

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0188
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Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 23 DP 68091, 11 James Street MANLY NSW 2095
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Rodney Maxwell Joyce Rochelle Odette Beumont
Applicant:	Rodney Maxwell Joyce

Application lodged:	27/02/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	05/03/2019 to 21/03/2019
Advertised:	Not Advertised
Submissions Received:	2
Recommendation:	Approval

Estimated Cost of Works:	\$ 352,500.00
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ASSESSMENT INTRODUCTION

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

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

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

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils
 Manly Local Environmental Plan 2013 - 6.2 Earthworks
 Manly Local Environmental Plan 2013 - 6.4 Stormwater management
 Manly Development Control Plan - 3.1 Streetscapes and Townscapes
 Manly Development Control Plan - 3.3.1 Landscaping Design
 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 - 3.4.3 Maintenance of Views
 Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation
 Manly Development Control Plan - 4.1.5 Open Space and Landscaping
 Manly Development Control Plan - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

SITE DESCRIPTION

Property Description:	Lot 23 DP 68091 , 11 James Street MANLY NSW 2095
Detailed Site Description:	The site is identified as Lot 23 in Deposited Plan 68091, and known as 11 James Street, Manly. The site is zoned R1 General Residential under the Manly Local Environmental Plan 2013. The site is rectangular in shape, with surveyed area of 370.8sqm. The front and rear boundaries measure approximately 12.19 metres, and the northern and eastern side boundaries measure approximately 30.43 metres. The property is located on the western side of James Street, approximately 70 metres from its intersection with Sydney road, Balgowlah. The site has fall from west to east of approximately 3.6 metres for a distance of 30.4 metres. Along the northern boundary there is an existing stepped masonry retaining wall. The site currently contains one existing detached, two storey residence, with a sandstone wall garage at south-east corner on nil front and southern side setback. The surrounding sites are an eclectic mix of dwelling houses, residential flat buildings, and existing businesses. The dwelling houses in James Street are a mixture of periods and styles and are typically built close to side boundaries with little or no setback from the street.

The adjoining property to the immediate south consists of a two storey residential flat building. The rear of the commercial buildings on Sydney Road are to the north of the site. A heritage listed Federation dwelling is located on the opposite side of the road on the north eastern corner of James and Camera Street. Open space areas at the rear of the sites are generally small, and large trees do not exist on the street frontages.

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant development applications:

- Complying Certificate application 16.2013.97.1 for alterations and additions including a new internal stair, internal reconfiguration and minor window changes was received on the 16 September 2013.
- Complying Certificate application 16.2011.82.1 for alterations and additions to an existing dwelling including a first floor addition was received on the 23 November 2011.
- Development application 10.2008.197.1 for the demolition of an existing dwelling and the construction of a three (3) storey dwelling with a basement garage, pool and landscaping was approved on the 18 December 2008.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks approval for the partial demolition and alterations of the existing dwelling house including providing outdoor terrace areas, an additional car space, and a new third level.

Details of the proposal are as follows:

Basement

- The existing single sandstone garage in the basement will be widened to accommodate two cars and a work area
- A new main entrance to the dwelling and a side path
- The area above garage will be used as private open space terrace

Ground Floor

- New access stairs from the basement to the ground floor
- New terrace off the kitchen
- Convert existing redundant corridor to bathroom and store area
- Convert existing formal dining room to a guest room with a servery and external door

Level 1

- New roof terrace from the master bedroom to its east and south.
- Convert east end corridor window to a bay window
- New access stairs to the new level 2

Level 2

- New home office addition and wrap around roof terrace

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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. <u>Clauses 54 and 109</u> of the EP&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

Section 4.15 Matters for Consideration'	Comments
	information was requested. Clause 92 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. Clause 98 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. Clause 98 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.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact 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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
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 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:
Mrs Elizabeth Mary Lough	32 George Street MANLY NSW 2095
Ms Henriette Pauline Marianne Wassmer Von Langenstein	34 George Street MANLY NSW 2095

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

- Overshadowing
- Privacy
- Visual impact/bulk and scale

The matters raised within the submissions are addressed as follows:

- ***There is concern that the proposal will overshadow the adjoining properties at the rear of the site, being No.32 and No.34 George Street Manly.***

Comment:

The development application includes shadow diagrams that show that the development has no effect on current solar access to any surrounding properties except No. 10 James Street to the immediate south. No 10 James Street has an east west orientation, the same as the subject site. The shadow diagrams that indicate that the development will cast additional shadow over No 10 James Street between 9.00am and 3.00pm on 21 June.

However, it should be noted that overshadowing is controlled by Clause 3.5.1 Soar Access in the MDCP 2013 which requires that at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of three hours of sunlight between 9.00am and 3.00pm on the 21st June. In this regard, the diagrams indicate that the development maintains this requirement, therefore compiling with the requirements of that particular control.

Therefore, it has been demonstrated by the submitted shadow diagrams that there is no additional overshadowing as a result of the proposal to the rear adjoining properties of No.32 and No.34 George Street.

Therefore, it is considered this matter has been addressed and does not warrant further amendment or refusal of the application.

- ***There is concern that the four (4) additional windows on the western elevation of proposed level 2, will overlook No.32 and No.34 George Street Manly.***

Comment:

It is considered that the privacy of the adjoining properties will be maintained. The additional windows on the western elevation of Level 2 are located over 10.35 metres from the rear boundary of the adjoining properties. The direct viewline from these windows is also obscured by existing screening vegetation on the subject site.

The orientation of the proposed works is towards the front setback to obtain view lines to Manly Cove, not to the rear setback.

The windows are also adjoining an office space, which is considered a low usage room as occupants spend less waking time in a study than a primary/living area such as a lounge room or kitchen. Therefore, it is not considered that privacy treatments are required and privacy levels are considered to be reasonable within the residential context of the site and the surrounding area.

Whilst the overlooking from the windows is not considered unreasonable, there could be additional overlooking and privacy impacts from the additional Level 2 terrace area.

The terrace area located on the southern elevation has been identified as creating potential overlooking. This has been appropriately addressed by conditions which require the reduction in the size of the terrace area to ensure this is not a high trafficable area or recreational area. The balustrade on the western elevation is to be obscured glazing to further minimise overlooking and visual impact.

Therefore, it is considered this matter has been addressed and does not warrant further amendment or refusal of the application.

- ***There is concern that the bulk and scale of the proposal is not in keeping with the character of the streetscape and will be visually dominate from the rear areas of No.32 and No.34 George Street Manly.***

Comment:

The proposal meets the Building Height and Floor Space Ratio development standards for the zone. The proposed first floor is located over 10.35 metres from the rear setbacks of numbers 32 and 34 George Street Manly, with existing vegetation screening the proposed additional level.

The conditioned development has been designed to effectively minimise the apparent size of the resultant development, with varied side setbacks, and stepping of the three levels which provides modulation and articulation acting to break down the scale of the development.

The proposed alterations improve the amenity for the occupants, whilst not unreasonably impacting on the amenity impacts of the surrounding properties. The conditioned building form is contemporary and not out of character with the surrounding streetscape. Consequently, the conditioned proposal is not considered to be visually dominate.

Therefore, it is considered this matter has been addressed and does not warrant further amendment or refusal of the application.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	Development Engineering has no objection to the application subject to the following condition of consent.
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been

External Referral Body	Comments
	received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A331381 and 4 January 2019). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. A331381 and 4 January 2019).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	Pass
Thermal Comfort	Pass	Pass
Energy	50	Pass

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	9.9m	-	Yes
Floor Space Ratio	FSR: 0.75:1	FSR: 0.75:1 (278sqm)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
4.6 Exceptions to development standards	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.12 Essential services	Yes

Detailed Assessment

6.1 Acid sulfate soils

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

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.

Works at depths beyond 2.0 metres below the natural ground surface and/or works by which the watertable is likely to be lowered more than 2.0 metres below the natural ground surface within a Class 5 acid sulfate soil area are required to be assessed to determine if any impact will occur.

The proposed development involves excavation up to 1.5 metres in relation to the garage area. In addition, the water table will also not be affected by the proposed works as detailed in the Crozier Geotechnical Report on Geotechnical Site Investigation dated February 2019. Therefore, no further assessment is required.

6.2 Earthworks

The earthworks excavation is generally limited to the change to the existing garage and new front entry area on the basement floor. The Geotechnical Site Investigation report submitted by Crozier Geotechnical Consultants has recommended the following:

"that a review of the preliminary slope stability assessment checklist and the proposed scope of works indicate that the Development Application (DA) is likely to require a full site stability (geotechnical) report. The stability report must detail how the development may be achieved to ensure geotechnical stability and good engineering practice. The report must also include a risk assessment for existing/potential instability as per the AGS March 2007 publication."

These recommendations will be conditioned as part of the proposal.

The earthwork excavation is considered to be within an "acceptable" risk level as identified in the conclusion of the Geotechnical report, in that due to the topography of the site and the location and depth of the proposed excavation, the proposal is considered unlikely to disturb or have a detrimental effect on the drainage pattern or soil stability of the site.

As such, the proposal is suitable provided that the recommendations outlined in the Geotechnical Site Investigation report are followed.

6.4 Stormwater management

The application has been referred to Council's Development Engineers who have assessed the proposed provisions for stormwater. Council Development Engineers are satisfied with the stormwater provisions, subject to conditions of consent.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 370.8sqm	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	N: 9.0m (based on no	9.0m	-	Yes

	gradient)			
	S: 9.7m (based on gradient 1:9)	9.7m	-	Yes
4.1.2.2 Number of Storeys	3	3	-	Yes
4.1.2.3 Roof Height	Parapet Height: 0.6m	0.3m	-	Yes
	Pitch: maximum 35 degrees	7 degrees	-	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	0m Garage 8.4m Floor 2	- -	No Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	Level 2 3m North (based on wall height of 9m) 3.2m South (based on wall height of 9.7m)	Basement and ground Floor 0.0m Level 1 - North 1.77m Level 1 South - 1.62m Level 2 - North 1.5m (stairwell)- 3.6m (Dwelling) Level 2 - South - 2.98m (terrace) - 4.18m (Dwelling)	- - 50% 1%	No
	Windows: 3m	4.18m South 10.3m West	- -	Yes Yes
4.1.4.4 Rear Setbacks	8m	10.35m First Floor	-	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS2	Open space 50% of site area	52% (192sqm)	-	Yes
	Open space above ground 25% of total open space	30% (57.6sqm)	40%	Yes
4.1.5.2 Landscaped Area	Landscaped area 30% of open space	47.4% (91sqm)	-	Yes
	1 native trees	3 trees	-	Yes
4.1.5.3 Private Open Space	12sqm per dwelling	85sqm	-	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	6.2m which is 50%	-	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	-	Yes

Compliance Assessment

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

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.7 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)	Yes	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	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
Schedule 1 – Maps accompanying the DCP	Yes	Yes

Detailed Assessment

3.1 Streetscapes and Townscapes

The applicant proposes to replace the existing single garage with a double garage, a new entry, a higher front wall and an extension of the front terrace on a nil front setback to the eastern boundary.

The proposed changes are located on the front setback, with a visual impact to the streetscape. Therefore, these proposed works have been assessed below to ensure the compliance with the objectives of the streetscape control.

Merit consideration:

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

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

Comment:

The proposed scale of development within the front setback is consistent with the streetscape and surrounding area.

The proposed construction of the front wall and extension of the garage is consistent with many examples found on James Street and nearby Camera Street. For example, numbers 2, 3, 5, 9, 13, and 16 James Street all have existing garages and front walls located on or within the front setback area.

Nearby Camera Street has seven (7) separate examples of existing garages with front walls on the front setback. The proposed garage will be conditioned to provide natural stone finish to the garage and wall area to ensure the proposal is consistent with materials and finishes within the existing streetscape.

A new front entry is stepped into the site, 1.9m from the front setback and will provide safer access to the property. The conditioned use of natural stone and materials within this area will ensure the proposal is softened in its appearance, and is consistent with the existing streetscape and local character.

The front wall and corresponding ground floor terrace will be conditioned to provide a northern side setback of a minimum of 2.0 metres. This will ensure that the proposal does not dominate the front setback, and provide negative visual impacts of unnecessary bulk and scale.

The proposed terrace areas on all three levels step back into the site, and the balustrades will be clear glass balustrades. This ensures that these areas do not visually dominate the streetscape.

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

Comment:

The ground floor continues the existing nil setback to the front terrace area, with the second and third storey element being further setback into the site. The first floor demonstrates a 3.18 metre - 4.87 metre front setback, with the third storey element demonstrating a setback 8.4 metre and 12.4 metre from the front setback. The stepping back of these areas that face the streetscape ensure the proposal is not visually dominate.

The proposal is well modulated on different levels to break down the bulk of the building, and maintains an articulated facade to ensure the bulk and scale of the proposal is minimised.

It is considered that the proposal is not out of character with the surrounding streetscape. There are different architectural forms and scale in the locality, ranging from single storey bungalows to more contemporary residential flat buildings.

Whilst there is a heritage item directly opposite the subject site representing a good example of a federation home, there is no 'Federation Streetscape' in the locality and the proposed contemporary building is considered to be suitable for the streetscape.

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

Comment:

The front wall and corresponding ground floor terrace will be conditioned to provide a northern side setback of a minimum of 2.0 metres. This will ensure that there is an area within the front setback that is at ground level, and can provide areas for soft landscaping.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 and 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.

3.3.1 Landscaping Design

The proposal does not include the removal of any important landscape features, and the current native landscaping at the rear of the site remains unchanged.

3.4.1 Sunlight Access and Overshadowing

Whilst the proposal complies with the requirements of the Sunlight Access and Overshadowing control, an assessment of the proposed development is considered against the underlying Objectives of the Control as follows:

- *To provide equitable access to light and sunshine*

Comment:

The development application includes shadow diagrams that show that the development has no effect on current solar access to any surrounding properties except No. 10 James Street to the immediate south. No 10 James Street has an east west orientation, the same as the subject site.

The northern boundary windows of No. 10 James Street are current overshadowed by the existing dwelling house of No. 11 James Street. The proposal will create additional overshadowing on the roof area of No 10 James Street between 9am to 3pm. In this regard, the diagrams indicate that the development maintains this requirement, therefore complying with the requirements of this particular control.

- *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 allows adequate sunlight access to the windows and private open spaces of the subject site and adjoining properties.

- *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 additions are sufficiently is well designed and setback to minimise overshadowing impacts to the adjoining and 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.

3.4.2 Privacy and Security

Whilst the proposal complies with the requirements of the Privacy and Security control, an assessment of the proposed development is considered against the underlying Objectives of the Control as follows:

- *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.*

Comments:

The proposal has provided design options to maintain the privacy of the subject site and adjoining properties.

The northern elevation contain no additional windows, therefore there is no additional direct overlooking into the northern neighbouring site from any additional window openings.

The third storey element has additional windows openings on the eastern, southern and western elevation adjoining the new office area. These windows do not directly adjoin any window openings of the southern and western neighbouring properties. The windows are located over 4.18 metres to the southern boundary and 10.35 metres from the rear boundary. The southern windows overlook the roofline of the adjoining southern site, and existing landscaping obscures the line of sight from the western windows to the adjoining rear properties. Therefore, it is considered these additional windows are reasonable in this instance.

The proposal includes the addition of outdoor terrace areas on the ground floor, level 1 and level 2. The orientation of the terrace areas are designed to capture these view lines to Manly Cove. However, these additional terrace areas do have the potential for additional overlooking to neighbouring properties.

The ground floor terrace extension to provide a 0.0 metres side setback to the northern site, has the potential for amenity, privacy impacts and perceived visual building bulk impacts to the northern adjoining site and the streetscape. Therefore, this terrace area will be conditioned to be located a minimum of 2.0 metres from the northern side setback. The privacy wall will be removed from the northern elevation, and conditioned to be glass balustrade. It is considered that this area of terrace is not a primary use area. The terrace area to the southern setback is existing, and therefore there is no additional privacy impacts from this area.

The terrace area on Level 1 adjoining the master bedroom will have a solid wall adjoining the northern elevation. Therefore, mitigating any privacy and overlooking impacts. The second additional terrace area on level 1 proposes a 1.6 metres privacy wall on the southern elevation to mitigate any potential additional overlooking as a result of the terrace area.

Level 2 has an additional terrace area. However, a condition will be imposed to reduce the setback to the southern side boundary to a minimum of 3.2 metres. This will ensure that the side setbacks to the terrace demonstrate compliance, and reduces the available terrace area on the southern setback. This area, with reduced dimensions will not be a high trafficable or recreational area, rather the primary use is likely to be for the access to the windows on the southern elevation for maintenance purposes. The glazing on the balustrade adjoining the western elevation will also be conditioned to be of obscured glazing to assist in minimising further overlooking and privacy impacts into the rear adjoining properties.

- *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 will allow sufficient privacy and sunlight access to the subject site and adjoining properties.

- *To encourage awareness of neighbourhood security.*

Comment:

The new entry area of the property improves the security for the occupants. Opportunities for passive surveillance are also improved and retained through the use of glass balustrades for the proposed terrace areas.

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.

3.4.3 Maintenance of Views

The main views are in an south-easterly direction towards the Manly Cove. The proposal will not have any significant impact on the outlook from the rear areas of at No.12 James Street, No. 93 or No.95 Sydney Road due to the south-easterly views are currently obscured by the existing house on the subject site. Therefore, a reasonable level of view sharing from the subject dwelling and surrounding properties is maintained.

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

The Manly DCP 2013 requires buildings be setback a minimum of 1/3 of the wall height from the side boundary. The basement and ground floor, the northern front terrace, the northern stairwell and the southern side setback of the level 2 terrace are not compliant with this control.

The proposed basement extension and terrace area of the ground floor includes a northern side setback of 0.0m. The northern stairwell demonstrate a northern side setback of 1.5m, and the terrace area on Level 2 demonstrates a side setback of 2.98m where 3.2m is required based on wall height.

Clause 4.1.7 of the MDCP 2013 provides that notwithstanding setback provisions, first floor additions may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.

Merit consideration:

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

- *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 conditioned development within the front setback is consistent with the streetscape and surrounding area.

The ground floor continues the existing nil setback to the front terrace area, with the second and third storey element being further setback into the site.

The first floor demonstrates a 3.18 metre - 4.87 metre front setback, with the third storey element demonstrating a setback 8.4 metre - 12.4 metre from the front setback. The stepping back of these areas ensure modulation on different levels to break down the bulk of the building, and maintains an articulated facade to ensure the bulk and scale of the proposal to the streetscape is minimised.

The proposed construction of the front wall and extension of the garage is consistent with many examples found on James Street and nearby Camera Street. For example, numbers 2, 3, 5, 9, 13, and 16 James Street all have existing garages and front walls located on or within the front setback area. A new front entry is stepped into the site, 1.9m from the front setback and will provide safer access to the property. The conditioned use of natural stone and materials within this area will ensure the proposal is softened in its appearance, and is consistent with the existing streetscape and local character.

The non-compliant element of the basement northern wall, and corresponding ground floor terrace will be conditioned to maintain a minimum of 2.0m from the northern side boundary. This will ensure that the built form does not extend across the whole site frontage, which creates an overbearing building bulk and is inconsistent with the character of the streetscape. The proposed privacy wall on the northern elevation will also be removed via conditions. The increase in the setback and removal of the northern boundary wall will reduce the amenity impacts and to break the built form across the whole frontage.

The non-compliance with the northern side setback of the stairwell will not create any additional amenity impacts to the neighbouring sites, or the streetscape. There are no windows on stairwell north and west walls, and provides a setback of over 12.4 metres to the James Street boundary. Therefore, this element is not visually dominant from the streetscape and does not impact the amenity of adjoining sites via any additional overshadowing or loss of view lines.

The level 1 additional terrace areas maintain the existing building footprint and do not create any additional amenity impacts to the adjoining properties.

The terrace area on Level 2 will be conditioned to provide a compliant side boundary setback to minimise the amenity impacts of privacy, and provide greater spacial separation to the adjoining properties.

Therefore, the conditioned works are consistent with existing development, and are complementary to the existing spatial proportions in the immediate area.

- *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.*

Comments:

The proposal was accompanied by shadow diagrams that demonstrate that the development will not result in any unreasonable overshadowing of the neighbouring properties private open spaces or habitable rooms.

The new stairwell will not result in any privacy impacts as there are no additional windows that adjoin the neighbouring properties, and does not have any view sharing impact.

The ground floor terrace, and associated privacy walls will have conditions applied to remove the privacy wall, and to provide a minimum of a 2.0m setback from the northern boundary. These changes will ensure that the development is appropriately designed to ensure no unreasonable amenity impacts to the neighboring site, reduce the bulk and scale of the proposal, and ensures consistency with the character of the streetscape is maintained.

The terrace area on Level 2 will be conditioned to provide a compliant side boundary setback to minimise the amenity impacts of privacy, and provide greater spacial separation to the adjoining properties.

The proposed double garage will improve the current parking situation on the site by providing two car spaces, and improve the traffic movements in and out of the property.

- *To promote flexibility in the siting of buildings.*

Comments:

Proposed flexibility is suitable in this circumstance. The proposed conditioned ground floor terrace, and the stairwell is a rational and consistent location, in consideration of the existing dwelling and adjacent dwellings. The proposal is adequately sited so as to maintain reasonable amenity for the subject site and adjacent sites.

- *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.*

Comments:

The proposed works do not involve removal of any significant vegetation. The proposal does not unduly detract from the context of the site, being adjacent to the foreshore. SEPP 19 does not apply, as the site does not contain or adjoin bushland.

- *To assist in appropriate bush fire asset protection zones.*

Comment:

The subject site is not classified as bush fire prone land.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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

The Manly DCP 2013 requires 35% of the total open space be provided as landscaped area. The proposal includes 30.8% landscaped areas.

Merit consideration:

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

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

Comment:

The subject site is currently landscaped with lawn and screening landscaping along the boundaries at the rear of the site. The proposal will remove a very minor area of landscaped area within the front of the site that is currently utilised for a pathway to the entrance. Therefore, the proposal does not include the removal of any important landscape features, and the current native landscaping at the rear of the site remains unchanged.

- *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 proposal includes the removal of a minor area of landscaping within the front setback of the site that does not currently exist at ground level. Therefore, there is no additional loss of landscaped area at ground level. The proposal will be conditioned to provide a greater setback to the northern boundary, therefore retaining an existing area of landscaping of approximately 4.98sqm at ground level.

Whilst there are no opportunities for further planting within the front setback area as part of this proposal, the overall design is consistent with the character and landscape character of the area.

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

Comment:

The proposed development is of a suitable design to maintain the amenity of the site,

streetscape and surrounding area.

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

Comment:

The proposal provides good porous areas to maximise water infiltration on the site, particularly at the rear of the site.

- *To minimise the spread of weeds and the degradation of private and public open space.*

Comment:

The existing landscaping will minimise the spread of weeds and the degradation of private and public open space.

- *To maximise wildlife habitat and the potential for wildlife corridors*

Comment:

The existing landscaping is appropriate to maximise wildlife habitat and the potential for corridors within the locality.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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, with the relevant objectives of 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)

The Manly DCP 2013 requires two parking space per dwelling to be provided. The proposal includes the addition of one (1) car space to provide two (2) carspaces on the site through the demolition of the single garage and construction of a double garage. Therefore, the proposal satisfies the requirements of the control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Manly Section 94 Development 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 DA2019/0188 for Alterations and additions to a dwelling house on land at Lot 23 DP 68091, 11 James Street, MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Roof and Sit Analysis Plan DA01	18/12/2018	HAO Design Pty Ltd
Basement Floor Plan DA02	18/12/2018	HAO design Pty Ltd
Ground Floor Plan DA03	18/12/2018	HAO design Pty Ltd
Level 1 Floor Plan DA04	18/12/2018	HAO design Pty Ltd
Level 2 Floor Plan DA05	18/12/2018	HAO design Pty Ltd

East Elevation DA06	18/12/2018	HAO design Pty Ltd
South Elevation DA07	18/12/2018	HAO design Pty Ltd
North Elevation DA08	18/12/2018	HAO design Pty Ltd
West Elevation DA09	18/12/2018	HAO design Pty Ltd
Sections DA10	18/12/2018	HAO design Pty Ltd
Sections DA11	18/12/2018	HAO design Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Report on Geotechnical site investigation	February 2019	Crozier Geotechnical Consultants

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

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. **Amendments to the approved plans**

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

- a) The Level 2 terrace is to maintain a minimum side setback of 3.2 metres from the southern boundary.
- b) The balustrades adjoining the Level 2 terrace on the western elevation are to be obscure glass for the entire western side of the terrace.
- c) The proposed wall within the front setback on the northern boundary is to maintain a minimum side setback of 2.0m from the northern side boundary.
- d) The Ground Floor terrace is to maintain a minimum side setback of 2.0m from the northern side boundary.
- e) The solid wall privacy screen adjoining the ground floor front terrace, on the northern elevation, is not approved, and is to be replaced with clear glass balustrades.
- f) The solid walls on the front boundary, and front entry area are to be faced in a natural cladding (i.e. sandstone) for the entire width and height of the front wall area.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

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

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

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

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

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

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

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

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

5. **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.

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.

6. **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.

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.

7. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

8. **Amendments to the approved plans**

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

- a)The Level 2 terrace is to maintain a minimum side setback of 3.2 metres from the southern boundary.
- b)The balustrades adjoining the Level 2 terrace on the western elevation are to be obscure glass for the entire western side of the terrace.
- c)The proposed wall within the front setback on the northern boundary is to maintain a minimum side setback of 2.0m from the northern side boundary.
- d)The Ground Floor terrace is to maintain a minimum side setback of 2.0m from the northern side boundary.
- e)The solid wall privacy screen adjoining the ground floor front terrace, on the northern elevation, is not approved, and is to be replaced with clear glass balustrades.
- f)The solid walls on the front boundary, and front entry area are to be faced in a natural cladding (i.e. sandstone) for the entire width and height of the front wall area.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

9. **Compliance with Standards**

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

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

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

10. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are 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)

11. **Pre-commencement Dilapidation Survey**

A pre-commencement dilapidation survey of adjacent buildings (Nos. 10 and 12 James Street, Manly) must be conducted prior to any site work. The lateral extent of the survey must cover the likely “zone of influence” of any excavation or construction induced vibration.

The pre-commencement dilapidation survey must be properly documented. The dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide information for potential damage to Council and private property.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. **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

13. **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.

14. **Property Boundary Levels**

The property boundary levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the existing levels. No approval is granted for any change to existing property alignment levels to accommodate the development. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To maintain the existing profile of the nature strip/road reserve

15. **Vehicle Crossings**

The provision of one vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications at the center line of the crossing. 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. **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**

17. **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.

18. **Waste Management Confirmation**

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

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

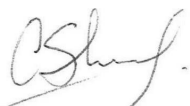
19. **Post-Construction Dilapidation Survey**

The applicant must prepare and submit a post-construction dilapidation survey. The report must clearly detail the final condition of all the adjoining properties (Nos. 10 and 12 James Street, Manly), infrastructure, natural and man made features that were originally recorded in the pre-commencement dilapidation survey. A copy of the survey must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

Reason: To provide information for potential damage to Council and private property.

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

Signed



Catriona Shirley, Planner

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



Steven Findlay, Manager Development Assessments