

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/0637
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot A DP 358566, 30 Bungaloe Avenue BALGOWLAH HEIGHTS NSW 2093
Proposed Development:	Alterations and additions to a dwelling house
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:	Elizabeth Susan Curran Antoni Serra Chinchilla
Applicant:	Elizabeth Susan Curran

Application Lodged:	10/05/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	18/05/2022 to 01/06/2022
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 495,220.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to an existing dwelling house, which at large pertains to a first floor addition to the existing dwelling. The works consist of:

Ground Floor

- New entryway.
- Re-furbish existing porch and steps.
- Internal staircase to access the first floor addition.

First Floor

- Primary bedroom with WIR, ensuite and north facing balcony.
- Rumpus room and additional bathroom.
- Two additional bedrooms.

Ancillary Works

- Replace existing carport roof to result in a skillion roof as opposed to a hipped roof form.

AMENDED PLANS

The applicant submitted amended plans to provide an increased primary front setback for the first floor addition to respond to Council's concerns. The amended plans constitute a reduced environmental impact and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches CPP.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Manly Development Control Plan - 3.1.1 Streetscape (Residential areas)

Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

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

SITE DESCRIPTION

Property Description:	Lot A DP 358566 , 30 Bungaloe Avenue BALGOWLAH HEIGHTS NSW 2093
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Detailed Site Description:

The subject site consists of one corner allotment with frontages to New Street and Bungaloe Avenue, Balgowlah Heights. Due to the orientation of the dwelling and access arrangement, the primary frontage is considered to be New Street.

The site is irregular in shape with a frontage of 22.21m to New Street and a frontage of 15.76m to Bungaloe Street. The site has a surveyed area of 532sqm.

The site is located within the R2 Low Density Residential zone pursuant to Manly LEP 2013 and accommodates a single storey dwelling house including a double carport, single car garage (no longer used for parking) and in-ground swimming pool.

The site contains lawn areas, hedging, a palm tree and a small native tree.

The site experiences a fall of 3.75m that slopes away from the south-west to the north-east.

Description of Surrounding Development

The surrounding built environment is characterised by detached low density residential development (i.e. dwelling houses) and ancillary structures. The scale of surrounding development ranges from 1-2 storeys in height.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's

records has revealed no recent or relevant applications.

APPLICATION HISTORY

The Development Assessment Planner examined the subject site and the surrounds on 18 May 2022.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) 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>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>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	<p>(i) Environmental Impact</p> <p>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>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 18/05/2022 to 01/06/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Mr Frederik Willem Proost	35 A New Street BALGOWLAH HEIGHTS NSW 2093

One submission was received following the public exhibition period. The submission was prepared by the owners of the eastern adjacent property (35A New Street), which is also a corner allotment with dual frontages.

The following issues were raised in the submission:

- **Privacy**

The submission raised concerns that the first floor addition would impede on the visual privacy of the adjacent occupants when using the courtyard adjacent to the dividing side boundary and kitchen/dining areas.

Comment:

It is acknowledged that the first floor contains a number of windows on the eastern elevation. These windows have a sill height of approximately 1m and are setback 7.14m from the dividing side boundary. It is important to note that these windows adjoin bedrooms and a bathroom, which are areas that occupants within a dwelling typically spend little periods of waking time. Thus, any overlooking would be infrequent and therefore, more reasonable. This argument is supported within the NSW Land and Environment Court Case of *Meriton v Sydney City Council [2004] NSWLEC 313*, where Senior Commissioner Roseth states that "*overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time*".

In this circumstance, the substantial side setback of 7.14m, coupled with the fact that the windows adjoin low use rooms, ensures that the amenity impacts are reasonable within a low density residential setting.

- **Overshadowing**

The submission raised concerns that the proposed development results in overshadowing of the west facing courtyard and windows on the adjacent property to the east (35A New Street). The submission also indicates that shadow diagrams have not been provided to demonstrate impacts during the summer months.

Comment:

It is noted that the proposal results in some additional overshadowing of the west facing courtyard at 3pm on June 21 (winter solstice). However, this area is already significantly overshadowed by the existing carport on the subject site, in addition to the garage and brick boundary wall on the adjacent site during the afternoon in mid-winter. The proposal does not impact upon the larger lawn area around the eastern confines of the site, which receives greater amounts of solar access when compared to the courtyard area of concern. The impacts to the west windows are also considered to be reasonable as the additional impact only occurs after approximately 2pm on June 21.

In regards to the fact that shadow diagrams have not been provided for summer months, the Manly DCP 2013 only requires Council to consider the overshadowing impacts on the winter solstice (June 21). This is when the shadowing impacts are at their worst during the year. Thus, mid-summer shadow diagrams are not required in this instance. It is noted that the extent of any overshadowing that occurs during winter would be significantly reduced during summer.

Conclusion

The concerns raised within the submission have been addressed above. The concerns do not warrant refusal of the application.

REFERRALS

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

External Referral Body	Comments
	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 (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with this application (see BASIX Certificate No. A447980, dated 1 March 2022). A condition has been included with this consent to ensure compliance with the aforementioned BASIX Certificate.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

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

SEPP (Biodiversity and Conservation) 2021

The subject property is located within the Sydney Harbour Catchment and therefore, the provisions of this Chapter apply to this development.

An assessment of the proposal against Section 10.1(1) (aims of the Chapter), Section 10.10 (nominated planning principles) and Section 10.19 (relating to biodiversity, ecology and environmental protection) has been undertaken. The proposal is considered to be consistent with the above provisions of this Chapter. Given the scale of the proposed modification and the works proposed referral to the Foreshores and Waterways Planning and Development Advisory Committee was considered necessary.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

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	8.08m	-	Yes
Floor Space Ratio:	0.45:1 (239.4sqm)	0.44:1 (233.7sqm)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Manly Development Control Plan

Built Form Controls

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Built Form Controls - Site Area: 532sqm	Requirement	Proposed	% Variation*	Complies
4.1.1.1 Residential Density and Dwelling Size	Density: 1 dwelling per 500sqm of site area	1 dwelling on 532sqm site	-	Yes
	Dwelling Size: minimum 112sqm of gross floor area required (based off 4 bedrooms and 3 bathrooms)	239.2sqm	-	Yes
4.1.2.1 Wall Height	South: 7m (based on gradient 1:12)	6.6m	-	Yes
	East: 6.6m (based on gradient 1:50)	7.7m	16.67%	No
4.1.2.2 Number of Storeys	2 storeys	2 storeys	-	Yes
4.1.2.3 Roof Height	Parapet Height: 0.6m	0.6m	-	Yes
4.1.4.1 Street Front Setbacks	Primary Frontage (New Street): Prevailing building line / 6m	5.14m (consistent with existing)	14.33%	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	Secondary Frontage (Bungalow Street): 2.01m (1/3 of wall height)	6.33m	-	Yes
	South: 2.2m (1/3 of wall height)	4.46m	-	Yes
	East: 2.57m (1/3 of wall height)	7.14m	-	Yes
	Windows: no windows within 3m of side boundaries	no new windows within 3m of side boundaries	-	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% (292.6sqm) of site area	49.61% (263.9sqm)	9.81%	No
	Open space above ground no more than 25% of total open space	0%	-	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% (92.37sqm) of open space	57.22% (151sqm)	-	Yes
	3 native trees	1 native tree	66.67%	No
4.1.5.3 Private Open Space	18sqm per dwelling	148.1sqm	-	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	-	Yes

Notes:

1. Due to the siting of the existing dwelling and existing access arrangements, the primary frontage is considered to be New Street.
2. The wall height requirement is applied to the elevations that are located adjacent to residential development (i.e. east and south elevations).
3. The site is a corner allotment with dual frontages and does not have a rear boundary.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	No	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	No	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
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
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)	No	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

Detailed Assessment

3.1.1 Streetscape (Residential areas)

Description of non-compliance

The control requires development to complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality. The predominant building form and architectural style of other dwellings in the locality consists single and two storey brick veneer/rendered or timber clad dwellings with hipped and gable roof forms.

The proposed development comprises a skillion roof form bordered by a parapet which introduces a roof form that is not prevalent within the locality. In turn, the proposed development fails to satisfy the

prescribed requirement.

Merit consideration

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 minimise any negative visual impact of walls, fences and carparking on the street frontage.

Comment:

The proposal does not introduce any additional boundary fencing or walls. The roof form of the existing carport will be altered from a hipped roof to a skillion roof bordered by a parapet to ensure the carport is subservient to the dwelling house. The front setback of the carport remains unchanged.

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

Comment:

In order to appropriately determine whether the proposed development is compatible with the identified streetscape, consideration has been given to the planning principle established within the NSW Land and Environment Court Case of *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*.

"Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites".

Comment:

The proposed development is generally compliant with applicable principal development standards and Manly DCP 2013 built form controls, including building height, floor space ratio, side setbacks and landscaped area. The proposal also does not alter the primary front setback to New Street, which involves a minor numeric non-compliance.

Whilst the proposal does not satisfy the Manly DCP 2013 wall height provision and includes a roof form that is inconsistent with established residential development within the visual catchment of the site, the bulk and scale of the development has been minimised through the application of modulated wall planes on the first floor addition. Furthermore, the resulting development is two storeys, which is commensurate with the height of surrounding residential development.

In addition, the amenity impacts on adjacent properties (i.e. views, solar access, privacy and visual bulk) are addressed in detail later within this report and are found to be acceptable

Overall, the physical impacts of the proposal will not unreasonably constrain any future development on surrounding sites.

"Is the proposal's appearance in harmony with the buildings around it and the character of the street"?

Comment:

In response to this question Senior Commissioner Roseth notes as follows:

"To decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity".

*"For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character".*

A detailed analysis on building height, setbacks, landscaping and architectural style/materials is provided below:

*"Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape".*

Comment:

The proposed development remains below the 8.5m height limit applied to the subject site and the surrounds and presents as a two storey dwelling house, which is commensurate with the height of surrounding residential development.

*"Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. **Setbacks** from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way".*

Comment:

The proposed development does not alter the existing setbacks to the primary and secondary frontages (i.e. New Street and Bungalow Avenue). The proposal also complies with the applicable side setback requirements contained within the Manly DCP 2013.

*"**Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees".*

Comment:

The proposed development satisfies the minimum landscaped area requirement outlined within Clause 4.1.5 of the Manly DCP 2013.

*"Conservation areas are usually selected because they exhibit consistency of scale, style or material. In conservation areas, a higher level of similarity between the proposed and the existing is expected than elsewhere. The similarity may extend to **architectural style** expressed through roof form, fenestration and materials".*

Comment:

The site does not contain a heritage item and is not located within a heritage conservation area. Furthermore, the site is not located within the visual catchment of a heritage listed item. In this regard, the architectural style of the proposed development should be given little weight when considering whether the proposed development is compatible with the identified streetscape.

Concluding Comments on Compatibility:

In applying the qualitative tests outlined within the NSW Land and Environment Court Case of *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*, it is concluded that the whilst the architectural style of the development may not correspond the established streetscape character, the height, scale, setbacks and landscaped character of the development will remain consistent with the surrounding built environment. Therefore, it is considered that the proposed development will have an acceptable impact upon the streetscape, noting that the immediate area is devoid of items of environmental and built heritage.

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

Comment:

As noted above, a front fence/wall is not proposed.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

3.4.1 Sunlight Access and Overshadowing

Description of non-compliance

The control requires as follows:

"New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June)"; and

"For adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June)".

The principal private open space on the southern adjacent property (28A Bungaloe Avenue) is located within the eastern confines of the site and consists of a landscaped rear yard. This area maintains sufficient solar access at 9am and 12pm on June 21. However, the proposal eliminates more than 1/3 of existing solar access to this area at 3pm on June 21, which does not satisfy the numeric requirement.

It is noted that this site also contains a swimming pool area within the western confines of the site. The proposed first floor addition has negligible impacts on existing solar access to this part of the site.

In regards to solar access to living room windows on the adjacent site, the north facing windows are already overshadowed by the existing vegetation and boundary fencing. The proposal does not result in

a materially different overshadowing impact to living room areas and thus, complies with the numeric requirement.

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:

Whilst there are minor numeric variations to this control, it is considered that the level of solar access maintain to adjacent properties is equitable. It is important to note that the southern adjacent site is particularly vulnerable to further shadowing that what is currently experienced given the east-west orientation of the allotments and the fact that the subject site currently accommodates a single storey dwelling house, whereas the resulting development results in a two storey dwelling house.

The proposed development has been appropriately sited and scale to minimise overshadowing to the adjacent property. This includes complying with the height of buildings and FSR development standards, in addition to the southern elevation wall height requirement and side setback requirements. In fact, the southern side setback of the first floor (setback 4.46m) is well in excess of the numeric requirement of 2.2m.

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:

As demonstrated above, the proposed development does not have a significant overshadowing impact to living room windows on the southern adjacent site (28A Bungaloe Avenue).

In regards to the overshadowing of the principal private open space, it is noted that over 50% of the adjacent private open space maintains direct sunlight for more than 3 hours between 9am-3pm on June 21. This is considered to be a reasonable amenity outcome within a low density residential setting, particularly given the east-west orientation of the allotments which makes the southern adjacent site susceptible to overshadowing on the winter solstice.

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 southern elevation includes modulated walls and a significant setback, which is well in excess of the numeric requirement, to minimise overshadowing of the southern adjacent property (28A Bungaloe Avenue).

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Description of non-compliance

The maximum wall height on the eastern elevation of the first floor addition is 7.7m, which does not comply with the numeric requirement of 6.6m (based off 1:50 gradient).

Merit consideration

There are no underlying objectives of this control under which to consider the merits of this variation. This clause instead relies on the objectives for the Height of Buildings at clause 4.3 in the Manly LEP 2013. An assessment against these objectives is as follows:

(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,

Comment:

The proposed development remains below the 8.5m statutory height limit and the resulting dwelling is two storeys in height, which is commensurate with the prevailing height of surrounding residential development within the locality.

(b) to control the bulk and scale of buildings,

Comment:

The proposal complies with the height of buildings and floor space ratio development standards, which are the key controls that govern the bulk and scale of buildings. Moreover, the upper floor includes modulated wall planes to alleviate the building mass and the development is generously setback (i.e. well in excess of minimum requirement) from the side boundaries to negate unreasonable visual impacts to the neighbouring properties. Overall, the proposal is considered to achieve this objective

(c) to minimise disruption to the following—

- (i) views to nearby residential development from public spaces (including the harbour and foreshores),*
- (ii) views from nearby residential development to public spaces (including the harbour and foreshores),*
- (iii) views between public spaces (including the harbour and foreshores),*

Comment:

An examination of the subject site and the surrounds has concluded that the proposed development will not disrupt significant view lines to or from nearby private or public places.

(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to

private open spaces and to habitable rooms of adjacent dwellings,

Comment:

As discussed earlier within this report, reasonable solar access will be maintained to the southern adjacent property (28A Bungalow Avenue).

(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

Comment:

The site does not located within a recreation or environmental protection zone. Moreover, the site does not adjoin a recreation or environmental protection zone. Thus, this objective is not relevant.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

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

Description of non-compliance

The control requires development to be setback at least 6m from the front boundary. The proposed first floor addition involves a varied primary front setback between 5.14m - 7.47m, which is partially non-compliant with the numeric requirement. It is noted that non-compliant element of 5.14m is consistent with the current setback for the existing dwelling house.

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 first floor addition incorporates modulated facades to visually reduce the built form. The proposal also maintains the existing front building line and landscape treatment on the site, thereby ensuring an appropriate streetscape outcome.

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:

As discussed earlier within this report, the development is appropriately scaled and sited to minimise overshadowing towards the southern adjacent property and surrounding sites. Moreover, appropriate separation is provided from the side boundaries to ensure that a reasonable level of visual and aural privacy is maintained to adjacent buildings. An examination of the site and the surrounds has also concluded that the proposed development will not compromise significant view lines from surrounding private and public land. The maintenance of the primary front setback and provision of substantial setbacks from the eastern, western and southern boundaries will ensure that the development maintains the desired spatial proportions of the streetscape. The works will also not preclude safe and adequate traffic conditions. Overall, the proposal achieves this objective.

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

Comment:

Flexibility is afforded with regards to the primary front setback non-compliance as the proposed development does not result in unacceptable streetscape or amenity impacts.

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 development is sited entirely over the existing building footprint. As such, there will be no impact upon the natural features of the site.

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

Comment:

The site is not bushfire prone.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

4.1.5 Open Space and Landscaping

Description of non-compliance

The control requires at least 55% (138.22sqm) of the site to consist of total open space (TOS). To be

included as TOS open space areas must be at least 3m x 3m in dimension and must not relate to parking structures or vehicular access (i.e. the driveway and hardstand parking space is excluded).

The application only proposes 49.61% (263.9sqm) of the site as TOS, which does not satisfy the numeric requirement. It is note that the reduction of TOS only occurs as a result of enclosing a portion of the entry porch on the ground floor.

Additionally, the site only contains one native tree, whereas the control typically requires three native trees on a site of this size.

Merit consideration:

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

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

Comment:

The site does not necessitate the removal of significant vegetation or a reduction in deep soil landscaping on the site.

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

Comment:

The existing landscaped areas will be maintained on the site. Furthermore, sufficient open space areas are maintained at ground level.

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

Comment:

There is sufficient outdoor areas on the site to meet the recreational needs of the occupants. Furthermore, the amenity impacts resulting from the first floor addition are considered to be reasonable within this low density residential setting.

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

Comment:

Sufficient deep soil landscaping is provided on the site to assist in water infiltration.

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

Comment:

The proposal will not lead to a significant spread of weeds.

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

Comment:

The proposal does not result in the removal of native vegetation and will not have an adverse impact upon wildlife habitat.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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

A monetary contribution of \$4,952 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$495,220.

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 DA2022/0637 for Alterations and additions to a dwelling house on land at Lot A DP 358566, 30 Bungalow Avenue, 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
A01 (Revision 2) - Site Plan	1 June 2022	Scope Architects
A02 (Revision 2) - Ground Floor Plan	1 June 2022	Scope Architects
A03 (Revision 2) - First Floor Plan	1 June 2022	Scope Architects
A04 (Revision 2) - Elevations, Materials, Colours & Finishes	1 June 2022	Scope Architects
A05 (Revision 2) - Elevations	1 June 2022	Scope Architects
A06 (Revision 2) - Elevations	1 June 2022	Scope Architects
A07 (Revision 2) - Section	1 June 2022	Scope Architects
A08 (Revision 2) - Section	1 June 2022	Scope Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A447980	1 March 2022	Scope Architects
Preliminary Geotechnical Assessment Ref. J4142	23 March 2022	White Geotechnical Group

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

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

Waste Management Plan		

Drawing No/Title.	Dated	Prepared By
Waste Management Plan	March 2022	Nolan Planning Consultants

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) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by

Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$4,952.20 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$495,220.00.

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

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

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

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

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

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 are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

6. Stormwater Disposal

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater generated from the development shall be conveyed to New Street via the existing internal system.

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

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

7. 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.

8. 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. Removing, Handling and Disposing of Asbestos

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

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

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

10. **Survey Certificate**

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

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

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

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

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

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

11. **Waste Management During Development**

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

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

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

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

12. **Stormwater Disposal**

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

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

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

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

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

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

13. **Swimming Pool Requirements (existing pool modified by works)**

The existing onsite Swimming Pool / Spa fencing enclosure shall be upgraded to comply with:

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

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

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 a Interim / Final Occupation Certificate.

Reason: To protect human life. (DACPLF10)

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

Signed



Thomas Burns, Planner

The application is determined on 09/06/2022, under the delegated authority of:



Phil Lane, Acting Development Assessment Manager