

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2019/1531 |
|----------------------------|-------------|

|   |  |
|---|--|
| <b>Responsible Officer:</b>               | Kent Bull  |
| <b>Land to be developed (Address):</b>    | Lot 1 DP 998150, 1 Ashburner Street MANLY NSW 2095       |
| <b>Proposed Development:</b>              | Alterations and additions to a dwelling house            |
| <b>Zoning:</b>                            | Manly LEP2013 - Land zoned R3 Medium Density Residential |
| <b>Development Permissible:</b>           | Yes  |
| <b>Existing Use Rights:</b>               | No   |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                 |
| <b>Land and Environment Court Action:</b> | No   |
| <b>Owner:</b>                             | Anthony Conroy<br>Kerrie Conroy                          |
| <b>Applicant:</b>                         | Robert Harrison  |

|                                  |   |
|----------------------------------|---|
| <b>Application Lodged:</b>       | 27/12/2019                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 23/01/2020 to 06/02/2020                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 0                                       |
| <b>Clause 4.6 Variation:</b>     | Nil                                     |
| <b>Recommendation:</b>           | Approval                                |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 214,000.00 |
|---------------------------------|---------------|

### PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the alterations and additions to a dwelling house. In particular, the works include:

- Internal reconfiguration including removal of one (1) bedroom and the conversion to a walk-in robe and bathroom;
- Relocation of an existing east facing side window;
- Alterations towards the rear of the dwelling for an open-plan living, dining and kitchen area;
- Removal of the northern external wall to the rear courtyard area and replacement with new wall comprising of glazed sliding doors;
- BBQ bench to the western side of rear courtyard;
- Replacement of rear boundary fence with a 1.9m high masonry wall with bamboo plantings on

- the inside of this wall;
- Replacement of part of the front porch area (brick wall and flooring) for a courtyard with new entry steps; and
- Removal of existing front boundary wall and replacement with new boundary wall 1.5m high.

**Note:** The proposal has been referred to Council's Heritage Advisor as it is in proximity to a heritage listed item, being Item I79 - Street trees - Ashburner Street, listed in Schedule 5 of Manly LEP 2013. The dwelling is a Federation-era cottage, that itself is not specifically a listed item under the Manly LEP. The site inspection undertaken by the Development Assessment Officer revealed that some original features such as marble fireplaces, architectural elements within the hallway and the tessellated tile front porch area would be removed as part of this application. These matters have been reviewed by Council's Heritage Advisor and considered acceptable, subject to conditions.

### 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 - 5.10 Heritage conservation  
 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

|                                   |  |
|-----------------------------------|--|
| <b>Property Description:</b>      | Lot 1 DP 998150 , 1 Ashburner Street MANLY NSW 2095  |
| <b>Detailed Site Description:</b> | <p>The subject site is known as 1 Ashburner Street, Manly and is legally referred to as Lot 1 DP 998150.</p> <p>The site consists of one (1) allotment located on the northern side of Ashburner Street.</p> |

The site is regular in shape with a frontage of 6.435m along Ashburner Street and a depth of 22.55m. The site has a surveyed area of 144.3m<sup>2</sup>.

The site is located within the R3 Medium Density Residential zone and accommodates a Federation-era single storey brick dwelling. Pedestrian access is gained via the Ashburner Street frontage. The site does not currently have vehicle access or on-site parking.

The slope of the site from the street frontage to the rear is generally level.

With the exception of hibiscus shrubs to the front of the dwelling, the site is generally free of landscaping/vegetation and does not contain any native canopy trees or the like.

The subject site is located within a Medium Risk Flood Planning Precinct on the Northern Beaches Flood Hazard Map and is in the proximity to a heritage listed item, being Item 179 - Street trees - Ashburner Street, listed in Schedule 5 of Manly LEP 2013.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by a combination of low-density and medium-density residential dwellings. In the immediate vicinity of the site, there are properties from the Federation-Inter War period to residential flats built between the Post-War to the later twentieth century. No. 3 Ashburner Street that adjoins the eastern boundary of the subject site is a single storey brick dwelling that is of a similar age and architectural style.

Map:



## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration'   | Comments   |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument   | See discussion on "Environmental Planning Instruments" in this report.   |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                      | None applicable.   |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan  | Warringah Development Control Plan applies to this proposal.   |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement   | None applicable.   |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> |

| Section 4.15 Matters for Consideration'   | Comments  |
|---|---|
|   | <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Whilst additional information was not formally requested, an amended architectural master set and updated consultant reports were provided following concerns raised in relation to pedestrian safety.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p> |
| <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> | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>  |
| <p>Section 4.15 (1) (c) – the suitability of the site for the development</p>   | <p>The site is considered suitable for the proposed development.</p>  |
| <p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>   | <p>See discussion on “Notification &amp; Submissions Received” in this report.</p>  |

| Section 4.15 Matters for Consideration'    | Comments  |
|--|---|
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

| Internal Referral Body                                    | Comments   |
|---|--|
| Environmental Health (Acid Sulphate)                      | <p><b>General Comments</b></p> <p>The site is located in a class 4 area. Based on the information provided the development does not disturb, expose or drain acid sulfate soils and cause environmental damage and is not likely to lower the water table.</p> <p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>  |
| NECC (Bushland and Biodiversity)                          | <p>The subject site is located within declared habitat for the endangered population of Long-nosed Bandicoots at North Head. Accordingly, an assessment of potential impacts is required as per Section 7.3 of the NSW Biodiversity Conservation Act 2016. This assessment has been undertaken by the referral body and has concluded that, given the minor nature of works, the proposal is unlikely to result in significant impact to the endangered population, subject to recommended conditions.</p> |
| NECC (Development Engineering)                            | <p>Development Engineering has no objection to the application.</p>  |
| NECC (Stormwater and Floodplain Engineering – Flood risk) | <p>The proposed development includes alterations to a dwelling and front fence. Subject to conditions, the development is compliant with Council's flood prone land development controls.</p>  |
| Strategic and Place Planning (Heritage Officer)           | <p><b>HERITAGE COMMENTS</b></p>  |
|   | <p>Discussion of reason for referral</p>   |

| Internal Referral Body   | Comments   |  |    |  |                              |    |  |                             |    |  |                                       |    |  |   |    |  |       |    |  |
|--|--|--|----|--|------------------------------|----|--|-----------------------------|----|--|---------------------------------------|----|--|---|----|--|-------|----|--|
|  | <p>The proposal has been referred to Heritage as it is in proximity to a heritage listed item, being Item <b>179 - Street trees</b> - Ashburner Street, listed in Schedule 5 of Manly LEP 2013.</p> <p><b>Details of heritage items affected</b></p> <p>Details of the item as contained in the Manly Heritage Inventory is a follows:</p> <p><b>179 - Street trees</b> - Ashburner Street<br/> <u>Statement of significance:</u><br/> Aesthetic, Historic Municipal planting.</p> <p><u>Physical Description:</u><br/> Norfolk Island pines on west side of street only planted in carriageway.</p> <p><b>Other relevant heritage listings</b></p> <table border="1" data-bbox="523 958 946 1496"> <tbody> <tr> <td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</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> </tbody> </table> <p><b>Consideration of Application</b></p> <p>The proposal is for internal alterations to the existing dwelling and replacement of front and rear fences. A heritage street tree - a Norfolk Pine is located in front of the property. There is no heritage listing on the dwelling but the existing house is a Federation cottage from early 1900's. It is believed that there will be no adverse physical or visual impact upon the heritage listed Norfolk Island Pine trees as the alterations are internal and only external work is the replacement of the fences.</p> <p>Therefore, no objections are raised on heritage grounds, subject to conditions of archival recording of the existing house and protection of the street trees.</p> <p>Consider against the provisions of CL5.10 of MLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No</p> | Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | 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 |  |
| Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | 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   |  |    |  |                              |    |  |                             |    |  |                                       |    |  |   |    |  |       |    |  |

| Internal Referral Body | Comments  |
|------------------------|---|
|                        | <p>Has a CMP been provided? No<br/>           Is a Heritage Impact Statement required? No<br/>           Has a Heritage Impact Statement been provided? No</p> <p>Further Comments</p> <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 03 February 2020</p> |

| External Referral Body | Comments   |
|------------------------|--|
| Ausgrid: (SEPP Infra.) | The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended. |

**ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\***

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

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

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

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

**SEPP 55 - Remediation of Land**

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

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

A BASIX certificate has been submitted with the application (see Certificate No. A366826, dated 22 December 2019).

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



## SEPP (Infrastructure) 2007

### Ausgrid

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

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

### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## Manly Local Environmental Plan 2013

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

### Principal Development Standards

| Standard             | Requirement                          | Proposed                          | % Variation | Complies |
|----------------------|--------------------------------------|-----------------------------------|-------------|----------|
| Height of Buildings: | 11m                                  | 5.6m (unchanged)                  | -           | Yes      |
| Floor Space Ratio    | FSR: 0.75:1 (108.225m <sup>2</sup> ) | FSR: 0.56:1 (81.4m <sup>2</sup> ) | -           | 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                          |
| 6.1 Acid sulfate soils                             | Yes                          |
| 6.2 Earthworks                                     | Yes                          |

| Clause                                     | Compliance with Requirements |
|--|------------------------------|
| 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                          |

### Detailed Assessment

#### 5.10 Heritage conservation

The site is located within vicinity of heritage item I79 - Street trees - Ashburner Street, listed in Schedule 5 of Manly LEP 2013.

In accordance with clause 5.10(4) of the Manly LEP 2013, the consent authority must consider the effect of the proposed development of the heritage significance of the item or area concerned prior to granting consent to the proposal. In this regard, the proposal has been considered by Council's Heritage Advisor who is satisfied that the proposal is acceptable subject to conditions. Detailed commentary from Council's Heritage Advisor is provided in the 'Referrals' section of this report.

#### Manly Development Control Plan

##### Built Form Controls

| Built Form Controls - Site Area: 144.3m <sup>2</sup> | Requirement                     | Proposed   | % Variation* | Complies |
|--|---------------------------------|--|--------------|----------|
| 4.1.2.1 Wall Height                                  | East: 6m (based on gradient 0%) | 3.4m (no change)   | -            | Yes      |
|  | West: 6m (based on gradient 0%) | 3.4m (no change)   | -            | Yes      |
| 4.1.2.2 Number of Storeys                            | 3                               | 1  | -            | Yes      |
| 4.1.2.3 Roof Height                                  | Height: 2.5m                    | no change  | -            | Yes      |
|  | Parapet Height: 0.6m            | no change  | -            | Yes      |
|  | Pitch: maximum 35 degrees       | no change  | -            | Yes      |
| 4.1.4.1 Street Front Setbacks                        | Prevailing building line        | 1.65m, consistent with prevailing setback (to existing front porch posts)              | -            | Yes      |
| 4.1.4.2 Side Setbacks and Secondary Street Frontages | 1.13m (based on wall height)    | East: 0.7m (no change to existing setback)<br>West: 0m (no change to existing setback) | 38.1%        | No       |
|  | Windows: 3m                     | East: 0.7m (relocation of existing window)   | 38.1%        | No       |
| 4.1.4.4 Rear Setbacks                                | 8m                              | 2.2m (existing eastern and   | 72.5%        | No       |

|   |                                   |   |          |           |
|---|-----------------------------------|---|----------|-----------|
|   |                                   | western elevation wall to remain,<br>northern (rear) facing wall to be<br>setback 3.1m) |          |           |
| 4.1.5.1 Minimum Residential Total Open Space Requirements<br>Residential Open Space Area: OS2 | Open space 50% of site area       | 23.35% (33.7m <sup>2</sup> )  | 53.3%    | <b>No</b> |
| 4.1.5.2 Landscaped Area   | Landscaped area 30% of open space | 2.7% (0.9m <sup>2</sup> )   | 91%      | <b>No</b> |
|   | 1 native tree                     | No trees (no change)  | 1 tree   | <b>No</b> |
| 4.1.5.3 Private Open Space  | 18sqm                             | 33.7sqm   | -        | Yes       |
| Schedule 3 Parking and Access   | Dwelling 2 spaces                 | No spaces (no change)   | 2 spaces | <b>No</b> |

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

#### Compliance Assessment

| Clause   | Compliance with Requirements | Consistency with Aims/Objectives |
|--|------------------------------|----------------------------------|
| 3.1 Streetscapes and Townscapes  | Yes                          | Yes                              |
| 3.1.1 Streetscape (Residential areas)  | Yes                          | Yes                              |
| 3.3.1 Landscaping Design   | Yes                          | Yes                              |
| 3.3.2 Preservation of Trees or Bushland Vegetation   | Yes                          | Yes                              |
| 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)  | Yes                          | Yes                              |
| 3.4.1 Sunlight Access and Overshadowing  | Yes                          | Yes                              |
| 3.4.2 Privacy and Security   | Yes                          | Yes                              |
| 3.4.3 Maintenance of Views   | Yes                          | Yes                              |
| 3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design) | Yes                          | Yes                              |
| 3.5.1 Solar Access   | Yes                          | Yes                              |
| 3.5.3 Ventilation  | Yes                          | Yes                              |
| 3.5.5 Landscaping  | Yes                          | Yes                              |
| 3.5.7 Building Construction and Design   | Yes                          | Yes                              |
| 3.5.8 Water Sensitive Urban Design   | Yes                          | Yes                              |
| 3.7 Stormwater Management  | Yes                          | Yes                              |
| 3.8 Waste Management   | Yes                          | Yes                              |
| 3.10 Safety and Security   | Yes                          | Yes                              |
| 4.1 Residential Development Controls   | Yes                          | Yes                              |
| 4.1.1 Dwelling Density, Dwelling Size and Subdivision  | Yes                          | Yes                              |
|  |                              |                                  |

| Clause   | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| 4.1.1.1 Residential Density and Dwelling Size  | Yes                          | Yes                         |
| 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) | 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)             | No                           | Yes                         |
| 4.1.8 Development on Sloping Sites   | Yes                          | Yes                         |
| 4.1.10 Fencing   | Yes                          | Yes                         |
| 4.4.1 Demolition   | Yes                          | Yes                         |
| 4.4.2 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                         |
| Schedule 1 – Maps accompanying the DCP   | Yes                          | Yes                         |

#### Detailed Assessment

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

The proposed development is technically non-compliant with the side setback requirement of 1.13m (based on wall height), being 0.7m from the eastern side boundary and 0m (nil) from the western side boundary. The proposed development is also technically non-compliant with the rear setback requirement of 8m, being 2.2m from existing end of the walls along the eastern and western elevations and 3.1m from the north facing (rear) wall. It should be noted that the proposal does not seek a further encroachment into the side or rear setback areas than that which currently exists.

The proposed variations are not considered to inhibit the maintenance and future enhancement of the existing streetscape and landscape character of the locality. The proposed development seeks to enhance the front and rear setback areas with landscaped plantings. Consideration is given that the proposal will ensure that adequate privacy, light, sunshine, air movement and view sharing will be maintained. Furthermore, the proposal when set against the existing setback arrangement is considered adequate with regards to separation between neighbouring dwellings. The variation to the setbacks result from the retention of the original fabric of the dwelling and is therefore considered to promote flexibility in the siting of proposed additions. Whilst one (1) relocated window along the eastern elevation is within 3m of the side boundary, the glazing is indicated to be opaque and therefore does not raise privacy concerns. The proposed masonry boundary wall and landscape screen planting will also help prevent overlooking arising from the floor-to-ceiling glazed sliding doors and courtyard area at the rear of the site.

Based on the above, the proposal in this particular instance is considered to satisfy the objectives of the clause and is supported on merit.

#### **4.1.5 Open Space and Landscaping**

Required Total Open Space: 50%

Proposed Total Open Space: 23.35% (33.7m<sup>2</sup>)

Required Landscaped Area: 30%

Proposed Landscaped Area: 2.7% (0.9m<sup>2</sup>)

Required Tree Planting: 1 native tree

Proposed Tree Planting: No trees (no change)

The proposed development is technically non-compliant with the control that requires 50% of total open space. The proposal seeks to vary this control, reducing the overall total open space to 23.35% (33.7m<sup>2</sup>). It considering this variation, it should be noted that the proposal seeks an increase to the total open space that currently exists on-site, particularly within the rear courtyard area. Furthermore, the proposal does comply with the minimum private open space requirements as specified under Clause 4.1.5.3 of the Manly DCP.

Whilst the proposal also falls short of the minimum landscaped area requirement of 30%, being 2.7%, it is seen the resultant development will facilitate an enhanced landscaped character than that which currently existing on-site. In addition, areas such as the proposed landscape plantings along the rear boundary were not included as part of the calculation due to minimum width requirements. However, it is noted that any areas with landscaping do assist with water infiltration and minimising stormwater runoff. Consideration was also given that due to existing site constraints, the planting of a locally native canopy tree would be difficult to achieve. As detailed earlier in this report, the breach in total open space and landscaped area are not considered to result in unreasonable amenity impacts to the surrounding area.

Based on the above, the proposal in this particular instance, is considered to satisfy the objectives of this clause and is supported on merit.

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

Requirement under Schedule 3 Parking and Access: 2 spaces

Proposed: No spaces (no change)

The application does not seek to provide any car parking spaces on site, and is therefore technically non-compliant with the requirement for two (2) spaces. It should be noted that the requirements of this clause can be varied when compliance with the vehicle parking requirements would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity. In this regard, it is noted that the subject site is in the proximity to heritage items, in particular heritage item 179 (isted in Schedule 5 of Manly LEP 2013) which includes street trees that front the site. Furthermore, it is recognised that the site contains a relatively intact Federation-era single storey brick dwelling that contributes positively towards the streetscape character of Ashburner Street. In order to facilitate on-site parking, it would be likely that adverse impacts to the streetscape and heritage items could occur. It is also noted that the proposal does not seek to increase the density of the site, reducing the total number of bedrooms from two (2) to one (1). Consideration is given that the occupants of the subject site will be encouraged to use nearby public transport connections including buses and Manly Wharf.

Based on the above, the proposal in this particular instance, is considered to satisfy the objectives of this clause and is supported on merit.

#### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or

their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

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

A monetary contribution of \$2,140 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$214,000.

## **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 DA2019/1531 for Alterations and additions to a dwelling house on land at Lot 1 DP 998150, 1 Ashburner Street, 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

| <b>Architectural Plans - Endorsed with Council's stamp</b>   |              |                       |
|--|--------------|-----------------------|
| <b>Drawing No.</b>   | <b>Dated</b> | <b>Prepared By</b>    |
| DA1111, Issue 1 (Site Plan)                                  | 23.12.19     | Harrison Architecture |
| DA1501, Issue 1 (Landscape Plan)                             | 23.12.19     | Harrison Architecture |
| DA2001, Issue 1 (Demolition Plan)                            | 23.12.19     | Harrison Architecture |
| DA2100, Issue 4 (Ground Floor)                               | 23.12.19     | Harrison Architecture |
| DA3002, Issue 1 (North & South Elevation, External Finishes) | 23.12.19     | Harrison Architecture |
| DA3003, Issue 1 (East & West Elevation)                      | 23.12.19     | Harrison Architecture |
| DA3101, Issue 1 (Section 1)                                  | 23.12.19     | Harrison Architecture |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                  |                       |
|---|------------------|-----------------------|
| <b>Report No. / Page No. / Section No.</b>  | <b>Dated</b>     | <b>Prepared By</b>    |
| BASIX Certificate Ref. A366826  | 22 December 2019 | Harrison Architecture |

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

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

| <b>Waste Management Plan</b>                      |              |                       |
|---|--------------|-----------------------|
| <b>Drawing No/Title.</b>                          | <b>Dated</b> | <b>Prepared By</b>    |
| DA1301, Issue 1 (Erosion & Sediment Control Plan) | 23.12.19     | Harrison Architecture |
| Northern Beaches Council Waste Management Plan    | 23.12.19     | Harrison Architecture |

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

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

### 2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon

- plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

### 3. General Requirements





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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,140.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$214,000.00.

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 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

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

## 5. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

## 6. **Photographic Archival Record**

A photographic archival record of the site is to be made of all existing buildings and structures (including interiors and exteriors and their setting), generally in accordance with the guidelines issued by the NSW Heritage Division of the NSW Office of Environment & Heritage (OEH).

This record must be submitted and approved by the Certifying Authority prior to commencement of any demolition or works on-site.

The photographic record should be made using digital technology, submitted on archival quality CD-R disc, 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;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

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

#### 7. **Amendments to the approved plans**

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

- Retention of the hallway arch moulding; and
- Ensure the retention of decorative timber embellishments along the underside of the front veranda/porch roof.

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

Reason: To ensure the protection of heritage, particular the character of the building as viewed from Ashburner Street.

#### 8. **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.

#### 9. **Flooding**

In order to protect property and occupants from flood risk the following is required:

##### Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the

Flood Planning Level or 4.3m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

#### Fencing – H1

The front gates must be open for passage of flood waters with a minimum of 50% open area between the 1% flood level of 4.0m AHD and existing ground level, to allow flood waters to pass through.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### 10. **Access to Undercroft Areas – Bandicoot Habitat**

Where concealing material is required for any undercroft areas (e.g. under the house, stairs or balcony), gaps are to be established to allow Long-nosed Bandicoot access. Gaps are to be at least 150mm high and 300mm wide.

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

Reason: To maintain bandicoot access to existing and proposed habitat within and surrounding the site.

#### 11. **Access Spaces – Bandicoot Habitat**

Any new gates or fences are to be designed to include gaps appropriate to maintain bandicoot access through and within the site. Gaps are to be at least 150mm high and 300mm wide. This condition does not apply to pool fencing.

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

Reason: To maintain bandicoot access to existing and proposed habitat within and surrounding the site.

#### 12. **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.

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

### 14. **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.

### 15. **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 Certifying Authority, 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.

### 16. **Traffic Control During Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

17. **Protection of Heritage Listed Street Trees**

The Norfolk Pine street trees are to be protected at all times during demolition and construction works on the site.

Reason: To preserve and protect heritage listed street trees located within Ashburner Street during demolition and construction work.

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.

19. **Pre-clearance Survey Required – Bandicoot Habitat**

A pre-clearance survey for Long-nosed Bandicoot activity and presence is required prior to the removal of any vegetation, material or debris stockpiles. Clearing may only proceed if the survey concludes that no Long-nosed Bandicoots are present within the area to be cleared. Machinery may only be used once it has been confirmed that no bandicoots are sheltering within the area to be cleared. A record of each inspection is to be made in the daily inspection register log-book. The log-book is to be made available to the Principal Certifying Authority.

Reason: To avoid injury or death of Long-nosed Bandicoots which may be utilising stockpiles of vegetation, materials or debris.

20. **Report Dead or Injured Bandicoots – Bandicoot Habitat**

Any injured or dead Long-nosed Bandicoots found within the worksite must be reported to the National Parks & Wildlife Service (9457 9577) or Northern Beaches Council (1300 434 434).

Reason: To prevent impacts to Long-nosed Bandicoots in accordance with the Biodiversity Conservation Act 2016.

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

21. **House / Building Number**

House/building number is to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

22. **Maintain Fauna Access and Landscaping Provisions – Manly LEP Clause 6.5**

All fauna access/movement and landscaping provisions specified in these conditions of consent are to be implemented and maintained for the life of the development.

Reason: To maintain fauna access to existing and proposed habitat within and surrounding the site.

23. **Dead or Injured Wildlife – Manly LEP Clause 6.5**

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

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

**Signed**



**Kent Bull, Planner**

The application is determined on 10/03/2020, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**