

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2025/0088 |
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| Responsible Officer: | Lachlan Rose |
| Land to be developed (Address): | |
| Proposed Development: | Alterations and additions to a dwelling house |
| Zoning: | |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Applicant: | Matthew Degaris |

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| Application Lodged: | 12/02/2025 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 20/02/2025 to 06/03/2025 |
| Advertised: | Not Advertised |
| Submissions Received: | 1 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

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| Estimated Cost of Works: | \$ 845,900.00 |
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PROPOSED DEVELOPMENT IN DETAIL

The development is described as alterations and additions to a dwelling house.

The proposal includes:

Demolition works

- Internal demolition works to the ground floor and external areas

Ground floor

- Alterations and additions to the ground floor configuration
- New 2 car carport
- Alterations to the side setbacks to include new access ways

- Rear timber deck modified
- Additional landscaping works

First floor

- Construction of a first floor with a balcony to the street front

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 - 5.21 Flood planning
 Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area
 Manly Development Control Plan - 3.1.1 Streetscape (Residential areas)
 Manly Development Control Plan - 3.4.2 Privacy and Security
 Manly Development Control Plan - 3.4.3 Maintenance of Views
 Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation
 Manly Development Control Plan - 4.1.9 Swimming Pools, Spas and Water Features
 Manly Development Control Plan - 4.1.10 Fencing

SITE DESCRIPTION

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| Property Description: | |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the northern side of New Street.</p> <p>The site is irregular in shape with a frontage of 12.19m along New Street and an average depth of 42.68m. The site has an angled rear boundary with a length of 5.505m and</p> |

12.095m. The site has a surveyed area of 550.1m².

The site is located within the R2 Low Density Residential zone and accommodates single storey dwelling house with a swimming pool to the rear.

The site does not have any significant change in the slope of the land with a slight fall from the east to west.

The site includes landscaped areas of grass, trees and shrubs. There are no known threatened species located on the subject site.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential development including dwelling houses with swimming pools. There is a Council Reserve known as Wellings Reserve to the east of the subject site.

Map:

Invalid Request

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:

- Application **10.2007.346.1** for Alterations & Additions to an existing dwelling including new double carport at the front and new swimming pool was approved with a deferred

commencement by Development Assessment Unit on 28/12/2007 and the deferred commencement granted on 05/02/2008.

- Application **10.2004.528.1** for Demolish & construct new two storey dwelling with garage and carport was approved by delegate authority on 23/02/2005.
- Application **5.1990.3586.1** for DA3586/90 was approved by delegate authority on 24/04/1900.

APPLICATION HISTORY

Following a preliminary assessment of the application and site inspection of the subject site and adjoining properties Council wrote to the applicant on 20/03/2025 outlining concerns that would not allow for Council to support the application in its current form. The concerns related to architectural plans including landscaping, window glazing, fencing, rear setback and an arborist report. The applicant lodged amended plans on 25/03/2025 to address the concerns raised.

The amended plans incorporate the following changes:

- Arborist report provided
- reduced height to the rear pool storage
- fencing located within the property boundaries
- increased landscaped area
- correction of the window glazing
- reduced front fence height

The proposed amendments will have a reduced environmental impact on the adjoining properties and public open space than the original proposal. The amended plans result in greater compliance with the relevant Clause's. Therefore, re-notification was not required in accordance with Northern Beaches Community Participation Plan.

A site inspection was conducted to the property which raised view loss concerns in a submission. It is noted that this submission has requested to be confidential and therefore the photos take on the property are not provided in the assessment.

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 (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 | There are no current draft environmental planning instruments. |
| 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)(iiia) – Provisions of any planning | None applicable. |

| Section 4.15 Matters for Consideration | Comments |
|--|--|
| agreement | |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) | <p>Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to architectural plans and an Arborist report.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 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> |
| 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) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact 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.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Australian Bushfire Consulting Services, dated 3rd December 2024) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 20/02/2025 to 06/03/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

| Name: | Address: |
|----------|--------------------|
| Withheld | BALGOWLAH NSW 2093 |

The following issues were raised in the submissions:

- Privacy glass
- Large vertical structure near fence
- Loss of district views and shading
- Fence Height
- Entrance position - design consideration

The above issues are addressed as follows:

- **Privacy glass**

The submissions raised concerns that the east elevation bathroom and WIR robe windows should have opaque glazing

Comment:

The plans were amended to include opaque glazing to the WIR robe windows. Although, the bathroom window is a high sill design at 1.8m above floor level and is considered acceptable in this instance. Additionally, see Clause 3.4.2 Privacy and Security for a detailed assessment.

Therefore, opaque glazing is not required to the bathroom window and the concern **does not** constitute a reason for refusal.

- **Large vertical structure near fence**

The submissions raised concerns that the wall height is excessive and will impact the outlook from the objectors site. The submission requests the upstairs addition to be shifted to the western side of the dwelling to provide a greater setback from the boundary fence.

Comment:

The development provides a compliant wall height to the eastern elevation and a compliant setback on the ground floor and first floor to the eastern boundary. The dwelling results in a lesser side setback to the western boundary and it would be unreasonable to require a greater setback to the eastern elevation. Considering the compliance with the proposed wall height and side setback requirements, the concern **does not** constitute a reason for refusal.

- **Loss of district views and shading**

The submissions raised concerns that the development results in a loss of district views and will result in overshadowing impacts.

Comment:

See Clause 3.4.3 Maintenance of Views for a detailed assessment. In summary, the proposal will not result in unreasonable view loss and will result in a loss of outlook over a side boundary to adjoining landscaping. Additionally, the proposal will result in a minor increase in overshadowing from 12pm to 3pm, although provide compliance with Clause 3.4.1 Sunlight Access and Overshadowing.

The concern **does not** constitute a reason for refusal.

- **Fence Height**

The submissions raised concerns that the fence height is too low and should be increased to the ground floor door height.

Comment:

The proposal seeks to maintain the existing side boundary fencing with an addition to the rear fencing to a maximum height of 2.1m and front entrance of 2m. The proposed additional elements of the existing fencing is considered acceptable due to the allotment joining to the rear of properties to the east. It is considered unreasonable to increase the eastern boundary fence heights in this instance.

The concern **does not** constitute a reason for refusal.

- **Entrance position - design consideration**

The submissions raised concerns that the entrance position is located to the rear of the house and an alternative position to the front should be considered.

Comment:

The proposed relocated entrance to the dwelling is considered acceptable as it is complimentary with the existing side entrance arrangement of the dwelling house. The new entrance will follow the existing access-way and be located further towards the rear. With consideration to the existing dwelling entrance and the access-way, the proposed relocated entrance is acceptable.

The concern **does not** constitute a reason for refusal.

REFERRALS

| Internal Referral Body | Comments |
|--|---|
| Environmental Health (Solid Fuel/Oil Heater) | <p>General Comments</p> <p>Part of the proposal as it seemingly relates to solid fuel heaters is worded as follows "<i>...The external fireplace/western side wall to the rear deck will be increased in height...</i>"</p> <p>Environmental Health has concerns in regard to the ambiguity of this sentence and is reluctant to support the inclusion of a new solid fuel heater at this location.</p> <p>Further detail/clarification is required as the most recent aerial photographs do not show "existing" construction of a solid fuel heater in association with the rear deck as noted in the plans supplied with the proposal.</p> <p><u>11/03/2025</u></p> <p>The applicant has provided clarification in relation to the proposal and states that this part of the proposal relates to the extension of a wall adjacent to an existing gas fireplace.</p> <p>Accordingly, Environmental Health raise no objection to the proposal.</p> <p>Recommendation</p> <p>APPROVAL - without conditions</p> |
| Landscape Officer | <p>The proposal is supported with regard to landscape issues.</p> <p><u>Additional Information Comment 09/04/25:</u></p> <p>The amended plans are noted.</p> <p>The existing driveway crossover will be retained and as such no impact to the street tree will occur. The Arborist outlines all other trees are able to be retained. Landscape referral raises no further concerns subject to the imposed conditions.</p> |

| Internal Referral Body | Comments |
|--------------------------------|---|
| | <p><u>Additional Information Comment 31/03/25:</u> <i>The amended reports and plans are noted.</i></p> <p><i>The Arboricultural Impact Assessment recommends the removal of tree 1, the street tree fronting the property. As outlined in the previous comments this tree must be retained. Any proposed driveway crossover widening will need support from the Arborist, otherwise the existing crossover shall be retained.</i></p> <p><u>Original Comment:</u> <i>The proposed driveway crossover widening will impact the existing street tree. No Arboricultural Impact Assessment has been provided. Northern Beaches Council's Development Application Lodgement Requirements outlines that any works within 5 metres of existing trees, irrespective of property boundaries, requires the submission of an Arboricultural Impact Assessment. An Arboricultural Impact Assessment, prepared by an Arborist with minimum AQF Level 5 in arboriculture, is required to determine the existing trees significance, what impact the proposed works will have to existing trees and the appropriate tree protection measures. The street tree must be retained.</i></p> <p><i>It is suggested that the driveway gates and associated new pedestrian gate be lowered in height. The adjoining property to the east fronts Gourlay Avenue and as such the height of the fence along New Street for this property is treated as a rear fence. It is suggested any proposed fence be more in keeping with the existing fence height and the streetscape to the west of the property.</i></p> <p><i>Landscaped area is defined as "means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area" in the MLEP, and as such the area included in the calculations to the east of the dwelling does not meet the requirement of landscaped area. Landscaped area will be assessed on merit consideration by the planning officer.</i></p> |
| NECC (Development Engineering) | <p>The proposed development is located on the low side of the street and as such stormwater disposal is to be in accordance with Council's Policy. The proposed minor widening of the driveway crossing is acceptable.</p> <p>Development Engineering support the proposed development subject to conditions as recommended.</p> <p>Amended Plans submitted 2/4/2025</p> <p>The applicant has deleted the construction of a new crossing to avoid conflict with the existing street tree which is supported.</p> <p>Development Engineering support the proposed development subject to conditions as recommended.</p> |

| Internal Referral Body | Comments |
|------------------------|---|
| NECC (Flooding) | <p>This proposal is for alterations and additions to an existing dwelling. The proposal is assessed against Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p> <p>The proposal is located within the Medium and Low Flood risk precincts. The relevant flood characteristics are as follows:</p> <p>Flood Planning Level: 18.63m AHD 1% AEP Flood Level: 18.13m AHD Probable Maximum Flood (PMF) Level: 19.74m AHD Max PMF Life Hazard Category: H5 – H1 Floor levels within the flood planning area above the FPL of 18.63m AHD.</p> <p>Plans describe the construction of a new, enclosed pool equipment shed at the rear of the property. The FPL for the proposed pool room is 18.11m AHD thus the FFL of 18.33m AHD is acceptable.</p> <p>Proposed works include new pool fencing, including glass and slatted fencing. Control F1 of the Manly DCP states:</p> <p><i>“Fencing, (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be designed so as not to impede the flow of Flood waters and not to increase Flood affectation on surrounding land. At least 50% of the fence must be of an open design from the natural ground level up to the 1% AEP Flood level. Less than 50% of the perimeter fence would be permitted to be solid. Openings should be a minimum of 75 mm x 75mm.”</i></p> <p>Subject to compliance with the following conditions the proposal generally complies with Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p> |

| External Referral Body | Comments | | |
|---|--|----------|---|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. | | |
| Aboriginal Heritage Office | Conclusion / General Comments | | |
| | Recommendation | | |
| | | APPROVAL | <ul style="list-style-type: none">• Subject to Conditions |

| External Referral Body | Comments | | |
|------------------------|----------|--|--|
| | | | <ul style="list-style-type: none"> Reference is made to the proposed development at the above area and Aboriginal heritage. No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development. Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted. |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

All, Environmental Planning Instruments (SEPPs 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 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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1779439 dated 08 January 2025).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Manly Local Environmental Plan 2013

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|--|-----|
| 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 | 8.5m | N/A | Yes |

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|-------------------|-----------------------------|----------------------------|-----|-----|
| Floor Space Ratio | FSR: 0.45:1 (247.545sqm) | FSR: 0.395:1 (217.5sqm) | N/A | Yes |
|-------------------|-----------------------------|----------------------------|-----|-----|

Compliance Assessment

| Clause | Compliance with Requirements |
|--------------------------------------|------------------------------|
| 4.3 Height of buildings | Yes |
| 4.4 Floor space ratio | Yes |
| 5.8 Conversion of fire alarms | Yes |
| 5.21 Flood planning | Yes |
| 6.1 Acid sulfate soils | Yes |
| 6.2 Earthworks | Yes |
| 6.4 Stormwater management | Yes |
| 6.8 Landslide risk | Yes |
| 6.9 Foreshore scenic protection area | Yes |
| 6.12 Essential services | Yes |

Detailed Assessment

5.21 Flood planning

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

The application has been referred to Council's Flood Engineer, who has reviewed the development in relation to the above matters. The Engineer is supportive of the works, subject to conditions of consent, which have been included in the recommendation of this report. Accordingly, the development is satisfactory with respect to the above matters at (a) through (e).

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

Comment:

The application has been referred to Council's Flood Engineer, who has reviewed the development in relation to the above matters. The Engineer is supportive of the works, subject to conditions of consent, which have been included in the recommendation of this report. Accordingly, the development is satisfactory with respect to the above matters at (a) through (d).

6.9 Foreshore scenic protection area

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Comment:

The subject site is within the foreshore scenic protection area and is not foreshore land. The proposed development:

- does not unreasonably impact upon the visual amenity of the foreshore and surrounds, and does not result in view loss from a public place to the foreshore,
- is not closely visible from the coastline, so does not impact upon its scenic quality,
- is suitable in its site context, and
- does not result in conflict between land-based and water-based coastal activities.

Manly Development Control Plan

Built Form Controls

| Built Form Controls - Site Area: 550.1sqm | Requirement | Proposed | % Variation* | Complies |
|---|----------------------------------|----------------------|--------------|----------|
| 4.1.1.1 Residential Density and Dwelling Size | Density: 1 dwellings per 500sqm | 1 dwelling at 550sqm | N/A | Yes |
| | Dwelling Size: 105sqm | 217.5sqm | N/A | Yes |
| 4.1.2.1 Wall Height | E: 6.8m (based on gradient 1:20) | 5.7m | N/A | Yes |
| | W: 6.7m (based on gradient 1:30) | 6.5m | N/A | Yes |
| 4.1.2.2 Number of Storeys | 2 | 2 | N/A | Yes |
| 4.1.2.3 Roof Height | Height: 2.5m | 1.8m | N/A | Yes |
| | Pitch: maximum 35 degrees | 24 degrees | N/A | Yes |

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|---|---|--|---|----------------------------|
| 4.1.4.1 Street Front Setbacks | Prevailing building line / 6m | 0.3m, consistent with prevailing setback | N/A | No |
| 4.1.4.2 Side Setbacks and Secondary Street Frontages | Eastern GF: 1.17m FF: 1.63m- 1.9m (based on wall height) | GF: 2.7m FF: 2.9m | N/A N/A | Yes Yes |
| | Western GF: 1.3m FF: 1.96m- 2.17m (based on wall height) | GF: 0.9m FF: 2.7m | 30% (0.4m) N/A | No (existing) Yes |
| | Windows: 3m | E: 3 at 2.9m 1 at 2.7m W: 6 at 2.7m | 3.3% (0.1m) 10% (0.3m) 10% (0.3m) | No No No |
| 4.1.4.4 Rear Setbacks | 8m | Nil/ 0m (pool equipment) 0.4m (pool) 8.1m (deck) | 100% 95% N/A | No No (existing) Yes |
| 4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3 | Open space 55% (302.55sqm) of site area | 58% (318.6sqm) | N/A | Yes |
| | Open space above ground 25% of total open space | 4.6% (14.6sqm) | N/A | Yes |
| 4.1.5.2 Landscaped Area | Landscaped area 35% (111.51sqm) of open space | 36.13% (115.1sqm) | N/A | Yes |
| 4.1.5.3 Private Open Space | 18sqm per dwelling | >18sqm | N/A | Yes |
| 4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas | Maximum 50% of frontage up to maximum 6.2m | 5.7m | N/A | Yes |
| 4.1.9 Swimming Pools, Spas and Water Features | 1m height above ground | N/A | N/A | N/A (no change) |
| | 1m curtilage/1.5m water side/rear setback | N/A | N/A | N/A (no change) |
| Schedule 3 Parking and Access | Dwelling 2 spaces | 2 spaces | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---------------------------------------|------------------------------|-----------------------------|
| 3.1 Streetscapes and Townscapes | Yes | Yes |
| 3.1.1 Streetscape (Residential areas) | Yes | Yes |
| 3.3.1 Landscaping Design | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| 3.3.2 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| 3.3.3 Footpath Tree Planting | 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 |
| 3.4.3 Maintenance of Views | No | Yes |
| 3.4.4 Other Nuisance (Odour, Fumes etc.) | Yes | Yes |
| 3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design) | Yes | Yes |
| 3.6 Accessibility | Yes | Yes |
| 3.7 Stormwater Management | Yes | Yes |
| 3.8 Waste Management | Yes | Yes |
| 3.9 Mechanical Plant Equipment | Yes | Yes |
| 3.10 Safety and Security | Yes | Yes |
| 4.1 Residential Development Controls | Yes | Yes |
| 4.1.1 Dwelling Density, Dwelling Size and Subdivision | Yes | Yes |
| 4.1.1.1 Residential Density and Dwelling Size | Yes | Yes |
| 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) | Yes | Yes |
| 4.1.3 Floor Space Ratio (FSR) | Yes | Yes |
| 4.1.4 Setbacks (front, side and rear) and Building Separation | No | Yes |
| 4.1.5 Open Space and Landscaping | Yes | Yes |
| 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) | Yes | Yes |
| 4.1.7 First Floor and Roof Additions | Yes | Yes |
| 4.1.8 Development on Sloping Sites | Yes | Yes |
| 4.1.9 Swimming Pools, Spas and Water Features | No | Yes |
| 4.1.10 Fencing | No | Yes |
| 4.4.1 Demolition | Yes | Yes |
| 4.4.2 Alterations and Additions | Yes | Yes |
| 4.4.5 Earthworks (Excavation and Filling) | Yes | Yes |
| 5 Special Character Areas and Sites | Yes | Yes |
| 5.4.1 Foreshore Scenic Protection Area | Yes | Yes |

Detailed Assessment

3.1.1 Streetscape (Residential areas)

Description of non-compliance

Clause 4.1.10 of the Manly DCP requires front fences be a maximum height of 1m or 1.5m with 30

Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

3.4.2 Privacy and Security

Description of non-compliance

3.4.2.1 Window Design and Orientation

Under Clause 3.4.2.1 *Window Design and Orientation* of MDCP 2013, the following applies:

- a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary.
- b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.

One submission was received citing privacy concerns from the proposed windows to the eastern elevation.

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 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 windows to the eastern elevation are adequately setback which is compliant with the side setback requirements. Additionally, windows W.7, W.8 and W.12 are to be of opaque glazing under 1.6m finished first floor level with W.10 being completely designed of opaque glazing. Therefore, the combination of the glazing design and setbacks to the eastern boundary, the windows are considered satisfactory and will minimise loss of privacy to adjacent development.

The changes to the southern elevation do not raise privacy concerns. The windows to the first floor of the southern elevation area include high sill designs to W.20 and W.17 with W.19, W.16 having a 0.9m sill height and opaque glazing. The proposal is considered to comply with objective 1 above.

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 proposal will provide privacy to the adjoining properties while allowing access to light and air. The development will balance outlook and views from habitable rooms and private open space.

Objective 3) To encourage awareness of neighbourhood security.

Comment:

The proposal will encourage awareness of neighbourhood security through the proposed windows and front balcony.

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.

3.4.3 Maintenance of Views

Merit consideration:

One (1) submissions was received which included concerns regarding view loss. The submission requested that it remains confidential and not made public.

A site inspection was conducted on the 19th of March 2025 with photos taken from the site of concern. The photos taken from the inspections will not be referenced in this assessment to retain the requested privacy and confidentiality of the submission. Height poles were not considered necessary as a satisfactory amount of information was available to determine the extent of impact.

The development is considered against the Objectives of the Control:

Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.

Objective 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).

Objective 3) To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*, are applied to the proposal.

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

The affected view corridor obtained from the objector site is towards an westerly direction over the adjoining side boundary of the subject site. Upon inspection to the property with concern of district view loss, there was no loss to district views, views to the water or iconic views. The view consist of a narrow outlook corridor to existing landscaping. The loss of view from the proposed development can be considered as a loss of outlook and landscaping, with no significant views as determined in principle one.

The second step is to consider from what part of the property the views are obtained. For example, the

protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The outlook to the surrounding landscaping is primarily obtained from the first floor kitchen from a standing position, and deck and living room from a standing and seated position. The outlook is obtained over the rear boundary of the objectors site and side boundary of the subject site.

Following the site inspection, it was identified that the loss of outlook to the adjoining vegetation and landscaping is only obtained through a narrow corridor that is impacted by the existing landscaping to the immediate property to the north. This narrow corridor restricts the ability for the retention of the outlook to the surrounding landscaping and is an unrealistic expectation that the outlook is retained. Additionally, the positioning of the objectors site and the subject site being located with a rear boundary to the subject properties side boundary (2 New Street), the retention of the outlook is unreasonable.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

The development will result in the removal of the outlook to the landscaping adjoining the subject site from the living area of the first floor, kitchen in a standing position and deck to the first floor. The existing view corridor to the landscaped area is small in size with consideration to the neighbouring landscaping and location of the objecting property. The loss of outlook to the rear of the objecting property is moderate, although is unrealistic to maintain the outlook over a side boundary of the subject site whereby the development will comply with the rear setback requirements.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

As mentioned above, the development will comply with the rear setbacks to the first floor and ground floor, which is the primary area which will contribute to the outlook loss. Additionally, the development complies with the eastern side setbacks and maximum building height which reflects a reasonable outcome. The outlook loss to landscaping is not caused due to non-compliance with planning controls and is considered to result due to the configuration of the allotments, with the objector property viewing over the side boundary of the subject site. The proposal reflects a skilful design that complies

with the requirements for the side and rear setback that primarily impacts the loss of outlook, resulting in adequate privacy, amenity and view maintenance between adjoining properties. Therefore, the retention of the outlook loss is considered unreasonable and the proposed development is acceptable in this instance.

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.

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

Description of non-compliance

Clause 4.1.4.1 *Street Front setbacks* of the Manly DCP requires development be setback to the prevailing building line or if no prevailing building line, be located at 6m from the property boundary. The proposed development results in a 0.3m front setback to the carport. Although, the development is considered to complement the prevailing building line of New Street. There are multiple existing built structures, including carports within the front setback at a minimal setback to the front boundary. Therefore, considering the prevailing building lines of New Street, the carport will compliment and maintain the prevailing building line.

Clause 4.1.4.2 *Side Setbacks and Secondary Street Frontages* stipulates that the setbacks between any part of a building and the side boundary must not be less than one third of the wall height. The requirements and proposed setbacks are outlined below:

The following setbacks are required to the eastern elevation:

- 1.17m (ground floor)(based on wall height)- 2.7m exhibited- complies with the requirement.
- 1.63m-1.9m (first floor)(based on wall height)- 2.9m exhibited- complies with the requirement.

The following setbacks are required to the western elevation:

- 1.3m (ground floor)(based on wall height)- 0.9m exhibited/ existing- variation of 30%.
- 1.96m- 2.17m (first floor)(based on wall height)- 2.7m- complies with the requirement.

This control also stipulates that any additional windows must be setback 3.0 metres from boundaries. The proposal includes 3 windows at a 2.9m setback and 1 windows at a 2.7m setback to the eastern elevation, representing a maximum variation of 10%. The proposal also includes 6 windows at a 2.7m setback to the western elevation, representing a maximum variation of 10%. It should be noted that there are no new windows on the western elevation to the ground floor proposed. The western ground floor wall is to be retained with a new entrance door. The windows to the eastern ground floor are not considered to cause privacy impacts and the first floor windows to the eastern and western elevation meet the side setback requirements, stated above of Clause 4.1.4.2. Considering the compliance with the side setbacks to the first floor on the eastern and western elevation and the eastern ground floor, the proposed windows are considered acceptable in this instance.

Clause 4.1.4.4 *Rear Setbacks* states that the distance between any part of a building and the rear boundary must not be less than 8m. The pool enclosure results in a nil setback, resulting in a variation of 100%.

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 proposal will compliment the existing prevailing building line along New Street and not impact the desired spatial proportions of the street, the street edge and the landscape character of the street. Specifically, there are multiple carports located at a nil- minimal setback to the front building line along the streetscape. Properties include 1 Gourlay Avenue with a frontage to New Street, 12 New Street, 14 New Street and 25 New Street. The areas of non-compliance are presented to the side and rear setback requirements, where the carport addition will compliment the established existing building line and not result in impacts from the 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:

The windows which breach into the 3m requirement are of a small scaled design and include mitigation not propose additional privacy issues. The rear addition of a pool enclosure is located to a maximum 1.8m high and is considered to compliment the proposed 1.8m high pool fencing that surrounds. The development does not result in unreasonable privacy impacts to each side elevation with the implementation of high sill designs, opaque glazing, adequate setbacks and privacy screening to the first floor balcony. The proposed development is compliant with the solar access and view sharing requirements of Clauses 3.4.1 Sunlight Access and Overshadowing and 3.4.3 Maintenance of Views of the Manly Development Control Plan 2013. The proposed development provides suitable separation between the first floor addition and buildings on adjoining sites, allowing suitable rhythm and pattern of buildings. The proposed additions do not impact upon traffic conditions.

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

Comment:

The proposed development allows for flexibility in the siting of the alterations and additions, without resulting in any unreasonable amenity impacts, as detailed above. The pool enclosure to a nil setback to the rear is a non-habitable structure and will not cause unreasonable impacts to adjoining properties.

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:

The proposed works provide adequate landscaped areas and deep soil areas to comply with the requirements of Clause 4.1.5.2 *Landscaped Area*. The subject site does not adjoin or impact upon open space lands, National Parks or urban bushland.

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

Comment:

A Bushfire Assessment Report by Australian Bushfire Consulting Services has been provided with this application with recommendations to be included in the conditions of consent. Thus, the development will assist in appropriate bush fire asset protection zones.

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.

4.1.9 Swimming Pools, Spas and Water Features

The existing development, presents a numerical non-compliance with the requirements of Clause 4.1.9 Swimming Pools, Spas and Water Features. The proposal does not seek any works that alter/increase the existing non-compliance.

As such, this existing non-compliance will remain unchanged under this development application, and a merit assessment will not be required.

4.1.10 Fencing

Description of non-compliance

Clause 4.1.10 *Fencing* requires the following:

- *Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.*
- *In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.*

The development proposes a entry fence which is to be constructed to a height of 1.9m and posts to 2.6m. The existing front fence to the western boundary is to be re-constructed with stone cladding. The carport fence/ sliding carport gate ranges in height from 1.5m - 1.9m, which does not comply with

the requirement of the clause. However, a condition of consent applies to amend the proposed front carport fence to be measured to a maximum 1.65m from ground level at any point along the fencing. This condition applies to provide greater compliance with Clause 4.1.10 *Fencing* and Clause 3.1.1 *Streetscapes*.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the control. The control relies upon the objectives of Clause 3.1 - Streetscapes and Townscapes within the MDCP.

Objective 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage.

Comment:

The new fence exceeds the height requirements and a condition of consent applies to the carport fencing/ sliding gate to reduce the maximum height at any point to 1.65m. This condition applies to ensure the the carport is not viewed as a garage to the street front with a 1.9m-1.5m gate and to provide greater compliance with the requirement of the Clause. The western portion of the fence will be maintaining the height of the existing fence line and will not be inconsistent with the existing streetscape. The entrance gate and partially covered entrance is considered acceptable with minimal visual impacts to the street frontage.

Objective 2) To ensure development generally viewed from the street complements the identified streetscape.

Comment:

New Street has inconsistent fence heights and designs with a mix of fence styles and materials. The proposed height of the entryway fencing to the eastern portion is consistent with the front fence at no. 1 Gourlay Avenue, directly to the east of the site. The condition of consent to reduce the sliding vehicle gate to the carport will provide a greater visual aspect of the carport to the streetscape and not present as a garage. Therefore, subject to conditions of consent, the development generally viewed from the street complements the identified streetscape.

Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.

Comment:

The proposed fencing, entryway and carport gate is reasonable in this circumstance and therefore, a soft landscape alternative is not required in this instance.

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 affect 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

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$8,459 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$845,900.

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 2021;
- 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:

- Consistent 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 DA2025/0088 for Alterations and additions to a dwelling house on land at subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans | | | | |
|----------------|-----------------|---|------------------------------|--------------|
| Plan Number | Revision Number | Plan Title | Drawn By | Date of Plan |
| DA-100 | K | SITE ANALYSIS & COVER SHEET | HARGROVES DESIGN CONSULTANTS | 31.03.2025 |
| DA-102 | K | DEMOLITION GROUND FLOOR PLAN | HARGROVES DESIGN CONSULTANTS | 31.03.2025 |
| DA-103 | K | PROPOSED GROUND FLOOR PLAN | HARGROVES DESIGN CONSULTANTS | 31.03.2025 |
| DA-104 | H | PROPOSED NEW FIRST FLOOR PLAN | HARGROVES DESIGN CONSULTANTS | 09.01.2025 |
| DA-106 | K | PROPOSED ROOF PLAN incl. STORMWATER CONCEPT | HARGROVES DESIGN CONSULTANTS | 31.03.2025 |
| DA-107 | H | CONSTRUCTION MANAGEMENT PLAN incl Sediment/ Erosion Control | HARGROVES DESIGN CONSULTANTS | 08.01.2025 |
| DA-110 | K | EXISTING & PROPOSED FRONT & REAR ELEVATIONS | HARGROVES DESIGN CONSULTANTS | 31.03.2025 |
| DA-111 | K | PROPOSED SIDE ELEVATIONS & SECTION | HARGROVES DESIGN CONSULTANTS | 31.03.2025 |
| DA-112 | J | PROPOSED SOUTH ELEVATION, CROSS SECTIONS & BASIX | HARGROVES DESIGN CONSULTANTS | 20.03.2025 |
| DA-113 | K | CONCEPT LANDSCAPE PLAN | HARGROVES DESIGN CONSULTANTS | 31.03.2025 |

Approved Reports and Documentation

| Document Title | Version Number | Prepared By | Date of Document |
|--|----------------|---|-------------------|
| Bushfire Assessment Report | - | Australian Bushfire Consulting Services | 3rd December 2024 |
| BASIX Certificate (A1779439) | - | RP Design Studio | 08 January 2025 |
| Waste Management Plan | - | Applicant | 30/01/2025 |
| Construction Impact & Management Statement & Preliminary Tree Plan of Management | - | Growing My Way Tree Consultants | March 2025 |
| Stormwater Management Plan (DWG NO: C01, C02) | A | Gilcon Structural Engineers | 28/01/2025 |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. 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:

| Other Department, Authority or Service | EDMS Reference | Dated |
|--|--------------------------------------|------------|
| Ausgrid | Ausgrid Referral Response | 18/02/2025 |
| Aboriginal Heritage Office | Referral- Aboriginal Heritage Office | 05/03/2025 |

(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.

3. 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 Certifier 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 Certifier 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 Certifier 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.

4. 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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 2018
 - (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.

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$8,459.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$845,900.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifier 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).

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Flood effects caused by development

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 18.13m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

8. Building components and structural soundness

B1 - All new development below the Flood Planning Level of 18.63m AHD shall be designed and constructed from flood compatible materials.

B2 - All new development must be designed to ensure structural integrity up to the Flood Planning Level of 18.63m AHD, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 18.63m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

9. Floor levels

C1 - New floor levels within the development shall be set at or above the Flood Planning Level of 18.63m AHD.

C2 - New floor levels within the development shall be set at or above the Probable Maximum Flood Level of 18.63m AHD.

C3 - The underfloor area of the dwelling below the 1% AEP flood level is to be designed to allow clear passage of floodwaters. At least 50% of the perimeter of the underfloor area must be of an open design from the natural ground level up to the 1% AEP flood level.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-

prone property and reduce public and private losses in accordance with Council and NSW Government policy.

10. Fencing

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

11. Storage of Goods

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 18.63m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

12. Pools

All electrical equipment associated with the pool (including pool pumps) is to be waterproofed and/or located at or above the Flood Planning Level of 18.63m AHD.
All chemicals associated with the pool are to be stored at or above the Flood Planning Level of 18.63m AHD.

Pool fencing shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level of 18.13m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

13. Stormwater Disposal from Low Level Property

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy in particular Section 5.5 Stormwater Drainage from Low Level Properties.

Details demonstrating that the existing approved system can accommodate the additional flows or compliance with Northern Beaches Council's policy by an appropriately qualified Civil Engineer are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

14. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The white powder coated aluminium front sliding vehicle gate to the carport is to be reduced to a maximum height of 1.65m at any point from ground level.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

15. Boundary Identification Survey

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

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

16. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

17. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

18. Boundary Fencing

No approval for side and rear boundary fencing is given under this consent, as this is a matter for civil negotiation between relevant property owners. Plans are to be amended to remove

reference to all side and rear boundary fencing. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure consistency with the relevant legislation under the Dividing Fences Act 1991.

19. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. Sediment and Erosion Controls

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,

- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

DURING BUILDING WORK

21. **Protection of Existing Street Trees**

a) all existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS 4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

b) all street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

22. **Tree and Vegetation Protection**

a) existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

23. Condition of Trees

a) during the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) the owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

24. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

25. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

26. Survey Certificate

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 Certifier.

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

27. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

28. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

29. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning, Housing and Infrastructure.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

30. **Landscape Completion**

a) landscape works are to be implemented in accordance with the approved Landscape Plan(s), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- iv) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

b) prior to the issue of an Occupation Certificate, details shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

31. **Certification of Works as Executed**

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

- 1. Floor levels for ground floor, shelter in place refuge and garage are set at or above the required level
- 2. Openings are provided in fencing where required for the free passage of flood waters

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

32. **Building Components and Structural Soundness**

B2 - A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Flood Planning Level of 18.63m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 18.63m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW

Government policy.

33. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

34. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

35. Landscape Maintenance

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) 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.

c) 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(s) and any conditions of consent.

d) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

36. Swimming Pool/Spa Motor Noise

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

37. Approved Works

Nothing within this consent grants approval for works beyond the property boundaries of the subject site to which this development application applies.

Reason: To ensure all works are undertaken in accordance with this consent, and to ensure all works remain wholly within the property boundaries.

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

Signed



Lachlan Rose, Planner

The application is determined on 10/04/2025, under the delegated authority of:



Rodney Piggott, Manager Development Assessments