

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2023/1903 |
| Responsible Officer: | Anaiis Sarkissian |
| Land to be developed (Address): | Lot B DP 382088, 59 A Eurobin Avenue MANLY NSW 2095 |
| Proposed Development: | Alterations and additions to a dwelling house |
| Zoning: | Manly LEP2013 - Land zoned R1 General Residential |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Delegation Level: | NBLPP |
| Land and Environment Court Action: | No |
| Owner: | Jason Randall Noakes |
| Applicant: | Jason Randall Noakes |
| Application Lodged: | 24/01/2024 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 02/02/2024 to 16/02/2024 |
| Advertised: | Not Advertised |
| Submissions Received: | 1 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |
| Estimated Cost of Works: | \$ 566,338.00 |

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to a dwelling house.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) as the proposal involves the partial demolition of a heritage item, listed in Schedule 5 of the *Manly Local Environmental Plan 2013* (MLEP), as Item 1154 - Group of 2 storey residential flat buildings, Eurobin Avenue, northern side (from Pittwater Road to Collingwood Street), Manly.

In accordance with the definitions of the MLEP, 'demolish', in relation to a heritage item, means wholly or partly destroy, dismantle or deface the heritage item. The proposal involves the demolition of internal and external structures, including internal stairs, walls, bathroom and laundry, kitchen, and an outdoor patio. The proposal also involves the removal and replacement of all existing windows. No changes are proposed to the existing building footprint, envelope or height. Additionally, the subject site is a battle-axe allotment and is therefore not visible from the Eurobin Avenue streetscape. As such, the alterations and additions proposed are not considered to significantly affect the heritage significance of the heritage item or result in unacceptable environmental and amenity impacts, with the development otherwise satisfying the relevant controls and their objectives.

The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP) for fourteen (14) days. One submission was received in support of the application.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is suitable for the subject site for the reasons outlined in this report.

This report concludes with a recommendation that the NBLPP grant approval to the development application, subject to recommended conditions.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development involves the following works:

- Demolition of internal and external structures including internal stairs, walls, bathroom and laundry, kitchen, and outdoor patio.
- The removal of all existing windows and replacement with new timber frame windows and shutters. Replacement windows retain the location and size of the existing windows.
- Three (3) new windows are proposed on the First Floor Level at the southwest elevation to the main bedroom and ensuite (opaque).
- Construction of a new covered outdoor dining and entertainment area at the ground floor level within the western rear setback. Area includes new barbeque, privacy screening to neighbouring properties to the north and west, formal seating area, and operable retractable roof.
- Construction of new formal entrance and internal staircase. The location, size, and scale of the new primary entrance and internal staircase is to be retained as existing.
- Internal alterations including the change of internal layouts, and the refurbishment of kitchen, bathrooms, storage, and bedrooms.
- New landscaping and planting within the primary private open space within the rear setback.

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 - 5.10 Heritage conservation
Manly Local Environmental Plan 2013 - 5.21 Flood planning
Manly Local Environmental Plan 2013 - 6.2 Earthworks
Manly Local Environmental Plan 2013 - 6.4 Stormwater management
Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area
Manly Local Environmental Plan 2013 - 6.12 Essential services
Manly Development Control Plan - 4.1.1.1 Residential Density and Dwelling Size
Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation
Manly Development Control Plan - 4.1.5 Open Space and Landscaping

SITE DESCRIPTION

| | |
|-----------------------------------|--|
| Property Description: | Lot B DP 382088 , 59 A Eurobin Avenue MANLY NSW 2095 |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the southern side of Cameron Avenue, with battle-axe driveway providing vehicular access from the northern side of Eurobin Avenue.</p> <p>The site is irregular in shape with a frontage of 16.07 metres along Cameron Avenue and 3.05 metres along Eurobin Avenue. The site has a depth of 50.8m along the battle-axe handle and 21.34 metres along the north-western side boundary. The site has a surveyed area of 436.3m².</p> <p>The site is located within the R1 General Residential zone and accommodates a two storey dwelling house and shed.</p> <p>The site has a relatively flat topography and contains trees and lawn areas.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by two storey heritage-listed dwelling houses and residential flat buildings. Directly opposite the site on the southern side of Eurobin Avenue is Stella Maris College.</p> |

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:

DA1203/98

Development Application for alterations and additions to rear of existing duplex.
Approved on 30 December 1998.

DA248/03

Development Application for internal alterations and additions of sunroom and detached office.
Approved on 7 August 2003.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration | Comments |
|--|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | There are no current draft environmental planning instruments. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Manly Development Control Plan applies to this proposal. |
| Section 4.15 (1) (a)(iia) – 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. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</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 has been addressed via a condition of consent.</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 has been addressed via a condition of consent.</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 has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report. |
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 02/02/2024 to 16/02/2024 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 1 submission/s from:

| Name: | Address: |
|-----------------------|----------------------------------|
| Mr David John Tierney | 61 Eurobin Avenue MANLY NSW 2095 |

The one submission received during the notification period is in full support of the application. This letter of support is noted.

REFERRALS

| Internal Referral Body | Comments |
|---|---|
| Landscape Officer | <p>Supported, subject to Conditions</p> <p>The application seeks consent for alterations and additions to a dwelling house.</p> <p>The Arborist's Report by Urban Arbor submitted with the application is noted.</p> <p>The Report notes that whilst there are technically major incursions into some trees, the proposed works replace existing in the affected areas.</p> <p>The Report concludes that the works can be undertaken with an acceptable level of impact subject to Arboricultural supervision. No trees are proposed to be removed.</p> <p>No objections are raised with regard to landscape issues subject to conditions.</p> |
| NECC (Bushland and Biodiversity) | <p>Supported, subject to Conditions</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> SEPP (Resilience and Hazards) 2021 - Development within the coastal environment <p>The proposed alterations and additions are unlikely to impact upon native flora and fauna. No vegetation or tree removal is proposed and impacts to existing trees should be acceptable if tree sensitive construction methods and tree protection measures are followed as recommended in the submitted Arboricultural Impact Assessment.</p> <p>No native vegetation or fauna habitat would be impacted, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> |
| NECC (Riparian Lands and Creeks) | <p>Supported, subject to Conditions</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> Supplied plans and reports; Coastal Management Act 2016; State Environmental Planning Policy (Resilience and Hazards) 2021; Relevant LEP and DCP clauses; and Northern Beaches Council Water management for development policy. <p>Riparian</p> <p>The site is located nearby to Manly Lagoon and as such proposed development must not significantly impact on the biophysical, hydrological or ecological integrity of Manly Lagoon or the quantity and quality of surface and ground water flows that it receives.</p> <p>Sediment Management</p> <p>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) | <p>Supported, no Conditions necessary</p> <p>Discussion of reason for referral</p> <p>This application has been referred to as the property is part of a local group Heritage Item listed in Schedule 5 of the Manly LEP 2013, as Item I154 - Group of 2 storey residential flat buildings, Eurobin Avenue, northern side (from Pittwater Road to Collingwood Street), Manly</p> <p>The site is also in the vicinity of a number of heritage items, being:</p> <p>Item I93 - Group of 2 storey residential flat buildings, 1-6 Cameron Avenue, Manly</p> <p>Item I166 - Row of Norfolk Island Pine trees, Lagoon Park, Manly</p> <p>Item I159 - Convent of The Good Samaritan: Stella Maris, Iluka Avenue, Manly</p> <p>Details of heritage items affected</p> |

| Internal Referral Body | Comments | | | | | | | | | | | | | | | | | | | | | |
|---|---|----------------------------------|--|--|---|----|--|------------------------------|----|--|-----------------------------|----|--|---------------------------------------|----|--|---|----|--|-------|----|--|
| | <p>Details of the heritage item, and those in the vicinity, as contained within the heritage inventory are:</p> <p><i>1154 - Group of 2 storey residential flat buildings, Eurobin Avenue, Manly</i></p> <p><u>Statement of significance</u> A fine example of flat buildings</p> <p><u>Physical Description</u> Two to three storey brick flats (Includes 55 Collingwood Street)</p> <p><i>193 - Group of 2 storey Residential Flat buildings, 1-6 Cameron Avenue, Manly</i></p> <p><u>Statement of Significance</u> A group of five intact, two storey buildings. Local significance historically.</p> <p><u>Physical Description</u> Group of five two storey red texture brick and tile c. 1940 flats facing lagoon.</p> <p><i>Item 1166 - Row of Norfolk Island Pine trees, Lagoon Park, Manly</i></p> <p><u>Statement of Significance</u> Listed for its aesthetic importance</p> <p><u>Physical Description</u> A row of Norfolk Island Pine trees planted between the boundary of private allotments and the Lagoon Park. Visually prominent landscape elements</p> <p><i>Item 1159 - Convent of The Good Samaritan: Stella Maris, Iluka Avenue, Manly</i></p> <p><u>Statement of Significance</u> The site is of major importance in terms of the social history of benevolence and social welfare in the area.</p> <p><u>Physical Description</u> Rendered and exposed brick building complex, generally of two storeys, with pronounced Spanish Mission influence in decoration. Significant elements include: cantilevered bay windows, wrought iron window grilles; decorative render to entry and extant joinery. Elements of the Chapel building include brick buttresses, Gothic arched entrance, rosette window and the use of quatrefoils.</p> <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>SEPP (Biodiversity and Conservation) 2021</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>No</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>No</td><td></td></tr><tr><td>Other</td><td>No</td><td></td></tr></table> <p>Consideration of Application</p> <p>This application is for alterations and additions to the existing dwelling house, mainly involving internal alterations, but including landscaping and changes to external windows and stairs. There is no change to the footprint of the dwelling.</p> <p>The application was supported by a Heritage Impact Statement by Elizabeth Gibson, dated 12 December, 2023. This report has been reviewed and the conclusions agreed with.</p> <p>The proposed works are visible from Cameron Ave and have considered the scale, style and material configuration of the existing building, whilst maintaining its historical integrity in presenting as part of the Eurobin Ave and Cameron Ave group listings.</p> <p>While it is part of the Eurobin Avenue group listing, it is not visible as part of the Eurobin Ave streetscape, being located unusually on a battle-axe block. Therefore, the proposed works will not have an adverse impact upon the heritage significance of the Eurobin Avenue group heritage item. It is also considered that the proposed works will also not adversely affect the significance of the Cameron Ave group heritage item.</p> <p>The heritage listed Norfolk Island Pine trees, located along Cameron Ave and in Lagoon Park, will not be affected by the proposed works, as all works are contained within the site boundaries.</p> <p>The heritage listed Convent of the Good Samaritan, is located on the southern side of Eurobin Avenue. As the subject site is a battle axe allotment, there will be no visual impact from the proposed works on the streetscape of Eurobin Ave, and therefore, no impact on the heritage significance of the Convent.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of MLEP 2013:</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p> | 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 | |
| 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 | | | | | | | | | | | | | | | | | | | | | |

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

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

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

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

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

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1731303 dated 20 December 2023).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0 metres 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 5.0 metres of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 1 Coastal Wetlands and littoral rainforest area

2.7 Development on certain land within coastal wetlands and littoral rainforests area

- 1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:
 - a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,
 - b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,
 - c) the carrying out of any of the following:
 - i) earthworks (including the depositing of material on land),
 - ii) constructing a levee,
 - iii) draining the land,
 - iv) environmental protection works,
 - d) any other development

Comment:

The site is not identified as 'coastal wetlands' or 'littoral rainforests', and therefore this clause is not applicable.

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

- 1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
 - a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment:

The site not identified as a 'proximity area for coastal wetlands' or 'proximity area for littoral rainforest', and therefore this clause is not applicable.

Division 2 Coastal Vulnerability Area

2.9 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- b) the proposed development:
 - i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and
 - ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and
 - iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

Comment:

The site is not identified as a 'coastal vulnerability area' and therefore this clause is not applicable.

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

The development is on land that is within the 'coastal environment area'; however, the land has already been developed given the existing dwelling house on the site. Notwithstanding, the proposed alterations and additions to the existing dwelling house are minor and do not alter the form and function of the existing development. Therefore, the proposal is unlikely to cause an adverse impact on a) to g).

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The development is on land that is within the 'coastal environment area'; however, the land has already been developed given the existing dwelling house on the site. Notwithstanding, the proposed alterations and additions to the existing dwelling house are minor and do not alter the siting and design of the existing development. Therefore, it is considered that the above requirements can be satisfied.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons
 - ii) with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - iv) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - v) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
 - b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact,
 - iii) or
 - if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The development is identified within the 'coastal use area'; however, the land has already been developed given the existing dwelling house on the site. Notwithstanding, the proposed alterations and additions to the existing dwelling house are minor and do not alter the siting and design of the existing development. Therefore, the proposal is considered to comply with the requirements of this clause.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The land has already been developed as there is an existing dwelling house on the site. Notwithstanding, the proposed modifications do not seek major changes to the siting and design of the existing development. Furthermore, the site is not identified as a 'proximity area for coastal wetlands' or 'proximity area for littoral rainforest'. As such, the proposal is unlikely to cause increased risk of coastal hazards on the subject land or other land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

No certified coastal management program applies to the land.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (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 | 8.9m (existing) | 4.7% (0.4m) | No |
| Floor Space Ratio | 0.6:1 | 0.43:1 (187.5m ² GFA) | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 2.7 Demolition requires development consent | Yes |
| 4.3 Height of buildings | Yes |
| 4.4 Floor space ratio | Yes |
| 4.5 Calculation of floor space ratio and site area | Yes |
| 5.10 Heritage conservation | Yes |
| 5.21 Flood planning | Yes |
| 6.2 Earthworks | Yes |
| 6.4 Stormwater management | Yes |
| 6.8 Landslide risk | Yes |
| 6.9 Foreshore scenic protection area | Yes |
| 6.12 Essential services | Yes |
| Schedule 5 Environmental heritage | Yes |

Detailed Assessment

4.3 Height of buildings

The existing dwelling house on the site has a maximum building height of 8.9 metres, representing a 4.7% exceedance of the maximum height of buildings standard of 8.5 metres. The proposed development does not seek any changes to the height of the existing dwelling, nor are works proposed to any part of the building above 8.5 metres and therefore the proposal is considered acceptable from a building height perspective. No further assessment, nor is a 4.6 request to vary a development standard, is required in this regard.

5.10 Heritage conservation

The development application predominantly involves internal alterations, landscaping and changes to external windows and stairs to a locally listed heritage item. There is no major change to the building footprint or envelope of the existing dwelling.

The development application is supported by a Heritage Impact Statement by Elizabeth Gibson, dated 12 December 2023. This report has been reviewed by Council's Heritage Officer and the conclusions agreed with.

Council's Heritage Officer in reviewing the application concludes that the proposed works have considered the scale, style and material configuration of the existing building, while maintaining its historical integrity in presenting as part of the Eurobin Avenue and Cameron Avenue group listings. It is noted that the proposed works are visible from the Cameron Avenue frontage, but not from the Eurobin Avenue streetscape given the site is a battle-axe lot. Therefore, it is considered that the proposed works will not have an adverse impact upon the heritage significance of the Eurobin Avenue and Cameron Avenue group heritage items. The proposed works also do not impact on the heritage significance of the Convent of the Good Samaritan, located on the southern side of Eurobin Avenue. Furthermore, the proposal will not affect the heritage-listed Norfolk Island Pine trees located along Cameron Avenue and in Lagoon Park as the works are contained within the site boundaries.

Therefore, the proposal is considered to comply with the requirements of clause 5.10 of the Manly Local Environmental Plan 2013.

5.21 Flood planning

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

The site is identified as a low risk flood precinct. The proposed works are minimal and predominantly involve changes to internal rooms, windows and open space areas. There are no major changes proposed to the siting and design of the building, or to the building footprint and envelope. It is therefore satisfied that the proposal complies with requirements a) to e).

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

The proposed works are minimal and predominantly involve changes to internal rooms, windows and open space areas. There are no major changes proposed to the siting and design of the building, or to the building footprint and envelope. It is therefore satisfied that the proposal complies with requirements a) to d).

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

- (b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

- (c) the quality of the fill or the soil to be excavated, or both*

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

- (e) the source of any fill material and the destination of any excavated material*

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

- (f) the likelihood of disturbing relics*

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

Comment: The site is located in the vicinity of Manly Lagoon. Conditions have been included in the recommendations of this report to minimise impacts of sediment and erosion on the biophysical, hydrological or ecological integrity of Manly Lagoon.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of MLEP, MDCP and the objectives specified in s.1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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:

(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 development will provide a suitable amount of permeable surfaces given the zoning of the land and the proposed use. In this regard, Council is satisfied that the design will maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water.

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

Comment: It is not practicable to incorporate on-site stormwater retention into the development. The proposed works involve the establishment of grated pits that connect to the existing drainage line that has an outlet towards Cameron Avenue and Manly Lagoon.

(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 does not change the design and siting of the existing dwelling and the proposed works are accommodated within the existing stormwater drainage design for the site. In this regard, Council is satisfied that the development will minimise any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

6.9 Foreshore scenic protection area

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,

(b) measures to protect and improve scenic qualities of the coastline,

(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

Comment:

The proposed works involve minor changes to an existing dwelling house and do not alter its building envelope or footprint. Therefore, the proposal will not significantly alter the external appearance of the building from Cameron Avenue, and as such, the proposed development will not detrimentally affect the visual amenity or scenic qualities of the coastal foreshore, or create potential for conflict between land-based and water-based activities.

6.12 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

Comment:

The proposed works involve minor alterations to an existing dwelling house on the site and therefore it is satisfied that the above essential services are available to the property.

Manly Development Control Plan

Built Form Controls

| Built Form Controls - Site Area: 436.3m ² | Requirement | Proposed | % Variation* | Complies |
|--|--|---|--------------|----------|
| 4.1.1.1 Residential Density and Dwelling Size | Density: 1 dwelling per 250m ² of site area | 1 dwelling with 436.3m ² of site area (existing) | 74.5% | No |
| | Dwelling Size: 124m ² | 187.5m ² | N/A | Yes |

| | | | | |
|---|--|--|--------------|-----|
| 4.1.2.1 Wall Height | NE: 6.7m (based on gradient 1:34.3) | 6.6m | N/A | Yes |
| | SW: 6.5m (based on gradient 1:103) | 5.9m | N/A | Yes |
| | SE: 6.8m (based on gradient 1:16.7) | 6.6m | N/A | Yes |
| | NW: 6.7m (based on gradient 1:39.3) | 6.2m | N/A | Yes |
| 4.1.2.2 Number of Storeys | 2 | 2 | N/A | Yes |
| 4.1.2.3 Roof Height | Height: 2.5m | 2.5m | N/A | Yes |
| | Pitch: maximum 35 degrees | 32 degrees | N/A | Yes |
| 4.1.4.1 Street Front Setbacks | 6m (building lines of neighbouring properties are variable) | 2.6m (existing) | 56.7% (3.4m) | No |
| 4.1.4.2 Side Setbacks and Secondary Street Frontages | SE: 2m (based on wall height) NW: 2.1m (based on wall height) | 2.7m 2.3m | N/A | Yes |
| | Windows: 3m | SE: 2.7m (existing location) NW: 2.3m (existing location) | 23.3% (0.7m) | No |
| 4.1.4.4 Rear Setbacks | 8m | 4.1m (covered outdoor area) 7.6m (main dwelling - existing) 0.4m (existing shed) | 95% (7.6m) | No |
| 4.1.4.6 Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2 | 6m (front boundary adjacent to RE1) | 2.6m (existing) | 56.7% (3.4m) | No |
| 4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3 | Total open space 55% of site area | 73.3% (320m ²) | N/A | Yes |
| | Open space above ground max. 25% of total open space | 0% | N/A | Yes |
| 4.1.5.2 Landscaped Area | Landscaped area 35% of actual total open space | 40.6% (129.9m ²) | N/A | Yes |
| | 1 native tree | 0 native trees | N/A | No |
| 4.1.5.3 Private Open Space | 18m ² | 108.5m ² | 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 | 3.1m (battle-axe) | N/A | Yes |
| Schedule 3 Parking and Access | Dwelling 2 spaces | 2 spaces (tandem hardstand) | N/A | 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 |
| 3.2 Heritage Considerations | Yes | Yes |
| 3.3.1 Landscaping Design | Yes | Yes |
| 3.3.2 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) | Yes | Yes |
| 3.4.1 Sunlight Access and Overshadowing | Yes | Yes |
| 3.4.2 Privacy and Security | Yes | Yes |
| 3.4.3 Maintenance of Views | Yes | Yes |
| 3.4.4 Other Nuisance (Odour, Fumes etc.) | Yes | Yes |
| 3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design) | Yes | Yes |
| 3.5.1 Solar Access | Yes | Yes |
| 3.5.3 Ventilation | Yes | Yes |
| 3.5.5 Landscaping | Yes | Yes |
| 3.5.7 Building Construction and Design | Yes | Yes |
| 3.7 Stormwater Management | Yes | Yes |
| 3.8 Waste Management | Yes | Yes |
| 3.10 Safety and Security | Yes | Yes |
| 4.1 Residential Development Controls | Yes | Yes |
| 4.1.1 Dwelling Density, Dwelling Size and Subdivision | Yes | Yes |
| 4.1.1.1 Residential Density and Dwelling Size | No | Yes |
| 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) | Yes | Yes |
| 4.1.3 Floor Space Ratio (FSR) | Yes | Yes |
| 4.1.4 Setbacks (front, side and rear) and Building Separation | No | Yes |
| 4.1.5 Open Space and Landscaping | No | Yes |
| 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) | Yes | Yes |
| 4.4.1 Demolition | Yes | Yes |
| 4.4.2 Alterations and Additions | Yes | Yes |
| 4.4.5 Earthworks (Excavation and Filling) | Yes | Yes |
| 5 Special Character Areas and Sites | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| 5.4.1 Foreshore Scenic Protection Area | Yes | Yes |
| Schedule 1 – Maps accompanying the DCP | Yes | Yes |

Detailed Assessment

4.1.1.1 Residential Density and Dwelling Size

Pursuant to Section 4.1.1.1 of the Manly Development Control Plan 2013, the minimum residential density for the D3 area is 250m² of site area per dwelling.

The proposed development has a site area of 436.3m² and therefore presents a technical non-compliance with the minimum residential density control.

It is important to note that the dwelling house on the site is existing and the proposal does not seek to increase the number of dwellings on the site.

As such, it is considered that the variation to the minimum residential density control is acceptable on this basis and a detailed assessment is not required in this instance.

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

Description of non-compliance

Section 4.1.4.1 requires building lines to be setback a minimum of 6m from the front boundary where there is no prevailing building line in the immediate vicinity. The existing dwelling has a front setback of 2.6 metres, representing a 56.7% (3.4 metres) variation to the front setback control.

It is important to note that the front building line is existing and no changes are proposed the existing building footprint. It is also important to note that the angle of the lot boundary relative to the building line is not parallel, and the building is setback up to 7.3 metres from the front boundary, as evident from the diagram below.

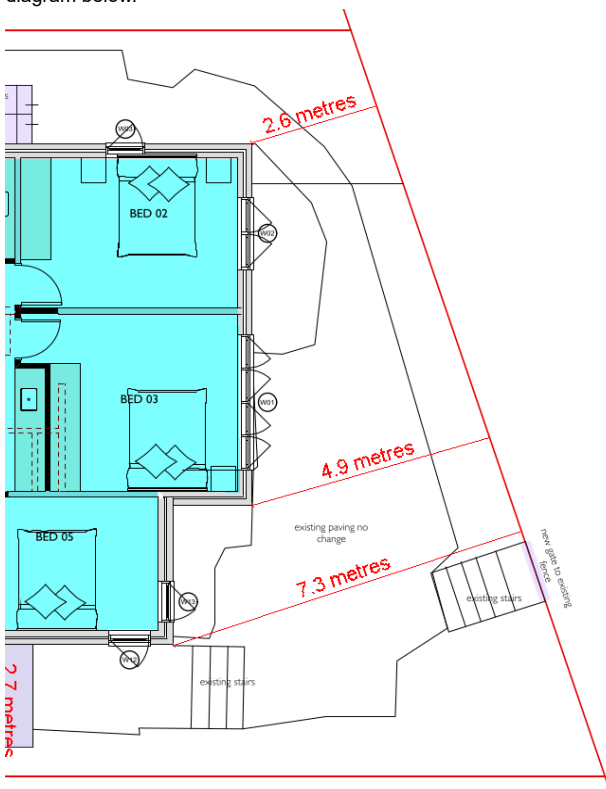


Figure 1 - existing building footprint setbacks

Section 4.1.4.2 requires all new windows from habitable dwellings of dwellings that face the side boundary to be setback at least 3m from side boundaries. The windows on the south-eastern elevation are setback 2.7 metres from the south-eastern side boundary and those on the north-western elevation are setback 2.3 metres from the north-western side boundary, which presents a variation to the control of up to 23.3%.

It is important to note that the building footprint is not changing and the walls along the side elevations are existing. Furthermore, the location and size of the existing windows along the side elevations will remain unchanged; the proposal simply seeks to replace these windows with new timber frame windows and shutters.

Section 4.1.4.4 requires the distance between any part of a building and the rear boundary to be no less than 8 metres. The existing shed is located 0.4 metres from the rear boundary and the proposed covered outdoor area is located 4.1 metres from the rear boundary. It is important to note that the existing dwelling has a main building line of 7.6 metres from the rear boundary.

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:

No tree removal is proposed and the development maintains and enhances the existing streetscape character by retaining the existing building envelope and replacing all the old windows with new windows.

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 maintains the existing building envelope and height of the dwelling house and therefore the variations do not detract from local amenity. The covered outdoor area is a single storey structure and therefore will not result in additional overshadowing impacts to neighbouring properties.

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

Comment:

The proposal maintains the siting and design of the existing building on the site.

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 proposal maintains and enhances natural features by retaining all existing trees and vegetation on the site. Furthermore, the proposed covered outdoor area does not detract from the context of the site and is not visible from both the Cameron Avenue and Eurobin Avenue frontages given the nature of the battle-axe allotment.

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

Comment:

The site is not located on bush fire prone land and therefore this objective is not relevant to this application.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

4.1.5 Open Space and Landscaping

Description of non-compliance

Section 4.1.5.2(c) requires development to include either an existing established native tree or a planted new native tree.

The proposal retains all seven (7) existing trees on the site. None of these tree species are native; however, Council's Landscape and Biodiversity Officers have reviewed the application and are supportive of the proposal, subject to conditions.

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 involve the removal of any trees or vegetation from the site.

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

Comment:

The proposal maintains sufficient landscaping on the site as the proposed works do not increase the existing building footprint and do not require the removal of any trees or vegetation.

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 change the existing building footprint, height or envelope. The covered outdoor area addition is a single-storey structure and therefore the proposal maintains the amenity of the site, streetscape and surrounding area.

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

Comment:

The proposed works do not significantly reduce porous landscaped areas on the site as there are no proposed changes to the existing building footprint.

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

Comment:

Suitable conditions have been recommended to minimise the spread of weeds and the degradation of open space.

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

Comment:

The proposal does not involve the removal of any trees on site and therefore maximises wildlife habitat and the potential for wildlife corridors.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

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 \$5,663 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$566,338.

CONCLUSION

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

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

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

This proposal, for alterations and additions to a dwelling house, has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to the proposed works involving partial demolition of a heritage item.

The assessment found that the proposed alterations and additions to the dwelling house were minor and considered the scale, style and material configuration of the existing building, while maintaining its historical integrity in presenting as part of the Eurobin Avenue and Cameron Avenue group listings.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, the natural environment, or the heritage significance of the Eurobin Avenue group heritage item. The proposal has therefore been recommended for approval.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2023/1903 for Alterations and additions to a dwelling house on land at Lot B DP 382088, 59 A Eurobin Avenue, MANLY, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans | | | | |
|----------------|-----------------|--|-------------------------------------|------------------|
| Plan Number | Revision Number | Plan Title | Drawn By | Date of Plan |
| DA 05 | G | Demolition/Existing Ground Floor Plan | Santelle Architecture and Interiors | 20 December 2023 |
| DA 06 | G | Demolition/Existing Upper Floor Plan | Santelle Architecture and Interiors | 20 December 2023 |
| DA 07 | G | Proposed Site Plan/Site Analysis | Santelle Architecture and Interiors | 20 December 2023 |
| DA 09 | G | Proposed Ground Floor Plan | Santelle Architecture and Interiors | 20 December 2023 |
| DA 10 | G | Proposed Upper Floor Plan | Santelle Architecture and Interiors | 20 December 2023 |
| DA 11 | G | Proposed North East & South West Elevation | Santelle Architecture and Interiors | 20 December 2023 |
| DA 12 | G | Proposed South East & North West Elevation | Santelle Architecture and Interiors | 20 December 2023 |
| DA 13 | G | Proposed Section AA & BB | Santelle Architecture and Interiors | 20 December 2023 |
| DA 14 | G | Proposed Section CC | Santelle Architecture and Interiors | 20 December 2023 |

| Approved Reports and Documentation | | | |
|---|-----------------------------|-------------------------------------|------------------|
| Document Title | Version Number | Prepared By | Date of Document |
| DA 08 - Proposed Site and Landscape Plan | G | Santelle Architecture and Interiors | 20 December 2023 |
| DA 16 - Schedule of Colours and Materials | G | Santelle Architecture and Interiors | 20 December 2023 |
| DA 17 - Waste Management Plan | G | Santelle Architecture and Interiors | 20 December 2023 |
| Arboricultural Impact Assessment Report | Ref: 231130_59a Eurobin_AIA | Urban Arbor Pty Ltd | 30 November 2023 |
| Waste Management Plan | - | Santelle Architecture and Interiors | November 2023 |
| SED 5529-1 - Sediment & Erosion Control Plan | A | J & F Designs | 18 December 2023 |
| SED 5529-2 - Sediment & Erosion Control Details | A | J & F Designs | 18 December 2023 |
| BASIX Certificate | A1731303 | Danielle Sant | 20 December 2023 |
| 5529-1 Existing Drainage Plan | A | J & F Designs | 14 December 2023 |
| 5529-2 Proposed Drainage Plan | A | J & F Designs | 14 December 2023 |
| 5529-3 Typical Pit Detail | A | J & F Designs | 14 December 2023 |
| Heritage Impact Statement | Final - 231212 | Elizabeth Gibson | 12 December |

| | | | |
|-------------------------------------|-------|--------------------------|-----------------|
| | | | 2023 |
| Preliminary Geotechnical Assessment | J5316 | White Geotechnical Group | 17 January 2024 |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

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

| Other Department, Authority or Service | EDMS Reference | Dated |
|--|---------------------------|-----------------|
| Ausgrid | Ausgrid Referral Response | 31 January 2023 |

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.

- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following:

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$5,663.38 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$566,338.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12

Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

6. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

8. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: To protect the receiving environment.

9. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

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 Certifier prior to the issue of the Construction Certificate.

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

11. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.46 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a metallic steel or reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

12. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

13. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.46 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a metallic steel or reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with the Arboricultural Impact Assessment report dated 30 November 2023 prepared by Urban Arbor and AS4970-2009 Protection of trees on development sites.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Principal Certifier that all tree protection measures under the Arboricultural Impact Assessment report dated 30 November 2023 prepared by Urban Arbor and AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

DURING BUILDING WORK

15. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees within the site ,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the Arboricultural Impact Assessment report dated 30 November 2023 prepared by Urban Arbor and AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,

- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by the Project Arborist as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

16. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

17. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by J and F Designs prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: To protect the receiving environment.

18. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- o Work Health and Safety Act;
- o Work Health and Safety Regulation;
- o Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- o Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- o Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- o The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

19. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

20. **Survey Certificate**

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

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

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

21. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

22. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

23. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

24. Stormwater Drainage Disposal Certification

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the authority to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure satisfactory management of stormwater.