

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/0540
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<b>Responsible Officer:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 1 DP 996593, 57 Addison Road MANLY NSW 2095
<b>Proposed Development:</b>	Alterations and additions to the existing residential flat building.
<b>Zoning:</b>	Manly LEP2013 - Land zoned R1 General Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Local Planning Panel
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Henri Rodrick Quin
<b>Applicant:</b>	Henri Rodrick Quin

<b>Application lodged:</b>	06/04/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Other
<b>Notified:</b>	11/04/2018 to 27/04/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 250,000.00
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### 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 - 4.6 Exceptions to development standards

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 996593 , 57 Addison Road MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the north-western side of Addison Road and south-eastern side of Wood Street.</p> <p>The site is regular in shape with a frontage of 20.3m along Addison Road and a secondary frontage of 30.5m to Wood Street. The site has a surveyed area of 609.7m<sup>2</sup>.</p> <p>The site is located within the R1 General Residential zone and accommodates a six unit residential flat building.</p> <p>The site slopes slightly from the south-eastern side to north-western side of the property approximately 0.8m.</p> <p>The site is located within bandicoot habitat.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by dwelling houses and residential flat buildings.</p>

Map:



## SITE HISTORY

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

**DA148/2017-** Alterations and additions to the existing building.

Council did not support this application due to heritage and bulk and scale impacts considered to be unreasonable. Subsequently, Council requested that the applicant withdraw the application. This application was withdrawn by the applicant on 26 August 2017.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal is for alterations and additions to the existing residential flat building including:

- New attic within the existing roof space incorporating bedroom, bathroom and storage.
- Attic balcony.
- New windows.
- New gable roof.

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

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – 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&amp;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&amp;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&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;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 of consent.</p> <p><u>Clause 98</u> of the EP&amp;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&amp;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&amp;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 Matters for Consideration'	Comments
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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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.

## 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.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p><i>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.</i></p>



Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	Council's Bushland & Biodiversity Team raise no objections to the proposal, subject to recommended conditions of consent.
Strategic and Place Planning (Heritage Officer)	The proposal reflects suggestions made in the PL meeting. Based on the above, I have no further objections to this proposal. Kind Regards Zoran Popovic

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 65 - Design Quality of Residential Apartment Development**

Clause 4 of State Environmental Planning Policy No. 65 – Design Quality for Residential Apartment Development (SEPP 65) stipulates that:

(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

(a) the development consists of any of the following:

- (i) the erection of a new building,
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
- (iii) the conversion of an existing building, and

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

The proposed development application is for the conversion of the existing roof space into a attic

containing a bedroom, toilet and storage area. Given an attic is not considered an additional storey nor is the development increasing the density the proposal is not considered to be a substantial redevelopment or refurbishment of the existing building. The proposal does not involve the erection of a new building and it is not a conversion of an existing building. Therefore the proposal does not meet any of the provisions under Part 4(1A) of the SEPP, and this policy does not apply.

#### **SEPP (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been submitted with the application (see Certificate No. A304874).

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

#### **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:	8.5m	10.8m	27% variation to the standard	No
Floor Space Ratio	FSR: 0.6:1	FSR: 1.15:1	92.1% proposed variation to the standard.	No

	(365.8sqm)	(703sqm)	73.3% existing variation.	
	Existing: 1.04:1			
	(634sqm)			

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No
4.4 Floor space ratio	No
4.6 Exceptions to development standards	Yes
5.8 Conversion of fire alarms	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.4 Stormwater management	Yes
6.5 Terrestrial biodiversity	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes
Schedule 5 Environmental heritage	Yes

#### Detailed Assessment

#### **4.6 Exceptions to development standards**

The following assessment of the variation to Clause 4.3- Building Height development standard has taken into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m 11m (existing)
Proposed:	10.8m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	Proposed- 27% variation to the standard.

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the MLEP 2013. The assessment is detailed as follows:

#### **Is the planning control in question a development standard?**

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the MLEP 2013 is a development



standard.

### **What are the underlying objectives of the development standard?**

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the MLEP 2013 are:

(1) The objectives of this clause are as follows:

*a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

Comment:

The existing building height and roof form site well above the 8.5m height limit being at 11m. The proposed development is below the existing 11m building height and sited within the existing building footprint. The roof form proposed under this application is consistent with the existing roof and complementary to the heritage significance of the site with the building established as a local heritage item under the Manly LEP 2013.

*b) to control the bulk and scale of buildings,*

Comment:

The building works proposed is consistent with the bulk and scale of the existing building. The proposed works are located within the existing building footprint. The proposed building height is consistent with that of surrounding and nearby development.

*c) to minimise disruption to the following:*

*(i) views to nearby residential development from public spaces (including the harbour and foreshores),*

*(ii) views from nearby residential development to public spaces (including the harbour and foreshores),*

*(iii) views between public spaces (including the harbour and foreshores),*

Comment:

The additional bulk and scale of the development does not result in a disruption of views to nearby residential development from public space, views from residential development to public space or views between public spaces.

*d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*

Comment:

The proposed works will not result in any unreasonable overshadowing to public or private open space. The proposed development is consistent with numerical requirements for sunlight access to adjoining properties under clause 3.4.1 of the Manly DCP. Sunlight access is maintained to private open spaces and living rooms of neighbouring properties.

*e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

Comment:

The subject site is not located within a recreation zone. The proposal was referred to Natural Environment Officer being within an environmental zone within the Manly LEP with no objection raised, subject to standard conditions of consent.

**What are the underlying objectives of the zone?**

In assessing the developments for non-compliance, consideration must be given to its consistency with the underlying objectives of the R1 General Residential zone.

The underlying objectives of the R1 General Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal will not affect the housing needs of the community.

It is considered that the development satisfies this objective.

- *To provide for a variety of housing types and densities.*

Comment:

The proposal maintains a housing variety within the residential area.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The existing residential use remains the same.

It is considered that the development satisfies this objective.

**Is the variation to the development standard consistent with the objectives of Clause 4.6 of the MLEP 2013?**

(1) The objectives of this clause are as follows:

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.*

Comment:

In this circumstance, a degree of flexibility is considered to be appropriate as the proposal would not cause any unreasonable amenity impact and the development would contribute to providing housing needs for the community, as is consistent with the objectives of the zone under the Manly LEP, 2013.

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The proposed building height is a satisfactory outcome as the existing amenity is not unreasonably impacted and the bulk and scale remains consistent within the streetscape.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

The applicant's written request outlines the reasons as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development and provides the following environmental planning justification for the contravention of the development standard as follows:

**" 4. JUSTIFICATION FOR VARIATION OF THE HEIGHT STANDARD AND GROUNDS OF OBJECTION**

*The new works are all below the existing ridgeline. The proposed changes to the roof form are predominantly in the form of dormer windows. The proposed roof additions will not result in any significant increase to bulk and scale of the existing building. The extent of the variation is consistent with the existing and desired streetscape character. No important landscape and townscape features will be obscured. The proposal will have minimal impact on any private and public views and maintains adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings. The effect of the bulk and scale of the proposal has been minimised.*

*It has been shown that there are no adverse environmental impacts on the use or enjoyment of adjoining land and the public domain whilst providing useful additional living areas to the occupiers of the building. The proposal is compatible with existing buildings in terms of height and roof form. In this regard, the proposal satisfies building height objectives in Clause 4.3 of the LEP.*

**7. IS COMPLIANCE WITH THE STANDARDS CONSISTENT WITH THE AIMS AND OBJECTIVES OF SEPP1 AND WOULD COMPLIANCE WITH THE STANDARDS HINDER THE OBJECTIVES SET OUT IN 5(A) (I) AND (II) OF THE ACT?**

*The variations to the development standard contained in Clause 4.3 and Clause 4.4 of the LEP have been shown to be consistent with the aims of Clauses 4.3(1) and 4.4(1) and with the underlying objectives of the standards.*

*The proposed development will be in the public interest because it is consistent with the objectives of the particular standards and the objectives for development within Zone R1 General Residential.*

*Sufficient environmental planning grounds have been provided to justify contravening the development standards, and overall, the proposal allows a better outcome by allowing flexibility in these particular circumstances to improve the amenity within the building. Variation to the standards would be consistent with the objects of the Policy to provide flexibility in the application of standards. As set out above, strict compliance with the standards would preclude the reasonable development of the site in accordance with the objectives set out in 5(a) (i) and (ii) of the Act.*

**8. IS STRICT COMPLIANCE WITH THE STANDARDS UNREASONABLE AND UNNECESSARY?**

*For the reasons given above, strict compliance with the standards is unreasonable and unnecessary in the circumstances of the case. It is considered that the objections are well founded and can be supported by the Council."*

(4) Development consent must not be granted for development that contravenes a development standard unless:

*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment:

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Comment:

For reasons detailed above, the proposal is considered to be consistent/inconsistent with the objectives of the R1 General Residential zone in the MLEP 2013.

*(b) the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed by the Local Planning Panel.

The following assessment of the variation to Clause 4.4- Floor Space Ratios, development standard has taken into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	FSR: 0.6:1 (365.8sqm)
Existing	FSR: 1.04:1 (634sqm)
Proposed:	FSR: 1.15:1 (703sqm)
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	92.1% proposed variation to the standard.  73.3% existing variation.

The proposal must satisfy the objectives of Clause 4.4 Floor Space Ratios, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the MLEP 2013. The assessment is detailed as follows:

#### **Is the planning control in question a development standard?**

The prescribed Floor space ratio limitation pursuant to Clause 4.4 of the MLEP 2013 is a development standard.

#### **What are the underlying objectives of the development standard?**

The underlying objectives of the standard, pursuant to Clause 4.4 – 'Floor space ratio' of the MLEP 2013 are:

(1) The objectives of this clause are as follows:

*a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*

#### Comment:

The bulk and scale of the proposal is consistent with other residential flat buildings within

close vicinity of the subject site, including Nos. 13, 15 Wood Street and Nos. 78 and 80 Addison Road Manly.

*b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*

Comment:

The proposed increase in gross floor area is located entirely within the existing building footprint. The works will not obscure any important landscape features on site or adjacent to the property.

*c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*

Comment:

The proposed increase in gross floor areas is located within the existing roof. The proposed works visible from Addison Road and Wood Street, which include roof alterations match the existing building. The new windows and balcony are unlikely to have a negative visual impact on the existing character of the area.

*d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*

Comment:

The proposed works will not lead to unreasonable privacy impacts to adjoining units and neighbouring properties. The proposed new windows and balcony do not directly overlook adjoining properties. There will be no loss of views as a result of this development. The proposal maintains adequate levels of sunlight access to adjoining properties.

*e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

Comment:

Not applicable.

## **What are the underlying objectives of the zone?**

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R1 General Residential zone.

The underlying objectives of the R1 General Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal will not affect the housing needs of the community.



It is considered that the development satisfies this objective.

- *To provide for a variety of housing types and densities.*

Comment:

The proposal maintains housing variety within the residential area.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The existing residential use remains the same.

It is considered that the development satisfies this objective.

#### **Is the variation to the development standard consistent with the objectives of Clause 4.6 of the MLEP 2013?**

(1) The objectives of this clause are as follows:

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.*

Comment:

The proposed development provides for an appropriate level of flexibility in applying the floor space ratio development standard.

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The proposed variation to the floor space ratio allows for a more useable living space in a relatively dense area, thereby creating an improved outcome for the site, while retaining the existing residential use and density.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

The applicant's written request outlines the reasons as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development and provides the following environmental planning justification for the contravention of the development standard as follows:

**"6. JUSTIFICATION FOR VARIATION OF THE FSR STANDARD AND GROUNDS OF OBJECTION**

*The existing FSR of the building is 1:04:1 (634m<sup>2</sup>) and is already in excess of this standard. The proposed development adds a further 69m<sup>2</sup> to the gross floor area. This second application is 17% less than the original application and has resulted in a significant reduction in the bulk and scale of the proposal. All the additional space is within the existing roof space with new dormers to accommodate the additional habitable space. The nature of the proposed roof addition will not result in any significant increase to bulk and scale of the existing building. The new works are all below the existing ridgeline.*

*The extent of the variation is and the bulk and scale of the proposed alterations and additions are consistent with the existing and desired streetscape character. No important landscape and townscape features will be obscured. The proposal maintains the visual relationship to the existing character and landscape of the area.*

*It has been shown that there are no adverse environmental impacts on the use or enjoyment of adjoining land and the public domain. The additions have been designed so that it results in a well-modulated and articulated building form that maintains the roof form of the existing house. The proposal is compatible with existing buildings in terms of height and roof form. The effect of the bulk and scale of the proposal has been minimised. In this regard, the proposal satisfies FSR objectives in Clause 4.4 of the LEP.*

**7. IS COMPLIANCE WITH THE STANDARDS CONSISTENT WITH THE AIMS AND OBJECTIVES OF SEPP1 AND WOULD COMPLIANCE WITH THE STANDARDS HINDER THE OBJECTIVES SET OUT IN 5(A) (I) AND (II) OF THE ACT?**

*The variations to the development standard contained in Clause 4.3 and Clause 4.4 of the LEP have been shown to be consistent with the aims of Clauses 4.3(1) and 4.4(1) and with the underlying objectives of the standards.*

*The proposed development will be in the public interest because it is consistent with the objectives of the particular standards and the objectives for development within Zone R1 General Residential. Sufficient environmental planning grounds have been provided to justify contravening the development standards, and overall, the proposal allows a better outcome by allowing flexibility in these particular circumstances to improve the amenity within the building.*

*Variation to the standards would be consistent with the objects of the Policy to provide flexibility in the application of standards. As set out above, strict compliance with the standards would preclude the reasonable development of the site in accordance with the objectives set out in 5(a) (i) and (ii) of the Act.*

## 8. IS STRICT COMPLIANCE WITH THE STANDARDS UNREASONABLE AND UNNECESSARY?

*For the reasons given above, strict compliance with the standards is unreasonable and unnecessary in the circumstances of the case. It is considered that the objections are well founded and can be supported by the Council."*

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) *the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment:

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R1 General Residential zone in the MLEP 2013.

(b) *the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Floor Space Ratio Development Standard is assumed by the Local Planning Panel.

## Manly Development Control Plan

### Built Form Controls

Built Form Controls - Site Area: 609.7m <sup>2</sup>	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	South West:6.5m	6.6m, no change proposed	N/A	N/A

	North West: 6.5m	6.6m, no change proposed	N/A	N/A
	North East: 6.5m	6.6m, no change proposed	N/A	N/A
4.1.2.2 Number of Storeys	2	Attic not considered a storey under Manly LEP definition.	N/A	N/A
4.1.2.3 Roof Height	Height: 2.5m	2.3m	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	6.5m, consistent with prevailing setback	N/A	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	2.2m (based on north east wall height)	2m	9.1%	No
	Windows: 3m	2m	33%	No
	Secondary street frontage: Prevailing setback / 2.2m	2m, consistent with prevailing setback	N/A	No, but consistent with the prevailing setback
4.1.4.4 Rear Setbacks	8m	12.7m (measured from end of balcony)	N/A	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% (335.34m <sup>2</sup> ) of site area	44.3% 270.7m <sup>2</sup>	N/A	N/A
	Open space above ground ≤25% of total open space	7% (19m <sup>2</sup> )	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 x 100 = 95 then 100 - 95 = 5% variation)

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.3.1 Landscaping Design	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
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	No	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes
5.4.2 Threatened Species and Critical Habitat Lands	Yes	Yes

#### Detailed Assessment

#### **3.4.2 Privacy and Security**

##### Merit consideration:

The development is considered against the underlying Objectives of the Control 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; and
- mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.

##### Comment:

The proposed new attic level deck on the north-western side of the building is minor in size (5.7sqm) and setback 12.7m from the north-west boundary and 9.1m from the north-west boundary, sufficient physical separation from adjoining properties to maintain reasonable levels of privacy (aural and visual). The proposed new windows on the attic level of the south-west and north-east side of the building will not have a direct view onto adjoining property windows.

*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:

The proposed new windows and deck from the attic allow for sunlight access to this level, while not compromising reasonable levels of privacy for adjoining properties, particularly for properties to the north- east (No. 59 Addison Road) and north-west (No. 15 Wood Street).

*Objective 3) To encourage awareness of neighbourhood security.*

##### Comment:

The proposed building retains an open frontage for both Addison Road and Wood Street to maintain passive surveillance of the streets.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

#### 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

This Clause relies upon the objectives of Clause 4.3 under MLEP 2013. An assessment of the proposal against the objectives of Clause 4.3 has been provided within this report. This assessment has found the proposal to be consistent with the objectives of Clause 4.3, it noted that there is no change to the existing wall height variation.

#### 4.1.4 Setbacks (front, side and rear) and Building Separation

##### Description of non-compliance

Clause 4.1.4.2 of the Manly DCP requires development be setback from side boundaries at least one third of the adjoining wall height, this also applies to for corner allotments unless a prevailing building line exists.

**North-east side setback-** 2m, 9.1% variation to the 2.2m numeric control.

**Secondary street frontage-** 2m, 9.1% variation to the 2.2m numeric control but consistent with the prevailing setback.

**Windows-** 2m, 33% variation to the 3m numeric control.

##### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

*Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.*

##### Comment:

The proposed works are for alterations and additions to the existing residential flat building specifically new a new attic level within the existing roof space. While the works proposed are not a substantial redevelopment of the existing building the development does propose considerable changes. The proposed development does not present as visually dominant within the streetscape. Addison Road has numerous examples of both residential flat buildings and detached dwelling houses. The works proposed are not unreasonable within the existing streetscape.

*Objective 2) To ensure and enhance local amenity by:*

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

##### Comment:



Amenity considerations including privacy and solar access are maintained as part of this proposal. The proposed deck/balcony does not provide for unreasonable opportunities for direct viewing to adjoining properties.

*Objective 3) To promote flexibility in the siting of buildings.*

Comment:

Flexibility is promoted in this circumstance as there are no unreasonable amenity impacts that will result from the proposal.

*Objective 4) To enhance and maintain natural features by:*

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

Existing landscaped open space remains unchanged. There is no reduction of planting.

*Objective 5) To assist in appropriate bush fire asset protection zones.*

Comment:

The subject site is not located in bushfire zone.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **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**

### **Mainly Section 94 Development Contributions Plan**

S94 Contributions are not applicable to this 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:

- Inconsistent 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 Development Consent to DA2018/0540 for Alterations and additions to the existing residential flat building. on land at Lot 1 DP 996593, 57 Addison 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
DA02/ Site Plan	Issue A/ 26 February 2018	Jerome Cateaux Architect
DA03/ Site Analysis	Issue A/ 26	Jerome Cateaux

	February 2018	Architect
DA05/ Proposed first floor Plan	Issue A/ 26 February 2018	Jerome Cateaux Architect
DA06/ Roof Plan/ Stormwater Plan	Issue A/ 26 February 2018	Jerome Cateaux Architect
DA07/ Proposed Attic Plan	Issue A/ 26 February 2018	Jerome Cateaux Architect
DA08/ Long Section	Issue A/ 26 February 2018	Jerome Cateaux Architect
DA09/ Short Section	Issue A/ 26 February 2018	Jerome Cateaux Architect
DA10/ Elevations	Issue A/ 26 February 2018	Jerome Cateaux Architect
DA11/ Elevations 2	Issue A/ 26 February 2018	Jerome Cateaux Architect

**Reports / Documentation – All recommendations and requirements contained within:**

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate number: A304874	1 March 2018	Jerome Cateaux

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

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. (DACPLB01)

## 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 (DACPLB09)

### 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. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 4. **Security Bond**

A bond (determined from cost of works) of \$1,500 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](http://www.northernbeaches.nsw.gov.au)).

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

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



5. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

6. **Construction Hours – Manly LEP Clause 6.5**

Construction hours are to be adhered to, with no construction vehicles or heavy machinery used outside the hours of 7:00am and 5:00pm.

**Reason:** Noise and vibration can disturb local native fauna (including threatened species) and prevent access to their natural habitats.

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

A pre-clearance survey for Long-nosed Bandicoot activity and presence is required prior to the removal of any vegetation, material or debris stockpiles. Clearing may only proceed if the survey concludes that no Long-nosed Bandicoots are present within the area to be cleared. All clearing must initially be carried out with hand tools to identify whether any bandicoots are sheltering within the area to be cleared (e.g. at the base of vegetation or under deep litter). Machinery may only be used once it has been confirmed that no bandicoots are sheltering within the area to be cleared. Clearing must be carried out at dusk and completed within one day so that bandicoots do not reoccupy partially cleared areas overnight. 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 Long-nosed Bandicoots which may be utilising stockpiles of vegetation, materials or debris.

8. **Report Dead or Injured Bandicoots – Bandicoot Habitat**

Any injured or dead Long-nosed Bandicoots found within the worksite must be reported to the National Parks & Wildlife Service (9457 9577) or Northern Beaches Council (1300 434 434).

**Reason:** To prevent impacts to Long-nosed Bandicoots in accordance with the Biodiversity Conservation Act 2016.

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

9. **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 Assessment Regulation 2000. (DACPLF07)

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

10. **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.

11. **Fencing for Wildlife Passage**

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

**Reason:** Management of wildlife corridors

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

**Signed**


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

**Rodney Piggott, Manager Development Assessments**


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**Peter Robinson, Executive Manager Development Assessment**



























**ATTACHMENT A**

Notification Plan	Title	Date
 2018/223454	Plans - Notification	06/04/2018

**ATTACHMENT B**

Notification Document	Title	Date
 2018/227074	Notification Map	10/04/2018

## ATTACHMENT C

Reference Number	Document	Date
 2018/223455	Plan - Survey	25/05/2013
 2018/223451	Report - BASIX Certificate	01/03/2018
 2018/223453	Report - Waste Management Plan	20/03/2018
 2018/223449	Report - Statement of Environmental Effects	20/03/2018
 2018/223452	Report - Heritage Impact Assessment	22/03/2018
 2018/223454	Plans - Notification	06/04/2018
 2018/223456	Plans - Shadow Diagrams	06/04/2018
 DA2018/0540	57 Addison Road MANLY NSW 2095 - Development Application - Alterations and Additions	06/04/2018
 2018/221344	DA Acknowledgement Letter - Henri Rodrick Quin	06/04/2018
 2018/223447	Development Application Form	09/04/2018
 2018/223448	Applicant Details	09/04/2018
 2018/223460	Plans - Internal	09/04/2018
 2018/223457	Plans - External	09/04/2018
 2018/223461	Plans - Master Set	09/04/2018
 2018/225022	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0540 - 57 Addison Road MANLY NSW 2095-PR	09/04/2018
 2018/224730	ARP Notification Map	10/04/2018
 2018/229197	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0540 - 57 Addison Road MANLY NSW 2095-PR	10/04/2018
 2018/227061	DA Acknowledgement Letter (not integrated) - Henri Rodrick Quin	10/04/2018
 2018/227074	Notification Map	10/04/2018
 2018/227078	Notification Letter - 32	10/04/2018
 2018/235958	Heritage Referral Response - DA2018/0540 - 57 Addison Road	13/04/2018
 2018/242052	Confirmation of Notification Sign - DA2018/0540 - 57 Addison Road Manly	17/04/2018
 2018/251475	Building Assessment Referral Response	23/04/2018
 2018/251544	Building Assessment Referral Response	23/04/2018
 2018/465450	Working Plans	23/07/2018
 2018/502830	Working Plans	08/08/2018
 2018/523468	NBLPP - Applicant/Owner Letter	16/08/2018

