

Resolution of the Northern Beaches Local Planning Panel approved in writing on 18 October 2018.

This resolution follows the Panel meeting held on Wednesday 19 September 2018 when a decision on the development application the subject of this resolution was deferred for further information.

Panel Members

Paul Vergotis	Chair
Marcus Sainsbury	Environmental Expert
Annelise Tuor	Town Planner
John Simmonds	Community Representative

Vote: 4/0

Pursuant to Schedule 2, Part 5, Clause 26 Of the Environmental Planning and Assessment Act 1979 (NSW) the application was resolved as follows:

3.0 DEVELOPMENT APPLICATIONS

3.4 DA2018/0439 - 80 THE CORSO, MANLY - DEMOLITION WORKS, ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING AND USE THE BUILDING AS A COMMERCIAL PREMISES

PROCEEDINGS IN BRIEF

A brief description of these proceedings appears in the Panel's minutes of meeting held 19 September 2018.

DECISION ON EXCEPTION TO DEVELOPMENT STANDARD

A. The Panel 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 development standard has adequately addressed and demonstrated that:
 - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it 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.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/0439 for demolition works, alterations and additions to the existing building and use the building as a commercial premises at Lot 5 DP 550048, 80 The Corso, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of Condition No. 5 to read as follows:

5. Section 94 Contribution

The payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

This contribution shall be paid to Council prior to the release of the Construction Certificate as follows;

Floor space

\$28,036.34 per 100m² = \$104,014.82.

Car parking

4.5 spaces at \$37,392.78 per space = \$168,267.51.

Existing residential component

Deduct \$60,000.00

TOTAL: \$212,282.33

Note: Section 94 Contribution fees are adjusted on the 1st July each year and are based on the March CPI figures.

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

REASONS FOR DECISION

The Panel at its meeting of 19 September 2018 resolved to defer this development application on the grounds that the applicant had not adequately discharged its obligation to justify a contravention of height development standard prescribed by clause 4.3 of the *Manly Local Environmental Plan 2013*. This inadequacy prevented the Panel from granting consent to the proposed development.

Notwithstanding the Panel's decision to defer the development application, the Panel inspected site on 19 September 2018 and heard (and considered) submissions made by the representative of the adjoining strata plan and other nearby residents. In consideration of the matters raised by the submitters and having regard to the design of the proposed alterations and additions of the proposed development, the Panel concluded that with the imposition of appropriate conditions the proposed development will ensure the development would have no adverse environmental effects nor amenity impacts on adjoining residents. As such, the development application was worthy of gaining development consent but for the submission of an amended clause 4.6 written request which prevented the granting of a development consent on statutory grounds.

The subsequent deferral of the development application resulted in the applicant submitting an amended clause 4.6 written request which adequately addressed the necessary pre-conditions applicable at common law to enable the Panel to be satisfied to grant a variation to the height development standard and to allow the granting of development consent to the proposed development.

In consideration of the amended clause 4.6 written request the Panel now supports the development application and finds it to be worthy of development consent subject to the imposition of appropriate conditions.

The meeting concluded at

This is the final page of the Minutes comprising 4 pages
numbered 1 to 4 of the Northern Beaches Local Planning Panel meeting
held on Tuesday 16 October 2018.