

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0973
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Responsible Officer:	David Auster
Land to be developed (Address):	Lot 18 DP 2044, 116 Beatrice Street BALGOWLAH HEIGHTS NSW 2093
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	Manly LEP2013 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	David Darren Ellett Klara Jane Ellett
Applicant:	Klara Jane Ellett

Application Lodged:	05/07/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	12/07/2021 to 26/07/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 750,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to an existing dwelling, comprising the following works:

Ground Floor

- Demolition work;
- Construction of front porch;
- Internal reconfiguration to provide for a new formal lounge, laundry, walk-in-pantry, dining, kitchen and living areas; and

- Entertainment deck.

First Floor

- Construction of first floor extension, consisting of three (3) bedrooms, bathroom, ensuite, walk-in-robe, kid zone and balcony.

External

- Construction of double carport;
- Driveway and crossover; and
- Swimming pool

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

SITE DESCRIPTION

Property Description:	Lot 18 DP 2044 , 116 Beatrice Street BALGOWLAH HEIGHTS NSW 2093
Detailed Site Description:	<p>The subject site consists of single allotment located on the eastern side of 116 Beatrice Street, Balgowlah Heights.</p> <p>The site is regular in shape with a frontage of 15.24m along Beatrice Street and a depth of 45.11m. The site has a</p>

surveyed area of 687m².

The site is located within the R2 Low Density Residential zone and accommodates a single two storey dwelling with a rendered brick and timber clad finish.

The site is virtually flat with minimal fall across the site.

The site comprises established gardens, including lawn areas and small to medium sized trees. There are no known threatened species on the site or within vicinity of the site.

Adjoining and surrounding development is characterised by predominately single dwellings of similar appearance and one and two storeys in height

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.

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 Matters for Consideration	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	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 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 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 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 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> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This</p>

Section 4.15 Matters for Consideration	Comments
	clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 12/07/2021 to 26/07/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Four Towns Planning	Po Box 361 BALGOWLAH NSW 2093

The following issues were raised in the submissions and each have been addressed below:

- Alterations and additions vs new build
- Section 4.15 of the EP&A Act
- Privacy
- Solar Access

- Views
- Bulk and scale
- Incomplete documentation

The submission received relates to the impacts of the development on 114 Beatrice St, the adjacent neighbour to the south. The matters raised within the submissions are addressed as follows:

- **Alterations and additions vs new dwelling**

Comment:

The submission raises concern with regard to the extent of the proposed new works and demolition. The submission considers this against the relevant planning principle - *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*.

The applicant has responded to the submission and specifically to concerns relating to the above.

Based on a qualitative and quantitative assessment, the proposal does not result in any significant change to the streetscape in which the building is located. The extent of demolition works is not extensive ensuring the proposed development does not lose the characteristics and essence of the form of the existing dwelling. With the exception of some areas to the front and rear of the dwelling, large portion of external walls will remain with the extent of demolition largely confined to internal walls. The ground floor retains the majority of the existing structure with only the carport and porch to be upgraded and an extended outdoor living area at the rear of the site. The existing first floor is largely retained with the north and south walls retained. The applicant has responded to this by confirming the existing front facade of the dwelling will for the most part be unchanged at the ground floor level, with the appearance from the street, being that of an existing dwelling, having a first-floor extension. This assessment agrees with this conclusion.

The extent of site coverage will not be significantly altered as a result of the proposed works and not untypical of a similar development for similar approved alterations and additions. The proposal achieves compliant landscaped area and private open space in accordance with the relevant provisions under MDCP. The proposal is largely compliant with the exception of minor setback encroachments, which have been satisfactorily addressed under the relevant sections of this report. The applicant has responded confirming the landscape setting of the site is essentially unchanged with the swimming pool to the rear not contributing to a loss of any significant landscape.

The submission notes concern with regard to the increase to the building footprint and the non-compliances proposed which will have detrimental impact to the property to the south. The majority of proposed works are located within the existing building footprint with only the swimming pool and its surroundings contributing to a minor increase to site coverage. Notwithstanding, the increase to the building footprint is not unreasonable and untypical of a similar scale development, while the increase to the footprint does not give rise to any impact on the property to the south. While the proposal results in a reduction to the landscaping across the site, this is due to the proposed pool and adjacent areas and not considered unreasonable within the context of the site and wider area.

While the building envelope will be altered to accommodate the extended first floor and ground floor to provide for the extended outdoor entertainment area to the rear, these areas are minor and not uncharacteristic of a development seeking consent for alterations and additions. The proposed side setbacks are consistent with the existing dwelling and established character of

the area.

Based on the above and a qualitative and quantitative assessment of the proposal against the abovementioned planning principle, this assessment finds the proposal to be correctly defined as "alterations and additions".

- **Section 4.15 of the EP&A Act**

Comment:

The SEE satisfactorily address Section 4.15 on Pages 23-26.

- **Privacy**

Comment:

It is noted that the development includes new windows and a balcony along the southern elevation. All principal living areas are located to the ground floor. All new south facing windows service bedrooms and bathrooms, with the exception of one primary living area window which is provided with a high sill height in the plans. The upper level windows and balcony service bedrooms and bathrooms. The balcony is a small balcony, and a privacy screen is provided to the southern side elevation, ensuring no unreasonable impacts are caused from here. The other south facing windows (W16, W17, W18 and W19) overlook the neighbouring pool area, and in the case of window W19 are in close proximity to the neighbouring living room windows of 114 Beatrice St at first floor level. Windows W16 and W17 are existing ensuite and WIR windows. W16 will become a master bedroom window, and W17 converted from WIR to ensuite window. W18 is a new bathroom window. W19 is a new bedroom window. All these windows are within the 3m minimum side setback requirement under the DCP.

W19, although offset from the neighbouring living room windows, is in a location where the likely viewing angle from the bedroom is likely to often be in a direction towards the neighbouring windows as occupants walk into the bedroom. As such, and given that the other first floor windows overlook the neighbouring pool area, conditions are recommended requiring the four windows discussed to either have high sill heights, or be opaque glazing to a minimum height of 1.65m above ground level. Both bedrooms include other much larger windows facing east or west, and the reduction in size to the proposed south facing windows to these rooms is not considered unreasonable.

Subject to these conditions, the proposal will maintain a reasonable level of privacy.

- **Solar Access**

Comment: The submission raises concern with overshadowing caused by the new additions, and requests elevational shadow diagrams. It also raises concerns that the plans do not accurately depict the house and pool area at 114 Beatrice St.

The plans provided are considered adequate to assess the proposal in relation to solar access, with reference to the survey plan which accurately depicts locations of windows at 114 Beatrice St. Further, a site inspection was undertaken, and the pool area is adjacent to the northern boundary to the rear of the dwelling at 114 Beatrice St. Despite not being shown on the plans, the diagrams provided are considered sufficient to ascertain compliance with the solar access requirements, and the proposal is considered to comply with the requirements.

It is noted that the adjoining neighbour at 114 Beatrice Street has living rooms at both upper and lower levels, with north facing windows. These living areas also have west facing windows. It is clear from the plans and the survey provided that the north facing living room windows are to the west of the new first floor addition, and will retain solar access after midday. The lower level

north facing kitchen window will also start to receive the same solar access it currently receives from just after midday onwards. The pool area to the rear is located adjacent to the northern boundary and to the existing first floor at 116 Beatrice St. It is in a highly vulnerable location for overshadowing, and even if the extension of the first floor complied in full with the side setback requirement, would not gain further solar access on the winter solstice.

The dwelling at number 114 Beatrice St has two living areas, both upstairs and downstairs. Both these living areas have north facing windows only 1.57m - 1.61m from the northern side boundary, which are highly vulnerable to overshadowing from any first floor addition built generally above the existing dwelling at number 116. As discussed above, the location of the pool is also highly vulnerable to overshadowing. Despite this, the living room windows will continue to gain solar access from midday onwards (as well as the unaffected west facing windows). The existing gutter line of the ground level roof of 116 will also be slightly reduced from RL 91.7 to RL 91.6.

Given these considerations, the proposal is considered to meet the requirements for maintaining solar access to neighbour, and does not result in unreasonable overshadowing impacts.

- **Views**

Comment:

The submission states the application has not been supported by a Visual Impact Assessment or a View Impact Study. The submission also requests a View Impact Study to be provided in accordance with *Tenacity v Warringah*.

The development is largely compliant with the relevant controls. A site inspection of both the subject site and number 114 Beatrice St was carried out to inspect the concerns raised. The views from the neighbouring residence are across the existing rear setback of the subject site, past the existing first floor. The proposal does not extend the existing first floor to the rear, but provides a balcony with privacy screening to the rear of the first floor by demolishing the rear and side wall of the first floor, maintaining the existing rear setback of the first floor. As such, the existing views will not be reduced or significantly impacted by the proposal. A reasonable sharing of views will be maintained in accordance with the planning principles established in *Tenacity v Warringah*.

- **Bulk and scale**

Comment:

The bulk and scale of the development is not incompatible with the established character of the area, including the adjoining properties. The additional bulk in the form of the first floor extension to the west will not give rise to unreasonable impacts on residential amenity to the southern property by providing satisfactory privacy and solar access. The proposed first floor is commensurate with existing two storey dwellings, including the adjoining dwelling at No 114 Beatrice Street. The MDCP provides flexibility with regard to applying side setback controls for first floor additions. In this case, the proposed first floor addition is reasonable when assessed against the MDCP.

- **Incomplete documentation**

Comment:

The documentation referred to within the submission, which includes appropriate assessment against section 4.15 of the Act, MLEP and MDCP, visual and view analysis report, shadow diagrams, RLs from architectural plans, have been satisfactorily addressed within the existing documentation. As discussed above, a view analysis is not warranted for the reasons previously noted. The detail on the submitted plans, including levels is sufficient. The submitted application is not considered deficient with regard to the documentation which has been provided.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application seeks consent for alterations and additions to the existing dwelling, including internal works, a double carport an outdoor entertainment space and an above ground swimming pool.</p> <p>Council's Landscape Referral section have assessed the application against the objectives of Manly Local Environment Plan, and the landscape controls of Manly DCP 2013, including:</p> <ul style="list-style-type: none"> • DCP section 3: General Principles of Development, including but not limited to clauses 3.3.1 Landscape Design, and 3.3.2 Preservation of Trees and Bushland Vegetation, • DCP section 4: Development Controls and Development Types, including but not limited to clauses 4.1.5 Open Space and Landscaping. <p>The plans indicate retention of existing trees and that no significant landscape features are affected by the proposed works.</p> <p>No objections are raised to approval subject to conditions.</p>
NECC (Development Engineering)	Development Engineering has no objection to the application subject to the following conditions of consent.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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, REPs 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, REPs 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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A413009_02 dated 24 June 2021).

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP 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 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.

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.4m	N/A	Yes

Floor Space Ratio	FSR:0.45:1	FSR: 0.43:1	N/A	Yes
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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
4.5 Calculation of floor space ratio and site area	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.12 Essential services	Yes

Mainly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 680m ²	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	N: 6.5m (based on no gradient)	6.4m	N/A	Yes
	S: 6.5m (based on no gradient)	6.4m	N/A	Yes
	E: 6.5m (based on no gradient)	6.2m	N/A	Yes
	W: 6.5m (based on no gradient)	6.54m	N/A	Yes
4.1.2.2 Number of Storeys	2	2	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.9m	N/A	Yes
	Parapet Height: 0.6m	<0.6m	N/A	Yes
	Pitch: maximum 35 degrees	25 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line	9.8m, consistent with prevailing setback	N/A	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	2.13m (based on wall height)	1.18m	44.6%	No
	Windows: 3m	1.2m	60%	No
	Secondary street frontage: N/A	N/A	N/A	N/A
4.1.4.4 Rear Setbacks	8m	8.67m (dwelling) 1.5m (pool edge) 0.7m (pool coping)	N/A	No
4.1.5.1 Minimum Residential	Open space 55% of site	57.3%	N/A	Yes

Total Open Space Requirements	area			
Residential Open Space Area: OS3	Open space above ground maximum 25% of total open space	<25%	N/A	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% of open space	59%	N/A	Yes
	2 native trees	Proposal retains existing trees on the site	N/A	Yes
4.1.5.3 Private Open Space	12sqm per dwelling	>12sqm	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	5.9m	N/A	Yes
4.1.9 Swimming Pools, Spas and Water Features	1m height above ground	0.7m	N/A	Yes
	1m curtilage/1.5m water side/rear setback	1.5m	N/A	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	3 spaces	N/A	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (i.e.: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

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
3.4 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	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
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	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	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

Detailed Assessment

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

Description of non-compliance

The proposed southern side setback of 1.2m encroaches into the setback area, resulting in a non-compliance with the minimum 2.13m control. While the setback represents a non-compliance, Clause 4.1.7.1 permits first floor additions to follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues. In this case, the first floor addition follows the existing setback by following the existing ground floor wall.

The proposed dwelling satisfies the minimum 8m rear setback control, while the swimming pool is located 1.5m (to water edge) from the rear boundary and 0.7m from coping. Notwithstanding, Clause 4.1.9.2(c) permits pools to be located within the rear setback provided the outer edge of the pool concourse from the rear boundary must be at least 1m, with the water line being at least 1.5m from the boundary. In this regard, the proposal satisfies the second provision with 1.5m provided to the water edge. However, the proposed pool coping is situated 0.7m from the rear boundary and 0m from the northern side boundary, therefore encroaching into the 1m setback.

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 side setback will have no discernible impact on the existing streetscape ensuring spatial proportions of the street, street edge and landscape character are maintained and not impacted on.

The swimming pool will be located to the rear of the property, therefore no impacting on the existing 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:

Notwithstanding the encroachment, the setback will not unreasonably impact privacy to the adjoining property to the south with proposed windows servicing bedrooms or bathrooms. A condition is recommended to require the upper level south facing windows to have high sill heights or be opaque glazed. The non-compliance will not give rise to unreasonable overshadowing. The proposed setback is consistent with the established side setbacks in the area, including the side setbacks of adjoining dwellings, ensuring a consistent spatial separation. The character of the site and wider area will not be affected with the dwelling ensuring a consistent and desirable low-density setting. Overall, residential amenity to the subject site and adjoining sites will not be unreasonably affected by the non-compliance.

The pool coping, while situated 0.7m from the rear boundary and 0m from the northern side boundary, will have negligible impact on the adjoining property to the rear and north with the pool being situated less than 1m from existing ground level. As such, there will be no unreasonable impact on residential amenity to adjoining properties, including the property to the rear with privacy, solar access and general amenity unaffected. Furthermore, there is an established character of swimming pools within the surrounding area to the north and south that are located along the side and rear boundaries.

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

Comment:

The proposed first floor addition is logically sited by following the existing ground floor wall. In this regard, the proposed design of the first floor addition promotes suitable flexibility in the siting of the development, therefore satisfying Objective 3.

The swimming pool is appropriately sited within the rear yard of the subject site. Due to the location of the dwelling and associated works including principal living areas and rear entertainment area, it is not unreasonable for the pool to be located immediately adjacent to these areas so to act as an extension of the principal living area and private open space, therefore to be located within the rear and side setback areas.

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 side setback non-compliance will not impact on the site's ability to provide for deep soil zones, suitable vegetation and native trees. The proposal provides in excess of the minimum landscaped area ensuring sufficient space is provided for future planting, therefore satisfying Objective 4.

The swimming pool does not impact on the natural and landscaped setting as well as the site's ability to provide for suitable landscaping and deep soil areas with sufficient space provided to the south, therefore satisfying Objective 4.

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

Comment:

The site is not located within a bushfire affected area.

Having regard to the above assessment and the provisions under clause 4.1.7 of the MDCP, 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 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$7,500 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$750,000.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;

- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

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 DA2021/0973 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 18 DP 2044, 116 Beatrice Street, BALGOWLAH HEIGHTS, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02, SITE / ROOF / SEDIMENT EROSION / WASTE MANAGEMENT / STORMWATER CONCEPT PLAN	28/06/2021	Action Plans
DA03, EXISTING GROUND FLOOR PLAN	28/06/2021	Action Plans
DA04, EXISTING FIRST FLOOR PLAN	28/06/2021	Action Plans
DA05, PROPOSED GROUND FLOOR PLAN	28/06/2021	Action Plans

DA06, PROPOSED FIRST FLOOR PLAN	28/06/2021	Action Plans
DA07, WEST (STREET) / NORTH ELEVATION	28/06/2021	Action Plans
DA08, EAST / SOUTH ELEVATION	28/06/2021	Action Plans
DA09, LONG / CROSS SECTION	28/06/2021	Action Plans
DA10, DRIVEWAY PLAN & LONG SECTION	28/06/2021	Action Plans
DA11, POOL PLAN & LONG SECTION	28/06/2021	Action Plans
DA13, SAMPLE BOARD	28/06/2021	Action Plans

Engineering Plans		
Drawing No.	Dated	Prepared By
D02, Job No: 210533, Stormwater Management Drainage Plans	27/05/2021	NB Consulting Engineers
D03, Job No: 210533, Stormwater Management Drainage Plans and Details	27/05/2021	NB Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary Geotechnical Assessment, Ref: J3456	26/05/2021	White Geotechnical Report
BASIX Certificate, A413009_02	24/06/2021	Action Plans

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	27/06/2021	Klara Ellet

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

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

2. Prescribed Conditions

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 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);
- 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 Certifying Authority 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 Certifying Authority 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 Certifying Authority 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.

3. **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) 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.
- (c) At all times after the submission 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 a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) 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.
- (e) 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.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) 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.

- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$7,500.00 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 2021. The monetary contribution is based on a development cost of \$750,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

5. **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 Certifying Authority 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.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this

development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Beatrice Street.

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

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

7. **Amendments to the approved plans**

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

- Windows W16, W17, W18 and W19 (all south facing at first floor level), are to have a minimum sill height of 1.65m above finished floor level. Alternatively, the sill height may be lower, but the windows must be opaque glazed to a minimum height of 1.65m above finished floor level.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

8. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

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

Reason: To facilitate suitable vehicular access to private property.

9. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

10. **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 Certifying Authority prior to the issue of the Construction Certificate.

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

11. 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 Certifying Authority 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

12. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site not indicated for removal on the approved plans, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an 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 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 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 with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an 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 to the Certifying Authority,
- 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 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 Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property 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.

Reason: Tree and vegetation protection.

14. **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.

15. 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.

16. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

17. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

18. Vehicle Crossings

The Applicant is to construct one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

19. 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 Certifying Authority.

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

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

20. **Stormwater Disposal**

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 Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

21. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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 2008
- (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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**22. 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.

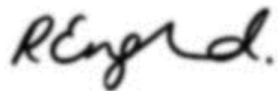
In signing this report, I declare that I do not have a Conflict of Interest.

Signed



David Auster, Planner

The application is determined on 23/11/2021, under the delegated authority of:



Rebecca England, Acting Development Assessment Manager