

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1207
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 6 DP 17574, 3 Aden Street SEAFORTH NSW 2092
Proposed Development:	Alterations and additions to a dwelling house
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:	Andrea Leigh Brydges Andrew Justin William McKinnon
Applicant:	Andrew Justin William McKinnon

Application Lodged:	30/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	08/11/2019 to 22/11/2019
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 247,500.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to an existing dwelling house. Specifically, the application proposes the following works:

Ground Floor:

- The conversion of the existing garage into a music room and workshop;
- Replace the existing internal staircase;
- Demolish the internal common walls of the entry, dining room and living room to create an open floor plan; and
- The construction of a carport with two (2) skylights.

First Floor:

- The demolition of the existing ensuite and walk in robe;
- An extension on the western elevation to create a new master bedroom with an ensuite, walk in robe and balcony; and
- Internal alterations to within the existing footprint to create a new bedroom and hallway with linen cupboards.

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 - 3.4.2 Privacy and Security

Manly Development Control Plan - 3.7 Stormwater Management

Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

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

Manly Development Control Plan - 4.1.5 Open Space and Landscaping

SITE DESCRIPTION

Property Description:	Lot 6 DP 17574 , 3 Aden Street SEAFORTH NSW 2092
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Aden Street, Seaforth.</p> <p>The site is a battle-axe allotment and has a surveyed area of 858.2sqm.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two (2) storey detached dwelling</p>

house, a hardstand area within the front yard and a swimming pool within the rear yard.

The site contains landscaped open space within the rear yard; an exposed rock outcrop, shrubs and hedging within the south-western corner; and a large boulder within the rear yard.

The site experiences a fall of approximately 8m that slopes towards the south-western corner.

The site is mapped as containing 'Acid Sulfate Soils Class 5' under the provisions of the MLEP 2013.

Detailed Description of Adjoining and Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey detached dwelling houses.

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time. A search of Council's records has revealed no recent application relevant to this Development Application.

Site Visits

A site visit was undertaken on 13 November 2019 at the subject site.

A second site visit was undertaken on 22 November at the subject site to examine the privacy concerns stipulated within the written submissions prepared by the occupants of the adjoining properties.

A site visit was undertaken on 22 November 2019 at the south-western adjoining property (60 Ponsonby Parade) in response to the concerns addressed within the submission.

A site visit was undertaken on 22 November 2019 at the western adjoining property (60A Ponsonby Parade) in response to the concerns addressed within the submission.

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	None applicable.
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)(iia) – 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 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>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>
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</p>

Section 4.15 Matters for Consideration'	Comments
	The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Ms Anna Kathryn Osborne Malins	132/5 Wulumay Close ROZELLE NSW 2039
Mr Jeffrey Robert Hudson Mrs Valda Janet Hudson	60 Ponsonby Parade SEAFORTH NSW 2092
Mr Andrew John McFarlane Ms Aimee Louise Welstead	60 A Ponsonby Parade SEAFORTH NSW 2092

One (1) submission was received by the owner of 9 Aden Street (located to the north of the subject site). No objections were raised within this submission.

One (1) submission was received by the owners of the south-western adjoining property (60 Ponsonby Parade). The following issues were raised in the submission and each have been addressed below:

Privacy

Concern was raised that the proposed development would give rise to unreasonable privacy impacts. Specifically, the submission raised concern regarding the following aspects of the proposal:

- The proposed balcony on the first floor;
- The proposed glazed doors D04;
- The proposed windows W06 and W07 on the southern elevation of the first floor; and
- The proposed window W02 on the southern elevation of the ground floor.

The submission stipulated that the aforementioned aspects of the proposed development would encourage direct overlooking into the private open space located within the rear yard of 60 Ponsonby Parade. Accordingly, a detailed assessment is provided in the section of this report relating to Clause 3.4.2 Privacy and Security of the MDCP 2013.

Bulk and Scale

Concern was raised of the proposed gable roof over the first floor extension. The submission stipulated that the proposed gable roof would result in a development that provides an unreasonable level of bulk and scale. In response to this concern, the proposed gable roof would not give rise to an unreasonable loss of amenity, specifically with regards to overshadowing and view loss.

Viability of Existing Rock Outcrop

The submission raised concern regarding the existing rock outcrop and questioned whether engineering reports will be required to determine the viability of the rock to support the proposed development. In response to this concern, it is noted that the subject site is not mapped as being located within the 'Landslide Risk' area under the provisions of the MLEP 2013. Council does not require any additional geotechnical/engineering certification to determine the viability of the rock outcrop for the purposes of this Development Application.

Two pieces of correspondence amounting to (1) submission were received by the owners of the western adjoining property (60A Ponsonby Parade). The following issue was raised in the submission has been addressed below:

Privacy

Concern was raised regarding the proposed balcony and windows on the western elevation. Specifically, the submission stipulated that the proposed balcony and windows would encourage direct overlooking into the existing private open space located at the front of the dwelling (swimming pool and deck). Accordingly, a detailed assessment is provided in the section of this report relating to Clause 3.4.2 Privacy and Security of the MDCP 2013.

REFERRALS

Internal Referral Body	Comments
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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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. A353584_02 dated 14 November 2019). 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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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	8.1m	-	Yes
Floor Space Ratio	FSR: 0.45:1	FSR: 0.29:1	-	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
4.5 Calculation of floor space ratio and site area	Yes
6.1 Acid sulfate soils	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 858.2sqm	Requirement	Proposed	% Variation*	Complies
4.1.1.1 Residential Density and Dwelling Size	Density: 1 dwellings	1	-	Yes
	Dwelling Size: 107sqm (minimum gross floor area required)	248.6sqm	-	Yes
4.1.2.1 Wall Height	North: 6.5m (based on gradient 0)	5.43m	-	Yes
	South: 7m (based on gradient 1:13)	6.71m	-	Yes
	East: 7.1m (based on gradient 1:10)	5.83m	-	Yes
	West: 7m (based on gradient 1:12)	7.5m	7.14%	No

4.1.2.2 Number of Storeys	2	2	-	Yes
4.1.2.3 Roof Height	Height: 2.5m	0.86m	-	Yes
	Pitch: maximum 35 degrees	17 degrees	-	Yes
4.1.4.1 Street Front Setbacks	6m	Not applicable - battle axe lot	N/A	N/A
4.1.4.2 Side Setbacks	South: 2.27m (based on wall height 6.71m)	6.17m (dwelling)	-	Yes
	East: 1.94m (based on wall height 5.83m)	1.35m (carport)	30.41%	No
	West: 2.5m (based on wall height 7.5m)	1.64m	-	Yes
	Windows not within 3m from side boundaries	No windows located within 3m from side boundaries	-	Yes
4.1.4.4 Rear Setbacks	8m	No change to existing rear setback	N/A	N/A
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS1/2/3/4	Open space 55% (472.01sqm) of site area	49.88% (428.1sqm) - No change proposed	9.31%	No
	Open space above ground 25% (116.05sqm) of total open space	0% (0sqm) - No change proposed	-	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% (162.47sqm) of open space	66.99% (286.8sqm) - No change proposed	-	Yes
	4 native trees	0 trees	100%	No
4.1.5.3 Private Open Space	18sqm per dwelling	>18sqm	-	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	Not applicable - battle axe lot	-	N/A
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	-	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: 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
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
3.5 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
3.5.7 Building Construction and Design	Yes	Yes
3.5.8 Water Sensitive Urban Design	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	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	No	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	No	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
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes

Detailed Assessment

3.4.2 Privacy and Security

60 Ponsonby Parade

One (1) submission was received by the owners of the south-western adjoining property (60 Ponsonby Parade). The submission stipulated that the proposed development would give rise to unreasonable privacy impacts. Specifically, the submission raised concerns regarding the following aspects of the proposal:

- The proposed balcony on the first floor;

- The proposed glazed doors D04;
- The proposed windows W06 and W07 on the southern elevation of the first floor; and
- The proposed window W02 on the southern elevation of the ground floor.

The submission stipulated that the aforementioned aspects of the proposed development will encourage direct overlooking into the private open space (POS) area located within the rear yard of 60 Ponsonby Parade.

A site visit was undertaken on 22 November 2019 at 60 Ponsonby Parade to ascertain the proposed development's impacts on privacy. It is noted that the subject POS comprises a barbecue area, decking and a spa.

To determine the extent of the privacy impacts, the application is assessed against the objectives of Clause 3.4.2 of the MDCP 2013 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;*
- *mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

Comment:

The proposed first floor balcony will be located approximately 2.61m from the north-western rear corner of 60 Ponsonby Parade. Given that the proposed balcony is orientated towards the west, the open balcony may result in potential overlooking from the southern elevation. In assessing the extent of the impacts, it is noted that the existing vegetation within the locality would partially screen the proposed balcony from the adjoining POS.

Notwithstanding, the Privacy Planning Principle established by the NSW Land and Environment Court in *Meriton v Sydney City Council* [2004] NSWLEC 313 at 45-46 and further developed with particular regard to the use of vegetation in *Super Studio v Waverley Council* [2004] NSWLEC 91 at 5-7 stipulates that landscaping cannot be relied on as a primary measure for privacy: "*The second principle is that where proposed landscaping is the main safeguard against overlooking, it should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible for a council to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens.*"

Having regard to the above Privacy Planning Principle, this assessment finds that the existing vegetation is not a sufficient measure to ensure the preservation of privacy within the adjoining property (60 Ponsonby Parade). Accordingly, a suitable condition has been recommended with this consent requiring the balcony to be reduced to 1m in depth. The aforementioned condition will mitigate adverse overlooking between the subject site and adjoining POS, as the reduced dimensions will restrict the usability of the balcony, thereby ensuring the balcony is not used for the sole purpose of POS. Notwithstanding, the aforementioned condition will enable the occupants to maintain adequate views of Middle Harbour and the Castlcrag residencies from the proposed master suite. Subject to compliance with this condition, the proposal will mitigate direct viewing between the subject site and the adjoining POS.

In assessing the impacts of the glazed doors D04, it is noted that the proposed doors will be orientated

towards the west. The proposed doors will be located approximately 4.17m from the north-western rear corner of 60 Ponsonby Parade. It is noted that the doors adjoin a bedroom, where the occupants of the subject site will spend less waking time. Having regard to the spatial separation and location of the doors, it is considered that no unreasonable overlooking impacts will arise as a result of the doors.

In examining the impacts of window W06 (located in ensuite), it is noted that the window will be located approximately 9.12m from the north-western rear corner of 60 Ponsonby Parade. It is considered that the spatial separation between window W06 and the adjoining POS is sufficient to alleviate any direct overlooking between the properties.

In assessing the impacts of window W07 (located in master bedroom), it is noted that the window contains a sill height of 0.8m above the finished floor level (FFL) and is located approximately 4.27m from the north-western rear corner of 60 Ponsonby Parade. This assessment finds that the proposed window sill height is acceptable in its context, given the window is located in a bedroom where the occupants are likely to spend little waking time.

In examining the impacts of window W02, it is noted that the proposed window will be located on the ground floor and not visible from the adjoining POS.

Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and privacy open space.

Comment:

As noted above, the aforementioned condition requiring a reduced balcony will not compromise the subject site's views of Middle Harbour and the Castlecrag residencies, nor will it compromise solar access to the master suite.

Objective 3) To encourage awareness of neighbourhood society.

Comment:

The proposal will not compromise casual surveillance of the street from the property.

60A Ponsonby Parade

One (1) submission was received by the owners of the western adjoining property (60A Ponsonby Parade). The submission stated that the proposed development would give rise to unreasonable privacy impacts. Specifically, the submission raised concern of the following aspects of the proposal:

- The proposed balcony on the first floor;
- The proposed glazed doors D04;
- The proposed windows W09 and W11 on the western elevation of the first floor; and
- The proposed window W08 on the northern elevation of the first floor.

The submission stipulated that the aforementioned aspects of the proposed development will encourage direct overlooking into the POS area located at the front of the dwelling at 60A Ponsonby Parade

A site visit was undertaken on 22 November 2019 at 60A Ponsonby Parade to ascertain the proposed development's impacts on privacy. It is noted that the subject POS comprises an elevated deck and pool located in front of the existing dwelling. It is also noted that the 60A Ponsonby Parade contains

POS within the rear yard. However, this area was not inspected during the site visit, given that this area is not visible from the proposed development.

It is noted that the western adjoining property (60A Ponsonby Parade) is subject to a recent approval under DA89/2017 for alterations and additions to the existing dwelling house approved on 07 August 2017. However, a Construction Certificate has not been issued for the development. Therefore, this assessment will examine the proposed development against the existing dwelling house at 60A Ponsonby Parade.

To determine the extent of the privacy impacts, the application is assessed against the objectives of Clause 3.4.2 of the MDCP 2013 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;*
- *mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

Comment:

The proposed first floor balcony, as amended by condition, will be located approximately 10.75m from the adjoining POS at 60A Ponsonby Parade. In assessing the potential privacy impacts, it is noted that the proposed balcony will be orientated towards the west to optimise views of Middle Harbour. Furthermore, it is also noted that the adjoining POS is located to the north-west of the proposed balcony, therefore the privacy impacts will be confined to the northern elevation of the balcony. It is considered that the spatial separation between the proposed balcony and adjoining POS, in conjunction with the western orientation of the balcony, is sufficient to alleviate any direct overlooking between the subject site and 60A Ponsonby Parade.

In assessing the privacy impacts of the glazed doors D04, it is noted that the proposed doors will be located approximately 11.73m from the adjoining POS. The spatial separation is considered sufficient to mitigate direct overlooking between the two (2) properties.

In examining the privacy impacts of window W09, it is noted that this window is located within a stairwell. Therefore, no privacy impacts will arise as a result of its location. In assessing the privacy impacts of window W11, it is noted that this window will be located approximately 13.24m from the adjoining POS. The significant spatial separation between the proposed window and adjoining POS is considered sufficient to alleviate direct overlooking between the subject site and 60A Ponsonby Parade.

In assessing the privacy impacts of window W08 on the northern elevation of the first floor, it is noted that the proposed window will be located approximately 11.97m from the adjoining POS. The spatial separation is considered sufficient to alleviate any direct overlooking between the two (2) properties.

Having regard to the above, it is considered that the proposed development is appropriately designed to alleviate direct overlooking between the subject site and the POS at 60A Ponsonby Parade.

Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and privacy open space.

Comment:

The proposed development will ensure that POS areas within the subject site and 60A Ponsonby

Parade maintain sufficient access to sunlight during June 21 (winter solstice). Furthermore, the proposed development will not give rise to unreasonable view loss at 60A Ponsonby Parade.

Objective 3) To encourage awareness of neighbourhood society.

Comment:

The proposal will not compromise casual surveillance of the street from the property.

Having regard to the above assessment, it is considered that the relevant objectives of the control have been achieved. Therefore, the application is supported on merit, subject to conditions.

3.7 Stormwater Management

Council's Development Engineer has assessed the application against the requirements of this control and raised no objections, subject to conditions. Subject to compliance with the recommended conditions of consent, the application will comply with the requirements of this control.

4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Description of non-compliance

Clause 4.1.2.1 of the MDCP 2013 stipulates that the maximum height wall height permitted on each elevation is as follows:

- Northern elevation: 6.5m (based on gradient 0);
- Southern elevation: 7m (based on gradient 1:13);
- Eastern elevation: 7.1m (based on gradient 1:10); and
- Western elevation: 7m (based on gradient 1:12).

The application proposes the following wall heights:

- Northern elevation: 5.43m;
- Southern elevation: 6.71m;
- Eastern elevation: 5.83m; and
- Western elevation: 7.5m.

As a consequence, the proposed wall height on the western elevation fails to comply with the control.

Merit Assessment

With the regard to the consideration for a variation, the proposed development is considered against the underlying objectives of the control. This control relies upon the objectives specified within Clause 4.3 of the MLEP 2013. Accordingly, the proposal is considered against the following objectives:

(1) (a) To provide for building heights and roof forms that are consistent with the topographic landscape, prevailing height and desired future streetscape character of the locality.

Comment:

The proposed development is compliant by virtue of the 8.5m maximum building height development

standard and provides a roof pitch that is consistent to the existing dwelling and surrounding development within the locality.

(1) (b) To control the bulk and scale of buildings.

Comment:

The proposed development is compliant by virtue of the floor space ratio development standard. Furthermore, the proposed development will ensure that adjoining properties maintain sufficient access to sunlight. The proposed development is considered suitable in the context of the subject site and surrounding developments within the locality.

1(c) To minimise disruption to the following:

- (i) views to nearby residential development from public spaces (including the harbour and foreshores),*
- (ii) views from nearby residential development to public spaces (including the harbour and foreshores).*
- (iii) views between public spaces (including harbour and foreshores).*

Comment:

The overall height and scale of the proposed development will ensure views to and from public places are maintained.

(1) (d) To provide solar access to public and private open space and maintain adequate sunlight access to private open spaces and to habitable rooms of adjoining dwellings.

Comment:

The shadow diagrams submitted with this application indicate that the subject site and adjoining properties will maintain appropriate levels of solar access between 9am and 3pm at the winter solstice (June 21).

(1) (e) To ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography any any other aspect that might conflict with bushland and surrounding land uses.

Comment:

The subject site is not located within a recreation or environmental protection zone. Furthermore, the proposed development will not result in the removal of trees or significant vegetation. The proposed development will not be detrimental to existing flora and fauna on both the subject site and surrounding properties.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Comment:

The proposed development is compliant by virtue of the 8.5m maximum building height development standard.

Having regard to the above assessment, it is considered that the relevant objectives of the control have been achieved. Therefore, the application is supported on merit.

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

Description of non-compliance

Clause 4.1.4.2 of the MDCP 2013 stipulates that structures must be setback one third of the adjacent wall height (1.94m) from side boundaries. The proposed carport would be setback 1.35m from the eastern side boundary, which fails to comply with this control.

Merit Assessment

With regard to the consideration for a variation, the proposed 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 landscaped character of the street.

Comment:

The subject site is a battle-axe allotment and the proposed carport will not be visible from Aden Street.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement;*
- *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 street intersection.*

Comment:

The proposed carport is not a habitable structure. Therefore, no privacy impacts will arise as a result of its construction. The proposed carport will be constructed to a maximum height of 3.12m above the existing ground level, which is sited well below the proposed building height of 8.1m. Therefore, the proposed carport will not give rise to excessive overshadowing impacts, nor will it result in unreasonable view loss. Given that the subject site is a battle-axe allotment, the proposed carport will not impact traffic conditions or road visibility within the locality.

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

Comment:

The carport design is integrated into the existing dwelling, therefore will not alter the siting of the development.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native*

- *vegetation and natural trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of 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 development will not result in the removal of trees or significant landscape features.

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

Comment:

The subject site is not bushfire prone.

Having regard to the above assessment, it is considered that the relevant objectives of the control have been achieved. Therefore, the application is supported on merit.

4.1.5 Open Space and Landscaping

Total Open Space

Description of non-compliance

Clause 4.1.5.1 of the MDCP 2013 stipulates that development is to provide at least 55% (472.1sqm) of the site area as Total Open Space (TOS). 49.88% (428.1sqm) of the site is currently reserved for TOS, which fails to comply with the control. It is noted that the application proposes no changes to the existing TOS. Nevertheless, the application is assessed against the objectives of the control as follows:

Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Comment:

As noted earlier within this report, the proposed development will not result in the removal of trees or significant landscape features on the site.

Objective 2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.

Comment:

The existing dimensions for TOS only slightly deviate from the prescribed requirement. The existing dimensions for TOS sufficiently meet the needs of the occupants and are considered to be appropriate for the subject site.

Objective 3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

Comment:

Having regard to the modest bulk and scale of the proposal, views within the locality will not be compromised. Furthermore, the proposed development will ensure the subject site and adjoining properties maintain sufficient access to sunlight on June 21 (winter solstice). Subject to compliance with the recommended privacy conditions noted within Clause 3.4.2 Privacy and Security of this report, the proposal will ensure privacy is maintained between dwellings.

Objective 4) To maximise water infiltration on-site with porous landscape areas and surfaces to minimise stormwater runoff.

Comment:

The current landscaped area dimensions are compliant by virtue of the prescriptive requirement. The existing provisions for landscaped area will maximise water infiltration on the subject site, thereby minimising stormwater runoff.

Objective 5) To minimise the spread of weeds and the degradation of private and public open space.

Comment:

No major landscaping works are proposed within this application. The tree planting required by condition will be a locally native species, therefore the proposal will limit the opportunity for invasive weeds to access the site.

Objective 6) To maximise wildlife habitat and the potential for wildlife corridors.

Comment:

The proposed development will not result in the removal of trees or significant landscape features on the subject site. The existing soft landscaping throughout the site, in conjunction with the required tree planting, will maximise the opportunity for potential wildlife corridors.

Landscaped Area

Clause 4.1.5.2 of the MDCP 2013 requires four (4) native trees to be planted on the subject. The subject site does not contain any native trees, which fails to comply with the control. To ensure that the site is not dominated by the built form, a suitable condition has been included with this consent requiring at least one (1) native tree (selected from Schedule 4 Part B of the MDCP 2013) to be planted within the rear yard. Subject to compliance with the recommended condition of consent, the proposal will satisfy the objectives of the control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$2,475 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$247,500.

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 DA2019/1207 for Alterations and additions to a dwelling house on land at Lot 6 DP 17574, 3 Aden Street, SEAFORTH, 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	23 July 2019	Action Plans
DA05 - PROPOSED GROUND FLOOR PLAN	23 July 2019	Action Plans
DA06 - PROPOSED FIRST FLOOR PLAN	23 July 2019	Action Plans
DA07 - NORTH/EAST ELEVATION	23 July 2019	Action Plans
DA08 - SOUTH/WEST ELEVATION	23 July 2019	Action Plans
DA09 - LONG/CROSS SECTION	23 July 2019	Action Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A353584_02	14 November 2019	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	08 October 2019	Andrew McKinnon & Andrea Brydges

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

- (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 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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.

- (k) 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 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.
- (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 2019

A monetary contribution of \$2,475.00 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 2019. The monetary contribution is based on a development cost of \$247,500.00.

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 2019 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 \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, 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 demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's **MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003**. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification 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 development.

7. **Amendments to the Approved Plans**

The following amendment is to be made to the approved plans:

- The balcony adjoining the master suite on the first floor be reduced to a maximum depth

of 1 metre.

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. **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.

9. **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 TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **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.

11. **Survey Certificate**

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

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

approved plans.

12. **Traffic Control During 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 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.

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

13. **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.

14. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Certifying Authority that all waste material from the development site arising from demolition and/or construction works have 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.

15. **Landscape Works**

One (1) small to medium locally native canopy tree is to be planted within the rear yard. The tree is to be selected from Schedule 4 - Part B - Native Tree Selection of the Manly Development Control Plan 2013 and is to be installed at 75 Litre pot size, with a minimum soil area of 3 metres by 3 metres. The tree is to achieve a height of at least 8 metres at maturity.

Details demonstrating compliance are to be presented to the Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that the landscaped treatments are installed to provide landscape amenity.

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

Signed



Thomas Burns, Planner

The application is determined on 09/12/2019, under the delegated authority of:



Claire Ryan, Acting Development Assessment Manager