

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0220
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 2583 DP 752038, 6 Lewis Street BALGOWLAH HEIGHTS NSW 2093 Lot 1 DP 18143, 6 Lewis Street BALGOWLAH HEIGHTS NSW 2093
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	Manly LEP2013 - 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:	Eliza Susanne Smith
Applicant:	Eliza Susanne Smith
Application Lodged:	06/03/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	18/03/2020 to 01/04/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 189,500.00

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to the existing dwelling house, including the addition of an in-ground swimming pool, new driveway and double carport. Specifically, the proposed works are as follows:

Internal Works

- Internal alterations to the ground floor of the existing dwelling to provide a new wash closet and storage space; and

- Installation of a new window on the southern elevation of the ground floor, adjoining the lounge room.

External Works

- New concrete driveway and double carport with storage;
- A new in-ground swimming pool with a paved surround;
- Upgrade existing front gate along the western front boundary;
- The rear extension to the existing terrace; and
- New external stairs on the western (rear) elevation of the terrace to access the rear yard.

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 - 6.1 Acid sulfate soils
 Manly Local Environmental Plan 2013 - 6.4 Stormwater management
 Manly Development Control Plan - 3.1.1 Streetscape (Residential areas)
 Manly Development Control Plan - 3.7 Stormwater Management
 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)
 Manly Development Control Plan - 4.1.8 Development on Sloping Sites
 Manly Development Control Plan - 4.1.9 Swimming Pools, Spas and Water Features
 Manly Development Control Plan - 4.1.10 Fencing

SITE DESCRIPTION

Property Description:	Lot 2583 DP 752038 , 6 Lewis Street BALGOWLAH
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	<p>HEIGHTS NSW 2093</p> <p>Lot 1 DP 18143 , 6 Lewis Street BALGOWLAH HEIGHTS NSW 2093</p>
Detailed Site Description:	<p>The subject site consists of two (2) allotments (Lot 1 DP 18143 and Lot 2583 DP 752038) located on the eastern side of Lewis Street, Balgowlah Heights.</p> <p>The site is rectangular in shape with a combined frontage of 15.85m along Lewis Street and maximum depth of 33.035m along the southern side boundary. The site has a surveyed area of 523.8sqm (Lot DP 18143: 402.7sqm and Lot 2583 DP 752038: 121.1sqm).</p> <p>The site is located within the R2 Low Density Residential zone pursuant to the MLEP 2013 and accommodates a two (2) storey detached dwelling house with a basement garage located adjacent to the dwelling on the northern elevation.</p> <p>The front yard contains landscaped open space and hedging. A timber fence approximately 2.07m in height runs along a large portion of the western front boundary.</p> <p>The rear yard contains landscaped open space, hedging along the eastern rear boundary and one (1) canopy tree approximately 10m in height along the eastern rear boundary.</p> <p>The site experiences a fall of approximately 1.7m that slopes from the south-western front corner towards the north-eastern rear corner.</p> <p>The site is identified as contain 'Acid Sulfate Soils Class 5' pursuant to the MLEP 2013.</p> <p>The site is identified on the Sydney Harbour Catchment Map pursuant to the SREP (Sydney Harbour Catchment) 2005.</p> <p>Detailed Description of Adjoining and Surrounding Development</p> <p>Adjoining and surrounding development is primarily characterised by one (1) and two (2) storey detached dwelling houses. The northern adjoining property accommodates Balgowlah Heights Public School.</p>

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- Development Application No. **DA503/03** for Alterations & Additions approved on 03 February 2004 by Council; and
- Section 96(1) No. **503/03** for Alterations & Additions approved on 22 June 2004 by Council.

Site Visits

A site visit was undertaken at the subject site on 27 March 2020.

Application History

Revised plans were submitted by the applicant on 02 April 2020. The revised plans amended the proposed carport to include a hipped roof as opposed to the initially proposed gable roof. The application was not re-notified for an additional 14 days given the amended design entails a reduced visual impact upon the streetscape.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions	Draft State Environmental Planning Policy (Remediation of Land)

Section 4.15 Matters for Consideration'	Comments
of any draft environmental planning instrument	seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan 2013 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to amended plans.</p> <p><u>Clause 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>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan 2013 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions were received in relation to this Development Application.
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
NECC (Development Engineering)	Development Engineering has no objection to the application subject to the following conditions of consent.
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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. A370449_02 dated 17 February 2020). 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.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject property is located within the Sydney Harbour Catchment, therefore the provisions of this plan apply to this development. It is noted that the site is not identified within the Foreshores and Waterways Area pursuant to the SREP (Sydney Harbour Catchment) 2005.

Accordingly, the proposed development is assessed against Clause 2(1), Clause 13 and Clause 21 of the SREP (Sydney Harbour Catchment) 2005.

2 Aims of plan

(1) This plan has the following aims with respect to the Sydney Harbour Catchment—

(a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained—

(i) as an outstanding natural asset, and

(ii) as a public asset of national and heritage significance,

for existing and future generations,

(b) to ensure a healthy, sustainable environment on land and water,

(c) to achieve a high quality and ecologically sustainable urban environment,

(d) to ensure a prosperous working harbour and an effective transport corridor,

(e) to encourage a culturally rich and vibrant place for people,

(f) to ensure accessibility to and along Sydney Harbour and its foreshores,

(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,

(h) to provide a consolidated, simplified and updated legislative framework for future planning.

Comment:

The subject site is located approximately 384m to the east from the Foreshores and Waterways Area. As such, the proposed development is unlikely to detract from the ecological, commercial and cultural values of the Foreshores and Waterways Area. In this regard, it is considered that the proposal satisfies the relevant provisions specified within Clause 2(1) of the SREP (Sydney Harbour Catchment) 2005.

13 Sydney Harbour Catchment

The planning principles for land within the Sydney Harbour Catchment are as follows—

(a) development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,

(b) the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,

(c) decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,

(d) action is to be taken to achieve the targets set out in Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour and Parramatta River Catchment (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Waters (published in November 2000 by the Australian and New Zealand Environment and Conservation Council),

(e) development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled Floodplain Development Manual 2005 (published in April 2005 by the Department),

(f) development that is visible from the waterways or foreshores is to maintain,

protect and enhance the unique visual qualities of Sydney Harbour,

(g) the number of publicly accessible vantage points for viewing Sydney Harbour should be increased,

(h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,

(i) action is to be taken to achieve the objectives and targets set out in the Sydney Harbour Catchment Blueprint, as published in February 2003 by the then Department of Land and Water Conservation,

(j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,

(k) development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity,

(l) development is to avoid or minimise disturbance of acid sulfate soils in accordance with the Acid Sulfate Soil Manual, as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.

Comment:

The proposed development is not visible from the waterway, therefore will have negligible visual impacts on the Foreshores and Waterways Area. Stormwater from the new development will be diverted into an existing internal system. As such, the proposal will not increase stormwater loading into the Foreshores and Waterways Area. The excavation works associated with the proposal are less than 1m in depth. Therefore, the proposal is not likely to disturb, expose or drain acid sulfate soils. Having regard to the above, it is considered that the proposal satisfies the relevant provisions specified within Clause 13 of the SREP (Sydney Harbour Catchment) 2005.

21 Biodiversity, ecology and environment protection

The matters to be taken into consideration in relation to biodiversity, ecology and environment protection are as follows—

(a) development should have a neutral or beneficial effect on the quality of water entering the waterways,

(b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),

(c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),

(d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,

(e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation,

(f) development should retain, rehabilitate and restore riparian land,

(g) development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands,

(h) the cumulative environmental impact of development,

(i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.

Comment:

Having regard to the nature of the proposed works and the located of the site in relation to the Foreshores and Waterways Area, it is considered that the proposed development will have negligible impacts on the ecology of the Foreshores and Waterways Area.

Having regard to the above assessment, the proposal is considered to be consistent with the above provisions of the SREP (Sydney Harbour Catchment) 2005. Given the scale of the proposed modification and the works proposed, referral to the Foreshores and Waterways Planning and Development Advisory Committee was not considered necessary.

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Dwelling - unchanged Carport - 4.5m	-	Yes
Floor Space Ratio	FSR: 0.45:1	No change	-	N/A

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Detailed Assessment

6.1 Acid sulfate soils

The excavation works associated with the proposal are less than 1m in depth. Therefore, the proposed development is not likely to disturb, expose or drain acid sulfate soils.

6.4 Stormwater management

Council's Development Engineer has assessed the application with respect to stormwater management and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the proposal will satisfy the provisions within this control.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 523.8sqm	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	North: 6.75m (based on gradient 1:25)	No change to dwelling wall height	N/A	N/A
	South: 6.9m (based on gradient 1:14)	No change to dwelling wall height	N/A	N/A
4.1.2.2 Number of Storeys	2	2 storeys - unchanged	-	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.29m (carport)	-	Yes
	Pitch: maximum 35 degrees maximum	17 degrees (carport)	-	Yes
4.1.4.1 Street Front Setbacks	6m	nil setback	100%	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	North: 2.32m (based on dwelling wall height of 6.97m)	0.15m (carport) 0.21m (terrace extension) 0.36m (external steps)	93.53% (carport) 90.95% (terrace extension) 84.48% (external steps)	No
	South: 2.26m (based on wall height of 6.79m)	8.99m (carport)	-	Yes
	Windows: no windows from habitable rooms within 3m from side boundaries	One window (window W1) 0.91m from southern side boundary	69.67%	No
4.1.4.4 Rear Setbacks	8m	6.3m (external steps)	21.25%	No
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% (288.09sqm) of site area	56.4% (295.4sqm)	-	Yes
	Open space above ground 25%	6.76% (35.4sqm)	-	Yes

	(130.95sqm) of total open space			
4.1.5.2 Landscaped Area	Landscaped area 35% (103.39sqm) of open space	55.21% (163.1sqm)	-	Yes
	2 native trees	1 tree	50%	No
4.1.5.3 Private Open Space	18sqm per dwelling	>18sqm	-	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	6.56m	5.81%	No
4.1.9 Swimming Pools, Spas and Water Features	1m height above ground	2.44m	144%	No
	1m curtilage/1.5m water side/rear setback	Curtilage: 0.36m (northern side boundary) and 18.89m (eastern rear boundary) Water line: 1m (northern side boundary) and 18.97m (eastern rear boundary)	64% (curtilage) and 33.33% (water line)	No
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	-	Yes

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 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

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	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
4.1.9 Swimming Pools, Spas and Water Features	No	Yes
4.1.10 Fencing	No	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

Detailed Assessment

3.1.1 Streetscape (Residential areas)

The proposal comprises a carport and gate. Therefore, the proposed development is considered against Clause 3.1.1.2 and Clause 3.1.1.4 of the MDCP 2013.

Clause 3.1.1.2

The proposed gate located along the western front boundary utilises materials and finishes that are compatible to the existing front fence. In this regard, the gate will not unreasonably detract from the streetscape. The proposed gate will not encroach onto public land when opening or closing. Having regard to the above, it is concluded that the proposal satisfies the requirements of Clause 3.1.1.2 of the MDCP 2013.

Clause 3.1.1.4

The proposed carport utilises a hipped roof, which is compatible with the roof form of the existing dwelling and nearby carports located at properties 26 and 28 Lewis Street (located approximately 150m to the north). Whilst the immediate adjoining properties are devoid of parking structures within the front setback area, it is noted that the nearby properties 26 and 28 contain carports within the front setback area. In this regard, the location of the carport will be compatible with established development within

the wider locality. The carport is open on the side and front elevations and therefore, does not present with excessive bulk. Having regard to the above, it is concluded that the proposal satisfies the requirements of Clause 3.1.1.4 of the MDCP 2013.

3.7 Stormwater Management

Council's Development Engineer has assessed the application with respect to stormwater management and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the proposed development will satisfy the requirements of this control.

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

Description of non-compliance

Clause 4.1.4.1 of the MDCP 2013 stipulates that street front setbacks must relate to the front building line, or 6m where no prevailing building line applies. In determining the prevailing building line the immediate adjoining properties are considered. The street front setbacks of the neighbouring properties are variable, therefore this assessment will consider 6m as the prescribed requirement. The proposed carport presents with a nil setback along the western front boundary, which is inconsistent with the requirements of this control.

Clause 4.1.4.2 of the MDCP 2013 requires the side building line to be no less than one third of the wall height from side boundaries. The northern elevation of the existing dwelling contains a wall height of 6.97m, therefore development shall be setback at least 2.32m from the northern side boundary. The existing dwelling contains a wall height of 6.79m, therefore development shall be setback 2.26m from the southern side boundary. The proposed development complies with the side building line along the southern elevation, however presents the following non-compliant setbacks from the northern side boundary:

- Carport setback 0.15m;
- Terrace extension setback 0.21m; and
- External steps setback 0.36m.

Clause 4.1.4.2 of the MDCP 2013 requires windows adjoining habitable spaces to be setback at least 3m from side boundaries. The proposal comprises a new window adjoining the lounge room on the first floor, which is setback 0.91m from the southern side boundary. Consequently, the window fails to satisfy the 3m requirement.

Clause 4.1.4.4 of the MDCP 2013 requires development to be setback at least 8m from the rear boundary. The proposed external steps adjoining the tiled terrace are setback 6.3m from the eastern rear boundary, which contravenes the 8m requirement.

Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying objectives of the control as follows:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

As noted earlier within this report, similar types of parking arrangements within the front setback area are evident along the eastern side of Lewis Street (properties 26 and 28 Lewis Street). In this regard, the location of the carport will not unreasonably detract from the streetscape, given the development adheres to the spatial proportions of the street and street edge. Furthermore, the proposal retains the existing hedging that runs contiguous to the western front boundary (behind existing fence). The hedging softens the visual impacts of development on the site and contributes to an attractive streetscape.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots and at the street intersection.*

Comment:

The proposed swimming pool and terrace extension adjoins a school, which is visually separated by vegetation that runs along the southern side boundary of the adjoining premises. Therefore, it is not anticipated that the proposal will give rise to unreasonable privacy impacts. The proposed window on the ground floor does not provide direct viewing into private open space or windows on the southern adjoining property (4 Lewis Street). As such, no unreasonable privacy impacts will be associated with the proposed window. With respect to the non-complaint steps, it is noted that dense hedging is located along the western rear boundary. Therefore, it is not anticipated that the steps will give rise to unreasonable privacy impacts, given the western adjoining property (5 Radio Avenue) is visually screened from the subject site. Given the modest height of the proposal, no unreasonable overshadowing impacts will arise as a result of the development. The proposed carport is an improved parking arrangement in comparison to the existing garage within the basement level, given the carport is elevated to street level, which will allow for higher pedestrian and vehicular visibility when entering and exiting the site.

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

Comment:

Flexibility is provided in this circumstance as the proposed carport will allow for higher pedestrian and vehicular visibility, whilst not detracting from the streetscape or the amenity of adjoining properties. Furthermore, the proposed swimming pool, terrace extension and window is adequately sited to provide an appropriate level of amenity to the subject site and adjoining properties.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across the sites, native vegetation and native trees;*
- *ensuring the nature of the development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposed development complies with the minimum dimensions for landscaped area and total open space. Furthermore, the proposed development does not necessitate the removal of trees or significant landscape features.

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

Comment:

The site is not bushfire prone.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application is supported on merit.

4.1.5 Open Space and Landscaping

Description of non-compliance

Clause 4.1.5.2 of the MDCP 2013 requires at least two (2) native trees to be present on site. The site currently contains one (1) native tree, which is inconsistent with this control.

Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying objectives of the control as follows:

Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Comment:

The proposed development does not require the removal of trees or significant landscape features.

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

Comment:

The proposed development complies with the minimum dimensions for landscaped area and total open space.

Objective 3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

Comment:

Due to the modest scale of the proposal, no unreasonable view loss impacts are anticipated to arise. For the reasons detailed within the section of the report relating to Clause 4.1.4 of the MDCP 2013, the proposal will not give rise to unreasonable privacy or overshadowing impacts. The carport utilises a roof form that is compatible with the existing dwelling and nearby parking facilities within the locality. Therefore, the carport will be keeping within the streetscape.

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

Comment:

The dimensions for landscaped open space comply with the numerical requirements of this control. It is considered that the landscaped area dimensions are sufficient and will maximise water infiltration and minimise stormwater runoff.

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

Comment:

The proposed development will not lead to a significant spread of weeds.

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

Comment:

The existing landscaping treatments on site are sufficient and will serve as potential wildlife habitat.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

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

Description of non-compliance

Clause 4.1.6 of the MDCP 2013 stipulates that the maximum width of any garage, carport or hardstand area must not exceed a width equal to 50% of the frontage, up to a maximum width of 6.2m. The width of the proposed carport is 6.56m, which fails to satisfy this requirement. Furthermore, the policy states that all vehicles should enter and exit the site in a forward direction. The proposed carport does not enable vehicles to exit the site in a forward direction, which fails to comply with the control.

Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying objectives of the control as follows:

Objective 1) To provide accessible and adequate parking on site relative to the type of development and locality for all users (residents, visitors or employees).

Comment:

The proposed carport is an improved parking arrangement in comparison to the existing garage within the basement level, given the carport is elevated to street level, which will allow for higher pedestrian and vehicular visibility when entering and exiting the site.

Objective 2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.

Comment:

The proposal allows for two (2) compliant off-street parking spaces.

Objective 3) To ensure that the location and design of driveways, parking spaces and other vehicle access areas are efficient, safe, convenient and are integrated into the design of the development to minimise the visual impact on the streetscape.

Comment:

As noted above, the proposed carport will allow for higher pedestrian and vehicular visibility when entering and exiting the site. The proposed carport utilises a hipped roof, which is compatible with the roof form of the existing dwelling and nearby carports within the locality. Furthermore, the location of the carport is consistent with the siting of nearby carports within the locality. Therefore, the carport will not unreasonably detract from the streetscape.

Objective 4) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.

Comment:

The application entails minor excavation works to facilitate the swimming pool. The excavation works associated with the proposal will not result in site instability or the interruption of ground water flows.

Objective 5) To ensure the width and number of footpath crossings is minimised.

Comment:

The proposal utilises the existing vehicle crossing.

Objective 6) To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.

Comment:

The carport will not necessitate the removal of trees or significant landscape features. Furthermore, the proposal retains the existing hedging that runs contiguous to the western front boundary (behind existing fence). The hedging softens the visual impacts of development on the site and contributes to an attractive streetscape.

Objective 7) To encourage the use of public transport by limiting onsite parking provisions in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.

Comment:

This objective is not relevant to this application.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application is supported on merit.

4.1.8 Development on Sloping Sites

A preliminary assessment of site conditions was submitted with the application in accordance with this control. The assessment confirms that the excavation works are less than 1m in depth. As such, a detailed geotechnical assessment is not required for this application.

4.1.9 Swimming Pools, Spas and Water Features

Description of non-compliance

Clause 4.1.9 of the MDCP 2013 requires the curtilage of swimming pools and spas to be no less than 1m from side and rear boundaries, with the water line being at least 1.5m from side and rear boundaries. The curtilage of the swimming pool is setback 0.36m from the northern side boundary, with the water line being setback 1m from the northern side boundary. Consequently, the proposal fails to satisfy the requirements of this control.

Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying objectives of the control as follows:

Objective 1) To be located and designed to maintain the privacy (visually and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties.

Comment:

The proposed swimming pool and terrace area adjoins a school, which is visually separated by vegetation that runs along the southern side boundary of the adjoining premises. As such, it is not anticipated that the pool will give rise to unreasonable privacy impacts. Furthermore, given the northern adjoining property is a school, the noise generated from the use of the swimming pool will not adversely impact the adjoining premises.

Objective 2) To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality.

Comment:

The proposed swimming pool is located behind the proposed carport and not visible from Lewis Street. Therefore, the swimming pool will have negligible impacts on the streetscape.

Objective 3) To integrate landscaping.

Comment:

The proposal complies with the minimum dimensions for landscaped open space.

Objective 4) To become an emergency water resource in bush fire prone areas.

Comment:

The site is not bushfire prone.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application is supported on merit.

4.1.10 Fencing

Description of non-compliance

Clause 4.1.10 of the MDCP 2013 requires fencing along front boundaries to be constructed to a maximum height of 1m above the existing ground level. The height of the proposed gate ranged between 2.07m and 2.26m above the existing ground level, which contravenes this requirement.

Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying objectives of the control. The control relies upon the objectives specified within Clause 3.1 of the MDCP 2013.

Objective 1) To minimise any negative visual impacts of walls, fences and carparking on the street frontage.

Comment:

The upgraded gate will utilise materials and finishes that are compatible with the existing front fence and gate. Furthermore, the upgraded gate will maintain the height of the existing gate. In this regard, the front gate will not unreasonably detract from the streetscape.

Objective 2) To ensure development is generally viewed from the street complements the identified streetscape.

Comment:

The height of the structure, in conjunction to the proposed materials and finishes, will ensure the development compliments the streetscape.

Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.

Comment:

The proposal retains the existing hedging that runs contiguous to the western front boundary (behind the front fence). The hedging softens the visual impacts of development on the site and contributes to an attractive streetscape.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application 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 \$ 948 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 189,500.

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 DA2020/0220 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 2583 DP 752038, 6 Lewis Street, BALGOWLAH HEIGHTS, Lot 1 DP 18143, 6 Lewis Street, BALGOWLAH HEIGHTS, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-BM-01 B - Site Analysis Plan	02 April 2020	Brianna Emili
DA-BM-03 B - Proposed Lower Ground Level Plan	02 April 2020	Brianna Emili
DA-BM-04 B - Ground Floor Plan	02 April 2020	Brianna Emili
DA-BM-05 B - First Floor Plan	02 April 2020	Brianna Emili
DA-BM-06 B - Roof Plan	02 April 2020	Brianna Emili
DA-BM-07 B - North Elevation	02 April 2020	Brianna Emili
DA-BM-08 B - South Elevation	02 April 2020	Brianna Emili
DA-BM-09 B - East Elevation	02 April 2020	Brianna Emili
DA-BM-10 B - West Elevation	02 April 2020	Brianna Emili
DA-BM-11 B - Section A	02 April 2020	Brianna Emili
DA-BM-12 B - Section B	02 April 2020	Brianna Emili
DA-BM-15 B - Erosion and Sediment Control Plan	02 April 2020	Brianna Emili

Reports / Documentation – All recommendations and requirements contained within:	
Report No. / Page No. / Section No.	Dated
BASIX Certificate No. A370449_02	17 February 2020

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
Waste Management Plan	12 February 2020	Vaughan

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 \$947.50 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 \$189,500.00.

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. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

7. **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.

8. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

9. **Compliance with Standards**

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **Road Reserve**

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

Reason: Public safety.

11. **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 Certifying Authority.

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

12. **Installation and Maintenance of Sediment Control**

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

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

13. **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 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

14. **Stormwater Disposal**

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

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

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

15. **Retaining wall**

The retaining wall works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: Public and Private Safety

16. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life.

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

Signed



Thomas Burns, Planner

The application is determined on 06/04/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments