to the issues above:</p> <ul style="list-style-type: none"> On 10 May 2019, the Applicant provided amended plans deleting the proposed or The proposal was referred to Council's Stormwater & Floodplain Engineering tear objections to the proposal, subject to conditions of consent. The proposed signage and awnings are assessed by the Assessing Officer and d from Council's Urban Designer. <p>The above matters were clarified with Council's Development Engineer, who commented follows.</p> <p><u>Amended Development Engineering Referral Comments:</u></p> <p>Development Engineering has no objection to the application subject to the following con</p>

Internal Referral Body	Comments
NECC (Stormwater and Floodplain Engineering – Flood risk)	
Strategic and Place Planning (Heritage Officer)	The submitted documents indicate that the proposed works will not be visible from the public domain. The proposal is supported.
Traffic Engineer	<p>The proposal increases the commercial floor area by some 280 square metres resulting in a total floor area of 1114 square metres. In addition the serviced apartment component of this development will remain.</p> <p>Loading Facilities The commercial and serviced apartment components will both generate a demand for loading facilities. It is considered essential that an offstreet loading bay capable of accommodating at least some vehicles be provided. The applicant has worked with Council to achieve this aim. It is noted that the floor height of the bay and as such that it is not feasible to achieve the 3.5m clearance height to allow access by small rigid vehicles</p> <p>Parking There is a high demand for on-street parking around the development site and it is therefore essential that the development meets the DCP parking requirements. After applying the 50% reduction out of (b) of the Manly DCP a parking requirement for the site of 10 spaces is evident. The proposed 10 spaces including 1 disabled space and 1 loading space is considered acceptable. While the spaces utilise a car stacker, which is not generally favoured, the use is considered acceptable given the constrained nature of the site.</p>
Waste Officer	Commercial building not serviced by Council Waste Management services.

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 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.

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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	15m	12.8m	N/A	Yes
Floor Space Ratio	2.5:1 (1,663.25sqm)	2.49:1 (1654.8sqm)	N/A	Yes
Gross floor area in Zone B2	Min. 25% GFA for commercial purposes Max. 1,000sqm retail GFA	67.67% (1,119.9sqm) No retail GFA	N/A N/A	Yes Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.15 Tourist and visitor accommodation	Yes
6.16 Gross floor area in Zone B2	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 665.3sqm	Requirement	Proposed	% Variation*	Complies
4.2.1 FSR (Consideration of Exceptions including Arcades)	2.5:1 (1,663.25sqm)	2.49:1 (1654.8sqm)	N/A	Yes
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	15m	12.8m	N/A	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Nil	Nil	N/A	Yes
4.2.5.4 Car Parking and Access Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles	1 space per 40sqm commercial GFA (8 spaces required for new works, up to 50% of which to be provided on site, with contribution applicable in lieu of remaining 50%)	3 spaces	25%	No
4.4.3 Signage (Projecting Wall Sign)	Max. 2 signs per frontage	1 sign on northern frontage	N/A	Yes
	Max. 800mm projection from wall	600mm projection	N/A	Yes
	Must not exceed wall height	Below wall height	N/A	Yes
	Min. 2.6m above ground	3.6m above	N/A	Yes

		ground		
	Not less than 600mm from kerb	600mm from kerb	N/A	Yes
	Max area 10.8sqm	8sqm	N/A	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	Min. 3.5m above ground	Eastern awning: Min. 3.2m above ground Northern awning: Min. 2.4m above ground	8.5-34.2%	No
	Not less than 600mm from kerb	600mm from kerb	N/A	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	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
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)	Yes	Yes
3.5.6 Energy efficiency/conservation requirements for non-residential developments	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.5.8 Water Sensitive Urban Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.2.1 FSR (Consideration of Exceptions including Arcades)	Yes	Yes
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	Yes	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	Yes	Yes
4.2.5.4 Car Parking and Access	Yes	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	No	Yes
5 Special Character Areas and Sites	Yes	Yes

Detailed Assessment

3.4.1 Sunlight Access and Overshadowing

The proposed development is assessed as compliant with the requirements of Clause 3.4.1 Sunlight Access and Overshadowing. However, a submission has been received objecting to the impact of the proposed development on the approved development to the south at No. 27 Pittwater Road, Manly in relation to overshadowing. It is important to note that at the time of writing this report, the consent is not yet operational. A full overshadowing assessment is not able to be completed at the site, as the development is yet to be constructed. The proposed development is acceptable in relation to the relevant objectives of this clause, as follows:

Objective 1) To provide equitable access to light and sunshine.

Comment:

No. 27 Pittwater Road to the south of the subject site is currently developed with a part one- and part two-storey detached dwelling house. The proposed development results in negligible additional overshadowing to No. 27 Pittwater Road, with all additional shadowing falling to the roof of the existing building. No. 27 Pittwater Road benefits from Development Consent No. DA2017/1229, which includes a five-storey residential flat building on the western portion of the lot. In consideration of the approved development at No 27 Pittwater Road, the existing development on the subject site was assessed as acceptable and in accordance with this clause under DA2017/1229. The proposed development is likely to result in a minor increase to this impact, but not to an unacceptable level, as the increase in overall building height is not significant. Additional overshadowing is experienced at Nos. 25 and 19 Pittwater Road throughout the day, though this is a minor increase. In this way, the proposal retains equitable access to light and sunshine for nearby sites to the south in their existing forms, and in consideration of the potential future state of No. 27 Pittwater Road.

Objective 2) To allow adequate sunlight to penetrate:

- private open spaces within the development site; and
- private open spaces and windows to the living spaces/ habitable rooms of both the development

and the adjoining properties.

Comment:

The proposed development does not result in additional overshadowing impact to the private open spaces and windows at No. 27 Pittwater Road in its current state, as all additional overshadowing falls to the existing roof of the existing building. In consideration of the approved development at No. 27 Pittwater Road, the proposed development is likely to result in a minor increase to overshadowing of windows and private open spaces, but not to an unacceptable level, as the increase in overall building height is not significant. The proposed development will result in minor additional overshadowing to the private open space of No. 25 Pittwater Road during the middle of the day, but will not increase overshadowing to windows on that property. The proposed development will result in minor overshadowing to the windows of the existing property at No. 19 Pittwater Road. No private open space exists at No. 19 Pittwater Road.

Objective 3) To maximise the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor areas by:

- *encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and*
- *maximising setbacks on the southern side of developments to encourage solar penetration into properties to the south.*

Comment:

The proposed new third floor addition is adequately sited and designed so as to minimise overshadowing impact on the properties to the south, while retaining adequate privacy for properties to the north. The addition is sited to minimise overlooking to the north and to ensure the addition is not visible from the streetscape, so to increase the southern setback and shift the addition to the north would result in a less desirable outcome.

3.4.2 Privacy and Security

The proposed development is assessed as compliant with the requirements of Clause 3.4.2 Privacy and Security. However, a submission has been received objecting to the impact of the proposed development on the approved development to the south at No. 27 Pittwater Road, Manly in relation to visual privacy. Another submission raised objection in relation to visual privacy to properties across Denison Street and in relation to noise from operation of the site. The proposed development is acceptable in relation to the relevant objectives of this clause, as follows:

Objective 1) To minimise loss of privacy to adjacent and nearby development by:

- *appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;*
- *mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

Comment:

The proposed development includes changes to windows on the northern and southern elevations. These changes are effectively refurbishments of existing windows, so do not significantly increase overlooking from the subject site to adjacent sites, nor in consideration of the approved development at No. 27 Pittwater Road. The windows to the proposed third floor addition are acceptable in that they are designed and sited with the roof parapet to mitigate overlooking of nearby properties.

Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.

Comment:

As above, the proposed development does not present an unreasonable impact on privacy for adjacent or nearby sites. As such, the proposed development provides adequate privacy, while allowing for suitable access to light and air and outlook for the subject site.

Objective 3) To encourage awareness of neighbourhood security.

Comment:

The proposed development includes windows to the street elevations, thereby encouraging neighbourhood security via passive surveillance.

3.4.3 Maintenance of Views

The proposed development is assessed as compliant with the requirements of Clause 3.4.3 Maintenance of Views. However, a submission has been received objecting to the impact of the proposed development on the approved development to the south at No. 27 Pittwater Road, Manly in relation to view sharing. No. 27 Pittwater Road is currently developed with a part one- and part two-storey detached dwelling house. No significant views are currently available from this property. No. 27 Pittwater Road benefits from Development Consent No. DA2017/1229, which includes a five-storey residential flat building on the western portion of the lot. It is important to note that at the time of writing this report, the consent is not yet operational. A full view loss assessment is not able to be completed, as the development is yet to be constructed and views are in concept only at this stage. The proposed development will not impact upon views to the ground, first, second and third floors of the approved development, as the existing development on the subject site already obstructs any potential views. The proposed development is assessed in relation to the relevant objectives of this clause, in regards to the fourth and fifth floors only, as follows:

Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.

Comment:

In consideration of the approved development at No. 27 Pittwater Road, the proposed development is acceptable in relation to view sharing. It is likely that the approved development will gain views to the north-east, east and south-east. The proposed third floor addition will likely impact upon views that may be gained from the fourth floor of the approved development to the north and north-east, but not to the east, in the direction of the beach and ocean. This is reasonable in that the proposed development is compliant with the maximum height of building, and the most significant aspect of view is retained. The proposed development will not impact upon views to the fifth floor of the approved development, as views will be gained over the top of the proposed development. This demonstrates acceptable view sharing for the approved development to the south.

Objective 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).

Comment:

The proposed development will predominantly retain views to the beach and ocean for the fourth floor, and wholly retain these views to the fifth floor.

Objective 3) To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.

Comment:

The proposed development is acceptable in relation to view sharing, and does not result in view creep.

4.2.5.4 Car Parking and Access

Clause 4.2.5.4 of the MDCP 2013 provides that no more than 50 percent of the required car parking spaces is permitted to be provided onsite, with the remainder being provided by way of monetary contribution in accordance with the former Manly Council's Section 94 Contributions Plan.

The subject site currently includes eight parking spaces, with three spaces paid for by way of contribution, totalling 11 spaces accounted for for the existing scenario. The proposed development includes 286.3sqm of additional commercial floor space, triggering a requirement for an additional eight parking spaces. In accordance with this clause, no more than four spaces (being 50 percent of eight required) are to be provided on site. Three additional spaces are proposed via this development application. As such, the shortfall of five spaces (to account for the total of eight spaces required) is to be provided by way of monetary contribution in accordance with the former Manly Council's Section 94 Contributions Plan.

A condition of consent has been applied accordingly.

4.4.4.1 Awnings in LEP B1 and B2 Business Zones

Clause 4.4.4.1 of the MDCP provides that awnings are to be a minimum of 3.5m above street level. The proposed development includes an awning 3.2m above the ground along the Pittwater Road frontage, extending around the corner into Denison Street, and a separate awning along Denison Street at 2.4m above ground. Clause 4.4.4.1 does not have corresponding objectives under which a merit assessment may be conducted. Instead, an assessment is carried out in regards to the requirements of the clause, as follows:

In particular, awnings may be permitted where:

- a) development abuts pedestrian ways;*
- b) aligned with adjoining awnings in height and width;*
- c) it can be demonstrated the specific need for protection of goods or from weather and sun;*
- d) through site links are not obscured; and where*
- e) lighting under the awnings is provided for pedestrian safety and security.*

Comment:

The proposed awnings are located above pedestrian pathways and pedestrian entries to the proposed building. The awning height non-compliance arises due to the window dimensions and levels of the floor above. The awnings are each at or above the minimum height required of a habitable room according to the National Construction Code, thus providing sufficient headroom. The adjoining site to the south does not currently include an awning along the street frontage, and will not in its completed state after construction of approved works under DA2017/1229. As such, the proposed awning has no adjacent awning to align with. Being 1.8m and 1.2m wide respectively, the proposed awnings along the Pittwater Road and Denison Street frontages provide shelter from weather for pedestrians accessing the site. No through site links exists on site. No additional lighting under the awnings is proposed. However, the subject site is located on a main road, which is sufficiently lit for safety and security.

In accordance with the above, the proposed awnings are acceptable on merit.

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 proposed development includes 286.3sqm of additional commercial floor space, triggering a requirement for monetary contribution for the increase on demand for public services.

The additional commercial floor space also triggers the requirement for an additional eight parking spaces. In accordance with Clause 4.2.5.4 of the MDCP 2013, no more than four spaces (being 50 percent of eight required) are to be provided on site. Three additional spaces are proposed via this development application. As such, the shortfall of five spaces (to account for the total of eight spaces required) is to be provided by way of monetary contribution.

Conditions of consent have been applied accordingly.

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

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;
- Manly Local Environment Plan 2013;
- Manly Development Control Plan 2013; 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. The proposed development is compliant with the relevant development standards within Part 4 of the Manly Local Environmental Plan 2013. The proposed development is not compliant with the requirements of Clause 4.2.5.4 Car Parking and Access and Clause 4.4.4.1 Awnings in LEP B1 and B2 Business Zones of the MDCP 2013, though these non-compliances are acceptable on merit. In this regard the application is considered to be acceptable and is recommended for approval. 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 Development Consent to DA2019/0083 for Alterations and additions to an existing Mixed Use Development on land at Lot 1 DP 76807, 29 - 33 Pittwater Road, MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
PR-SA1 Site Analysis Construction + Erosion	May 2019	Alastair Robb
PR-01 Floor Plans (1)	May 2019	Alastair Robb
PR-02 Floor Plans (2) + South Elevation	May 2019	Alastair Robb
PR-03 Elevations	May 2019	Alastair Robb
PR-04 Roof Plan & Finishes	May 2019	Alastair Robb
PR-05 Cross Section	May 2019	Alastair Robb

Engineering Plans		
Drawing No.	Dated	Prepared By
D01 Stormwater Management Drainage Plan - Sheet 1	4 June 2018	NB Consulting Engineers
D02 Stormwater Management Drainage Plan - Sheet 2	4 June 2018	NB Consulting Engineers
D03 Stormwater Management Drainage Plan - Sheet 3	4 June 2018	NB Consulting Engineers
D04 Sections & Details - Sheet 1	4 June 2018	NB Consulting Engineers

Reports / Documentation – All recommendations and requirements contained

within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Traffic and Parking Assessment	25 June 2018	Ray Dowsett Traffic and Transport Planning Pty Ltd
Plan of Management (Serviced Accommodation)	August 2018	Applicant
Statement of Heritage Impact	August 2018	Hector Abrahams Architects
Fire Safety Statement	11 April 2018	Applicant
Part J BCA Report	Undated	Frys Energy Wise

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	1 February 2019	Vaughan Milligan

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

4. **Construction Traffic Management Plan**

Given the site constraints and limitation on vehicular access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person outlining procedures and systems to be in place and practised during the course of the project to manage construction vehicle impacts and ensure safety and minimise the effect of construction on pedestrians and vehicular traffic in the surrounding area. These procedures and systems must be in accordance with AS 1742 - Manual of Uniform Traffic Control Devices and RMS Manual Traffic Control at Work Sites. The CTMP is to be submitted for assessment and approval by Council with the relevant fee's as outlined in Council's Schedule of Fee's and Charges to be paid at the time the plan is submitted.

Reason: To ensure pedestrian and vehicular safety and efficient operation of the road network.

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

6. **Development Contribution - Commercial**

A contribution is to be paid 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 alterations and additions to an existing Mixed Use Development shall be in accordance with the contribution charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Contributions plan to effect changes in land values, construction costs and the Consumer Price Index. This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with Council's Contributions Plan effective July 2009 as follows;

The calculations for DA2019/0083 are as follows:

\$28,036.34 per 100m² GFA in Manly CBD precinct

Additional Floor Area = 286.3m²

\$28,036.34 x 2.863
= \$80,268.04

Total Contribution applicable = \$80,268.04

Note: Contribution fees are adjusted on the 1st July each year and are based on the March CPI figures.

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

7. **Development Contribution - Car Parking**

Payment of contribution in lieu of five car parking spaces which cannot be provided on a site within Zone B2 Local Centre under the Manly Local Environmental Plan 2013, shall be made in accordance with the provisions of Council's Contributions Plan 2004, pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979. The current amount of contribution for each parking space not provided on site is \$37,392.78 per space. The charges may vary at the time of payment in accordance with Council's Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

Total contribution for this development of alterations and additions to an existing Mixed Use Development at 29-31 Pittwater Road, Manly is \$186,963.90. The amount of the payment shall be in accordance with the Contribution charges as at the date of the payment and must be paid prior to issue of the Construction Certificate.

The calculations for DA2019/0083 are as follows: 5 x \$37,392.78 = \$186,963.90

Reason: To enable the provision of public amenities and services required/anticipated as a

consequence of increased demand resulting from the development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

9. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

10. **Flooding**

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

Building Components and Structural Soundness – C1

All new development 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 – C2

All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level of 6.13m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

Building Components and Structural Soundness – C3

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 6.13m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Certifying Authority 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.

11. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

12. Rectification and Certification of Southern Wall

The existing southern wall is to be rectified to be wholly within the subject site's property boundaries. Certification by a suitably qualified structural engineer that the existing southern wall is structurally sound is required. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure development is wholly contained within the relevant property boundaries.

13. No Boundary Encroachment

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any other land. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure structures are contained within the site.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

16. Vehicle Crossings

The provision of two vehicle crossings 9.7 metres wide and 5 metres in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

17. **Pre-clearance Survey Required – Bandicoot Habitat**

A pre-clearance survey for wildlife presence is required prior to the removal of any vegetation, material or debris stockpiles. Clearing may only proceed if the survey concludes that wildlife are present within the area to be cleared. A record of each inspection is to be made in the daily inspection register log-book. The log-book is to be made available to the Principal Certifying Authority.

Reason: To avoid injury or death of wildlife which may be utilising stockpiles of vegetation, materials or debris.

18. **Protection of Road Reserve**

The applicant shall be responsible for ensuring that the road reserve remains in a serviceable state throughout the course of the project.

Reason: To ensure safety and useability of the road and footpath.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

19. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

20. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and
DA2019/0083

Assessment Regulation 2000.

21. **Vehicular Access and Parking**

All driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

Reason: Compliance with standards.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

22. **Dead or Injured Wildlife – Manly LEP Clause 6.5**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

23. **Allocation of Stacked Parking Spaces**

Each stacked parking space pair be allocated to the same tenancy.

Reason: Effective operation of parking spaces.