

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0700
<b>Responsible Officer:</b>	Kelsey Wilkes
<b>Land to be developed (Address):</b>	Lot 41 DP 36454, 20 Hogan Street BALGOWLAH HEIGHTS NSW 2093
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	Manly LEP2013 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Bruce John Watt Lisa Dorothy Watt
<b>Applicant:</b>	Lisa Dorothy Watt
<b>Application Lodged:</b>	02/07/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	23/07/2019 to 06/08/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	4.3 Height of buildings: 6%
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 416,365.00

### PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to an existing dwelling house including:

- Minor internal alterations
- First floor addition to accommodate four (4) bedrooms, two (2) bathrooms and a balcony. The proposed addition is located centrally above the existing dwelling
- Extension to the existing single carport towards the east

### 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 - 4.3 Height of buildings

Manly Local Environmental Plan 2013 - 4.6 Exceptions to development standards

Manly Development Control Plan - 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

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

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 41 DP 36454 , 20 Hogan Street BALGOWLAH HEIGHTS NSW 2093
<b>Detailed Site Description:</b>	<p>The subject site consists of Lot 41 within DP 36454 and is located on the eastern side of Hogan Street, Balgowlah Heights.</p> <p>The site is regular in shape with a frontage of 15.85m along Hogan Street and a depth of 36.575m. The site has a surveyed area of 579.7m<sup>2</sup>.</p> <p>The site is located within the R2 low density residential zone and accommodates an existing single storey dwelling with rear terrace area, attached single carport and in-ground swimming pool.</p> <p>The site falls gradually from south east to north west (rear to front) by approximately 2 meters.</p> <p>Landscaping on site is characterised by hedging, low to medium shrubs and areas of lawn. One mature native tree is located within the south eastern corner of the site.</p>

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential one and two storey dwellings of varying ages, sizes and architectural styles.

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:

#### 10.2010.10.1

Alterations and additions to existing dwelling including swimming pool, spa and landscaping - Approved 20 April 2010

#### 10.2004.305.1

Alterations and additions to front and rear of dwelling including fence - Approved 13 August 2004

### 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 Matters for Consideration'	Comments
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&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b></p>

Section 4.15 Matters for Consideration'	Comments
	<p>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

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

A Bush Fire Report was submitted with the application that included a certificate (prepared by Bushfire Consultancy Australia, dated 5 February 2019) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject 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 1 submission/s from:

Name:	Address:
Mr Michael John Semken Ms Fiona Angela Kenny	18 Hogan Street BALGOWLAH HEIGHTS NSW 2093

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

- Accuracy of shadow diagrams



- Loss of sunlight and increase in overshadowing
- Loss of privacy
- Nature of proposed carport
- Reorientation of roof form and height
- Errors within the application documentation
- Location of existing fireplace and chimney

The matters raised within the submissions are addressed as follows:

- Accuracy of shadow diagrams  
Loss of sunlight and increase in overshadowing

The objector raised concerns regarding the accuracy of shadow diagrams and the loss of sunlight to primary living areas as a result of the proposed development.

Comment:

Council takes an independent approach in the assessment of overshadowing and analysis of shadow diagrams. Further information was requested in the form of elevational shadows to view further detail of the proposed shadows. As such, Council raises no concerns regarding the accuracy of these diagrams. With reference to Council's lodgement requirements, an architect is not required to be registered to certify a shadow diagram.

Council acknowledges that the proposed first floor addition will result in overshadowing to the objectors property to the south of the subject site. A full assessment on the extent of overshadowing can be found under Part 3.4.1 of this report. In short, Council has determined that due to the aspect of the site, overshadowing to the objectors site is inevitable with a first floor addition and that particular windows are in vulnerable positions. The proposal presents a minor non-compliance to height, however this point of breach does not contribute to the overshadowing to the kitchen / dining bay window and living room windows. As the proposal presented is compliant with all other built form controls, the overshadowing is considered reasonable and acceptable in this particular circumstance.

- Loss of privacy  
The objector raised concerns regarding the impact the proposed southern and eastern elevation windows will have on their privacy. In particular, the objector is concerned the windows will result in overlooking to their private open space and windows.

Comment:

The proposed first floor windows within the southern elevation achieve the required setback of 3 meters to side boundaries.

However, an assessment of the potential impact on privacy was undertaken and it is considered that there is potential for overlooking into the private open space and adjacent windows at 18 Hogan Street. For this reason, a condition has been included within this consent that requires the southern and eastern elevation windows of proposed bedrooms 3 and 4 to have a minimum sill height of 1.6 meters above first floor level. This will ensure that overlooking is not direct from a standing position and obscured from a sitting position. As these rooms are bedrooms are not high traffic or highly utilised spaces, a sill height of 1.6 meters is considered reasonable.

- Nature of the proposed carport  
The objector requested to clarify if the carport will be enclosed and further details of structures on the plans.

Comment:

The proposed addition to the existing carport is not enclosed and is consistent with the existing carport setback. Two existing garden sheds will be demolished to provide for this addition.

- Reorientation of roof form and height

The objector requests that the proposed roof form and height be re-designed to minimise loss of sunlight and warmth to their primary living area.

Comment:

Council has determined that the minor 18mm height encroachment will not cause any additional impact than it would if it complied with the 8.5 meter requirement. The living room windows which are orientated toward a side boundary and are located centrally within the site are vulnerable in terms of maintaining solar access. Despite the minor height breach, Council has assessed the non-compliance on merit and has determined that the proposal is reasonable in this particular circumstance as the encroachment is minimal and does not result in adverse impact.

- Errors within the application documentation

The objector pointed out a number of errors within the development application including:

- Site measurement

Comment:

Council independently assesses the accuracy of the site area and has found the correct site area is 579.7m<sup>2</sup> as indicated on the survey. The incorrect reference of the site area by the applicant has been noted and has not impacted the assessment.

- Statement of environmental effects stating no impact on privacy

Comment:

Council undertakes an independent assessment of privacy impact and part of the assessment process. As mentioned above, it has been determined there is an impact on privacy and conditions have been added accordingly.

- Slope of the land

Comment:

Council acknowledges that the slope of the land falls from rear to front. The error within the statement has not affected the outcome of the application.

- Reference within the statement to the shadow affecting number 19 Hogan Street.

Comment:

Council acknowledges that this is an error and that the overshadowing effects number 18 Hogan Street. As such, an assessment of overshadowing was undertaken for 18 Hogan Street.

- Reference within the statement to Crescent Street rather than Hogan Street.

Comment:

Council acknowledges that Crescent Street is incorrect. This has not affected the outcome of the application.

- Location of existing fireplace and chimney  
The objector raised concerns regarding the existing fireplace and chimney which is in close proximity to their home.

Comment:

The existing fireplace and chimney is not part of this proposal and therefore does not form part of the assessment.

## REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	Development Engineering has no objection to the applicant subject to the following condition 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.
NSW Rural Fire Service – local branch (s79BA EPAA)	A response was provided by the New South Wales Rural Fire Service on 2 August 2019 recommending approval subject to conditions. The conditions of this report have been included in this consent.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A351303 dated 1 July 2019).

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



## 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	Clerestory - 9.05m Roof - 8.68m	6% 2%	No No
Floor Space Ratio	FSR: 0.45:1	FSR: 0.44:1	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
4.6 Exceptions to development standards	Yes
6.1 Acid sulfate soils	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes

### Detailed Assessment

#### 4.3 Height of buildings

See Clause 4.6 Exceptions to development standards

#### 4.6 Exceptions to development standards

Description of non-compliance:

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	Clerestory - 9.05m Roof - 8.68m
Percentage variation to requirement:	Clerestory - 6% Roof - 2%

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3 – Height of Buildings OR Clause development standard, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, and *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 Exceptions to development standards:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.3 – Height of Buildings development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) assessment:

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The applicants written request argues, in part:

The proposal has been designed to achieve compatibility with the existing dwelling and functions to provide a balanced streetscape. The minor encroachment is largely due to the roof design and the fact

that the existing ground floor features a high ceiling level. The existing slope of the site also contributes to the point encroachment. Notwithstanding the non-compliance, the proposal maintains acceptable bulk and scale which will not detract from the streetscape or unreasonably impact the amenity of adjoining properties. The proposal will not obstruct any view corridors between public places or from nearby residencies. As the encroachment is minor and achieves the objectives of the controls, it is considered that strict compliance with the development standard is unreasonable and unnecessary in this particular circumstance.

Planner comment:

The proposed roof form exceeds the height of building requirement by a maximum height of 0.18m and for a length of 0.7 meters, resulting in a 2% variation. The proposed clerestory also exceeds the height of buildings requirement by a maximum height of 0.6 meters and for a length of 1.4 meters, resulting in a 6% variation. With reference to the objectives of the clause and the applicant's 4.6 justification, it is considered that the minor encroachment of the roof will not unreasonably or adversely impact on the amenity of adjoining properties or the streetscape appearance. Notwithstanding the height variation, the proposal achieves compliance with all built form controls which assists in minimising visual and amenity impact to a reasonable level. For these reasons, an appropriate degree of flexibility is granted for the roof encroachment in this particular circumstance. The clerestory however, is not supported due to inconsistency with the existing streetscape and the extent to which it varies the development standard. It is considered unreasonable and unnecessary to vary the development standard to accommodate this particular feature. A condition has been included within this consent that requires the clerestory to be deleted from the plans.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the R2 Low Density Residential zone. An assessment against these objectives is provided below.

**Objectives of development standard**

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the MLEP

2013 are:

(1) The objectives of this clause are 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 roof form results in a mere 18mm departure from the requirement and is considered an indiscernible variation from a visual point of view. The proposal allows for a second storey which is a dominant feature on the eastern side of Hogan Street and a roof form consistent with surrounding development. The proposal therefore achieves consistency with the prevailing building heights of adjoining dwellings, surrounding locality and desired future streetscape. The roof form compliments the existing style of the dwelling and notwithstanding the variation, is considered to be consistent with the topographic landscape.

b) to control the bulk and scale of buildings,

Comment:

Aside from the minor height variation, the proposal complies with all other built form controls and therefore achieves reasonable bulk and scale. For this reason, it is not considered that an 18mm height encroachment will increase bulk and scale to an unreasonable or excessive level. The proposed design is well articulated at the facade which assists in achieving the 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:

An inspection of the site has determined that the proposal will not result in unreasonable disruption of views from any of the above.

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:

Due to the orientation of the subject site, the proposal results in overshadowing to the adjoining property to the south at 18 Hogan Street. An acceptable level of sunlight is maintained to the private open space however a kitchen / dining room bay window and living room windows will be impacted by overshadowing. An assessment has determined that the height encroachment does not contribute to the overshadowing of these windows and as the proposal complies with all other built form controls, the proposal is considered

reasonable in this particular circumstance. A full assessment can be viewed under Part 3.4.1 Sunlight access and overshadowing.

*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 subject site is not situated within a recreation or environmental protection zone.

## Zone objectives

The underlying objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone.

## Manly Development Control Plan

### Built Form Controls

<b>Built Form Controls - Site Area: 579.7m<sup>2</sup></b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation*</b>	<b>Complies</b>
4.1.2.1 Wall Height	N: 6.5m (based on flat land)	6.3m	N/A	Yes
	S: 6.5m (based on flat land)	6.04m	N/A	Yes
4.1.2.2 Number of Storeys	2	2	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	2.47m	N/A	Yes
	Pitch: maximum 35 degrees	22 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	6m	8.2m	N/A	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	N: 2.1m (based on wall height)	2.2m	N/A	Yes
	S: 2.01 (based on wall height)	3.1m	N/A	Yes
	Windows: 3m	N: 2.2m S: 3.1m	N/A N/A	No Yes
4.1.4.4 Rear Setbacks	8m	15.2m	N/A	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements	Open space 55% of site area	55% (320.7m <sup>2</sup> )	N/A	Yes



Residential Open Space Area: OS3	Open space above ground 25% of total open space	1.25%	N/A	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% of open space	54% (173.2m <sup>2</sup> )	N/A	Yes
	3 native trees	2 trees	N/A	No
4.1.5.3 Private Open Space	18sqm per dwelling	196sqm	N/A	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	3.6m	N/A	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	N/A	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
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	No	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
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes

#### Detailed Assessment

### 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

Refer to Part 3.4.1 of this report.

#### 3.4.1 Sunlight Access and Overshadowing

The proposed first floor addition will result in overshadowing to the private open space, kitchen / dining room bay window and living room windows at the adjoining property to the south being 18 Hogan Street.

With reference to Part 3.2.1.1 Overshadowing Adjoining Open Space, an assessment of the proposal has confirmed that the proposed development will not eliminate more than one third of the existing sunlight accessing the private open space at 18 Hogan Street from 9am to 3pm on the winter solstice.

With reference to Part 3.2.1.2 Maintaining solar access into living rooms of adjacent properties, 18 Hogan Street is an adjacent building with an east-west orientation and the MDCP therefore requires that the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice. In the circumstance of the proposed development, the main focus is the impact to the northern, north eastern and eastern elevations of the bay window and the northern elevation living room windows at 18 Hogan. Noting the extent of overshadowing to these windows as per the shadow diagrams submitted with the application, Council requested further elevational shadow diagrams in order to determine the true extent of overshadowing to these particular windows. The following was demonstrated:

- Kitchen / Dining bay window

As existing, the bay window receives full sunlight to the northern, north eastern and eastern elevation at 9am. By 12pm, there is no sunlight to the eastern elevation and full sunlight remains at the northern and north eastern elevation. By 3pm, all elevations referred to are in full shadow.

As a result of the proposed development, the bay window will receive full sunlight to the northern, north eastern and eastern elevations at 9am. A shadow will gradually fall over these windows throughout the day. The eastern elevation will be in full shadow and approximately two thirds of the northern and north eastern windows will be in shadow at 12pm. The northern, north eastern and eastern elevations of the bay window will be in full shadow by 3pm.

- Living room windows

As existing, the northern elevation living room windows receive partial sunlight at 9am. By 12pm, these windows receive full sunlight. At 3pm, these windows receive a small shadow near the base of the window.

As a result of the proposed development, the living room windows will be in full shadow at 9am. At 12pm, two of the windows will maintain full sunlight, however the eastern most window will be in full shadow. At 3pm, there will be no additional overshadowing to what currently exists.

The elevational shadow diagrams have determined that the level of solar access presently enjoyed to the bay window will not be maintained in full for a period of at least 2 hours between 9am and 3pm on the winter solstice. Together, the northern, north eastern and eastern elevations of bay window will however, receive both full and partial sunlight for a minimum of 3 hours between 9am and 3pm. Two of the northern elevation living room windows will maintain the required 2 hours of sunlight

between 9am and 3pm on the winter solstice. The third, eastern most living room window will not receive the required 2 hours of sunlight between 9am and 3pm.

While there is an impact on solar access, consideration has been given to the fact the proposed development does not result in adverse impact and maintains an acceptable degree of solar access to the windows mentioned. Aside from a minor height breach which does not contribute to the overshadowing, the proposal is fully compliant in terms of setbacks, wall height and floor space ratio, therefore presenting a reasonable proposal. While the development results in a loss to solar access to the northern, north eastern and eastern elevations of the kitchen / dining room bay window and the northern elevation living room windows at 18 Hogan, the overshadowing is supported on merit as the proposal achieves compliance with built form controls.

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

The application proposes to extend the existing carport towards the rear (east) of the site. The extension will add an additional 4.8 meters in length to the existing carport and provide potential for a tandem carparking arrangement behind the front setback area. Two existing storage sheds will be demolished to accommodate this structure. The posts and roof of the addition are located 0.2 meters from the southern side boundary. As the structure is unenclosed and has an acceptable height of 3.1 meters, a continuation of the existing carport setback is considered acceptable and unlikely to cause unreasonable or adverse impact on the streetscape or amenity of adjoining properties in this particular circumstance.

The proposed northern elevation windows fail to comply with the minimum 3 meter setback to side boundaries. For this reason, a condition has been included within this consent which requires the bedroom 2 and ensuite windows to be position 1.6 meters above first floor level.

### **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 \$4,164 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$416,365.

### **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

Council is satisfied that:

1) the applicant's written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.3 Height of Buildings development standard, has adequately addressed and demonstrated that:

a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and

b) there are sufficient environmental planning grounds to justify the contravention.

2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly Council as the consent authority grant Development Consent to DA2019/0700 for Alterations and additions to a dwelling house on land at Lot 41 DP 36454, 20 Hogan Street, BALGOWLAH HEIGHTS, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-1 Site Plan	11 June 2019	Neil Harvey
DA-2 Ground Floor Plan	11 June 2019	Neil Harvey
DA-3 First Floor Plan	11 June 2019	Neil Harvey
DA-4 Elevations	11 June 2019	Neil Harvey
DA-5 Elevations and Section	11 June 2019	Neil Harvey

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Bushfire Report	5 February 2019	Bushfire Consultancy Australia
Basix Certificate no. A351303	1 July 2019	Building Sustainability Index

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:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	25 October 2016	Lisa Watt

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. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
New South Wales Rural Fire Service	D19/2447	2 August 2019

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

## 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal 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

#### 4. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) 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

### 5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$4,163.65 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 \$416,365.00.

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](http://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.

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

## **7. Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003.

Details demonstrating that the existing approved 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.

8. **Amendments to the approved plans**

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

- The clerestory is not supported and is to be deleted from the plans. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding

- The eastern and southern elevation windows within bedroom 3 and 4 are to have a minimum sill height of 1.6 meters above first floor level. Compliance shall be demonstrated to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: to assist with privacy and overlooking.

- The northern elevation windows within bedroom 2 and ensuite are to have a minimum sill height of 1.6 meters above first floor level. Compliance shall be demonstrated to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: non-compliance with the policy and to assist with privacy and overlooking.

9. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

10. **Compliance with Standards**

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

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

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance

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

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

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 12. Road Reserve

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

Reason: Public Safety.

### 13. Vehicle Crossings

The provision of one vehicle crossing 3.8 metres wide at kerb and 5 meters wide at boundary in accordance with Northern Beaches Council Drawing No A4-3330/2 NH and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

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

### 14. 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.

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

**Signed**



**Kelsey Wilkes, Planner**

The application is determined on 11/10/2019, under the delegated authority of:



**Anna Williams, Manager Development Assessments**