



northern
beaches
council

AGENDA

NORTHERN BEACHES LOCAL PLANNING PANEL

Notice is hereby given that the Northern Beaches Planning Panel will be held via teleconference on

FRIDAY 3 DECEMBER 2021

Beginning at 10.00am for the purpose of considering and determining matters included in this agenda.

Peter Robinson
Executive Manager Development Assessment

Panel Members

Peter Biscoe	Chair
Lisa Bella Esposito	Town Planner
Kara Krason	Town Planner
John Simmonds	Community Representative

Quorum

A quorum is three Panel members

Conflict of Interest

Any Panel Member who has a conflict of Interest must not be present at the site inspection and leave the Chamber during any discussion of the relevant Item and must not take part in any discussion or voting of this Item.

Agenda for the Northern Beaches Local Planning Panel to be held on Friday 3 December 2021

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5.0	NON PUBLIC MEETING ITEMS	
	A statutory Direction by the Minister of Planning and Public Spaces states the panel is only required to hold a public meeting where the development application has attracted 10 or more unique submissions by way of objection. There applications do not satisfy that criterion.	
	Nil	

ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, the Northern Beaches Local Planning Panel acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past and present.

1.0 APOLOGIES & DECLARATIONS OF INTEREST

Nil

4.0 PUBLIC MEETING ITEMS

ITEM 4.1	MOD2021/0178 - 138 -139 NORTH STEYNE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2018/0723 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING
AUTHORISING MANAGER	Lashta Haidari
TRIM FILE REF	2021/821470
ATTACHMENTS	1 Assessment Report 2 Site Plan & Elevations

PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as it is a modification of a determination or decision made by a local planning panel.

RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/0178 for Modification of Development Consent DA2018/0723 granted for demolition works and construction of a residential flat building at Lot 10 DP 5824 & Lot B DP 345625, 138-139 North Steyne, Manly subject to the conditions set out in the Assessment Report.

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0178
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Responsible Officer:	Rebecca Englund
Land to be developed (Address):	Lot B DP 345625 139 North Steyne MANLY NSW 2095 Lot 10 DP 5824 138 North Steyne MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA2018/0723 granted for the demolition works and construction of a residential flat building
Zoning:	MLEP 2013 – R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	Northern Beaches Local Planning Panel
Land and Environment Court Action:	No
Owner:	Rydale Flat Units Pty Ltd
Applicant:	Asia Digital Investments Pty Ltd

Date of Lodgment	28 April 2021
Integrated Development:	No
Designated Development:	No
Notified:	05 May 2021 to 19 May 2021 27 October to 10 November 2021
Advertised:	05 May 2021 27 October 2021
Number of Submissions	16
Recommendation	Approval

EXECUTIVE SUMMARY

On Wednesday 20 October 2021, Mod2021/0178 was presented to the Northern Beaches Local Panel (**NBLPP**) for determination, with a recommendation of refusal. In response to the presentation of amended plans and a request from the Applicant, the NBLPP deferred the matter to allow for the notification and assessment of the amended plans.

The amended plans demonstrate an increased setback between the front enclosing walls and the street frontage, a reduction to the extent of glazing along the side and rear elevations and provide additional detail with respect to privacy attenuation measures proposed. The amended plans have been carefully considered and the consent authority can be satisfied that previous concerns raised in relation to the front setback, visual privacy and spatial separation have been adequately addressed, and that the modified development is substantially the same as that originally approved.

In response to the notification and advertisement of the amended plans, 10 additional submissions were received in objection to the application, 9 of which were received from individuals/parties who

had previously objected to the development and 1 entirely new submission. The consent authority can also be satisfied that there were no new matters raised that would warrant the refusal of the proposed development or that cannot be reasonably resolved via conditions.

As such, the modification application is returned to the NBLPP with a recommendation of approval, subject to modified and additional conditions.

This report is to be read in conjunction with the previous assessment report presented to the NBLPP on 20 October 2021. This report adopts the assessment made with respect to DA2018/0723 and that presented to the NBLPP in the previous assessment report. Only those matters relevant to the amended plans are discussed in further detail below. Unaltered or unchanged areas of existing approved non-compliance are not reconsidered.

PROPOSED DEVELOPMENT IN DETAIL

The modification application seeks to modify development consent DA2018/0723, which provides for the demolition of all existing site improvements and the construction of a four-storey residential flat building at the subject site. The modification application is made pursuant to s4.55(2) of the EP&A Act.

The amended plans propose the following changes compared to the plans previously presented to the NBLPP:

- An increased setback between the street and the front north-eastern enclosing wall of Unit A1 on the Ground Level, to align with the development above,
- The removal of the curved element of the blade wall on the northern elevation (being that part that encroached within the approved setback),
- An 820mm increase to the setback of the central front enclosing walls of Units A3 and A5,
- A decrease to the width of windows on the side and rear elevations,
- Amendments to the screening detail proposed on windows along the side and rear elevations, with full height integrated screens now proposed,
- The relocation of the windows associated with Bed 2 of Units A2 and A4, to be oriented into the central notch on the southern façade.
- A reduction of the gross floor area by 10.4m², resulting from the amendments to the setbacks of Units A1, A3 and A5.

Overall, the key modifications proposed in the application as a whole can be summarised as follows:

- a. Modification of the vehicular access arrangements, removing the previously approved car lift to be replaced with a conventional driveway.
- b. Redesign of the basement (primarily due to the driveway), resulting in a reduction of two parking spaces (from 15 spaces to 13 spaces).
- c. Minor increase in FSR of 5.9m², from 1075.1m² (1.47:1) to 1081.0m² (1.48:1).
- d. Alteration to the alignment of the eastern front enclosing walls on Levels 1, 2 and 3, with both increases and reductions to the front setbacks.
- e. Reduction to the setback of the eastern front wall of Unit 1 on the ground floor, to align with the footprint of the balcony above.
- f. Alterations to the size and layouts of each of the 6 units proposed.
- g. Minor increase to the height of the lift overrun and roof parapet.
- h. Alteration to the size and orientation of windows on all elevations.

The modification application also seeks consent for amendments to the following conditions of consent:

- Deletion of Condition 2 'Amendments to the approved plans', which reads as follows:

Prior to the issue of a Construction Certificate, amended plans shall be submitted which indicate the following:

- a) *The north facing wall to the living rooms on ground floor, first floor, second floor, bedroom 01 on the third level and the adjoining north-east corner of the balcony on these levels shall be setback a minimum of three metres from the northern boundary adjoining 140-142 North Steyne, Manly.*
- b) *The rear west facing wall on the ground, first and second floor shall be setback a minimum of 4.5 metres from the western boundary adjoining 30 Bonner Avenue, Manly.*

Reason: To improve the separation between buildings and to achieve a reduction in bulk and improved amenity and outlook for adjoining properties.

This condition is said to be redundant, as the amended plans have adopted the nominated setbacks.

- Deletion of Condition 16 'Privacy', which reads as follows:

The balcony areas located on the southern side of Unit No. 6 are to be deleted and replaced with a landscaped planter box or made not trafficable and extend for the entire length of each balcony.

The windows and doors attached to the balconies located on the southern side of Unit No. 6 are to have a minimum sill height of 1.65m measured from the finished floor level or are to be fixed and finished in obscured glazed to a height of 1.65m above finished floor level.

The areas identified as 'Court.' on the northern and southern sides level 1, level 2, level 3 and level 4 are to be made non-trafficable.

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

Reason: To ensure the privacy of the neighbouring properties.

This condition is said to be redundant, as the amended plans have adopted the changes required to incorporate planters around the southern perimeter of the upper level and an alternate solution is proposed in the amended plans to maintain privacy.

- Modification of Condition 19 'Vehicle Access & Parking', which reads as follows:

All internal 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 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken;

The accessible parking space is to be redesigned to comply with AS2890.6, including a 2.4m wide parking space with a 2.4m shared space adjoining.

Plans prepared by a suitably qualified Engineer shall be submitted to the Consent Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with the Australian Standards

To be modified, to read as follows:

All internal 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 (Off-street Parking standards).

Plans prepared by a suitably qualified Engineer shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with the Australian Standards

The portion of the condition requiring a change to the design of the accessible space is said to be redundant by virtue of the amended plans.

- Modification of Condition 45 'Allocation of Spaces', which reads as follows

Car parking spaces provided shall be provided, made accessible and maintained at all times.

The spaces shall be allocated as follows:

12- Residential

3 - Residential - Visitors

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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 that adequate parking facilities to service the development are provided on site. (DACPLG01)

To be modified, to read as follows:

Car parking spaces provided shall be provided, made accessible and maintained at all times.

The spaces shall be allocated as follows:

11 - Residential

2 - Visitors

Carparking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit shall be line marked and numbered or signposted to indicate the unit to which it is allocated.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site.

SITE HISTORY

On 4 December 2018, development application DA2018/0723 was approved by Council under the delegation of the Northern Beaches Local Planning Panel.

On 28 April 2021, modification application MOD2021/0178 was lodged with Council.

On 24 June 2021, the modification application was referred to the Design and Sustainability Advisory Panel (DSAP).

On 21 July 2021, Council requested additional information with regards to the following aspects of the modified proposal:

- Floor space ratio non-compliance,
- Pedestrian egress from the basement and non-compliance with the BCA,
- Impacts upon the streetscape,
- Bulk and scale,
- Increased building footprint,
- Sustainability.

On 31 August 2021, the applicant provided amended plans and amended supporting documentation.

On 18 October 2021, the applicant presented further amended plans and supporting documentation.

On 20 October 2021, the modification application was reported to the NBLPP with a recommendation of refusal. The NBLPP voted to defer the matter to allow for the notification and assessment of the amended plans received on 18 October 2021.

On 17 November 2021, further amended plans were uploaded to the NSW Planning Portal. These plans proposed the relocation of solar panels (to the same location as that already approved) and further refinement to the window and screens associated with Bedroom 3 of Units A2 and A4 on the southern elevation. Whilst made available on the website, these plans were not formally renotified, as the changes result in a lesser or reduced impact to neighbouring properties, and as such, the threshold for renotification under Council's Community Participation Plan was not met. It was also noted that the change to the particular windows in question have not been the subject of any of the submissions received to date.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)

Section 4.55 (2) Assessment

Section 4.55 (1A) – Modifications involving minimal environmental impact	Comments
A consent authority may, on the application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2018/0723 for the following reasons:</p> <ul style="list-style-type: none"> • The modified development remains consistent with the description of development outlined in the assessment report prepared with respect to DA2018/0723, being the construction of a residential flat building comprising six new apartments and basement car parking. • The modified development is generally maintained within the footprint and volume of development approved pursuant DA2018/0723. • The apartment mix remains the same, with a four bedroom apartment on both the ground and third floors, and two three bedroom apartments on both Levels 1 and 2. • The primary orientation of the development remains to the east, to encapsulate views of Queenscliff Beach. • Whilst the means of vehicular access is altered, the location of the driveway remains consistent. • Despite a reduction in visitor parking, each unit will maintain two off-street car parking spaces in the basement car park. • The change to the architectural expression of the development is not so dramatic as to result in a radically different development. • The height, bulk and scale of the proposal presenting to the public domain and to adjoining properties remains largely unchanged.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a	Development Application DA2018/0723 did not require concurrence from the relevant Minister, public authority or approval body.

concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	
(c) it has notified the application in accordance with: <ul style="list-style-type: none"> i. the regulations, if the regulations so require, or ii. a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and 	The amended plans have been publicly exhibited in accordance with the Environmental Planning and Assessment Regulation 2000 and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	10 submissions were received in response to the notification of the amended plans. See "Notification and Submissions Received" below.

Section 4.15 Assessment

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15C (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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	MDCP 2013 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None Applicable.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iv) – Provisions of the regulations	All relevant provisions of the EP&A Regulation 2000 have been taken into consideration during the assessment of the this modification application.
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	<ul style="list-style-type: none"> i. The environmental impacts of the proposed development on the natural and built environment are addressed under the MDCP 2013 section in this report (and the original assessment report) and found to be appropriate. ii. The proposed development will not have a detrimental social impact on the locality. iii. The proposed development will not have a detrimental economic impact on the locality.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	10 submissions were received in response to the notification of the amended plans. See "Notification and Submissions Received" below.
Section 4.15 (1) (e) – the public interest	There are no matters that warrant the refusal of the proposal in the public's interest.

Section 4.55(3) also requires the consent authority to take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The Statement of Reasons provided within the minutes from the NBLPP meeting are as follows:

The Panel in having regard to the amended plans, the further site inspection from the adjoining property and the submissions made by the adjoining residents at the meeting considered that additional setback requirements were needed to the building to address the likely visual and amenity impacts to surrounding properties. This required an additional side boundary setback to the northern portion of the building and a further setback to the rear boundary.

These amendments better align the proposed development within the context of surrounding development without compromising the usable floor areas of the proposal.

The amendments referenced in the Statement of Reasons are those changes highlighted in Condition 2 of the consent, requiring:

- a. *The north facing wall to the living rooms on ground floor, first floor, second floor, bedroom 01 on the third level and the adjoining north-east corner of the balcony on these levels shall be setback a minimum of three metres from the northern boundary adjoining 140-142 North Steyne, Manly.*
- b. *The rear west facing wall on the ground, first and second floor shall be setback a minimum of 4.5 metres from the western boundary adjoining 30 Bonner Avenue, Manly.*

The setbacks of the development shown in the amended plans are entirely consistent with the modified setbacks required by the NBLPP in their determination of the matter. Further, the consent authority can be satisfied that the modified development will not result in any additional visual or amenity impacts to surrounding properties, which was highlighted as the reason for the changes required.

NOTIFICATION & SUBMISSIONS RECEIVED

The amended plans have been publicly exhibited from 27 October to 10 November 2021 in accordance with the EP&A Regulation and Council's Community Participation Plan. As a result of the public exhibition process, 10 new submissions were received in objection to the development from:

Name/Entity	Address
Joyce D'Arcy Ryan (Chairperson of SP44636)	140-142 North Steyne, MANLY NSW 2095
Stephen Nugent	13/140-142 North Steyne, MANLY NSW 2095
Andrew Thomas	27/140-142 North Steyne, MANLY NSW 2095
Hayden Ramsey	3/32-34 Bonner Avenue, MANLY NSW 2095
Jasmina Moltter	11/32-34 Bonner Avenue, MANLY NSW 2095
Christopher Zanelli (Treasurer of SP65803)	32-34 Bonner Avenue, MANLY NSW 2095
Joanna Subotic	Address unknown
Yuk Kai Lee	20/140-142 North Steyne, MANLY NSW 2095
Ann Robinson	24/140-142 North Steyne, MANLY NSW 2095
Christopher Spraggon	6/140-142 North Steyne, MANLY NSW 2095

The submissions received reiterate a number of concerns addressed in the earlier assessment report. New concerns, or those altered by the amended plans, are addressed as follows:

- **Reflection and glare from glazing**

A submission has been received raising concern with regard to glare that may arise from proposed glazing. The amount/extent of glazing proposed is now commensurate with that of the approved development and is not disproportionate to the amount/extent of glazing on adjoining and nearby development.

- **Inconsistency with approved setbacks**

A further submission has been received in objection to the location of the development in proximity to the building to the north (140-142 North Steyne). In particular, the submission suggests that the portion of the building situated 2m from the northern boundary is inconsistent with the conditions imposed by the NBLPP.

The condition requiring an increased (3m) setback on the northern boundary was limited to rooms at the front north-eastern corner of the building, being the living room at the ground, first and second floors, and the bedroom on the third floor. The proximity of the development to the northern boundary is consistent the setbacks approved by the NBLPP.

- **Protrusions beyond approved footprint**

Submissions have been received in objection to any part of the development that protrudes beyond the footprint of the approved development. The proposed development is wholly maintained within the footprint of the approved development.

Whilst it is acknowledged that the setback of the front enclosing walls remains different to that which was originally approved, the amended plans demonstrate the retention of the balcony across the full frontage of Levels 1, 2 and 3, and the reduced setbacks to the central portion of the enclosing walls are off-set by increased setbacks at both front corners.

- **Location of solar panels and plant equipment**

A submission was received from the property owner of 27/140-142 North Steyne in objection to the location of roof top solar panels and plant equipment, and any associated impacts upon views. Whilst this concern could have been addressed by virtue of a condition of consent, further amended plans have been volunteered by the Applicant to address these concerns.

The solar panels are retained in the western corner of the roof, in the same position as the solar panels approved in the original consent, beyond the view corridor in question. Should the application be approved, a further condition is recommended to ensure that the roof remains free of any plant equipment.

- **Dilapidation report for 32-34 Bonner Avenue**

Submissions have been received from occupants and the Treasurer of the nearby building at 32-34 Bonner Avenue, requesting the preparation of a dilapidation report in respect to their property.

Condition 23 of the development consent requires the production of dilapidation reports for the buildings at 133-137 North Steyne and 140 North Steyne, being the properties immediately adjacent to the north and south. 32-34 Bonner Avenue is located to the west and does not share a common boundary with the subject site. The proposed level of excavation and the proximity of the development to the existing building at 32-34 Bonner remains generally the same as that which was originally approved, and as such, the requirement for additional dilapidation reporting is not considered reasonable in these circumstances.

Furthermore, Condition 26 of the existing consent required the production of dilapidation reports prior to the commencement of works, which has already occurred.

- **View loss**

Submissions were received in objection to the application, raising concerns that the modified development will result in further impacts upon views. The modified development is generally maintained within the footprint/volume of that previously approved, and as discussed with respect to clause 3.4.2 of MDCP 2013, the modified development will not result in any additional impacts upon views.

- **Privacy to 32- 34 Bonner Avenue**

Additional submissions were received from occupants of the building at 32-34 Bonner Avenue, objecting to amended plans on privacy grounds. At its closest point, the building at 32-34 Bonner Avenue is located more than 20m from the proposed building. Even without the privacy measures proposed, the spatial separation between buildings would ensure sufficient visual privacy between the two buildings.

- **Visual impact & over development**

Submissions have been received in objection to the visual impact of the development, stating that the proposal presents as an overdevelopment of the site. The height, width and setbacks of the building presenting to North Steyne remain consistent with that which was originally approved. The amended plans now demonstrate the retention of the balconies along the entire width of the upper level front facades, which was a critical element of the original approval. Whilst the setback to the central portion of the enclosing walls is marginally reduced, this is offset by increased setbacks at both front corners, further improving the openness of the front façade as seen when approaching the site from both the north and south. The visual impact and apparent size of the development as seen from North Steyne and the wider public domain is contextually appropriate.

- **Rear building alignment**

A submission has been received in objection to the modification application on the basis that the rear of the building does not align with the rear of the building at 140-142 North Steyne. The alignment of the rear of the building, being 4.5m from the eastern-most boundary and 2.0m from the other boundaries is entirely consistent with the alignment of the building approved by the NBLPP in the original consent.

REFERRALS

Internal Referral Body	Comments
Traffic Engineer	<p>No objection, with conditions.</p> <p><u>Architectural Modifications</u> <i>This application is for modification to the existing consent for a residential flat building at 138-139 North Steyne Manly. The modification seeks approval to replace the approved basement car lift and waiting bays with a conventional driveway. The change results in a reduction in the number of basement parking spaces from 14 to 13.</i></p> <p><i>The removal of the car lift from the plans is supported and is considered an improvement in terms of providing for convenient access to the required parking. The Manly DCP requirement for parking for a residential flat building providing 6x3 bedroom dwellings is 1.5 x 6 = 9 spaces plus 0.25 visitor spaces per dwelling 1.5 visitor spaces (round up to 2). A total of 11 spaces. It is noted that the Modified plans still provide an amount of parking that exceeds DCP requirements. It is however apparent that the plans only allocate one of the spaces for visitor use. Reallocating one of the resident spaces as a visitor space should be undertaken to ensure compliance with DCP requirements.</i></p> <p><i>Section 3.6.3.2 of the DCP also requires a parking space for people with a disability for development with between 10 & 50 parking spaces. The modified plans have deleted the disabled parking space which was present in the plans approved under DA2018/0723. To be compliant with the DCP the disabled parking space should be reinstated. It is considered that this is achievable by reallocating one of the existing parking spaces as a disabled space and an adjacent space as a hatched unload area in accordance with details in AS2890.6. This would result in a total parking supply of 12 spaces which would still exceed DCP requirements.</i></p> <p><i>The above changes can be handled by rewording of the consent conditions.</i></p> <p><i>The proposed driveway widths and gradients are considered acceptable and consistent with requirements of AS2890.1</i></p> <p><u>Condition Modifications</u> <i>With regard to the condition modifications of a traffic and transport nature the following rewording is recommended:</i></p> <p>19. Vehicle Access & Parking</p>

	<p><i>All internal 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 (Off-street Parking standards).</i></p> <p><i>With respect to this, the following revision(s) must be undertaken:</i></p> <p><i>Reallocation of two of the basement parking spaces shall be undertaken to provide an accessible parking space that is compliant with AS2890.6, including a 2.4m wide parking space with a 2.4m shared space adjoining. The total basement parking supply to be 12 spaces.</i></p> <p><i>Plans prepared by a suitably qualified Engineer shall be submitted to the Consent Authority prior to the issue of a Construction Certificate.</i></p> <p><i>Reason: To ensure compliance with DCP requirements and Australian Standards</i></p> <p>45. Allocation of Spaces <i>Car parking spaces provided shall be provided, made accessible and maintained at all times.</i></p> <p><i>The spaces shall be allocated as follows:</i> 10- Residential 2 - Visitors</p> <p><i>One of the residential or visitor spaces shall be marked as a disabled parking space</i></p> <p><i>Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit shall be line marked and numbered or signposted to indicate the unit to which it is allocated.</i></p> <p><i>Each stacked parking space pair shall be allocated to the same unit.</i></p> <p><i>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</i></p> <p><i>Reason: To ensure that adequate parking facilities to service the development are provided on site.</i></p> <p><i>Given the above, there are no traffic objections to proposed modification.</i></p>
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ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)

SEPP 65 – Design Quality of Residential Apartment Development

The modified development seeks consent for a four storey residential flat building comprising six apartments, and as such, the provisions of SEPP 65 remain applicable.

Design and Sustainability Advisory Panel

The application was referred to the DSAP on 24 June 2021 for review. The DSAP was not supportive of the proposal, and provided a series of recommendations, which are addressed as follows:

1. *In relation to the impacts on neighbours, the setbacks have been modified but are still not strictly compliant with the NBLPP approval recommendations. This, combined with the newly proposed changes and street impacts, are not acceptable.*

Comment: The proposal that was presented to the DSAP featured slightly reduced setbacks to both the northern and southern side elevations, with newly proposed planters on the upper floors within the approved setbacks, including the 3m setback prescribed in conditions imposed by the NBLPP. The amended plans demonstrate strict consistency with the approved side setbacks.

The amended plans also demonstrate refinement of the front setback to North Steyne, removing the portion of the ground floor unit that previously extended forward of the approved alignment of the front façade, and the retention of the full-width balconies at the upper levels.

2. *The NBLPP setbacks should be applied without any further increases elsewhere.*

Comment: As above, the amended plans demonstrate consistency with the setbacks imposed by the NBLPP.

3. *Redesign of the basement car park for more EV stations, bike parking and fewer cars as well as a BCA compliant egress route should be documented and resubmitted.*

Comment: The applicant has reduced the amount of car parking and the amended plans demonstrate additional EV charging stations. A BCA compliant egress route from the basement is now provided.

4. *A reduction of the building footprint will provide more external landscaped area. The lack of deep soil planting is related to the footprint of the car park and this should be further considered in terms of the comments above.*

Comment: The basement car park has been reduced in size to align with that which was originally approved.

5. *The apartments should be reduced in size to comply with the FSR control of 1.5:1.*

Comment: The proposed development is now compliant with the 1.5:1 FSR.

6. *The previous light well notches should be re-introduced to rooms on the southern facade and the drawings should return to this previous design. The glazed walls to the north and east should be reconsidered in terms of thermal performance, colour and street setback.*

Comment: The light well notch has been reintroduced on the southern façade, with the windows of Bedroom 3 of Apartment A2 and A4 reoriented into this space. The applicant has also reduced the extent of glazing along the north, and the exposure of the glazing proposed on the eastern elevation is reduced by virtue of the reinstated full width balconies along the front façade.

7. *A rationalisation and reduction of glazing for the development to achieve one glass type.*

Comment: The proposal has reduced the types of glazing proposed.

8. *Greater commitment to sustainable energy initiatives and infrastructure and appliances would be desirable.*

Comment: The amended plans demonstrate a reduced thermal load and incorporate additional EV charging stations.

9. *The roof skylights are unnecessary and counterproductive in terms of thermal loading.*

Comment: The proposed skylights provide sunlight into the central portions of the upper floor apartment. The incorporation of skylights is a common feature of upper floor units throughout the locality and can be undertaken as exempt development under the provisions of SEPP (Exempt and Complying Development Codes).

Overall, it is considered that the amended plans have satisfactorily addressed the issues raised by the DSAP.

Design Quality Principles

Clause 28 of SEPP 65 requires a consent authority to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the design quality of the development when evaluated in accordance with the design quality principles identified in Schedule 1 of SEPP 65, and the Apartment Design Guide ('ADG').

The assessment of the development against the design quality principles of SEPP 65 made with respect to the original application is adopted in relation to the modified development, and is complemented by the following:

- **Context**

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The assessment report prepared in relation to the original approval identifies that:

"the proposal is designed to be consistent with the front setbacks of 140-142 and 133-137 North Steyne directly adjacent to the side boundaries. This setback is then decreased through the middle of the site creating a curved frontage. The curved and articulated balconies will appropriately relate to the adjoining properties will ensuring the building addressed the street from all angles."

The amended plans demonstrate the retention of the curvature of the approved development and reinstate the balconies across the front façade that were relied upon in the original assessment. The modified development is an appropriate contextual response to the site.

- **Amenity**

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

The assessment report prepared in relation to the original approval identifies that:

"Generally, the proposal has been designed to ensure a reasonable level of privacy is maintained to adjoining properties. Adequate physical separation is achieved between buildings which reduces the opportunity for overlooking to occur. Minimal window openings have been provided on the northern and southern elevations of the buildings to ensure opportunities for overlooking are minimised. Windows on these elevations have been treated with obscure glazing where the opportunity for overlooking may occur."

The amended plans demonstrate a reduction to the amount, size and extent of windows on the side and rear elevations. Where windows remain on the side and rear elevations, full height and full width screening has been incorporated into the design of the development, to ensure privacy to adjoining properties. The number of windows and the size of glazed areas is now commensurate with that approved in the original consent.

Whilst the need for full height and full width screens is not ideal in terms of internal amenity for future occupants, the screens have been designed to allow for an outward view to be achieved at a particular angle (away from windows and habitable areas of adjoining dwellings), which is an improvement to the frosted glazing anticipated in the original consent.

As such, the modification is not considered to result in any unreasonable impacts upon the amenity of adjoining properties and the internal amenity of the units will be improved compared the that which was originally approved.

ADG Assessment

Objective	Criteria/Guideline	Comments						
Part 3 Siting the Development								
Visual Privacy	Minimum required separation distances from buildings to the side and rear boundaries are as follows:	The approved development is sited with 2m setbacks to the southern side boundary, 4.5m setbacks to the rear western-most boundary and 2m – 3m setbacks to the northern side boundaries. The setbacks of the development remain unchanged compared to those that were approved in DA2018/0723. However, concern was raised in relation to the additional and enlarged windows proposed in the plans previously presented to the NBLPP.						
	<table><tr><td>Building height</td><td>Habitable rooms & balconies</td><td>Non-habitable rooms</td></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr></table>		Building height	Habitable rooms & balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m
	Building height		Habitable rooms & balconies	Non-habitable rooms				
Up to 12m (4 storeys)	6m	3m						

		<p>The amended plans have reduced the extent of glazing along the side and rear elevations, and where glazing is retained, it is appropriately screened and off-set from windows of adjoining properties.</p> <p>As such, the proposed development substantially the same as the original development in this respect.</p>
Part 4 Designing the Building		
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	The amended plans demonstrate changes to the treatment of the front façade to be more consistent with the outcome anticipated by DA2018/0723.

Manly Local Environmental Plan 2014 (MLEP 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	Approved	Proposed	%Variation	Complies
Height of Buildings:	13m	13.41m	13.63m	0.63m or 4.8%	No
Floor Space Ratio:	1.5:1 (1093.8m ²)	1.47:1 (1075.1m ²)	1.47:1 (1071.9m ²)	-	Yes

Manly Development Control Plan (MDCP 2013)

Built Form Controls	Requirement	Approved	Proposed	Complies
4.1.4.1 Street Front Setbacks	Prevailing building line (7.65m)	Balcony: 4.4m - 8m External walls: 6.7m - 9.4m	Balcony: 4.4m - 8m (unchanged) External walls: 6.0m - 10.8m (altered)	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	<u>North</u> Ground: 1.1m - 1.2m Level 1: 2.2m Level 2: 3.2m - 3.3m Level 3: 3.5m -	<u>North</u> Ground: 2.0m - 3.0m Level 1: 2.0m - 3.0m Level 2: 2.0m - 3.0m	<u>North</u> Ground: 2.0m - 3.0m Level 1: 2.0m - 3.0m Level 2: 2.0m - 3.0m	No (consistent with approval)

	4.3m	Level 3: 2.0m - 3.0m	Level 3: 2.0m - 3.0m (unchanged)	
	<u>South</u> Ground: 1.0m - 1.1m Level 1: 2.0m - 2.1m Level 2: 3.2m - 3.3m Level 3: 3.5m - 4.3m	<u>South</u> Ground: 2.0m Level 1: 2.0m Level 2: 2.0m Level 3: 2.0m - 4.0m	<u>South</u> Ground: 2.0m Level 1: 2.0m Level 2: 2.0m Level 3: 2.0m - 4.0m (unaltered)	No (consistent with approval)
	Windows: 3.0m	2.0m	2.0m	No
4.1.4.4 Rear Setbacks	8.0m	4.5m - 6.3m	4.5m - 6.0m	No

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	Yes

Detailed Assessment

3.4.2 Privacy and Security

Concerns regarding visual privacy were one of the primary issues contributing to the recommendation of refusal presented to the NBLPP on 20 October 2021. As conveyed in the previous assessment report, the limited extent of glazing along the side and rear elevations was fundamental to the support of the side and rear setbacks, being less than the minimum prescribed by both the ADG and MDCP 2013. The introduction of new, comparably large windows on the side and rear elevations was seen to be inconsistent with the circumstances in which the original development was approved and resulted in unreasonable impacts upon the amenity of adjoining properties.

In response to these concerns, the applicant has amended the proposal to reduce the amount and size of windows on the side and rear elevations. The remaining windows are off set from windows on the adjoining properties and comprise full height privacy screens that are individually designed to prevent overlooking.

The treatment of the southern elevation was the primary issue raised in the previous assessment report. The superseded proposal featured large full-height, full width windows to Bedrooms 2 and 3 of Units A2 and A4, that were directly opposite windows of the adjoining building, located less than 3m away. The amended plans have:

- Deleted the windows on the southern elevation associated with Bedroom 2 in Units A2 and A4, to be replaced by new windows on the eastern elevation of the rooms, oriented towards the central notch on the southern façade (consistent with the original approval),
- Reduced the width of the windows of Bedrooms 3 in Units A2 and A4, with full-height, full-width privacy screens to direct overlooking away from windows on the adjacent building, and
- Incorporated full-height, full-width privacy screening to the newly proposed windows at the

eastern end of the southern elevation, associated with the living rooms of Units A2 and A4.

The amended plans demonstrate an acceptable privacy outcome between properties, consistent with the outcome anticipated in the original approval and the provisions of clause 3.4.2 of MDCP 2013.

The modification application also seeks to delete Condition 16 'Privacy' which required windows along the southern façade of the upper level to comprise obscure glazing or increased sill heights. As an alternative, the application proposes fixed privacy screens to prevent direct lines of sight to the adjoining building to the south, whilst allowing obtainment of the available ocean views in a south-easterly direction. The newly proposed full height screens to the rear bedroom and study also protects future occupants from overlooking from the taller building to the south, which was not achieved by the current condition of consent. Noting the increased spatial separation at the upper level and the presence of similar privacy measures at the front of the adjoining building, the proposed alternate solution is supported.

3.4.3 Maintenance of Views

The previous assessment report raised concern with regard to a four-storey curved blade wall that encroached on the northern setbacks. The amended plans have removed this part of the proposal, and the entire development is maintained within the footprint/volume of the approved development.

The property owners of Unit 27 of the adjoining building at 140-142 North Steyne have reiterated concerns in relation to potential impacts upon views associated with solar panels and plant equipment on the roof. In response to these maintained concerns, the applicant has provided amended plans, relocating the solar panels to the back western corner of the roof, outside the field of view from Unit 27, to the location approved pursuant to DA2018/0723.

Should the application be approved, a condition of consent is recommended to prevent the placement of any additional plant equipment on the roof.

The modification application does not result in any unreasonable impacts upon views and maintains consistency with the impact approved pursuant to DA2018/0723.

4.1.4 Setbacks (front, side and rear) and Building Separation and 3.1.1 Streetscape (Residential areas)

Front Setback

The original assessment report prepared in relation to DA2018/0723 identified the prevailing front building line as 7.65m, being the average of the setbacks of the adjoining buildings. The development consent was approved with the front balconies sited at a minimum distance of 4.4m from the front boundary, with enclosing walls setback a minimum distance of 6.7m.

At the Ground Level, the amended plans propose to extend the enclosing walls of the ground floor forward, reducing the approved minimum setback of 7.9m (minimum) to 6.0m (minimum). The eastern facade of the Ground Level is setback behind the leading edge of the balcony above and will be largely screened by the proposed fence and landscaping. The reduced setback at the ground level will not result in unreasonable bulk and scale as seen from the street.

The modified front setbacks at Levels 1 and 2 were one of primary issues contributing to the recommendation of refusal presented to the NBLPP on 20 October 2021. Whilst the footprint of the original development was to be maintained, the plans previously presented to the panel proposed to reduce the setback of the central portion of the front façade, resulting in the removal of the central part of the front balconies and two large expanses of glazing only 5.3m from the front boundary. In

circumstances where the original assessment report relied upon the open nature of the balconies to justify contravention of the front building line, the proposed setback was not supported.

In response to these concerns, the applicant has increased the setback of the external walls of Levels 1 and 2, to maintain the full width balcony along the front façade. Whilst the central portion of the enclosing walls remain forward of the approved alignment, this is reasonably off set by the proposed increases to the setbacks of the walls at the front corners, such that the presentation to North Steyne and the bulk and scale of the development remains substantially the same as that which was originally approved.

The previously proposed front setbacks are shown in Image 1, with the revised setbacks in the amended plans shown in Image 2. Both images also demonstrate the approved façade alignment, with the balcony edge indicated by the thicker blue dashed line and the alignment of the external enclosing walls indicated by the finer blue dashed line.

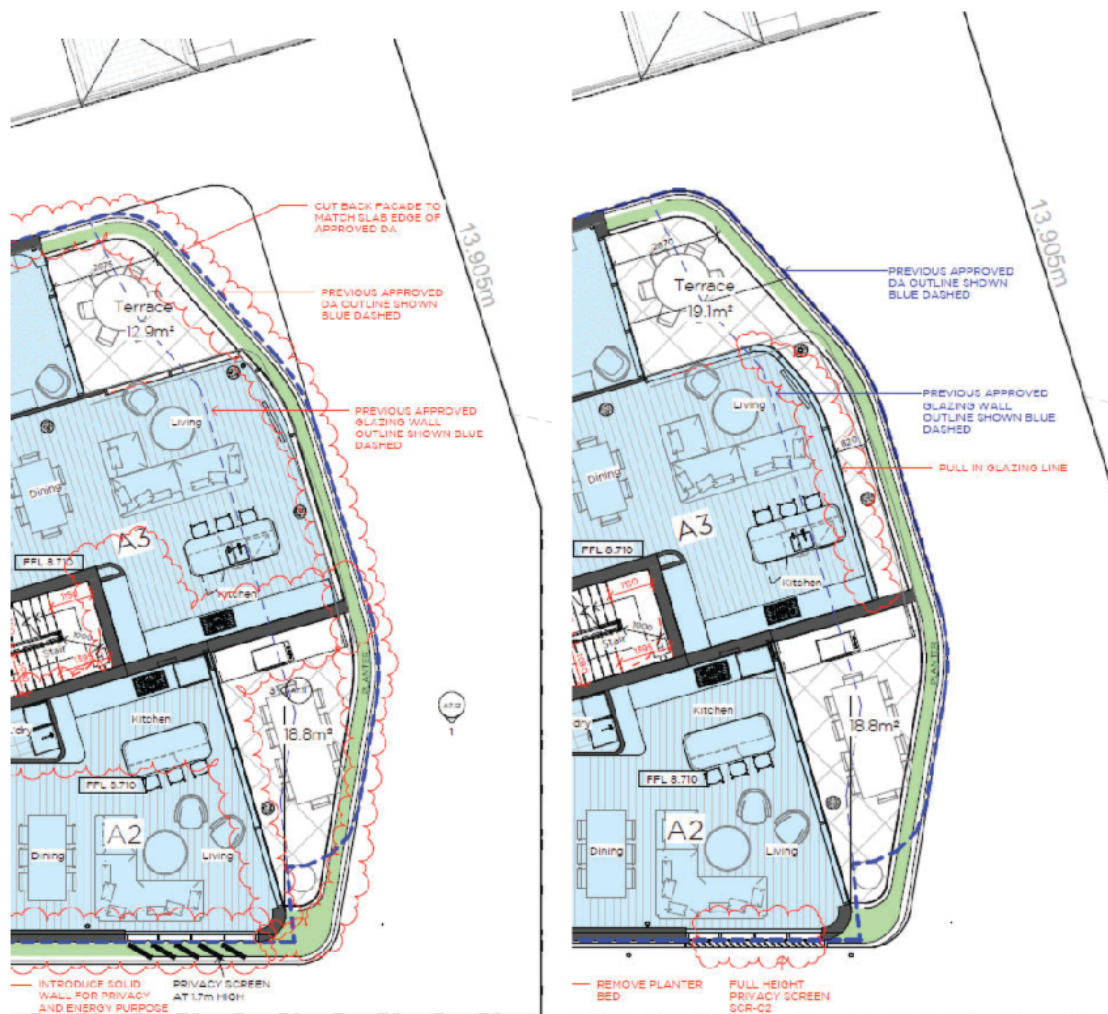


Image 1 - Superseded Level 1 plan

Image 2 - Amended Level 1 plan

Side and Rear Setbacks

The amended plans demonstrate the maintenance of existing approved side and rear setbacks, and a refinement of the size and number of windows along these elevations, to a degree that is commensurate with that which was originally approved.

Overall, the modified development shown in the amended plans is consistent with the objectives of the front, side and rear setback control, as follows:

- *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 development maintains consistency with the alignment and proportions of the development approved pursuant to DA2018.0723. The curvature of the building mimics the curvature of the roadway and appropriately responds to the siting of adjacent buildings.

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

Comment: The proposed development maintains reasonable privacy to adjoining buildings, commensurate with the outcome anticipated by DA2018/0723. The amended proposal maintains the volume and footprint of the original approval and does not result in any unreasonable impacts with regard to solar access or views. The siting of the proposed development appropriately responds to the character of the streetscape and the siting of adjoining and nearby development. The modified development results in a significant improvement to traffic conditions and pedestrian safety by virtue of the amended access arrangement.

- *To promote flexibility in the siting of buildings.*

Comment: The modified development demonstrates a flexible alternate design approach to the redevelopment of the site, whilst maintain the footprint of the development approved pursuant to DA2018/0723.

- *To enhance and maintain natural features by:*
 - o *accommodating planting, including deep soil zones, vegetation consolidated across sites,*
 - o *native vegetation and native trees;*
 - o *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;*
 - o *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment: The modified landscape solution is contextually appropriate and acceptable, with deep soil areas maintained across the site.

- *To assist in appropriate bush fire asset protection zones.*

Comment: Not applicable – the site is not bushfire prone.

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.

The consent authority can be satisfied that the amended plans have satisfactorily addressed the concerns raised in the previous assessment report, and the modified development will not result in any unreasonable impacts upon the amenity of adjoining properties, the amenity of the proposed development or the surrounding environment.

As discussed in the previous assessment report, the modifications to the access arrangement are beneficial, not only for future occupants of the development but for the public domain and are worthy of support. Furthermore, the changes proposed to conditions are generally appropriate, with minor revisions from Council's internal referral bodies.

The proposal has been assessed against the relevant matters for consideration under Sections 4.55(2) and 4.15 of the EP&A Act. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application, and all submissions received. Overall, the consent authority can be satisfied that the proposal is a suitable response for the site and will result in a development that is substantially the same as that which was originally approved.

RECOMMENDATION

That Council, as the consent authority, APPROVE Modification Application No. Mod2021/0178 for Modification of Development Consent DA2018/0723 granted for demolition works and construction of a residential flat building on land at Lot B DP 345625, 139 North Steyne, MANLY and Lot 10 DP 5824, 138 North Steyne, MANLY, subject to the following modifications to the development consent:

1. New Condition 1A 'Modification Approved Plans and Documents', to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the Approved Plans and Supporting Documentation referred to in Condition 1, as modified by the following:

(a) Modification Approved Plans

Architectural Plans – endorsed with Council's Stamp		
Drawing No.	Dated	Prepared By
A200 Basement & Excavation Plan, revision P2	24.08.2021	Robs Mills Architecture & Interiors
A201 Plan Level Ground, revision P3	15.10.2021	Robs Mills Architecture & Interiors

A202 Plan Level One, revision P3	15.10.2021	Robs Mills Architecture & Interiors
A203 Plan Level Two, revision P3	15.10.2021	Robs Mills Architecture & Interiors
A204 Plan Level Three, revision P3	15.10.2021	Robs Mills Architecture & Interiors
A205 Plan Roof, revision P3	15.10.2021	Robs Mills Architecture & Interiors
A300 Elevation East & West, revision P3	15.10.2021	Robs Mills Architecture & Interiors
A301 Elevation North & South, revision P3	15.10.2021	Robs Mills Architecture & Interiors
A400 Sections, revision P2	24.08.2021	Robs Mills Architecture & Interiors
A402 Section Ramp, revision P1	01.04.2021	Robs Mills Architecture & Interiors
A403 Privacy Louvre Details, revision P1	15.10.2021	Robs Mills Architecture & Interiors
A600 External Finishes, revision 1	01.04.2021	Robs Mills Architecture & Interiors

Engineering Plans		
Drawing No.	Dated	Prepared By
C401 Basement Drainage Layout, revision C	06.04.2021	Van der Meer Consulting
C402 Ground Level Drainage Layout, revision C	06.04.2021	Van der Meer Consulting
C403 Drainage Details, revision B	01.04.2021	Van der Meer Consulting
C404 Absorption Tank Detail, revision A	01.04.2021	Van der Meer Consulting

Reports/Documentation – All recommendations and requirements contained within:		
Report	Dated	Prepared By
BASIX Certificate 879975M_05	25.08.2021	BCA Energy
Fire Engineering Report	24.08.2021	Innova Fire Safety Specialists
Geotechnical Investigation and Stability Assessment	31.03.2021	JK Geotechnics

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

Landscape Plans		
Drawing Number	Dated	Prepared By
PLT-01 Planting Plan – Ground Floor, revision B	25.08.2021	Fifth Season Landscapes
LCP-01 Concept Plan – Ground Floor, revision E	25.08.2021	Fifth Season Landscapes

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

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

2. Delete Condition 2 'Amendments to Approved Plans'.

3. Amend Condition 6 'On-site Stormwater Detention Compliance' to read as follows:

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater absorption system in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the Approved Engineering Plans referenced in Condition 1A of this consent.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- a) The collected stormwater shall be discharged into the GPT prior to entering into the absorption system.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

4. Amend Condition 7 'Submission Roads Act Application for Civil Works in the Public Road' to read as follows:

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the footpath, kerb and gutter and driveway crossing through the nature strip which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- a) A 6 metres wide driveway crossing in accordance with Council's Normal Crossing Profile
- b) a full width paved footpath shall be built on the full frontage of the property at North Steyne in accordance with Council Public Space Vision & Design Guidelines
- c) kerb and Gutter along the North Steyne frontage

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

5. Delete Condition 16 'Privacy'.

6. Amend Condition 19 'Vehicle Access & Parking' to read as follows:

All internal 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 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken:

Reallocation of two of the basement parking spaces shall be undertaken to provide an accessible parking space that is compliant with AS2890.6, including a 2.4m wide parking space with a 2.4m shared space adjoining. The total basement parking supply to be 12 spaces.

Plans prepared by a suitably qualified Engineer shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with the Australian Standards

7. New Condition 20A 'Fire Safety – Performance Solution' to read as follows:

The recommendations of the Fire Engineering Report referenced in Condition 1A of this consent are to be incorporated into the construction plans.

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

Reason: To ensure adequate provision is made for health, amenity, access and fire safety for building occupant health and safety.

8. New Condition 20B 'Geotechnical Recommendations' to read as follows:

The recommendations of the Geotechnical Investigation and Stability Assessment referenced in Condition 1A of this consent are to be incorporated into the construction plans.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

9. New Condition 20C 'Boundary Survey' to read as follows:

A boundary identification survey prepared by a suitably qualified Registered Surveyor is to be prepared in respect of the subject site.

The plans submitted with the construction certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between property boundaries and the approved works consistent with those nominated on the Approved plans of this consent.

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

Reason: To ensure that all approved works are constructed within the subject site and in a manner anticipated by the development consent.

10. New Condition 20D 'On Slab Landscape Works' to read as follows:

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- ii) 600mm for shrubs
- iii) 1m for small trees

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

11. New Condition 29A 'Geotechnical Report Recommendations During Works' to read as follows:

The works are to be undertaken in accordance with the recommendations of the Geotechnical Investigation and Stability Assessment referenced in Condition 1A of this consent.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

12. New Condition 29B 'Survey Certificate' to read as follows:

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

13. New Condition 44A 'Landscape Completion' to read as follows:

Landscaping and planting are to be implemented in accordance with the approved Landscape Plans referenced in Condition 1A of this consent, as amended by any conditions of this consent.

Prior to the issue of any Occupation Certificate details (from a qualified horticulturalist, landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

14. New Condition 44B 'Geotechnical Certification Prior to Occupation' to read as follows:

A suitably qualified Geotechnical Engineer is to confirm that the development was constructed in accordance with the recommendations of the Geotechnical Investigation Report reference in Condition 1A of this consent.

Written certification is to be provided to the Principal Certifying Authority prior to the issuance of any occupation certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

15. Modify Condition 45 'Allocation of Spaces' to read as follows:

Car parking spaces provided shall be provided, made accessible and maintained at all times.

The spaces shall be allocated as follows:

- 10 - Residential
- 2 - Visitors

One of the visitor spaces shall be marked as a disabled parking space.

Carparking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit shall be line marked and numbered or signposted to indicate the unit to which it is allocated.

Each stacked/tandem parking space pair shall be allocated to the same unit.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site.

16. New Condition 47 'Maintenance of Stormwater Treatment Measures' to read as follows:

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

17. New Condition 48 'Landscape Maintenance' to read as follows:

Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

18. New Condition 48 'Plant Equipment' to read as follows:

With the exception of flush-mounted solar panels, no plant equipment is permitted on the roof or in a location that is visible from the public domain.

The solar panels must not be elevated/angled more than 250mm above the height of the membrane roof depicted on the Approved Plans.

Reason: To minimise visual clutter.



All dimensions are to be checked by the builder on site and any discrepancies brought to the attention of Robins Mills Architects Pty Ltd prior to construction. When a dimension is not clear it is the builder's responsibility to clarify the dimension with the architect. It is the builder's responsibility to cross-reference existing drawings with authority endorsed documents. These drawings are not to be used. This design is dependent on approved by relevant authorities and compliance with client budget requirements. At time of design, confirmation of these approvals has not been received.



© Robins Mills Architects Pty Ltd 2018. This confidential design and any accompanying documentation is and remains the exclusive property of Robins Mills Architects Pty Ltd and is to be used solely for the purpose of evaluating our design unless permitted otherwise under a licensing agreement with Robins Mills Architects Pty Ltd. Design is schematic only and subject to council and other requisite approvals.

REV	NOTES	DATE
1	ISSUED FOR S455 APPLICATION	01/04/21

PROJECT NAME & DESCRIPTION
NORTH STEYNE APARTMENTS
LOT 10/ DP 5824 & LOT B/ DP 345625
138 & 139 NORTH STEYNE, MANLY

TITLE
PLAN SITE

0 2 10m

PROJECT OVERVIEW
S455(2) MODIFICATION APPLICATION
Not to be used for construction documents

Job No.	2009	Scale	1:200 @ A1
Drawn by:	Author	Checked by:	Rev
Rev Date:	01/04/21		1



Head Office:
7/11 Victoria Street
Parramatta VIC 2151
+61 2 9520 2400

Suburb Office:
3/24 Market Street
North Parramatta NSW 2151
+61 2 9520 7801



DATE	PROJECT NAME & DESCRIPTION
09/04/21	NORTH STEYNE APARTMENTS
24/06/21	AT
15/10/21	138 & 139 NORTH STEYNE MANLY

A horizontal line with tick marks at 0, 1, and 5m.

PROJECT OVERVIEW		Scale: 1:100 @ A1	
\$4.55(2) MODIFICATION APPLICATION			
Not to be used for construction purposes			
Job No.	2009		
Drawn by:	Author	Drawing No.	Rev
Rev Date:	6/10/21	A300	P3





PROJECT OVERVIEW		
\$4.55(2) MODIFICATION APPLICATION		
Not to be used for construction purposes		
Job No.	2009	Scale 1:100 @ A3
Drawn By	Author	Drawing No.
Rev Date	6/10/21	A301 P3

