

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1079
<b>Responsible Officer:</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot A DP 334786, 68 Birkley Road MANLY NSW 2095
<b>Proposed Development:</b>	Demolition works and construction of a garage and secondary dwelling including swimming pool and fence
<b>Zoning:</b>	Manly LEP2013 - Land zoned R1 General Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Georgi Anne Bates
<b>Applicant:</b>	Georgi Anne Bates Matt Bates
<b>Application lodged:</b>	25/06/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - New second occupancy
<b>Notified:</b>	09/07/2018 to 25/07/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 276,270.50

### ASSESSMENT INTRODUCTION

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

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

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 5.4 Controls relating to miscellaneous permissible uses

Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils

Manly Local Environmental Plan 2013 - 6.2 Earthworks

Manly Development Control Plan - 3.3.1 Landscaping Design

Manly Development Control Plan - 3.3.2 Preservation of Trees or Bushland Vegetation

Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

Manly Development Control Plan - 3.4.2 Privacy and Security

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 - 4.1.9 Swimming Pools, Spas and Water Features

Manly Development Control Plan - 4.4.5 Earthworks (Excavation and Filling)

## SITE DESCRIPTION

<b>Property Description:</b>	Lot A DP 334786 , 68 Birkley Road MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the eastern side of Birkley Road.</p> <p>The site is regular in shape with a frontage of 7.01m along Birkley Road, a second frontage of 7.01m to Lawson Place and a depth of 48.77m. The site has a surveyed area of 341.8m<sup>2</sup>.</p> <p>The site is located within the R1 General Residential zone and accommodates a dwelling house.</p> <p>The site slopes approximately 1m from rear (east) to front (west).</p> <p>The site a number of small garden beds and two significant Eucalypt trees within the rear yard.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by a range of residential development including detached and semi-detached dwellings, dual occupancies and residential flat buildings.</p>

Map:



## SITE HISTORY

DA0504/2007 - Part 1 - Alterations and additions to existing dwelling including new first floor addition - Approved 23 May 2008

DA0504/2007 - Part 2 - Section 96 to modify approved alterations and additions to the existing dwelling - Approved 29 November 2010

DA0504/2007 - Part 3 - Section 96 to modify approved alterations and additions to the existing dwelling - Approved 14 June 2012

## PROPOSED DEVELOPMENT IN DETAIL

The proposal includes works as follows:

- Construction of a new garage with secondary dwelling above
- New swimming pool
- Landscaping including tree removal and planting
- New privacy screen to front porch

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

## 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 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	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider 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&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of	(i) <b>Environmental Impact</b>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## 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 2 submission/s from:

Name:	Address:
Ms Anna Trebelas	66 Birkley Road MANLY NSW 2095
Mr Robert Bruce Cook	67 Birkley Road MANLY NSW 2095

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

- Proposed location/setbacks of structure.
- Overshadowing impacts
- Impact of proposed swimming pool
- Tree removal/replacement
- Concerns regarding boundary fencing between No. 68 and No. 68 Birkley Road

The matters raised within the submissions are addressed as follows:



- Proposed location/setbacks of structure.

Comment

The proposal is consistent with the surrounding streetscape of Lawson Place, which contains several existing garage/secondary dwelling structures with similar siting and setbacks.

- Overshadowing impacts

Comment:

The proposed overshadowing is assessed as reasonable, with significant sunlight access to No. 66 Birkley Road retained from late morning and throughout the afternoon. A full assessment of sunlight access and overshadowing is completed under Part 3 General Principles of Development.

- Impact of proposed swimming pool

Comment:

The proposed swimming pool is set back 900mm from the property boundary. The site plan indicates that the existing boundary fence is 2.1m in height. This existing fence, in addition to the proposed landscaping within the swimming pool setback, will provide sufficient screening and privacy to the adjoining property.

- Tree removal/replacement

Comment:

The Arboricultural Impact Assessment recommended removal of the existing trees as proposed. Council's Landscape Officer raised no objection to the proposal.

- Concerns regarding boundary fencing between No. 68 and No. 68 Birkley Road

Comment:

Contrary to the survey plan submitted with the application, an inspection of the site revealed an existing fence adjacent to the existing garage structure. The site plan proposes to retain the existing boundary fencing on the southern boundary, however, the existing fencing adjacent to the proposed garage/secondary dwelling structure is not shown to be retained. Any works to the existing boundary fence are subject to agreement between the adjoining property owners under the Dividing Fences Act 1991, and no existing boundary fencing between Nos. 66 and 68 Birkley Road is approved to be removed as part of this consent. Further, the southern wall of the proposed garage is wholly within the subject site and is not built on the boundary.

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The landscape component of the proposal is acceptable subject to completion of landscaping in accordance with the Landscape Plan and any conditions of consent.</p> <p>The existing trees T1 and T2 proposed for removal are accessed in</p>

Internal Referral Body	Comments
	the Arboricultural Impact Assessment with a short life expectancy and low vigour. Removal of these trees shall require replacement tree planting as conditioned.
NECC (Development Engineering)	<p>A new garage is proposed to be built at the boundary on Lawson Place with no setback.</p> <p>The existing gutter level is RL 43.57 on the northern side of the property on Lawson Place.</p> <p>It is about 0.43 m lower than the proposed garage level.</p> <p>The driveway shall be redesigned to ensure the accessibility of the garage.</p> <p>A condition has been place to request the driveway must be designed in accordance with AS2890.</p> <p>If the driveway cannot be designed in accordance with AS 2890, the proposed garage may need to be modified.</p> <p>A modification application may be required.</p> <p>As such, Development engineer has no objection to the application subject to the condition of consent.</p>

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

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

#### SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and

non-discretionary development standards.

## Division 2: Secondary dwellings

### Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

**Note:** The standard instrument defines secondary dwelling as follows:

**"secondary dwelling means a self-contained dwelling that:**

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

### Comment:

The proposed use is defined under MLEP 2013 as a secondary dwelling.

### Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	<b>Consistent.</b> The site is located within the R1 General Residential zone and, as such, the proposed use is permissible with consent under MLEP 2013.

### Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	<b>Consistent.</b> The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

### Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there	The proposed development will result in only the principal dwelling and secondary dwelling on the



is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	land.
(3) A consent authority must not consent to development to which this Division applies unless:  (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and  (b) the total floor area of the secondary dwelling is no more than 60m <sup>2</sup> or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	The proposed floor space ratio is compliant with MLEP Clause 4.4.  The total floor area of the proposed secondary dwelling is less than 60m <sup>2</sup> .
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:  (a) site area if:  (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres.  (b) parking if no additional parking is to be provided on the site.	The proposed development is not recommended for refusal on the grounds of site area.  The proposal provides an additional car space on the site.

**Note:** A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

#### Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	<b>Consistent.</b> This application does not propose any subdivision of the existing allotment.

#### Conclusion

The application is consistent with the above requirements and is supported by Council.

#### **Manly Local Environmental Plan 2013**

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

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.3m	N/A	Yes
Floor Space Ratio	0.6:1 205.08m <sup>2</sup>	0.6:1 204.6m <sup>2</sup>	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

#### Detailed Assessment

##### 5.4 Controls relating to miscellaneous permissible uses

The proposed total floor area of the secondary dwelling is compliant with Clause 5.4 (9).

##### 6.1 Acid sulfate soils

Clause 6.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 5, as indicated on Council's Acid Sulfate Soils Planning Map.

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land is required to be assessed to determine if any impact will occur.

The proposed excavation on the site includes the swimming pool minor excavation of the adjoining yard area.

##### 6.2 Earthworks

The proposed earthworks are limited to the proposed swimming pool and adjoining rear yard.

## Manly Development Control Plan

### Built Form Controls

Built Form Controls - Site Area: 341.8m <sup>2</sup>	Requirement	Proposed	Complies
4.1.2.1 Wall Height	North: 6.5m	4.31m	Yes
	South: 6.5m	4.31m	Yes
4.1.2.2 Number of Storeys	2	2	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.66m	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	Lawson Place - 0m	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	North: 1.44m	0.9m	No
	South: 1.44m	0m	No
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS1/2/3/4	Open space 55% of site area 188m <sup>2</sup>	33% 112.7m <sup>2</sup>	No
4.1.5.2 Landscaped Area	Landscaped area 35% of open space 39.5m <sup>2</sup>	74.2% 83.6m <sup>2</sup>	Yes
	1 native tree	1 tree	Yes
4.1.5.3 Private Open Space	12m <sup>2</sup> per dwelling	> 12m <sup>2</sup>	Yes
4.1.9 Swimming Pools, Spas and Water Features	1m height above ground	0m	Yes
	1m curtilage	0.9m	No
	1.5m water side/rear setback	0.9m	No
Schedule 3 Parking and Access	4 spaces	2 spaces	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
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
3.4.1 Sunlight Access and Overshadowing	No	Yes
3.4.2 Privacy and Security	No	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.7 Stormwater Management	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	No	Yes
4.1.9 Swimming Pools, Spas and Water Features	No	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

#### Detailed Assessment

##### **3.3.1 Landscaping Design**

The proposal includes a detailed landscape plan, including replacement tree planting. Council's Landscape Officer raised no objection to the proposal, subject to conditions.

##### **3.3.2 Preservation of Trees or Bushland Vegetation**

The Arboricultural Assessment submitted with the application supported the proposed tree removal. Council's Landscape Officer raised no objection to this tree removal.

##### **3.4.1 Sunlight Access and Overshadowing**

#### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

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

#### Comment:

The proposal will result in no unreasonable overshadowing impacts. At 9am there will be additional overshadowing within the rear yard of No. 66 Birkley Road. At 12 pm there is minor overshadowing adjacent to the rear garage of No. 66 and sunlight access to the yard area is retained. No additional overshadowing of adjoining properties will occur at 3pm.

*Objective 2) To allow adequate sunlight to penetrate:*

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

#### Comment:

The proposal retains sufficient sunlight access to the development site and adjoining properties from late morning and throughout the afternoon, particularly considering the density and existing built form of the surrounding area.

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

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

Comment:

The proposed structure is appropriately designed and sited to retain sufficient sunlight access to the adjoining property to the south.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

### **3.4.2 Privacy and Security**

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

*Objective 1) To minimise loss of privacy to adjacent and nearby development by:*

- *appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; and*
- *mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

Comment:

The proposal is designed to ensure there are no unreasonable privacy or direct viewing impacts between the subject site and adjoining properties. All windows to the proposed secondary dwelling are appropriately treated for privacy and the swimming pool is screened from the adjoining property by the existing 2.1m high boundary fence and proposed screen planting.

*Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.*

Comment:

The proposal provides sufficient privacy and sunlight access to the subject site and adjoining properties considering the context of the R1 zone and the proximity of the neighbouring sites.

*Objective 3) To encourage awareness of neighbourhood security.*

Comment:

The proposal provides additional opportunities for passive surveillance.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

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

##### Description of non-compliance

The front and side setbacks to the proposed garage/secondary dwelling structure to Lawson Place are non-compliant.

##### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

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

##### Comment:

The proposal is consistent with existing structures on Lawson Place, which is used primarily for access and contains a number of existing secondary dwellings.

*Objective 2) To ensure and enhance local amenity by:*

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

##### Comment:

The proposal will result in no unreasonable impacts on the amenity of the surrounding properties. A full assessment of privacy and sunlight access and overshadowing is completed under Part 3 General Principles of Development.

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

##### Comment:

The proposal is numerically non-compliant, but is consistent with the existing streetscape.

*Objective 4) To enhance and maintain natural features by:*

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*



- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposed landscaped area and required planting on the site are compliant.

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

Comment:

N/A

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

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

Description of non-compliance

The proposed total open space area is non-compliant.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

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

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

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

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

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

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

Comment:

The existing total open space area is non-compliant and the proposal results in a further reduction of approximately 22m<sup>2</sup>. However, the proposal includes a compliant landscaped area and extensive vegetation planting within the rear yard. The proposed total open space on the site is generally consistent with the surrounding properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the

Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

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

##### Description of non-compliance

The proposed car parking provision is non-compliant with Schedule 3 of the Manly DCP.

##### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

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

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

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

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

*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.*

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

##### Comment:

The subject site contains one existing car parking space at the rear of the site. The proposal includes one additional car space through a new double garage in this location. Further, SEPP (Affordable Rental Housing) 2009 states that a consent authority must not refuse consent to development to which [Division 2 Secondary dwellings] applies on the bases of car parking if no additional parking is to be provided on the site. In this case, one additional space is provided on the site and the proposal is considered to be acceptable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

#### **4.1.9 Swimming Pools, Spas and Water Features**

The proposed swimming pool setback is non-compliant. However, the existing boundary fencing will provide adequate screening from the adjoining property and the proposal incorporates a vegetation screen within the side setback.

#### **4.4.5 Earthworks (Excavation and Filling)**

The proposed earthworks are limited to the proposed swimming pool and adjoining rear yard.

#### **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**

##### **Manly Section 94 Development Contributions Plan**

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- '(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
  - (b) the payment of a monetary contribution,*
  - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.'*

##### **Comments:**

In this case, the proposed development is likely to increase the demand for public amenities and public services within the area. Accordingly, suitable conditions have been included within the recommendation requiring payment of a section 94 contribution of \$20,000.00 in line with Manly Section 94 Contributions Plan.

#### **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 DA2018/1079 for Demolition works and construction of a garage and secondary dwelling including swimming pool and fence on land at Lot A DP 334786, 68 Birkley Road, MANLY, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA03 Site and Roof Plan	21 October 2017	Alice Cutcliffe
DA04 Ground Floor Plan	21 October 2017	Alice Cutcliffe
DA05 Level 1 Plan	21 October 2017	Alice Cutcliffe
DA06 West Elevation (Yard)	21 October 2017	Alice Cutcliffe
DA07 West Elevation (Street)	21 October 2017	Alice Cutcliffe
DA08 East Elevation	21 October 2017	Alice Cutcliffe
DA09 South Elevation	21 October 2017	Alice Cutcliffe
DA10 North Elevation	21 October 2017	Alice Cutcliffe
DA11 Elevations - North and South	21 October 2017	Alice Cutcliffe
DA12 Section AA	21 October 2017	Alice Cutcliffe
LP02 Landscape Plan	21 October 2017	Alice Cutcliffe

**Reports / Documentation – All recommendations and requirements contained within:**

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Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 905460S	15 April 2018	Alice Cutcliffe
Arboricultural Impact Assessment	22 May 2017	Joanne Leigh Consultant Arboriculturalist

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

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. (DACPLB01)

## 2. **Prescribed conditions (Demolition):**

(a) 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 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
- (ii) 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.

(b) 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.

(c) 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.

Reason: Legislative Requirement (DACPLB09)

### 3. **Prescribed Conditions**

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.



- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

4. **General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- o 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 a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. 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) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )

(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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of

residents and the community. (DACPLB10)

## 5. 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. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 6. Security Bond

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

development site.

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

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

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

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

**7. Development Contribution - Residential**

A contribution is to be paid for the provision of or increase the demand for public amenities and public services as a consequence of the development in the area. The total contribution for this development of a secondary dwelling is \$20,000, being \$20,000.00 per additional dwelling. This contribution shall be paid to Council prior to the release of the Construction Certificate.

Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.

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

**8. On slab landscape planting and associated works**

- a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the concrete slab over which soil and planting is being provided.
- b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system, and away from habitable areas.

**9. Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003.

A certificate is to be provided to the Principal Certifying Authority with the Construction Certificate application by a qualified experienced practicing Civil Engineer that the existing approved system can accommodate the additional flows or provide drainage plans demonstrating compliance with Council's requirements.

Details demonstrating compliance are to be submitted to the Principal 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.

10. **Vehicle Driveway**

Driveway shall be designed in accordance with Australian Standard: Parking Facilities Part 1: Off- street car parking AS2890.1:2004. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure suitable vehicular access to private property

11. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

The application is to include a Civil Engineering plan for the design of the driveway crossing in accordance with the Australian Standard: Parking facilities Part 1 off - street car parking AS 2890.1:2004.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

12. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) 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. (DACPLC03)

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. **Traffic Control During Works**

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

Reason: Public Safety

15. **Vehicle Crossings**

The provision of a vehicle crossing 6 metres wide in accordance with Northern Beaches Council's Driveway Level approval and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

16. **Maintenance of Road Reserve**

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

Reason: Public Safety.

17. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

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

18. **Landscape completion**

A) Existing landscaping not impacted by the works is to remain in place and protected during construction works. Any damage to existing landscaping shall be replaced with like planting.

B) New landscaping shall be provided in accordance with the Landscape Plan drawing LP01 and LP02, issue D, inclusive of the following requirements:

i) The existing lillypilly shrub planting along the boundary of the proposed pool shall be replaced if damaged. Replacement shrub planting shall consist of minimum pot size 45 litres planted at no more than 750mm apart,

C) Details are to be provided of the existing or proposed native trees for the site which are typically expected to reach a height at maturity of 10 metres, to bring the proposal into compliance with Figure 37 of the Manly Development Control Plan 2013. Details of new planting are to include appropriate siting and pot size (minimum of 45 litres) in accordance with section 2.1.3 of the Manly Development Control Plan 2013, and schedule 4, Part B, Native Tree



Selection.

D) Details are to be submitted with the Occupation Certificate upon the completion of all landscape works to the satisfaction of the Certifying Authority.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

19. **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.

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

20. **Landscape maintenance**

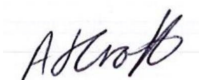
Any existing landscaping required to be retained together with any additional landscaping required by this Consent is to be maintained for the life of the development.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the landscape plan.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form and provide privacy to open space.

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

**Signed**




**Adam Croft, Planner**

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




**Rodney Piggott, Manager Development Assessments**






























**ATTACHMENT A**


























Notification Plan	Title	Date
 2018/398354	Plan - Notification	29/06/2018

**ATTACHMENT B**

Notification Document	Title	Date
 2018/429064	Notification Map	09/07/2018

## ATTACHMENT C

Reference Number	Document	Date
 2018/398274	PLANS - CONTENTS PAGE - DA01	14/05/2018
 2018/398302	PLANS - PROP SOUTH ELEVATION - DA09	14/05/2018
 2018/398326	PLANS - DRIVEWAY CROSS OVER SECTIONS - DA17	14/05/2018
 2018/398331	PLANS - STORMWATER & WASTE MANAGEMENT - DA18	14/05/2018
 2018/398318	PLANS - SHADOW DIAGRAMS - DA15	14/05/2018
 2018/398322	PLANS - COLOURS AND FINISHES SCHEDULE - DA16	14/05/2018
 2018/398294	PLANS - PROP WEST ELEVATION (STREET) - DA07	14/05/2018
 2018/398309	PLANS - OPEN SPACE DIAGRAMS - DA13	14/05/2018
 2018/398303	PLANS - PROP NORTH ELEVATION - DA10	14/05/2018
 2018/398275	PLANS - SITE - DA02	14/05/2018
 2018/398278	PLANS - PROP SITE & ROOF PLAN - DA03	14/05/2018
 2018/398297	PLANS - PROP EAST ELEVATION - DA08	14/05/2018
 2018/398291	PLANS - PROP WEST ELEVATION (YARD) - DA06	14/05/2018
 2018/398345	PLANS - NOTIFICATION - NP02	14/05/2018
 2018/398343	PLANS - LANDSCAPE - LP02	14/05/2018
 2018/398315	PLANS - SHADOW DIAGRAMS - DA14	14/05/2018
 2018/398281	PLANS - PROP GROUND FLOOR PLAN - DA04	14/05/2018
 2018/398285	PLANS - LEV 1 PLAN - DA05	14/05/2018
 2018/398305	PLANS - PROP NORTH & SOUTH WHOLE - DA11	14/05/2018
 2018/398308	PLANS - SECTION AA - DA12	14/05/2018
 2018/398223	Report - BASIX CERTIFICATE	14/05/2018
 2018/398219	Report - Statement of Environmental Effects	14/05/2018
 2018/398335	PLANS - EXISTING GROUND FLOOR - EX01	14/05/2018
 2018/398338	PLANS - EXISTING LEVEL 1 - EX02	14/05/2018
 2018/398344	PLANS - NOTIFICATION - NP01	14/05/2018
 2018/398342	PLANS - LANDSCAPE - LP01	14/05/2018
 2018/398214	Cost Summary Report	15/06/2018
 2018/398216	Plans - Survey	21/06/2018
 2018/398355	Plans - Master Set - Note - not to scale	22/06/2018

	DA2018/1079	68 Birkley Road MANLY NSW 2095 - Development Application - Alterations and Additions	25/06/2018
	2018/387436	DA Acknowledgement Letter - Georgi Anne Bates	25/06/2018
	2018/398206	Development Application Form	29/06/2018
	2018/398207	Applicant Details	29/06/2018
	2018/398351	Plans - Certification of Shadow Diagrams with Plans	29/06/2018
	2018/398354	Plan - Notification	29/06/2018
	2018/398406	Plan - Internal	29/06/2018
	2018/398420	Plans - External	29/06/2018
	2018/429003	ARP Notification Map	09/07/2018
	2018/429039	DA Acknowledgement Letter (not integrated) - Matt Bates - Georgi Anne Bates	09/07/2018
	2018/429064	Notification Map	09/07/2018
	2018/429073	Notification Letter - 6	09/07/2018
	2018/447247	Notification Sign Placed	12/07/2018
	2018/447783	Submission - Trebelas	13/07/2018
	2018/454728	Submission - Trebelas ( details with held)	17/07/2018
	2018/453852	Submission Acknowledgement Letter - Anna Trebelas - SA2018/447783	17/07/2018
	2018/469114	Online Submission - Cook	24/07/2018
	2018/500719	Incoming Email Re: Attached arborist report	07/08/2018
	2018/504993	Report - Arborist Report	09/08/2018
	2018/527864	Engineering Referral Response	20/08/2018
	2018/532178	Submission - Trebelas	21/08/2018
	2018/534991	Submission Acknowledgement Letter - Anna Trebelas - SA2018/532178	22/08/2018
	2018/537735	Plans - Master Set	23/08/2018
	2018/561431	Working Plans	30/08/2018
	2018/573807	Landscape Referral Response	04/09/2018