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MEMORANDUM

DATE: 16 March 2020
TO: Northern Beaches Local Planning Panel
CC: Rod Piggott, Manager Development Assessments
FROM: Claire Ryan, Principal Planner
SUBJECT: DA2019/0645 – 26 Whistler Street, Manly – Supplementary Report

Dear Panel,

The Conclusion of the Assessment Report for DA2019/0645 at 26 Whistler Street, Manly partially reads as follows:

Council is satisfied that:

- 1) *The Applicant's written request under Clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of Clause 4.3 Height of Buildings, Clause 4.4 Floor Space Ratio and Clause 6.16 Gross Floor Area in Zone B2 has adequately addressed and demonstrated that:*
 - a) *Compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and*
 - b) *There are sufficient environmental planning grounds to justify the contraventions.*
- 2) *The proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.*

The Recommendation of the Assessment Report for DA2019/0645 at 26 Whistler Street, Manly partially reads as follows:

That Northern Beaches Council as the consent authority vary the development standards at Clause 4.3 Height of Buildings, Clause 4.4 Floor Space Ratio and Clause 6.16 Gross Floor Area in Zone B2, pursuant to Clause 4.6 of the MLEP 2013, as the Applicant's written request to vary these standards has adequately addressed the merits required to be demonstrated by subclause (3) of Clause 4.6, and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

However, as detailed in the Assessment Report, the development application relies on existing use rights and development standards do not strictly apply. As such, the Recommendation and Conclusion should exclude the above commentary.



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Additionally, one condition of consent was erroneously omitted from the recommended conditions of consent. It is recommended the following condition be added:

Compliance with Other Department, Authority or Service Requirements

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

| <i>Other Department, Authority or Service</i> | <i>EDMS Reference</i> | <i>Dated</i> |
|--|--|------------------------|
| <i>Ausgrid</i> | <i>2019/621518 Ausgrid Referral Response</i> | <i>28 October 2019</i> |

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

Claire Ryan
Principal Planner
Planning and Place