

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1881
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Responsible Officer:	Clare Costanzo
Land to be developed (Address):	Lot 7 DP 85606, 83 Sydney Road 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
Land and Environment Court Action:	No
Owner:	Jared Heath Gashel Katherine Lyn Helmuth
Applicant:	Kara Jecks

Application Lodged:	14/10/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	29/10/2021 to 12/11/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 762,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal comprises of the following alterations and additions to an existing dwelling:

- Demolition of a portion of the rear
- Addition of a new ground floor rear extension
- Addition of a new first floor addition comprising of a bedroom, ensuite, robe and balcony

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

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

Manly Development Control Plan - 4.1.5 Open Space and Landscaping

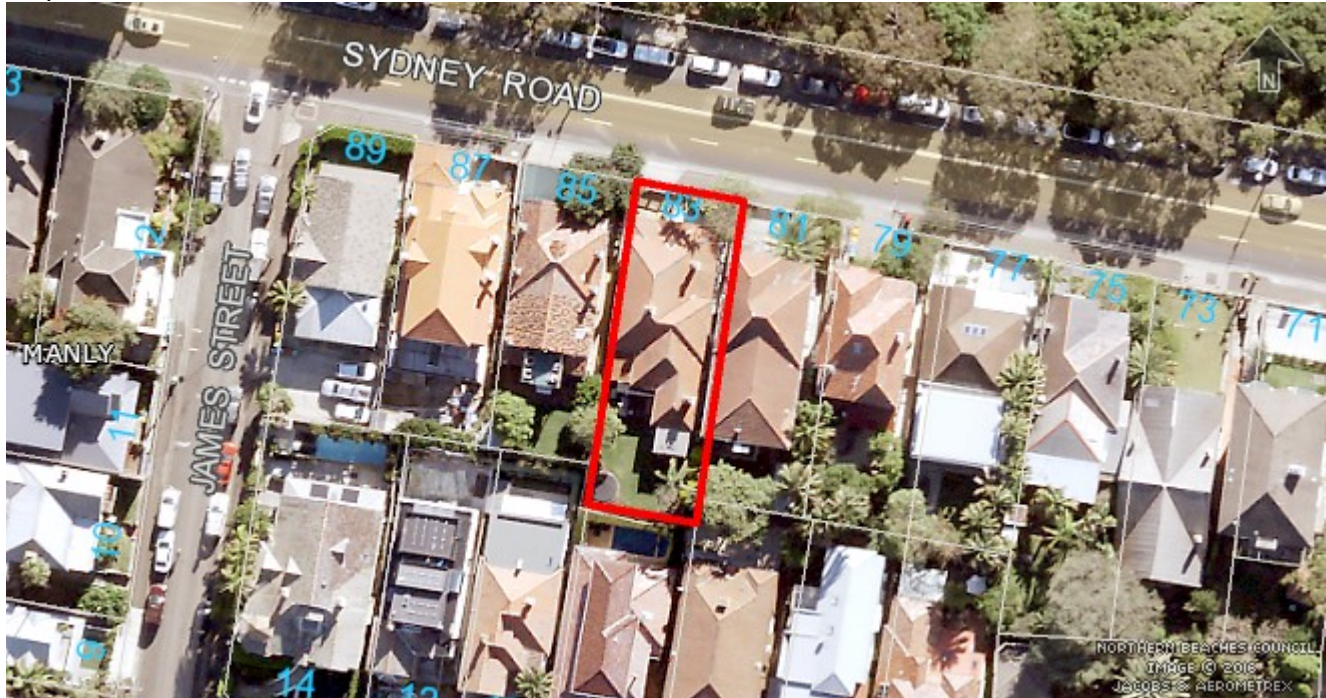
Manly Development Control Plan - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

SITE DESCRIPTION

Property Description:	Lot 7 DP 85606 , 83 Sydney Road MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Sydney Road, Manly.</p> <p>The site is regular in shape with a frontage of 12.19m along Sydney Road and a depth of 36m. The site has a surveyed area of 443.7m².</p> <p>The site is located within the R1 General Residential zone and accommodates a brick and clad cottage on stone foundations with a tile and metal roof.</p> <p>The site is generally level, with a 1 metre drop from the front boundary to the street level. There is negligible cross fall.</p> <p>The site is characterised by some small and medium size shrubs and lawn areas within the front and rear setback.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by dwellings of varied architectural styles and residential flat buildings. Housing styles commenced generally with</p>

Victorian styling and detailing, and then continue to sporadic Californian Bungalows and Interwar homes and modern residential flat buildings.

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:

- Development Application No. 519/03 for internal and external alterations and additions was approved on the 27 January 2004

Amended plans were requested to address Council's concerns. The applicant provided amended plans that have been viewed by Council's internal referral bodies. Neighbouring properties were also advised of the amended plans and given the opportunity to provide comments. The amended plans did not require renotification in accordance with the Northern Beaches Community Participation Plan.

During the assessment a site visit was conducted at the subject site and from the adjoining site directly to the south.

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	Draft State Environmental Planning Policy (Remediation of Land)

Section 4.15 Matters for Consideration	Comments
of any draft environmental planning instrument	seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) –	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to amended plans.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely	(i) Environmental Impact

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 29/10/2021 to 12/11/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Ms Rachel Lee McConaghy	8 Camera Street MANLY NSW 2095

The following issues were raised in the submissions:

- Privacy
- Overshadowing
- Recommended tree condition

The above issues are addressed as follows:

- **Privacy**

The submissions raised concerns that the proposed rear windows and deck will look directly into their living space.

Comment:

A site visit was undertaken from the subject site of concern. Following this site visit Council requested amended plans to address privacy concerns. The applicant responded by providing amended plans reinstating a timber privacy screen along the rear balcony. Given the dwelling complies with the rear setback control (exclusive to the rear balcony) it is considered there is sufficient building separation to ensure a reasonable level of privacy will be achieved.

- **Overshadowing**

The submissions raised concerns that the second storey will cast a shade over their narrow back garden and pool.

Comment:

Shadow diagrams have been provided as part of the application. It is apparent from the shadow diagrams given the change in levels between the each site the existing fencing already overshadows a large portion of the space in question. The proposed second floor addition does not contribute to any unreasonable overshadowing to the property to the south. It is also worth noting the property to the south has additional private open space forward of the existing dwelling to be used for recreational purposes.

- **Recommended tree condition**

The submissions raised concerns that the replacement tree planting condition recommended by Council's Landscape Officer is inappropriately large and is likely to block much needed sunlight and views of surrounding properties.

Comment:

The condition has been recommended in accordance with 3.3.1 Landscaping Design b) Planting Criteria of the Manly Development Control Plan. Landscaped areas must be capable of supporting new native trees that are typically expected to reach a mature height of 10m notwithstanding the minimum dimensions required. Trees are also required to be positioned in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors

This does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The development application is for alterations and additions to an existing dwelling.

Internal Referral Body	Comments			
	<p>Council's Landscape Referral section have considered the application against the Manly Local Environment Plan, and the following Manly DCP 2013 controls (but not limited to):</p> <ul style="list-style-type: none">• 3.3.1 Landscaping Design• 3.3.2 Preservation of Trees or Bushland Vegetation• 4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings <p><i>Updated comments:</i></p> <p>As noted in the updated plans, the existing tree in close proximity to development works is identified as an Illawarra Flame Tree, and is noted as an Exempt Species under the Manly DCP and as such does not require Council consent for removal. However the landscape amenity and character of the development property is assessed as part of this development application under the assumption that the existing tree is retained as is other existing garden vegetation, as documented, and to satisfy clause 4.1.5 conditions shall be imposed for native tree planting. The Site & Landscape Plan includes an indication for a native tree replacement and conditions shall be imposed for such works.</p> <p><i>Previous comments:</i></p> <p>The existing site contains established landscape gardens with trees, vegetation, and lawns. The statement of environmental effects notes that the proposed development works do not impact upon the existing landscape setting, and that no existing trees or substantial planting to the site will be altered from the proposed works.</p> <p>The proposed rear timber deck is in close proximity to an existing tree located within the property. Additionally a below ground water tank is proposed under the timber deck. A portion of the proposed works are within the tree protection zone of the existing tree.</p> <p>No arboricultural investigation is submitted by the applicant in accordance with Council's DA Lodgement Requirements where existing trees are within 5 metres of development.</p> <p>Information is required on the impact from the proposed above ground timber decking in terms of pier footing locations within the structural root zone and the impact from the proposed below ground water tank from excavation within the tree protection zone, including tree protection construction techniques and measures.</p>			
Strategic and Place Planning (Heritage Officer)	<table><tr><th>HERITAGE COMMENTS</th></tr><tr><th>Discussion of reason for referral</th></tr><tr><td><p>This application has been referred as it proposes alterations and additions to a heritage item, being the single storey Edwardian Federation house at 83 Sydney Road, originally known as "Loidis". This property is listed as Item 1235 - House, 83 Sydney Road, Manly, in Schedule 5 of Manly LEP 2013.</p></td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>This application has been referred as it proposes alterations and additions to a heritage item, being the single storey Edwardian Federation house at 83 Sydney Road, originally known as "Loidis". This property is listed as Item 1235 - House, 83 Sydney Road, Manly, in Schedule 5 of Manly LEP 2013.</p>
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Internal Referral Body	Comments		
	<p>The application is also within the vicinity of a number of other heritage items, specifically:</p> <p><i>Item I92 - House, 14 Camera Street, Manly</i></p> <p><i>Item I161 - The Ivanhoe Loop (former tram track route)</i></p> <p><i>Item I162 - Ivanhoe Park (State heritage item)</i></p> <p>April 2022 - Amended plans have now been submitted, following discussions with Council officers, in order to achieve a mutually satisfactory and better heritage outcome for the property from the proposed works.</p>		
	Details of heritage items affected		
	<p>Details of the heritage item, as contained within the Manly Heritage Inventory, are:</p> <p><i>Item I235 - House, 83 Sydney Road, Manly</i></p> <p><u>Statement of Significance</u></p> <p>Loldis, 83 Sydney Road, Manly, is considered to demonstrate historic, aesthetic, rarity and representative heritage significance. It is considered that, after additional research, the building may have the potential to demonstrate associative and technical significance. The building is a good, locally, rare surviving example of a Federation Filligree style cottage. The aesthetically significant cottage is a local landmark item and noted as a good, relatively intact and well-maintained example of its type.</p> <p><u>Physical Description</u></p> <p>The dwelling at 83 Sydney Road is a single Federation era cottage. The hipped roof of the building is clad with red and brown tiles with three stucco rendered chimneys each with decorative brick bands and terracotta pots. The hipped roof features terracotta finials. There is a wide verandah to the northern and eastern elevations. The verandah is set under a hipped roof extending from the main roof. There is a central decorative gable with shingle infill to the verandah. The verandah is supported by turned timber columns and bound by a decorative timber balustrade with turned detail. The principal elevation is clad with timber weatherboards and has a pair of French doors both of which have multi-paned fanlights. However western French door has multi-paned sidelights and the eastern one does not.</p> <p>The building is elevated above ground level and set on a sandstone base. This has been altered to provide a parking spot.</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	

Internal Referral Body	Comments		
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	<p>Original heritage comment</p> <p>The proposal seeks consent for a rear addition replacing the rear sections of the house and part of the main roof of the existing dwelling, onto which the addition will extend. Under Manly LEP 2013, Council must consider the impacts upon the heritage significance of the property, and whether or not the proposed changes can be sustained. The alteration and extension of the dwelling as shown in the submitted plans is assessed within a supporting Heritage Impact Statement (<i>BI Architects - 24 July 2021</i>) prepared for the Applicant, which concludes that the works can be considered appropriate and consistent with the significance of the property. This conclusion is not supported and is considered contrary to the heritage significance of the property, as well as Council's LEP and DCP controls for the protection of heritage.</p> <p>The heritage significance of the property was not well elucidated by the initial heritage inventory sheet. The assessment of the property's significance in the applicant's HIS is however, balanced by an additional assessment conducted for Council by an independent consultant, Heritage Advisory Services, in April 2021. This review of the significance of this heritage item concluded that the building demonstrates historic, aesthetic, rarity and representative significances, and may prove to demonstrate associative and technical significance. The assessment concluded that " <i>the building is a good locally rare surviving example of a Federation Filigree style cottage. The aesthetically significant cottage is a local landmark item and noted as a good, relatively intact and well maintained example of its type.</i>" These conclusions are endorsed by this referral.</p> <p>Considered against this view of its importance, the proposal is unacceptable in the impacts it will impose upon the dwelling. The form and nature of the addition is entirely unrelated and its detail and overall character are conflicting. The work will require the demolition of important characteristic parts of the dwelling. It will be almost triumphantly visible from the street and the impression gained of the house will be entirely changed, from one of authenticity to that of a house having an unrelated addition landed upon its roof. Considering Council's controls, as noted in the HIS, it is considered that this proposal is inconsistent with the heritage objectives in <i>Clause 5.10</i> of Manly LEP 2013. It is also inconsistent with <i>Part 3.2.2.2</i> of Manly DCP 2013, which sets out what must be achieved when altering or adding to a heritage building.</p>		

Internal Referral Body	Comments
	<p>Specifically, this proposal is inconsistent with <i>Part 3.2.2.2 (a),(b), (d),(f) and (g)</i>. On this basis, it is considered that the proposal is not responsive to the identified heritage significance of this house.</p> <p>Therefore, against the provisions of Clause 5.10 of Manly LEP 2013, it is considered that the impact of this proposal would drastically reduce and compromise the heritage significance of the dwelling, and therefore cannot be supported. Therefore, this application cannot be supported on heritage grounds.</p> <p>The opportunities for improvement of this house, within the constraints of its extensive authenticity and remarkably intact character, should be examined. Upper level additions are unlikely to be successful, and further accommodation may only be possible at the rear and as a single storey design. The adaptive reuse of the house as a current-day dwelling should carefully respond to its significance, rather than impose upon it. Council is happy to have discussions with the applicant with a view to arriving at a more appropriate way to add to this heritage item.</p> <p>April 2022 - Revised heritage comment - Amended plans (Issue 1/4/2022)</p> <p>The initial proposal for the dwelling proposed extensive interventions with the roof of the house, its interiors and in particular the rear of the property. The extent of these works was of concern given the significance of the house and its high level of integrity, and could not be supported.</p> <p>An amended proposal, facilitated by discussions with Council officers, envisages an attached transverse two-level form at the rear of the property, moderated in scale and effectively linked by more modest internal changes in the rear service areas of the house. This approach is supported and with some further minor amendments can be considered acceptable in heritage terms.</p> <p>The suggested amendments to the revised plans are :</p> <ul style="list-style-type: none"> - Deletion of the skylight designated SK12 over the entrance hall to the house; this will be prominent externally in an inappropriate location, and will impact the ceiling of the entrance hall interior. As one of the principal interiors of the house it should not have to sustain this adverse impact. - The eaves of the main house feature exposed rafter ends to which the gutters are attached. These are an important aesthetic element in the presentation of the house, and should be continued in the eaves of the addition. Eaves with modern fascias or boxing will look inconsistent and heavy by comparison. - The roof of the proposed rear addition is nominated as Colorbond Corrugated Steel in "Shale Grey". The main roof of the house is red terracotta tile and behind such main roofs, corrugated iron or steel roofs were usually painted a dull red, for which Colorbond Manor Red would be a suitable substitute. The sheeting should employ

Internal Referral Body	Comments
	<p>the “Custom Orb” profile corrugated sheet.</p> <p>- The colour scheme scheduled in the proposal is not a colour scheme consistent with the architectural style of this heritage-listed building. Extensive areas of white were not used and do not follow the usual practice of using colours of traditional origin and purpose to delineate the architectural elements of an Edwardian Federation style house. There is abundant advisory material available on the subject but a discussion with the owners should enable a suitable alternative colour scheme to be identified and given effect by condition. It is not suggested that the existing dwelling must be repainted in the implementation of this revised scheme.</p> <p>The amendments to the proposal have brought it to a format acceptable in heritage terms, subject to implementation of the suggested minor adjustments above.</p> <p>Therefore the proposal is now acceptable on heritage grounds, subject to the imposition of a number of conditions to effect the suggested changes outlined above.</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> <p>Further Comments</p> <p>COMPLETED BY: Robert Moore, External Heritage Advisor/ Janine Formica, Heritage Planner DATE: 10 January 2022 REVISED COMMENTS: 27 April 2022</p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A454331 dated 4 April 2022).

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

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

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.3m	N/A	Yes
Floor Space Ratio	FSR: 0.75:1 (332.775m ²)	FSR: 0.5:1 (222.5m ²)	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
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.10 Limited development on foreshore area	Yes
6.12 Essential services	Yes
Schedule 5 Environmental heritage	Yes

Mainly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 443.7m ²	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	E: 6.7m (based on gradient 1:20)	5.2m	N/A	Yes
	W: 6.8m (based on gradient 1:30)	5.2m	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	0.9m	N/A	Yes
	Parapet Height: 0.6m	0.3m	N/A	Yes
	Pitch: maximum 35 degrees	15 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	no changes	N/A	N/A
4.1.4.2 Side Setbacks and Secondary Street Frontages	1.7m (based on wall height)	East: 1.2m (ground floor addition),	29.5%	No
		1.4m (first floor)	18%	No
		West: 2.1m (ground floor addition),	N/A	Yes

		2.2m (ground floor)		
	Windows: 3m	1.3m (new windows)	67%	No
4.1.4.4 Rear Setbacks	8m	7.1m (balcony) 8.3m (dwelling)	11.25% N/A	No Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS2	Open space 50% of site area	30.05% (135.4m ²)	39%	No
	Open space above ground 25% of total open space	8.5% (11.5m ²)	N/A	Yes
4.1.5.2 Landscaped Area	Landscaped area 30% of open space	82% (111.2m ²)	N/A	Yes
	1 native trees	1 trees	N/A	Yes
4.1.5.3 Private Open Space	18sqm	>18sqm	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
3.5 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
4.1.2 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

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	No	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

3.4.1 Sunlight Access and Overshadowing

The development comprises of the construction of a rear ground and first floor addition. The ground floor is proposed to be setback a further 1 metre than the existing dwelling. The first floor addition is setback an addition 0.5m than the existing ground floor, with the proposed balcony 100mm closer to the rear boundary.

Whilst the dwelling, with exception to the proposed rear balcony is compliant with the 8m rear setback control it is expected some overshadowing will occur within the subject site and to adjoining sites to the east and west.

The development is considered against the underlying Objectives of the Control as follows:

Objective 1) To provide equitable access to light and sunshine.

Comment:

The proposal will result in additional overshadowing it will not eliminate more than one third of the existing sunlight available to the subject site and adjoining sites to the east, south and west. It is evident from the certified shadow diagrams that a substantial level of the overshadowing is a result of existing dwellings and rear boundary fencing/vegetation.

Council considers there to be a reasonable level of access to light and sunshine available to the surrounding sites.

Objective 2) To allow adequate sunlight to penetrate:

- private open spaces within the development site; and
- private open spaces and windows to the living spaces/ habitable rooms of both the development and the adjoining properties.

Comment:

The private open space for the subject site is located within the rear of the site. The proposed development will not limit solar access to more than one third of the existing sunlight.

Private open spaces of the adjoining sites currently experience some overshadowing. It is not expected there will be any unreasonable further impacts as a result of the development.

Objective 3) To maximise the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor areas by:

- *encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and*
- *maximising setbacks on the southern side of developments to encourage solar penetration into properties to the south.*

Comment:

Adequate penetration of sunlight to windows and outdoor areas is expected. The dwelling has been articulated to allow for light corridors and natural lighting. The proposed dwelling mostly complies with the rear setback control, with the exception of the rear balcony.

The property to the south currently experiences overshadowing, as shown on the shadow diagrams. The proposal is not expected to have any further adverse impacts.

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.

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

Description of non-compliance

The eastern ground floor and first floor addition are setback 1.2m and 1.4m respectively. This is a 29.5% and 18% non compliance to the required side setback control of 1.7m (based on wall height of 5.2m).

The dwelling is mostly compliant with the rear boundary setback, with the exemption to the proposed new balcony which is setback 7.1m from the rear boundary. This is a variation of 11.25% to the control requiring 8m.

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:

There are no changes to the existing front setback of the dwelling. The proposed works are limited to

the rear of the site and will not be highly visible from the streetscape. The application has been reviewed by Council's Heritage Officer who is supportive of the proposal in keeping within the existing streetscape and heritage provisions, subject to the recommended conditions of consent.

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 does not comply with the eastern side boundary setback on the ground and first floor. Strict compliance with this control, particularly along the ground level is limited as a result of the siting of the existing development. There are no new windows proposed along the eastern elevation and therefore it is not expected there will be any unreasonable privacy impacts to the neighbouring properties to the east.

The dwelling is generally compliant with the rear setback control, with the exception of the proposed balcony encroaching into the setback. A privacy screen has been provided to ensure there will be no unreasonable overlooking.

Council considers the alterations and additions are not expected to result in any unreasonable amenity impacts on the surrounding properties.

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

Comment:

Flexibility is required in the siting of the first floor addition at the rear of the dwelling given the subject site is a heritage listed item, being a single storey Edwardian Federation House, originally known as "Ioidus". The proposed alterations and additions are not expected to be highly visible from the streetscape.

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 comprises of sufficient landscaped area. A condition has been recommended by Council's

Landscape Officer to provide a native tree as part of the works.

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

Comment:

The site is not listed as bushfire prone land.

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

The proposal comprises of a total open space of 30.05% which is a 39% variation to the control requiring 50% of the total site area to be open space.

The proposal will result in a deficit to the existing total open space area.

The proposal requires a minimum number of 1 native tree in accordance with Clause 4.1.5.2. As addressed by the Landscape Officer, a suitable condition has been imposed to require the addition of 1 native tree, to meet the requirements of the control.

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 retains existing landscape features and vegetation and the proposal does not result in the removal of any significant vegetation. Council's Landscape Officer has recommended the planting of a native tree.

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 readily complies with the soft landscape area control and open space at ground level.

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 is not expected to have any unreasonable impacts on sunlight, privacy and views.

The proposal is not expected to be highly visible from the streetscape and therefore there will be no unreasonable impacts to the existing streetscape and surrounding area.

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

Comment:

There is sufficient landscaping area on site to assist with on site infiltration. 82% of the total open space area is landscaped area.

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

Comment:

The proposal is not expected to result in the spread of weeds and degradation of private and public open space.

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

Comment:

Sufficient space for wildlife corridors is retained on site.

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.

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

The site currently has one car parking space forward of the dwelling. There is no additional car parking proposed as part of the development application.

The provision of an additional car parking space on site is considered unreasonable given the existing site constraints and there are no works proposed to the front portion of the site, where the existing hardstand car parking is provided.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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

A monetary contribution of \$7,620 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$762,000.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/1881 for Alterations and additions to a Dwelling House on land at Lot 7 DP 85606, 83 Sydney Road, MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
03 Site Plan	1 April 2022	Bower Street Studio
04 Demolition Plan	1 April 2022	Bower Street Studio
06 Proposed Floor Plan	1 April 2022	Bower Street Studio
07 Elevations - North & South	1 April 2022	Bower Street Studio
08 Elevations - East & West	1 April 2022	Bower Street Studio
09 Proposed Sections	1 April 2022	Bower Street Studio
11 External Materials Schedule	1 April 2022	Bower Street Studio
17 Balcony Screening	13 May 2022	Bower Street Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A454331	4 April 2022	Bower Street Studio

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
05 Sediment & Waste	1 April 2022	Bower Street Studio

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	12 November 2021

(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 Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

Reason: Legislative requirement.

4. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$7,620.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$762,000.00.

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

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

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

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

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

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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

7. **Photographic Heritage Record**

A simple photographic heritage record of the site is to be made of all buildings and structures, as a record of the site prior to works.

This record must be submitted and approved by Council's Heritage Officer, prior to the issue of a Construction Certificate and prior to commencement of any demolition or works on-site.

This photographic record should be made using digital technology and should include:

- Location of property, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Existing plans of any buildings (floor plans and elevations);
- Photographs of all elevations, interiors and key features (including gardens, fences, architectural details such as windows, joinery etc.) as well as a number of contextual shots depicting the sites surrounding environment.

Note: All images should be cross-referenced to a catalogue sheet.

Reason: To provide an historical photographic record of the site, including any buildings and landscape elements, prior to any works.

8. **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 Certifying Authority 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 Certifying Authority 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.

9. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of

this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

10. **Eaves on rear extension**

The eaves on the main house feature exposed rafter ends to which the gutters are attached and this aesthetic element must be continued in the eaves of the new rear addition. The use of modern fascias or boxing is not appropriate. Details are to be submitted to Council's Heritage Officer for approval prior to the issue of a Construction Certificate. Once approved the plans must be updated to include this change. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the new extension is compatible with the character of the heritage item.

11. **Deletion of skylight SK12**

Proposed skylight SK12 is to be deleted, to minimise adverse external changes to the original house and to the ceiling of the entrance hall interior. Details are to be submitted to Council's Heritage Officer for approval prior to the issue of a Construction Certificate. Once approved the plans must be updated to include this change. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the heritage significance of the heritage item is maintained.

12. **External materials and colours**

Full details of external materials and colours are to be submitted to Council's Heritage Officer for approval prior to the issue of a Construction Certificate. In this regard, the roof on the rear addition should employ Colorbond sheeting in "Custom Orb" profile and in "Manor Red" or a similar dull red or other colour which integrates with the main roof of the house. Wall colours should be appropriately sympathetic to the original house with white and dark grey avoided.

Reason: To ensure that the new extension is compatible with the character of the heritage item.

13. **Compliance with Standards**

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

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

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

14. **Sydney Water "Tap In"**

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

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>

- Guidelines for Building Over/Adjacent to Sydney Water Assets.

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. Removing, Handling and Disposing of Asbestos

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

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

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

16. 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 Certifying Authority.

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

17. Installation and Maintenance of Sediment Control

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

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

18. Waste Management During Development

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

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

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

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

OCCUPATION CERTIFICATE

19. Required Tree Planting

One (1) locally native tree shall be planted within the property to achieve a mature height of 10 metres, selected from Manly DCP, Schedule 4 - Part B - Native Tree Selection, or Northern Beaches Council's Native Plant Species Guide - Manly Ward, or Council's Tree Guide, and in accordance with the following:

- i) tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings and other trees, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iii) tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

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

Reason: To maintain environmental amenity.

20. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

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

Signed



Clare Costanzo, Planner

The application is determined on 17/05/2022, under the delegated authority of:



Rodney Piggott, Manager Development Assessments