

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2025/0089
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<b>Responsible Officer:</b>	Lachlan Rose
<b>Land to be developed (Address):</b>	Lot 1 DP 745746, 34 George Street MANLY NSW 2095
<b>Proposed Development:</b>	Alterations and additions to a semi-detached dwelling
<b>Zoning:</b>	Manly LEP2013 - Land zoned R1 General Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Ian Jones

<b>Application Lodged:</b>	12/03/2025
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	19/03/2025 to 02/04/2025
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	3
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 254,120.00
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### PROPOSED DEVELOPMENT IN DETAIL

The development is described as alterations and additions to a semi-detached dwelling.

The proposal includes:

#### Ground Floor

- New Kitchen
- New Laundry
- Reconfiguration of the rear Laundry space
- Demolition of existing Laundry & Kitchen.
- 7.2 m2 addition

#### First Floor

- New Ensuite & Bathroom

The below works have been removed through amended plans:

- New bedroom (13.36 m2 addition)
- New Deck to Bedroom

## 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 - 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 - 4.1.1.1 Residential Density and Dwelling Size

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

Manly Development Control Plan - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 745746 , 34 George Street MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the eastern side of George Street.</p> <p>The site is regular in shape with a frontage of 6.04m along George Street and a depth of 18.44m. The site has a surveyed area of 184.1m<sup>2</sup>.</p>

The site is located within the R1 General Residential zone and accommodates a two storey semi detached dwelling house.

The site generally flat with no significant change in topography or slope.

The site includes landscaped areas of grass and shrubs with a small tree to the front of the dwelling. There are no known threatened species on the subject site.

### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by residential development including semi detached dwelling houses, dwelling houses and a residential flat buildings to the north.

Map:



### **SITE HISTORY**

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

### **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 11 April 2025 outlining concerns that would not allow for Council to support the application in its current form. The concerns related to view loss, privacy and additional information for architectural plans. The applicant lodged amended plans on 16

June 2025 to address the concerns raised.

The amended plans incorporate the following changes:

- removal of the first floor extension works including the rear deck

The proposed amendments will have a reduced environmental impact on the adjoining properties and public open space than the original proposal. Therefore, re-notification was not required in accordance with Northern Beaches Community Participation Plan. Although, informal re-notification was sent via email to the objectors for additional comment on the amended plans. An additional submission was received during the informal re-notification addressing existing concerns relating to privacy and amenity issues. These concerns have been addressed under the submissions heading of this report and the concerns do not warrant a reason for refusal.

## 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 agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;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&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested with regard to architectural plans.</p> <p><u>Clause 61</u> of the EP&amp;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&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including</p>

Section 4.15 Matters for Consideration	Comments
	<p>fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;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&amp;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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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 not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 19/03/2025 to 02/04/2025 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 3 submission/s from:



Name:	Address:
Ms Bronwyn Janine Johnston	1 / 97 Sydney Road MANLY NSW 2095
Ms Soudsakhone Sylapwany	3/97-101 Sydney Road MANLY NSW 2095
Mr Rodney Maxwell Joyce	11 James Street MANLY NSW 2095

The following issues were raised in the submissions:

- Overlooking from the proposed deck and window (W5) to the first floor
- View loss
- Noise during and after construction
- Aesthetic and character of the neighbourhood
- Inaccurate FSR and Gross floor area in Statement of Environmental Effects (SEE)
- Stormwater concerns

The above issues are addressed as follows:

- **Overlooking from the proposed deck and window (W5/ W4) to the first floor**

The submissions raised concerns that the proposed deck and window 5 (W5) will cause overlooking to the northern courtyard/ garden area, impacting the privacy and amenity.

Comment:

The plans have been amended to remove the first floor deck with W5 and W4 being located to the existing first floor wall. Due to the first floor window (W5) having a greater setback to the rear boundary with a low scaled design, the window is considered acceptable. W4 is of a low scale and high sill design which is not considered to result in direct overlooking and privacy impacts. The dashed area on the first floor plan to W5 is the indication of the awning above and is not a deck. As such, the rear deck has been removed from the application.

In summary, the concern **does not** warrant a reason for refusal.

- **View loss**

The submissions raised concerns of view loss from an adjoining unit to the northern property.

Comment:

A site inspection from the adjoining unit was conducted and a Request for Further Information letter was sent to the applicant on 11/04/2025 addressing view loss concerns. In response to these concerns, the applicant lodged amended plans removing the rear first floor extension works and proposed to maintain the existing built form of the first floor. As such, the amended plans have removed the first floor works which resulted in the potential for view loss and therefore, the proposal is considered to not result in view loss impacts.

Based on the amended plans, the concern **does not** warrant a reason for refusal.

- **Noise during and after construction**

The submissions raised concerns of noise impacts during and after construction.

Comment:

Standard conditions of consents in relation to building works have been included to ensure that works do not interfere with reasonable amenity expectations of residents and the community. This includes the restriction of building construction and delivery of material hours to 7.00 am to 5.00 pm Monday to Friday, 8.00 am to 1.00 pm on Saturday, and 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. Furthermore, construction works will have to comply with any legislative requirements that apply to the site or works.

The rear first floor extension is for a bedroom which is not considered a high use area and will not result in unreasonable noise impacts. The extension of the ground floor to the north is to include a laundry area with a passageway from the existing living room to the new kitchen areas. This new area to the ground floor is separated by the existing boundary fencing and is not considered to result in unreasonable noise impacts.

Based on the standard conditions of approval and extent of the proposed extension, the concern **does not** warrant a reason for refusal.

- **Aesthetic and character of the neighbourhood**

The submissions raised concerns relating to the impacts the proposal will have on the aesthetic and character of the neighbourhood.

Comment:

A detailed assessment has been conducted under Clause 3.1.1 *Streetscape (Residential areas)* of this report.

In summary, the proposed development will not result in further impacts to the character of the immediate streetscape, where the concern **does not** warrant a reason for refusal.

- **Inaccurate FSR and Gross floor area in Statement of Environmental Effects (SEE)**

The submissions raised concerns that the FSR and gross floor area calculated in the SEE is

inaccurate.

Comment:

The FSR of the proposed plans has been calculated at FSR: 0.74.3:1 (136.8sqm). Although there are discrepancies in the FSR calculation of the SEE, an independent calculation of the FSR has been conducted during the assessment of this application and is deemed to comply with the specified FSR of 0.45:1. This concern **does not** warrant a reason for refusal.

- **Privacy concerns to the rear (east)**

The submissions raised concerns that the proposed deck will cause privacy issues to the east if the tree on the rear boundary is pruned.

Comment:

Any concerns regarding the pruning of the tree to the rear of the property are subject to a civil matter between both property owners. There is no proposed changes to the rear tree under this application.

Additionally, the rear deck area has been removed under the amended plans and therefore, this concern regarding the deck is not-applicable.

This concern **does not** warrant a reason for refusal.

- **Stormwater concerns**

The submissions raised concerns with the potential stormwater impacts of the development and that the proposal should comply with the Council's Water Management for Development Policy.

Comment:

The proposed development includes conditions of consent which require stormwater drainage systems for the development to be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Therefore, with regards to the conditions of this consent, the development will comply with the Council's Water Management for Development Policy.

This concern **does not** warrant a reason for refusal.

## REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral



Internal Referral Body	Comments		
	This proposal has been referred to Heritage as the subject property is within the vicinity of a heritage item: <b>I155 - Houses</b> - 17 and 19-21 George Street, Manly.		
	Details of heritage items affected		
	<b>I155 - Houses</b>		
	<u>Statement of Significance</u>		
	The buildings are a fine example of late Victorian grouping in a streetscape.		
	<u>Physical Description</u>		
	No.17: two storey rendered brick Italianate dwelling with 3 storey central tower; asymmetrical plan.		
	Re-roofed in metal tiles. The render decoration, fenestration and massing are typical late Victorian		
	Italianate in influence. Nos. 19-21: two storey terrace in rendered brick with bell shaped corrugated iron roof to first floor verandah.		
	Cast iron balustrading and render decoration typical of late Victorian terrace development. Minor alterations and infill to both buildings.		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	N	
Australian Heritage Register	N		
NSW State Heritage Register	N		
National Trust of Aust (NSW) Register	N		
RAIA Register of 20th Century Buildings of Significance	N		
Other	N		
Consideration of Application			
The proposal seeks consent for alterations and additions to the existing dwelling. The proposed works to the ground floor include the demolition of the existing laundry and kitchen, and the construction of a new kitchen and laundry. The proposed works to the first floor include the construction of a new bathroom, separate ensuite and a rear addition which will accommodate a new bedroom and deck. The subject site is a Victorian semi-detached terrace which retains much of its original form and detailing, including its original front facade. While the subject site itself is not a heritage item, it is located directly opposite a heritage item comprising a group of late Victorian houses on the western side of George Street. Heritage notes the proposed works pertain mostly to the internal layout of the dwelling, however the proposal does include the removal of some original doors, windows and wall configurations, as well as the construction of a rear addition. As most of the proposed works are of a minor nature and contained to the internal and rear of the existing dwelling, the impact of the			

Internal Referral Body	Comments
	<p>proposal on the nearby heritage item is considered acceptable. As there are no proposed changes to the front facade of the subject site, the proposal is not considered to impact the overall significance of the nearby heritage item, nor is it considered to impact its associated setting.</p> <p>Therefore, no objections are raised on heritage grounds, subject to one condition.</p> <p><b>Revised Heritage Comments - 17 June 2025</b></p> <p>The applicant has provided amended plans (dated 11/06/2025) which remove the proposed bedroom and adjoining deck from the first floor. The amended plans do not include any additional proposed works. As such, the Heritage maintains its original position that the proposal is not considered to impact the overall significance of the nearby heritage item, nor is it considered to impact its associated setting.</p> <p>Therefore, no objections are raised on heritage grounds, subject to one condition.</p> <p>Consider against the provisions of CL5.10 of MLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</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.

### 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. AAL-13383\_03 dated 26 November 2024).

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

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
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#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	6.3m	N/A	Yes
Floor Space Ratio	FSR: 0.75:1 (138.075sqm)	FSR: 0.675.3:1 (124.4sqm)	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	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

##### **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: 184.1sqm	Requirement	Proposed	% Variation*	Complies
4.1.1.1 Residential Density and Dwelling Size	Dwelling Size: 100sqm	>100sqm	N/A	Yes
4.1.2.1 Wall Height	N: 6.5m (based on gradient 0)	6m	N/A	Yes
	S: 6.5m (based on gradient 0)	6m// common wall	N/A	Yes
4.1.2.2 Number of Storeys	2	2	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	0.2m	N/A	Yes
	Pitch: maximum 35 degrees	>35 degrees/ match existing	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	No change	N/A	N/A
4.1.4.2 Side Setbacks and Secondary Street Frontages	N: 2m (based on wall height)	1.2m	40% (0.8m)	No
	S: 2m (based on wall height)	Nil	100%	No (no change)
	Windows: Min 3m	N: 3 windows at 1.2m 1 window at 2.6m	Max 60% (1.8m)	No
4.1.4.4 Rear Setbacks	8m	9.2m (GF) 13m (FF)	N/A	Yes (no change)
4.1.4.6 Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2	6m (common boundary)	N: 1.2m	80% (4.8m)	No
	8m (rear boundary)	N/A	N/A	N/A
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS2	Open space 50% (92.05sqm) of site area	51.9% (95.6sqm)	N/A	Yes
	Open space above ground 25% of total open space	8.8% (8.4sqm)	N/A	Yes
4.1.5.2 Landscaped Area	Landscaped area 30% of open space	No change	N/A	N/A
4.1.5.3 Private Open Space	18sqm per dwelling	>18sqm	N/A	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	No change	N/A	N/A

### 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
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	No	Yes
3.4.3 Maintenance of Views	Yes	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
3.10 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	No	N/A
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)	N/A	N/A
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	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
Schedule 2 - Townscape Principles	Yes	Yes

### Detailed Assessment

#### **3.1.1 Streetscape (Residential areas)**



## Detailed Assessment

The Clause requires the below:

### **3.1.1.1 Complementary Design and Visual Improvement**

*a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:*

- i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
- iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
- iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
- v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*
- vi) visually improve existing streetscapes through innovative design solutions; and*
- vii) incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design.*

### **3.1.1.3 Roofs and Dormer Windows**

- a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.*
- b) Roofs should be designed to avoid or minimise view loss and reflectivity.*
- c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.*

Considering the submission which raised concerns with the aesthetic and character of the development on the neighbourhood, a merit assessment against the controls of the clause has been conducted below.

## Merit consideration

With regard to the consideration of a variation, the proposal is considered against the underlying objectives of the control as follows:

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

## Comment:

The proposed development does not result in any changes to the existing dwelling to the street front and will not result in any negative visual impacts. The proposed roof form to the rear of the dwelling on the first floor includes a low designed roof pitch which is lower than the exiting roof height. The rear roof will compliment the existing roof form and pitch and not result in unreasonable view impacts.

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

streetscape.

Comment:

As mentioned, the proposal will not impact the existing dwelling to the streetscape and is considered to maintain the existing character to the street. A referral response has been provided by Council's Heritage Officer stating:

*The subject site is a Victorian semi-detached terrace which retains much of its original form and detailing, including its original front facade. While the subject site itself is not a heritage item, it is located directly opposite a heritage item comprising a group of late Victorian\ houses on the western side of George Street. Heritage notes the proposed works pertain mostly to the internal layout of the dwelling, however the proposal does include the removal of some original doors, windows and wall configurations, as well as the construction of a rear addition. As most of the proposed works are of a minor nature and contained to the internal and rear of the existing dwelling, the impact of the proposal on the nearby heritage item is considered acceptable. As there are no proposed changes to the front facade of the subject site, the proposal is not considered to impact the overall significance of the nearby heritage item, nor is it considered to impact its associated setting.*

With regards to the Heritage Officer's Referral Response located under the 'referrals' heading of this report, the development will compliment the identified streetscape.

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

Comment:

The proposal's will not impact the existing soft landscaping to the front setback and will not result in new front fencing.

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

### **3.4.2 Privacy and Security**

Description of non-compliance

Submissions from the adjoining property to the north were received with objections relating to privacy impacts from the rear deck and window to the rear bedroom of W5.

Considering the submissions received, a Request for Further Information letter was sent to the applicant. In response, amended plans were submitted with the deletion of the first floor extension works which maintain the internal works to the existing built form. The rear deck has been deleted and the proposed W5 maintained. Due to the 13m setback from the rear boundary and small scale of W5, the window is considered acceptable to the bedroom.

Additionally, window 4 (W4) to the northern elevation is of a high sill and small size to the bathroom area, which is not considered to result in privacy impacts.

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:

As discussed above, the low scaled design and setback will minimise any loss of privacy to the adjacent property to the east. Due to the deck being removed under the amended plans, there are no expected privacy impacts to the northern properties. The proposal will provide suitable screening and mitigate direct viewing between windows.

*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 without compromising access to light and air, and will also balance outlook and views. The amended plans result in the retention of the existing walls and built form of the first floor, which will maintain the existing view corridor. As such, there is no expected view loss under this application.

*Objective 3) To encourage awareness of neighbourhood security.*

Comment:

The proposal will provide neighbourhood security.

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**

During the assessment period a site inspection was conducted from the adjoining unit to the north on the 8th of April 2025. After the view loss inspection, a Request for Further Information letter was sent to the applicant on 11/04/2025 addressing view loss concerns.

In response to these concerns, the applicant lodged amended plans removing the rear first floor extension works and proposed to maintain the existing built form of the first floor. The amended plans have removed the first floor works which result in the potential for view loss. Therefore, due to the removal of the first floor extension works, the proposal is considered to not result in view loss impacts.

#### 4.1.1.1 Residential Density and Dwelling Size

The proposed development is located within the residential density area D3 which requires 250sqm of site area per dwelling. The existing site includes a semi detached dwelling house.

The site area is surveyed at 184.1sqm and therefore, the existing development results in a non-compliance of 65.9sqm. It should be noted that there are no proposed changes to the residential density of the site under this application and thus, Clause 4.1.1.1 Residential Density and Dwelling Size is not applicable in this instance.

#### 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 does not result in any changes to the existing front setback of the semi-detached dwelling house and therefore, the requirement is not applicable in this instance.

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 northern elevation:

N: 2m (based on wall height)- 1.2m exhibited- variation of 40%.

The following setbacks are required to the southern elevation:

S: 2m (based on wall height)- nil-0.9m exhibited- variation of 100%.

Although it should be noted that the southern elevation includes the party wall of 32 George Street.

This control also stipulates that any additional windows must be setback 3.0 metres from boundaries. The proposal includes 3 windows at a 1.2m setback and 1 window at a 2.6m setback, representing a maximum variation of 60%. It should be noted that the windows to the first floor area at a 2.6m setback are small in design and high sill to the bathroom, which is considered acceptable in this instance. The additional first floor window to the new bedroom at a 1.2m setback is of a small design and will not result in unreasonable privacy impacts. The windows located to the living room on the ground floor area also small in design and will be constructed to the existing ground floor wall.

Clause 4.1.4.6 *Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2* applies as the subject site directly adjoins a E1 Local Centre zone to the north. The clause requires;

*a) Buildings, swimming pools and garden sheds on sites with a common boundary to land zoned in the LEP as Zones RE1 Public Recreation, RE2 Private Recreation, E1 National Parks and E2 Environmental Conservation must be set back at least 6m from this common boundary and in the case of rear setbacks, the minimum 8m setback prevails.*

The development proposes a setback of 1.2m to the northern boundary which presents a 80% (4.8m) variation. It is noted that the development will meet the existing 1.2m northern side setback of the existing dwelling and is considered acceptable in this circumstance. The proposal complies with the 8m rear setback requirement.

##### 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 maintain the existing streetscape to George Street and not impact the desired spatial proportions of the street, the street edge and the landscape character of the street. The areas of non-compliance is presented to the side setback requirements where the first floor addition will compliment the established existing building elevation 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 side setback are of a small scaled design and setback to the existing dwelling elevation which will not propose additional privacy issues. As mentioned above, the development does not result in unreasonable privacy impacts to the northern elevation. 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.

*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 do not alter the existing landscaped areas and deep soil areas. 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:

Not applicable. The subject site is not classified as bush fire prone land.

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.

#### **4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)**

There are no proposed changes to the existing parking and vehicular access under this development. The control is therefore not applicable in this instance.

#### **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 \$2,541 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$254,120.

#### **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 DA2025/0089 for Alterations and additions to a semi-detached dwelling on land at Lot 1 DP 745746, 34 George Street, MANLY, 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
A05	D	Floor Plans: Proposed	Ian Jones Design	11/06/2025
A06	D	Floor Plans: Ground Floor 1:50	Ian Jones Design	11/06/2025
A07	D	Floor Plans: First Floor 1:50	Ian Jones Design	11/06/2025
A07a	D	Floor Plans: Roof Plan 1:100	Ian Jones Design	11/06/2025

A08	D	Proposed Elevations	Ian Jones Design	11/06/2025
A09	D	Proposed Sections	Ian Jones Design	11/06/2025
A10	C	Door & Window Schedule	Ian Jones Design	11/06/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate (A1799385)	-	Ian Jones Design	11 June 2025
Waste Management Plan	-	Applicant	31/01/2025

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	12/03/2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://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 \$2,541.20 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 \$254,120.00.

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](http://www.northernbeaches.nsw.gov.au)).

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

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **7. 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.

### **8. 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.

### **9. 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.

### **10. 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](http://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

### 11. 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.

## 12. **Photographic Archival Record**

A photographic archival record of the existing dwelling at 34 George Street, Manly, and its curtilage is to be made, including interiors and exteriors and their setting, generally in accordance with the guidelines issued by the NSW Heritage Division of the Department of Planning and Environment.

This record must be submitted and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate and commencement of any works on-site. The photographic record should be made using digital technology, submitted on archival quality, and should include:

- Location of the house, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

Reason: To provide an archival photographic record of the existing building.

## DURING BUILDING WORK

## 13. **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.

**14. Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

**15. 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.

**16. 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.

**BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**17. Stormwater Drainage**

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

**18. 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.

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

**Signed**



**Lachlan Rose, Planner**

The application is determined on 24/06/2025, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**