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MEMORANDUM

DATE: 8 November 2020

TO: Northern Beaches Independent Assessment Panel

CC: Anna Williams, Planning Assessment Manager

FROM: Maxwell Duncan, Development Assessment Officer

SUBJECT: Assessment Report Errors and Access.

Dear Panel,

Two errors have been identified in the assessment report for this application. The error have been detailed below and replacement wording has been included to rectify the errors. Additionally, the panel has requested further information in regards to access to the terrace and the community rooms.

OVERVIEW:

1. Report Error

There is an error in the assessment report for DA2020/0951 (37-38 East Esplanade, Manly). The view loss comments under clause 3.4.3 of the Manly DCP conclude by stating the following:

"Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Manly DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance"

As detailed earlier within the assessment report, the view loss is not supported. The concluding comments clause 3.4.3 of the Manly DCP have been made in error. The proposed view loss is not supported and listed as a reason for refusal. Therefore the concluding comments under clause 3.4.3 of the assessment report is to read as follows:

*"Having regard to the above assessment, it is concluded that the proposed development is **inconsistent** with the relevant objectives of Manly DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is **not supported**, in this particular circumstance"*

2. Report Error

There is an error in the assessment report for DA2020/0951 (37-38 East Esplanade, Manly) within the *Environmental Planning and Assessment Act 1979* - Section 4.15 evaluation table. Section 4.15(1)(c) - *the suitability of the site for the development* states the following:



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Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
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The site is considered to be **unsuitable** for the site, for the reasons detailed within the assessment report and reasons listed for refusal of the application. Therefore Section 4.15(1)(c) - *the suitability of the site for the development* of the evaluation table is to read as follows:

Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered unsuitable for the proposed development.
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3. Access

The Disability (Access to Premises - Buildings) Standards 2010 and Australia Standard AS1428 require a passenger lift be installed for rooms that are utilised for communal use by residents of a building. The proposed development does not provide adequate disabled access to the proposed community room or roof terrace. No relevant exceptions apply in this circumstance. As such, Accessibility should be listed as a reason for refusal of this application. The reason for refusal is as follows:

“Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.6 Accessibility of the Manly Development Control Plan.”

Maxwell Duncan

Development Assessment Officer
Planning, Place and Community