

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1146
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Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 1 DP 1089971, 65 Campbell Parade MANLY VALE NSW 2093
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Douglas Richmond Hazell Katherine Anne Bowden
Applicant:	Addstyle Home Additions

Application Lodged:	18/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	29/10/2019 to 12/11/2019
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 231,852.00
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PROPOSED DEVELOPMENT IN DETAIL

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

Ground Floor

- Reconfiguration of walls to accommodate an open-plan kitchen and dining room; and
- Rumpus room to the rear with internal stairs to first floor.

First Floor

- Three (3) bedrooms with built-in robes;
- Internal stairs to ground floor; and
- Bathroom and separate WC.

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

Warringah Development Control Plan - B1 Wall Heights
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D2 Private Open Space
 Warringah Development Control Plan - D6 Access to Sunlight

SITE DESCRIPTION

Property Description:	Lot 1 DP 1089971 , 65 Campbell Parade MANLY VALE NSW 2093
Detailed Site Description:	<p>The subject site is known as 65 Campbell Parade, Manly Vale and legally referred to as Lot 1 DP 1089971.</p> <p>The site consists of one (1) allotment located on the southern side of Campbell Parade.</p> <p>The site is irregular in shape with a frontage of 11.365m along Campbell Parade and a depth of 26.1m. The site has a surveyed area of 263m².</p>

The site is located within the R2 Low Density Residential zone and accommodates a single storey weatherboard dwelling located centrally on the site.

The slope of the site is measured at 12.8%, falling approximately 3.34m from the rear boundary to the road frontage.

The site contains a modified landscaped setting, with vegetation consisting of a lawn turfed area to the rear and garden beds.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low-density detached residential dwellings of varying architectural styles within a landscaped setting. Millers Reserve is located directly north of the subject site.

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:

12 September 2019

Development Application No. DA2019/0759 for the alterations and additions to a dwelling house was withdrawn from Council due to non-compliance with the side boundary envelope, parking, landscaped open space, and privacy.

APPLICATION HISTORY

18 October 2019

Development Application No. DA2019/1146 for the alterations and additions to a dwelling house was received by Council.

1 November 2019

Applicant provided photo evidence of the notification sign placed on site. A preliminary geotechnical report was submitted to Council.

2 December 2019

Site inspection undertaken. One (1) property owner present.

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&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. No additional information was requested in this case.</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</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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>
<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) Environmental Impact 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) 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>
<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 & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

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 process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Kate Amy Middleton Mr Mark Middleton	65 A Campbell Parade MANLY VALE NSW 2093

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

- Non-compliance to Wall Height
Comment:
 A submission was received from the property owners of 65A Campbell Parade, raising concern that the walls exceed 7.2m requirement. Based on the plans submitted, the maximum height of the external wall along the eastern elevation is 7m and 7.5m along the western elevation. The wall height breach is considered to meet the objectives of Part B1 (Wall Heights) of the Warringah DCP. See Part B1 (Wall Heights) of the Warringah DCP for further discussion.
- Non-compliance to Building Envelope
Comment:
 A submission was received from the property owners of 65A Campbell Parade, raising concern regarding the building envelope non-compliance arising from the proposed first floor addition. Based on the plans submitted, the proposal does indicate a breach to the side boundary envelope by 1.5m at its greatest extent along the eastern elevation and 1.7m at its greatest extent along the western elevation. The side boundary envelope breach is considered to meet the objectives of Part B3 (Side Boundary Envelope) of the Warringah DCP. See Part B3 (Side Boundary Envelope) of the Warringah DCP for further discussion.
- Non-compliance to Rear Setback
Comment:
 A submission was received from the property owners of 65A Campbell Parade, raising concern regarding the rear setback non-compliance arising from the proposed development. Based on the plans submitted, the proposal does indicate a breach to the 6m rear setback requirement, being between 3.6m-7.8m. The rear setback breach is considered to meet the objectives of Part B9 (Rear Boundary Setbacks) of the Warringah DCP. See Part B9 (Rear Boundary Setbacks) of the Warringah DCP for further discussion.
- Overshadowing
Comment:
 A submission was received from the property owners of 65A Campbell Parade, raising concern regarding the shadowing impacts arising from the proposed development. Specifically, these concerns related to the shadowing impacts of private open space and garden areas. Based on the certified shadow diagrams submitted, the proposed development demonstrates the maintenance of a minimum of 3 hours of sunlight between 9am and 3pm on June 21 to at least 50% of the private open space of 65A Campbell Parade. As such, the proposal does not result in a numerical non-compliance. See Part D6 (Access to Sunlight) of the Warringah DCP for

further discussion.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>Council's Natural Environment - Biodiversity section raises no objections to the proposed development.</p> <p>This application was assessed against Warringah DCP E2 Prescribed vegetation and E6 Retaining unique environmental features.</p> <p>The proposal is for the alterations and additions to the existing dwelling including a first-floor addition. No native trees or vegetation to be impacted. The proposal complies with biodiversity controls.</p>
NECC (Coast and Catchments)	<p>The subject land has been included on the 'Coastal Environment Area' map but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13 and 15 of the CM SEPP apply for this DA.</p> <p>On internal assessment the DA satisfies the requirements under clauses 13, and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018 and is supported without condition.</p>
NECC (Riparian Lands and Creeks)	<p>This application was assessed under Warringah DCP 2011 C4 – Stormwater Warringah DCP 2011 C5 – Erosion and Sedimentation Warringah Council PL 850 Water Management Policy</p> <p>As the application does not propose to increase the building footprint, water quality controls do not apply.</p> <p>Sediment and erosion controls must still be installed prior to work on the site and maintained until all work is complete, to ensure building materials etc do not migrate to the stormwater system.</p>
Parks, reserves, beaches, foreshore	No issues with the proposal.

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. A365540, dated 3 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.

SEPP (Coastal Management) 2018

The site is classified as coastal environment area under the SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 Development on land within the coastal environment area

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

Comment:

The proposed development is unlikely to cause adverse impact to the integrity and resilience of the biophysical, hydrological (surface and ground water) and ecological environment, coastal environmental values and natural coastal process, the water quality of the marine estate, or to marine vegetation, native vegetation and fauna and their habitats, underdeveloped lands and rock platforms. The proposed development does not restrict any existing public open space or safe access along the foreshore for members of the public, including persons with a disability. It is unlikely that the proposed development will have any impact upon Aboriginal cultural heritage, practices and places. The proposed development is not likely to cause an adverse impact to the use of the surf zone.

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

Comment:

The application has been referred to Council's NECC (Coast & Catchments) team, who raised no objections to the proposed development and has not recommended any conditions. As detailed above, the proposed development has been designed, sited and will be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause (1).

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

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

Comment:

The application has been referred to Council's NECC (Coast & Catchments) team who assessed the proposed development against the requirements of this clause, raised no objections to the proposed development, and has not recommended any conditions. It is therefore considered that the proposed development is not likely to cause increased risk of coastal hazards on the subject site or other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.27m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7m (East) 0.3m breach - 7.5m (West)	- 4.2%	Yes No
B3 Side Boundary Envelope	4m	0.26m-1.5m breach (East)	27%	No

	4m	0.45m-1.7m breach (West)	29%	No
B5 Side Boundary Setbacks	0.9m	1.1m	-	Yes
	0.9m	1.2m	-	Yes
B7 Front Boundary Setbacks	6.5m	8.5m	-	Yes
B9 Rear Boundary Setbacks	6m	3.6m-7.8m	40%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	34.5% (81.2m ²)	13.75%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Requirement: 7.2m

Proposed: 7m (East)

7.5m (West)

The proposed first floor addition breaches the wall height requirement by 300mm (4.2%) on the western elevation. The breach beyond the 7.2m wall height requirement is only applicable along a 3.4m section of this elevation, and not reflectively of the majority of the proposed first floor additions that comply with the control. Consideration has been given that the proposal does respond to the site topography, by retaining the existing ground floor and minimising the extent of excavation required. It must be noted that the existing sloping topography of the site, with an existing elevated ground floor results in compliance with the control being difficult to achieve. The proposal also demonstrates a ceiling height for the first floor addition being close to minimum required under the Building Code of Australia. While the proposed development is considered to be generally beneath the tree canopy, a condition has been recommended for at least (1) one native canopy tree to be planted within the front yard to reduce the visual bulk and to ensure the retention of the urban forest/natural environment. The application also minimises the visual impact when viewed from adjoining properties and Campbell Parade through incorporating architectural elements including building modulation and articulation. It is further considered that the proposed development does not result in an unreasonable impact on the sharing of views, solar access, visual privacy and that the first floor additions have been setback 8.5m front the front setback, 1.1m from the eastern side boundary and 1.8m front the western side boundary boundary to assist with maximizing visual access for neighbouring properties.

Based on the above, the proposed development is considered acceptable on merit and consistent with the outcomes of the clause in this particular instance.

B3 Side Boundary Envelope

The proposed development is technically non-compliant with the side boundary envelope along the eastern and western elevations of the first floor. Along the eastern elevation, the first floor breaches the 4m building envelope by 1.5m (24.7%) at its greatest extent, reducing to 260mm towards the southern portion of the addition. Along the western elevation, the first floor breaches the 4m building envelope by 1.7m (29%) at its greatest extent, reducing to 450mm towards the southern portion of the addition. As discussed previously within this report, consideration has been given that the development is not visually dominant by virtue of its height and bulk and also effectively responds to the topography of the site. The variations sought for the first floor does not result in an unreasonable impact on neighbouring properties with regard to views, privacy, light or solar access.

Based on the above, the proposed development is considered acceptable on merit and consistent with the objectives of the clause in this particular instance.

B9 Rear Boundary Setbacks

The proposed development is technically non-compliant with the rear boundary setback, being 3.6m from the nearest point to the southern boundary. It should be noted that the rear boundary is irregular, resulting in an increased and compliant setback to 7.8m towards the western portion of the development. Consideration is also given that the application seeks to remove a rear boundary encroachment through demolishing the existing polycarbonate roof and associated posts that are over the rear deck. As such, the proposal will maintain a sense of openness within the rear yard through no additions being proposed beyond the southern elevation of the existing dwelling. Privacy has also been preserved, particularly for the adjoining property to the south, through the first floor windows along this elevation incorporating high sills to avoid direct overlooking. Opportunities for deep soil landscape areas have also been enhanced with landscaping accommodated within the front and rear gardens. Furthermore, the amenity, visual continuity and pattern of buildings, rear gardens and landscape elements have been maintained when compared with the existing arrangement and that of neighbouring properties.

Based on the above, the proposed development is considered acceptable on merit and consistent with the objectives of the clause in this particular instance.

C3 Parking Facilities

The proposed hard stand parking arrangement is considered to be technically non-compliant with the control that requires vehicles to enter and leave the site in a forward direction. The existing parking on site appears to have been accommodated with a garage and hard stand space in a tandem-style arrangement. The application indicates that the garage has been changed to a storage area and nominates a hard stand area for two vehicles parallel to the front boundary. Consideration is given that this arrangement is capable of complying with minimum car parking dimensions required in accordance with Australian Standards. Furthermore, the right of carriageway that adjoins the eastern boundary and facilitates vehicle access to the subject site assists with manoeuvrability, providing the ability to exit the site in a forward direction into Campbell Parade. Whilst the proposal facilitates two additional bedrooms, the retention of two parking spaces is considered to meet the demands generated by the development. Further, as the hard stand spaces do not involve above-ground structures like a carport or garage, the arrangement is considered to result in minimal visual impact and dominance when viewed from Campbell Parade.

Based on the above, the proposed development is considered acceptable on merit and consistent with the objectives of the clause in this particular instance.

D1 Landscaped Open Space and Bushland Setting

The proposal is technically non-compliant with the control that requires 40% of the total site area to be dedicated towards landscaping. The proposal seeks to vary this control to an overall area of 34.5% (81.2m²). It should be noted that the proposal does not seek to reduce the existing landscaping on site and does seek to enhance the site with additional plantings and the replacement of paved/pebble areas in the front to lawn turfed areas. A condition has also been recommended for the planting of one (1) native canopy tree within the front yard to further assist with minimising the overall bulk and scale of the proposed development when viewed from the Campbell Parade frontage. Despite the proposal being short of the minimum landscaped area requirements, the site does incorporate permeable areas, including areas with plantings (that do not meet the minimum width requirements), across the site to reduce stormwater run off. Further, Council's Water Management Officer has detailed that, as the application does not propose an increase to the building footprint, that water quality controls did not apply. In addition to the landscaping arrangement and retention of the existing fencing arrangement, the proposal is considered to enhance privacy through such measures as incorporating windows with

acceptable sill heights, and appropriate off-set and separation to limiting overlooking of neighbouring properties. Further to the above, despite the limited areas for outdoor recreational opportunities, it is noted that Millers Reserve is located directly adjacent to the site. Areas for service functions, including clothes drying are located within the rear yard.

Based on the above, the proposed development is considered acceptable on merit and consistent with the objectives of the clause in this particular instance.

D2 Private Open Space

Requirement: A total of 60m² with minimum dimensions of 5m (Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms)

Proposed: 51m² (rear yard)

The proposed development is non-compliant with the requirement for a total of 60m² of private open space within rear setback that has minimum dimensions of 5m. As discussed previously within this report, the irregular rear boundary arrangement is such that the portion of the rear yard that is 3.64m in depth can not technically be included, despite it being a functional area for outdoor entertainment that is directly accessible from the kitchen, dining and rumpus areas. It is also noted that as a result of the first floor addition, that the rear yard will have limited solar access from the morning to midday. However, consideration is given that the rear yard is sufficiently private through high fencing and established landscaping. Furthermore, with the living room being located towards the front of dwelling, the north-facing front yard is capable of serving as a supplementary private open space.

Based on the above, the proposed development is considered acceptable on merit and consistent with the objectives of the clause in this particular instance.

D6 Access to Sunlight

The proposed development will result in additional shadowing of the adjoining property to the south. A submission was received from the property owners of 65A Campbell Parade raising concerns related to the shadowing impacts of private open space and garden areas. An assessment of the shadow diagrams submitted with the development application indicated that at 9am on June 21 (winter solstice), that a portion of the north facing private open space (decked area) will be impacted by a reduced access to sunlight. However, the additional overshadowing maintains a minimum of 3 hours of sunlight between 9am and 3pm on June 21 to at least 50% of the private open space of 65A Campbell Parade, and as such, the proposal is not seen to result in noncompliance with the provisions of this control.

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 \$2,319 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$231,852.

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;
- Warringah Local Environment Plan;
- Warringah 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 DA2019/1146 for Alterations and additions to a dwelling house on land at Lot 1 DP 1089971, 65 Campbell Parade, MANLY VALE, 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

9082 DA 1, Issue C (Plans, Elevations and Sections)	26.09.19	Add-Style Home Additions
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary Geotechnical Assessment, Ref. J2453	30.10.19	White Geotechnical Group
BASIX Certificate, Ref. A365540	03.12.19	Add-Style Home Additions

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
Northern Beaches Council Waste Management Plan	11.07.19	Douglas Hazell and Katherine Bowden

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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until



the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,318.52 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 \$231,852.00.

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

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).

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

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

6. **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.

7. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

8. **Installation and Maintenance of Sediment and Erosion Control**

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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. **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)] and
- 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.
- 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.

10. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

11. **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

12. **Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater

drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

13. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

14. **Provision of Canopy Trees**

At least one (1) locally native canopy tree is to be provided within the front yard which at maturity will achieve a canopy height greater than 8.5 metres. The tree planting shall be a minimum 25 litre pot size, and is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.

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

Reason: To ensure the retention of the Urban Forest/Natural Environment and visually reduce the height, bulk and scale of the building.

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

Signed



Kent Bull, Planner

The application is determined on 06/12/2019, under the delegated authority of:



Claire Ryan, Acting Development Assessment Manager