

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0689
----------------------------	-------------

Responsible Officer:	Stephanie Gelder
Land to be developed (Address):	Lot 10 DP 9561, 7 New Street BALGOWLAH HEIGHTS NSW 2093
Proposed Development:	Demolition works and construction of 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:	Frederick Edward Pentecost Helen Diana Pentecost
Applicant:	Planning Approvals

Application Lodged:	05/06/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	12/06/2023 to 26/06/2023
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Refusal

Estimated Cost of Works:	\$ 1,020,739.00
---------------------------------	-----------------

PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises of the following works:

- Demolition of existing dwelling house and detached garage;
- Removal of vegetation, driveway, and pathways, and part of rear retaining wall;
- Construction of single storey dwelling house including attached garage;
- New internal driveway;
- Addition of alfresco with retractable shade cover;
- Addition of rear patio with open pergola; and
- Associated landscaping works.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 6.4 Stormwater management

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

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

Manly Development Control Plan - 4.1.10 Fencing

SITE DESCRIPTION

Property Description:	Lot 10 DP 9561 , 7 New Street BALGOWLAH HEIGHTS NSW 2093
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of New Street.</p> <p>The site is regular in shape with a frontage of 15.24m along New Street and a depth of 51.99m. The site has a surveyed area of 790.4m².</p> <p>The site is located within the R2 Low Density Residential zone from MLEP 2013 and accommodates single storey dwelling house, and detached garage currently on the site.</p>

The site slopes from the front north-western corner upwards to the rear south-eastern corner over approximately 3 metres.

The site contains lawn areas, trees, garden beds, and shrubs. There are no details of any threatened species on the subject site.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one and two storey dwelling houses to the east, south, and west. To the north is a reserve known as Wellings Reserve.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

TA2022/0117

Tree Application for Tree Removal (1 tree) .
Approved on 14 February 2022.

PLM2022/0167

Pre-Lodgement Meeting for Written Advice for Demolition works and construction of a dwelling house.
Meeting held on 24 August 2022.

The meeting notes concluded: *A review of the proposed development based on the specific issues raised in the pre-lodgement application has been carried out and you are advised that the proposed development is generally supported. As mentioned above, any future development application is to be accompanied by a detailed landscape plan. The landscape plan is to ensure soft landscaping is*

maximised with deep soil zones provided to allow substantial vegetation within the site. The application proposes to re-locate the driveway which will create a landscaped strip along the western boundary adjacent to the driveway. Council supports and encourages the inclusion of additional landscaping within the front setback.

APPLICATION HISTORY

Following the preliminary assessment of the application, Council's Development Engineer requested additional information on 12 July 2023 in relation to proposed stormwater plan, and associated stormwater management. Additional information was submitted dated 26 July 2023, and amended Stormwater Plans (Revision B) were formally submitted on 14 August 2023.

Correspondence between Council's Development Engineer, and the applicant's consultant engineer provided further amended Stormwater Plans (Revision C) on 18 August 2023 and Stormwater Plans (Revision D) on 24 August 2023. Council's Development Engineer provided comments regarding both of these sets of plans, and noted Revision C was not supported, however Revision D was supported.

On 30 August 2023, the Applicant and Owners confirmed that they wish to proceed with Revision C despite the comments surrounding these plans. The Stormwater Plans (Revision C) were formally submitted to Council on 30 August 2023.

The amended plans did not alter the environmental impact and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan (CPP).

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Mainly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. This matter may be addressed through a condition of consent, if the development were to be approved.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a</p>

Section 4.15 Matters for Consideration	Comments
	<p>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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to the proposed stormwater plan. Amended plans were subsequently submitted dated 26 July 2023, and 15 August 2023, however Council's Development Engineer required further detail in relation to the proposed stormwater system. Amended plans were submitted dated 31 August 2023.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter may be addressed through a condition of consent, if the development were to be approved.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter may be addressed through a condition of consent, if the development were to be approved.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter may be addressed through a condition of consent, if the development were to be approved.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Matters for Consideration	Comments
accordance with the EPA Act or EPA Regs	
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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

A Bushfire Report was submitted with the application that included a certificate (prepared by Australian Bushfire Consulting Services, dated 31 March 2023) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report may be addressed through a condition of consent, if the development were to be approved.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 12/06/2023 to 26/06/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Mrs Kim Christie Green	9 New Street BALGOWLAH HEIGHTS NSW 2093
NSW Department of Planning and Environment - Crown Lands	PO Box 2185 DANGAR NSW 2309
Susan Joan Crebar Michael Adam Crebar	5 New Street BALGOWLAH HEIGHTS NSW 2093

The following issues were raised in the submissions:

- **Crown Road**
- **Privacy**
- **Excavation**
- **Retaining Walls**
- **Boundary Fence**
- **Window Setbacks**
- **Side Setbacks**

- **Solar Panels**
- **Air Conditioning Unit**
- **Works in Council Road Reserve**
- **Private Power Pole**
- **Conditions of Consent for No.5 New Street**

The above issues are addressed as follows:

- **Crown Road**

The submissions raised concerns that the New Street is still vested with the Department as a Crown public road, and that New Street should be transferred to the management of Council.

Comment:

The proposed works are not located on New Street, and therefore there is no further consideration required under this application.

- **Privacy**

The submissions raised concerns that the proposed alfresco area will result in privacy impacts to the adjoining site to the west, and east.

Comment:

A detailed assessment has been conducted under Clause 3.4.2 Privacy and Security contained within this report. In summary, subject to recommended condition for Screen Planting, the proposal will provide acceptable privacy for the subject site, and adjoining sites.

- **Excavation**

The submissions raised concerns that the proposal will change ground levels between the boundary between the subject site and No.5 New Street.

Comment:

An Excavation Plan has been provided within the Master Set that details the proposed excavation. It is considered that the excavation to the subject site will not alter the levels on the adjoining site.

- **Retaining Walls**

The submissions raised concerns that the plans do not detail the retaining walls along the boundary.

Comment:

The proposal is to retain the retaining walls along the boundary, and as such there are no details required under this application.

- **Boundary Fence**

The submissions raised concerns that the excavation will impact upon the boundary fence.

Comment:

As detailed under Clause 4.1.10 Fencing of Manly Development Control Plan 2013, as the

- proposal does not include owners consent, there are no changes to the proposed boundary fencing under this application. A suitable condition could be included as part of any approval to exclude any proposed side boundary fencing.

Window Setbacks

The submissions raised concerns that the proposed windows along the eastern facade are non-compliant with the control.

Comment:

A detailed assessment has been conducted under Clause 4.1.4 Setbacks (front, side, and rear) and Building Separation of Manly Development Control Plan 2013. A condition has been recommended to ensure obscure glazing is treated to the windows W23 & W24 to mitigate any unacceptable privacy impacts, if the development were to be approved. In summary, the proposed windows will not result in any unacceptable amenity impacts, and have met the objectives of the control.

- **Side Setbacks**

The submissions raised concerns that there is limited articulation along the eastern elevation.

Comment:

The proposal is compliant with the side setback control, that requires the building to be setback 1/3 of the adjoining wall height. As detailed in the Built Form Control table, the proposal is compliant with all side setback requirements.

- **Solar Panels**

The submissions raised concerns that the proposed solar panels may result in glare to the adjoining site.

Comment:

Under Clause 2.41(4) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* solar energy systems are exempt development. Notwithstanding, the proposed solar panels are not likely to result in any unacceptable glare impacts.

- **Air Conditioning Unit**

The submissions raised concerns that the proposed air conditioning unit is at close proximity to the eastern side boundary.

Comment:

A suitable on-going condition could be recommended if the development was recommended for approval to ensure the air conditioning unit does not result in unacceptable noise levels.

- **Works in Council Road Reserve**

The submissions raised concerns that the works in Council's road reserve and the management of erosion.

Comment:

A suitable condition could be applied if the development was recommended for approval whereby a Erosion and Sediment Control Plan is prepared prior to Construction Certificate. A

condition for the Installation and Maintenance of Sediment Control during works to ensure the appropriate management of soils and erosion would be recommended in the event the development were to be approved.

- **Private Power Pole**

The submissions raised concerns surrounding a private pole to be shared between the subject site, and No.7 New Street.

Comment:

The concerns surrounding the private power pole are a civil matter, and not relevant to the assessment of the current application.

- **Conditions of Consent for No.5 New Street**

The submissions raised concern surrounding the conditions imposed for No.5 New Street.

Comments:

Any questions regarding a consent at the adjoining site should be raised separately to this application.

Concluding Comments

In summary, the concerns raised have been considered and, addressed and do not warrant the refusal of the proposed application, if the development were to be approved.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>Council's Landscape Referral section have considered the application against the Manly Local Environment Plan (MLEP), and the following Manly DCP 2013 (MDCP) controls (but not limited to):</p> <ul style="list-style-type: none"> • 3.3.1 Landscaping Design • 3.3.2 Preservation of Trees or Bushland Vegetation • 4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings where applicable <p>The proposal includes demolition of existing structures and removal of the existing vegetation within the property which consists of shrub planting less than 5 metres in height, such that the existing vegetation is exempt under the MDCP and management or removal does not require Council consent. All road reserve trees and vegetation shall be protected as shall all trees and vegetation within adjoining properties and conditions shall be imposed.</p> <p>A Landscape Plan is submitted and indicates proposed hard and soft landscape works, and no concerns are generally raised with the exception that to satisfy MDCP control 4.1.5.2 (c) three native trees shall be installed within the property and conditions shall be imposed.</p>
NECC (Bushland and Biodiversity)	<p>No biodiversity-related planning controls apply to the subject. The biodiversity referrals team therefore has no objections to the proposal.</p>

Internal Referral Body	Comments
<p>NECC (Development Engineering)</p> <ul style="list-style-type: none"> • 	<p>The proposal is for the construction of a new dwelling. The site is in Region 3, Zone 1 and as such OSD is required in accordance with Section 9.3.3.2 of Council's Water Management for Development Policy.</p> <p>The submitted stormwater plan proposes discharge to the kerb via an OSD system. However, the proposed OSD volume appears low. Additional information required for assessment is as follows:</p> <p>Drains model</p> <ul style="list-style-type: none"> • Amended plans to show predeveloped and post developed flows including flows from the OSD system and bypass flows. <p>Additional Information Provided on 26/7/2023</p> <p>A OSD design that only complies with Section 9.3.3.2.1 is not sufficient and the proposed volume of OSD is not adequate. The design of the OSD system must be in accordance with Section 9.3.3.2. Critical storm events are to be considered in accordance with Section 9.3.3.2.2. PSD shall be determined in accordance with Section 9.3.3.2.3 and Site storage requirements are to comply with Section 9.3.3.2.4.</p> <p>Amended plans and models are to be submitted for further assessment.</p> <p>Additional Information Provided on 18/8/2023</p> <p>The amended stormwater plans (Revision C) and model have been reviewed.</p> <p>Comments regarding the model are as follows:</p> <ul style="list-style-type: none"> • In the ILSAX model the depression storages are not set correctly . Paved is set as 2mm. It should be set as 1mm. Grasses is set as 50mm. it should be 5mm. • 2019 ARI rainfall data should be used for the model. • Tc for the grassed areas is set too low. Please refer to tables in the Water Management for Development Policy. Council's review suggests a Tc of approximately 14 -15 mins. • A predeveloped flow of 30 L/s is too high. Council's review suggests a PSD of approximately 17 L/s. • The bypass area is too large. More of the site should be captured within the OSD system. • Subsequently the proposed OSD volume is not sufficient. • The plans are to show details of all flows including bypass flows.

Internal Referral Body	Comments
	<p>Please provide amended plans and model for further assessment.</p> <p>Additional Information Provided on 24/8/2023 The amended stormwater plans (Revision D) have been reviewed. No objections to approval subject to conditions as recommended.</p> <p>Review 31/8/2023 The Applicant has requested that the assessment of the application be based on the Stormwater Plans by Acor Consultants, Revision C, dated 18/8/2023. Hence the comments provided on 18/8/2023 are valid and the submitted stormwater plans are unsatisfactory.</p> <p>The proposed application cannot be supported by Development Engineering due to lack of information to address:</p> <ul style="list-style-type: none"> • <i>Stormwater drainage for the development in accordance with Clause 3.7 Stormwater Management of Manly Development Control Plan 2013.</i>
NECC (Riparian Lands and Creeks)	<p>Supported. This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Relevant LEP and DCP clauses; and • Northern Beaches Water Management for Development Policy <p>The proposal must not significantly impact on the biophysical, hydrological or ecological integrity of the coastal environment, or the quantity and quality of surface and ground water flows that it receives.</p> <p>The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.</p> <p><u>Sediment Management</u> Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as the subject property is located within the vicinity of a heritage item</p>

Internal Referral Body	Comments		
	I128 - Wellings Reserve - Gourlay Avenue and New Street		
	Details of heritage items affected		
	Statement of Significance Natural landscape, scientific and aesthetic significant.		
	Physical Description Remnant natural bushland of low woodland character. Some intrusions of weed species adjacent to roads and suburban development. Generally in good condition. Commemorative reserve named after former Shire Clerk.		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
The proposal seeks consent for a new single level dwelling on the subject property. The heritage item is located to the north of the subject site and is separated from the property via the New Street East road reserve. Given the lower scale of the proposal and the physical separation, the proposal is considered to not impact upon the heritage item or its significance.			
Therefore Heritage raises no objections and requires no conditions.			
Consider against the provisions of CL5.10 of MLEP.			
Is a Conservation Management Plan (CMP) Required? No			
Has a CMP been provided? No			
Is a Heritage Impact Statement required? No			
Has a Heritage Impact Statement been provided? No			

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent, if the development were to be approved.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.1361602S_03 dated 27 March 2023). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No.0008521510-02 dated 27 March 2023).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	50

A condition could be recommended requiring compliance with the commitments indicated in the BASIX Certificate, if the development were to be approved.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions that would be recommended in the event that the development were to be approved.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

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

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.4m	-	Yes
Floor Space Ratio	FSR: 0.4:1 (316.16m ²)	FSR: 0.29:1 (229.5m ²)	-	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
6.2 Earthworks	Yes
6.4 Stormwater management	No
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

Detailed Assessment

6.4 Stormwater management

Under this clause, development consent must not be granted to development on land to which this

clause applies unless the consent authority is satisfied that the development:

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

Comment:

The proposed development provides a compliant area of landscaped area, and as such the development has been designed to maximise the use of water permeable surfaces on the land.

Therefore, this clause is satisfied.

(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and

Comment:

The proposed stormwater system includes water retention that provides an alternate water supply.

Therefore, this clause is not relevant in this circumstance.

(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Comment:

The proposal has been assessed by Council's Development Engineer who raised objections to approval as detailed under the Internal Referrals section contained within this report. In this regard, Council is not satisfied that the development will minimise any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

Therefore, this clause is not satisfied, and this will form a reason for refusal of the application.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 790.4m ²	Requirement	Proposed	% Variation*	Complies
4.1.1.1 Residential Density and Dwelling Size	Density: 750m ² of site area required per dwelling	790.4m ² of site area per dwelling	-	Yes
4.1.2.1 Wall Height	E: 6.5m (based on no gradient)	2.6m	-	Yes
	W: 6.5m (based on no gradient)	2.9m	-	Yes
4.1.2.2 Number of Storeys	2	1	-	Yes
4.1.2.3 Roof Height	Height: 2.5m	3.1m	24% (0.6m)	No
	Pitch: maximum 35 degrees	27 degrees	-	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	7.5m, consistent with prevailing setback	-	Yes

4.1.4.2 Side Setbacks and Secondary Street Frontages	E: 0.87m (based on 1/3 wall height)	1.09m-1.54m	-	Yes
	W: 0.97m (based on 1/3 wall height)	1.49m	-	Yes
	Windows: 3m	1.09m	63.67% (1.91m)	No
4.1.4.4 Rear Setbacks	8m	7.15m (Pergola) 12.35m (Dwelling House)	10.63% (0.85m) -	No Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS4	Open space 60% of site area (474.24m ²)	40.09% (316.9m ²)	33.18% (157.34m ²)	No
	Open space above ground 25% of total open space (79.23m ²)	0%	-	Yes
4.1.5.2 Landscaped Area	Landscaped area 40% of open space (126.76m ²)	84.63% (268.2m ²)	-	Yes
	3 native trees	0 native trees	100% (3 native trees)	No
4.1.5.3 Private Open Space	18m ²	>18m ²	-	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	6.5m	4.84% (0.3m)	No
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
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
3.5 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

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.7 Stormwater Management	No	No
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	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)	No	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.1.10 Fencing	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

3.4.2 Privacy and Security

Description of non-compliance

Under Clause 3.4.2.2 Balconies and Terraces of Manly Development Control Plan 2013, the following applies:

a) Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.

b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.

Concern is raised from No.9 New Street in relation to the proposed alfresco area. It is important to note that the proposed alfresco area is not in the same location as the existing walled in porch, and is located further south. Notwithstanding, it is considered that the alfresco area that is elevated 0.4m than the existing ground level would not result in any unacceptable privacy impacts given the 2.4m setback from the western side boundary line. Furthermore, as detailed on the Landscape Plan a tree is proposed between the alfresco area, and existing side boundary fence that provides suitable privacy. Notwithstanding, a suitable condition is recommended for Screen Planting for the length of the alfresco area along the western side boundary, if the development were to be approved. It is considered that subject to screen planting, the proposal will provide a acceptable privacy for the residents, and

adjoining residents.

Concern is raised from No.5 New Street in relation to the boundary screening between the subject site. The proposed landscape plan details boundary planting for the length of bed 2 to the dining area. Therefore, it is considered that the existing boundary fencing, and proposed plantings will provide for suitable privacy to the adjoining site.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To minimise loss of privacy to adjacent and nearby development by:

- ***appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; and***
- ***mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.***

Comment:

As amended via recommended condition if the development were to be approved, the proposal will provide for appropriate design for privacy (both acoustical and visual) between closely spaced buildings, and mitigation of direct viewing between windows and outdoor living areas of adjacent buildings.

The proposed development satisfies this objective.

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

Comment:

As amended via recommended condition if the development were to be approved, the proposal will provide appropriate privacy measures without compromising access to light and air. The proposal will balance outlook and views from habitable rooms and private open space.

The proposed development satisfies this objective.

Objective 3) To encourage awareness of neighbourhood security.

Comment:

The proposed development will allow for the casual surveillance of the street.

The proposed development satisfies this objective.

3.7 Stormwater Management

Description of non-compliance

Council's Development Engineer has reviewed the proposed Stormwater Plans (Revision C dated 18 August 2023, prepared by Acor Consultants).

The proposed Stormwater Plans and Drains Model have been reviewed and are inconsistent with the

requirements of Northern Beaches Council's Development for Water Management Policy. Specifically, Council's Development Engineer has noted the Stormwater Plans do not meet the requirements with Section 9.3.3 Onsite Stormwater Disposal for Region 3 – Southern Catchments of Northern Beaches Council's Development for Water Management Policy.

Merit consideration

Objective 1) To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.

Comment:

The proposed stormwater plans will not adequately manage urban stormwater within its natural catchments, and within the development site. As such, the proposed stormwater plans will not suitably manage the water quality of the catchments or may result in erosion and sedimentation.

The development does not satisfy this objective.

Objective 2) To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.

Comment:

The proposed stormwater plans are inconsistent with Northern Beaches Council's Development for Water Management Policy. As such, the proposed stormwater system may result in unacceptable environmental impacts.

The development does not satisfy this objective.

Objective 3) To promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.

Comment:

The proposed stormwater plans are inconsistent with Northern Beaches Council's Development for Water Management Policy. As such, the proposed stormwater system will not manage stormwater appropriately, and may result in negative environmental impacts.

The development does not satisfy this objective.

Objective 4) To make adequate arrangements for the ongoing maintenance of stormwater facilities.

Comment:

The proposed development is not supported by detail regarding the ongoing maintenance of stormwater facilities.

The development does not satisfy this objective.

Furthermore, under Clause 3.7 Stormwater Management of Manly Development Control Plan the following applies:

Note: Development consent must not be granted on residential, business and industrial lands unless Council is satisfied that the matters identified in LEP clause 6.4(3) are satisfied.

The following consideration and requirements apply to the management of stormwater:

a) In support of the purposes of LEP clause 6.4(3), all developments must comply with Northern Beaches Council's 'Water Management for Development Policy';

Comment:

As detailed by Council's Development Engineer, the proposed Stormwater Plans do not comply with Northern Beaches Council's Water Management for Development Policy. As such, this will form a reason for refusal of the application.

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

Description of non-compliance

Under Clause 4.1.2.3 Roof Height of Manly Development Control Plan 2013, the following requirements apply for roof height:

a) Pitched roof structures must be no higher than 2.5m above the actual wall height.

The roof height of the dwelling house is 3.1m at the highest point, and as such presents a variation of 24% (0.6m) to the 2.5m control.

The proposed roof pitch of the dwelling house has been assessed accordingly, and in this instance the variation is supportable.

Merit consideration

There are no underlying objectives of this control under which to consider the merits of this variation. This clause instead relies on the objectives for the Height of Buildings at clause 4.3 in the Manly LEP 2013. An assessment against these objectives is as follows:

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

Comment:

The proposed dwelling house is more than compliant with the maximum height of buildings development standard under Manly Local Environmental Plan 2013, and the proposal is a single storey dwelling house. The proposed dwelling house is consistent with the desired future character in the locality, and it is considered that the proposal is consistent with the topographic landscape.

The proposed development satisfies this objective.

(b) to control the bulk and scale of buildings,

Comment:

The proposal is compliant with the Floor Space Ratio development standard under Manly Local Environmental Plan 2013, and is compliant with the wall height control. The proposal is considered to mitigate any unreasonable bulk and scale through the single storey scale of the dwelling house.

The proposed development satisfies this objective.

(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 the harbour and foreshores),

Comment:

The proposed dwelling house is not likely to adversely impact or disrupt views to and from residential development and public spaces.

The proposed development satisfies this objective.

(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,

Comment:

The proposal is accompanied with Shadow Diagrams that demonstrates compliant solar access to the private open space of adjoining properties and to habitable rooms of adjacent dwellings.

The proposed development satisfies this objective.

(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 and any other aspect that might conflict with bushland and surrounding land uses.

Comment:

The proposal is not located within a recreation or environmental protection zone and therefore this objective is not relevant in this instance.

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

Description of non-compliance

Under Clause 4.1.4.2 of MDCP 2013, the requirements for all new windows that face the side boundary are to be setback at least 3m from side boundaries. The proposal presents new windows that are located 1.09m-1.54m along the eastern side boundary, and windows located 1.5m from the western side boundary. Therefore, the proposal presents a maximum variation of 63.67% (1.91m). It is important to note, that the windows are located on the ground floor of a single storey dwelling house, and are adjacent to an existing boundary fence. Furthermore, the proposal presents an increased setback to the existing dwelling house on site. It is important to note, that the proposed windows are double glazed, and also include fixed windows for W19 & W20 to mitigate any unacceptable acoustic impacts from the kitchen. A suitable condition may be recommended to ensure windows W23 & W24 are obscure glazed, if the development were to be approved. Therefore, it is considered that the location of the windows will not result in any unacceptable visual, acoustic, or amenity impact to adjoining sites.

Under Clause 4.1.4.4 of MDCP 2013, the rear setback requirements state that the distance between any part of a building and the rear boundary must not be less than 8 metres. The proposed pergola is located 7.15m from the rear boundary line, presenting a variation of 10.63% (0.85m). It is important to note, the dwelling house is more than compliant with a setback of 12.35m.

The variations to the window setback requirements, and rear setback requirements are supportable in this circumstance as the objectives of the control have been met as outlined below.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

The proposal presents a more than compliant front boundary setback, and as such will not result in any detriment to the existing streetscape. The proposed includes enhance landscaping that will positively contribute to the landscape character of the street. Therefore, it is considered that the proposal is consistent with existing spatial proportions of the street, the street edge, and landscape character of the street.

The proposed development satisfies this objective.

Objective 2) To ensure and enhance local amenity by:

- ***providing privacy;***
- ***providing equitable access to light, sunshine and air movement; and***
- ***facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.***
- ***defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and***
- ***facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.***

Comment:

The proposal ensures and enhances local amenity by providing suitable privacy, noting that the proposed windows are adjacent to existing boundary fencing, and as such will not result in any unreasonable privacy impacts. The proposal is accompanied with shadow diagrams that has demonstrated that adequate access to light, sunshine, and air movement is provided to the subject site, and the adjoining sites. The proposal facilitates appropriate view sharing, and the proposal allows for acceptable spacing between buildings. The proposal will not result in any detrimental changes to traffic conditions to New Street, and the proposal will provide for safe and adequate traffic conditions.

The proposed development satisfies this objective.

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

Comment:

Flexibility is afforded in this circumstance, as the siting of the buildings is considered appropriate, and will not result in any unacceptable amenity impacts.

The proposed development satisfies this objective.

Objective 4) To enhance and maintain natural features by:

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

- ***ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and***
- ***ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.***

Comment:

The proposed development results in a compliant landscaped area that provides opportunity for plantings, and enhancement of vegetation. The subject site does not detract from the context of the site and the site does not directly adjoin open space lands, national parks, or urban bushland.

The proposed development satisfies this objective.

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

Comment:

The proposal is accompanied by a Bushfire Report that details compliance with the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bushfire Report have been included as conditions of consent, if the development were to be approved.

The proposed development satisfies this objective.

4.1.5 Open Space and Landscaping

Description of non-compliance

The subject site is located within Residential Open Space Area 4. As such, at least 60% of the site is to be open space and at least 40% of the open space to be landscaped area.

The proposal presents a total of 40.09% (316.9m²) of open space, and 84.63% (268.2m²) of landscaped area.

The proposal is numerically non-compliant with the total open space requirements, presenting a variation of 33.18% (157.34m²). The proposal presents a vast improvement to the existing site that currently presents a total of 34.29% (217m²) total open space. It is important to note that the proposal presents a more than compliant landscaped area, that is double the required landscaped area. In addition it is a single storey dwelling with an acceptable footprint, despite the non-compliant total open space.

The subject site requires three (3) native trees, and whilst the proposal provides more than 3 trees, the species selected are not native trees in accordance with Manly DCP Schedule 4 - Part B - Native Tree Selection, Northern Beaches Council's Native Plant Species Guide - Manly Ward, or Council's Tree Guide. Council's Landscape Officer has reviewed the proposal, and has recommended a condition for an Amended Landscape Plan to include three (3) native trees in accordance with Council's requirements to ensure the trees selected are native, if the development were to be approved.

In this instance, the variation to the total open space is considered to be supportable as the objectives of the control have been met as outlined below.

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 retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Comment:

The proposal does not result the removal of any important landscape features, or vegetation including any significant native flora and fauna.

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 proposal maximises soft landscaped areas providing a more than compliant area of soft landscaping. Furthermore, Council's Landscape Officer has reviewed the proposal, and is supportive of the application subject to recommended conditions, if the development were to be approved.

The proposed development satisfies this objective.

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

Comment:

The proposal does not result in any unreasonable impacts to amenity including sunlight, privacy, and views. The proposal is consistent with the surrounding area and streetscape character.

The proposed development satisfies this objective.

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

Comment:

The proposed development provides soft open spaces for the purpose of onsite water infiltration, stormwater is minimised, however for reasons discussed in this report it capture and disposal is inadequate.

The proposed development satisfies this objective.

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

Comment:

The proposed development is not likely to lead to the significant spread of weeds, or degradation of private open space.

The proposed development satisfies this objective.

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

Comment:

The proposed development is not likely to affect any existing wildlife habitat, or wildlife corridors. Council's Bushland and Biodiversity Officer has reviewed the proposal, and is supportable of the proposal subject to recommended conditions, if the development were to be approved.

The proposed development satisfies this objective.

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

Description of non-compliance

Under Clause 4.1.6.1 the following applies:

c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.

In this instance the proposed garage does not exceeds 50% of the frontage, however is a width of 6.5m facing the street frontage. Therefore, the proposed garage width presents a variation of 4.84% (0.3m).

It is important to note that the proposed garage is suitable setback from the front boundary line by 7.5m, and as such the width of the garage that is present to the streetscape will not result in any unacceptable visual impact.

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 provide accessible and adequate parking on site relative to the type of development and the locality for all users (residents, visitors or employees).

Comment:

The proposal provides for 2 car parking spaces that provides a compliant number of car parking spaces for dwelling houses in accordance with Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles of Manly Development Control Plan 2013.

The proposed development satisfies this objective.

Objective 2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.

Comment:

The proposal provides for adequate off-street parking that negates the requirement for on-street parking.

The proposed development satisfies this objective.

Objective 3) To ensure that the location and design of driveways, parking spaces and other vehicular access areas are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact in the streetscape.

Comment:

The proposed location, and design of driveways, parking spaces, and vehicular access have been reviewed by Council's Development Engineer who is supportable of the garage. The proposed location, and design has been orientated so the garage is accessed via the western side, therefore the garage doors will not be visible from the streetscape.

The proposed development satisfies this objective.

Objective 4) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.

Comment:

The proposal does not result in a significant amount of excavation for the proposed garage. Therefore, the proposal will not adversely impact the ground water flows.

The proposed development satisfies this objective.

Objective 5) To ensure the width and number of footpath crossings is minimised.

Comment:

The width and number of footpath crossings will be maintained as per the existing site conditions.

The proposed development satisfies this objective.

Objective 6) To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.

Comment:

The proposed design of the garage will present as a component of the dwelling house, as the garage doors will not be visible to the streetscape. Therefore, it is considered that the parking has been appropriately integrated into the design of the dwelling house that will provide for screening from the public view. Furthermore, the front setback area includes plantings as detailed in the accompanying Landscape Plan that will provide softening to the built form.

The proposed development satisfies this objective.

Objective 7) To encourage the use of public transport by limiting onsite parking provision in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.

Comment:

The site is located nearby to readily available public transport to reduce the demand for onsite parking requirements.

The proposed development satisfies this objective.

4.1.10 Fencing

The proposed front fence is 1.2m in height, and is an open picket style fence as detailed on the Landscape Plan.

Therefore, the proposed fence satisfies the following requirements:

b) In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.

It is noted on the Landscape Plan that annotations detail "New boundary fence to 1800mm high in non-combustible material, raking down towards New Street as required by Council" and "Boundary fence, 1800mm high, non combustibile material". However, no owners consent from the relevant

adjoining neighbours were received as part of the Development Application.

This height of boundary fencing may be undertaken via the provisions of the *State Environmental Planning Policy Exempt and Complying Development 2008*. Furthermore, if the fence is a dividing fence, the *Dividing Fences Act 1991* also applies.

As a result, the side boundary fencing may be removed from the proposed works via a recommended condition of consent, if the development were to be approved.

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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$10,207 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,020,739.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, in this regard the application is not considered to be acceptable and is recommended for refusal.

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 does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council, as the consent authority REFUSE Development Consent to Development Application No DA2023/0689 for the Demolition works and construction of a dwelling house on land at Lot 10 DP 9561,7 New Street, BALGOWLAH HEIGHTS, for the reasons outlined as follows:

1. Pursuant to *Section 4.15(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 6.4 Stormwater Management of the Manly Local Environmental Plan 2013, and Clause 3.7 Stormwater Management of the Manly Development Control Plan 2013.

Particulars:

- i. The Stormwater Plans submitted (Revision C, dated 18 August 2023) do not comply with Section 9.3.3 of Northern Beaches Council's Water Management for Development Policy.
- ii. Council is not satisfied that the proposed Stormwater design will reasonably avoid adverse impacts of stormwater runoff on adjoining properties, or native bushland.

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

Signed



Stephanie Gelder, Planner

The application is determined on 31/08/2023, under the delegated authority of:



Adam Richardson, Manager Development Assessments