

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1980
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<b>Responsible Officer:</b>	Georgia Quinn
<b>Land to be developed (Address):</b>	Lot 11 DP 1464, 6 Thornton Street FAIRLIGHT NSW 2094
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	Manly LEP2013 - Land zoned R1 General Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Paul Gordon Roland Wallace
<b>Applicant:</b>	Paul Gordon Roland Wallace

<b>Application lodged:</b>	14/12/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	19/12/2018 to 25/01/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 120,000.00
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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 Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

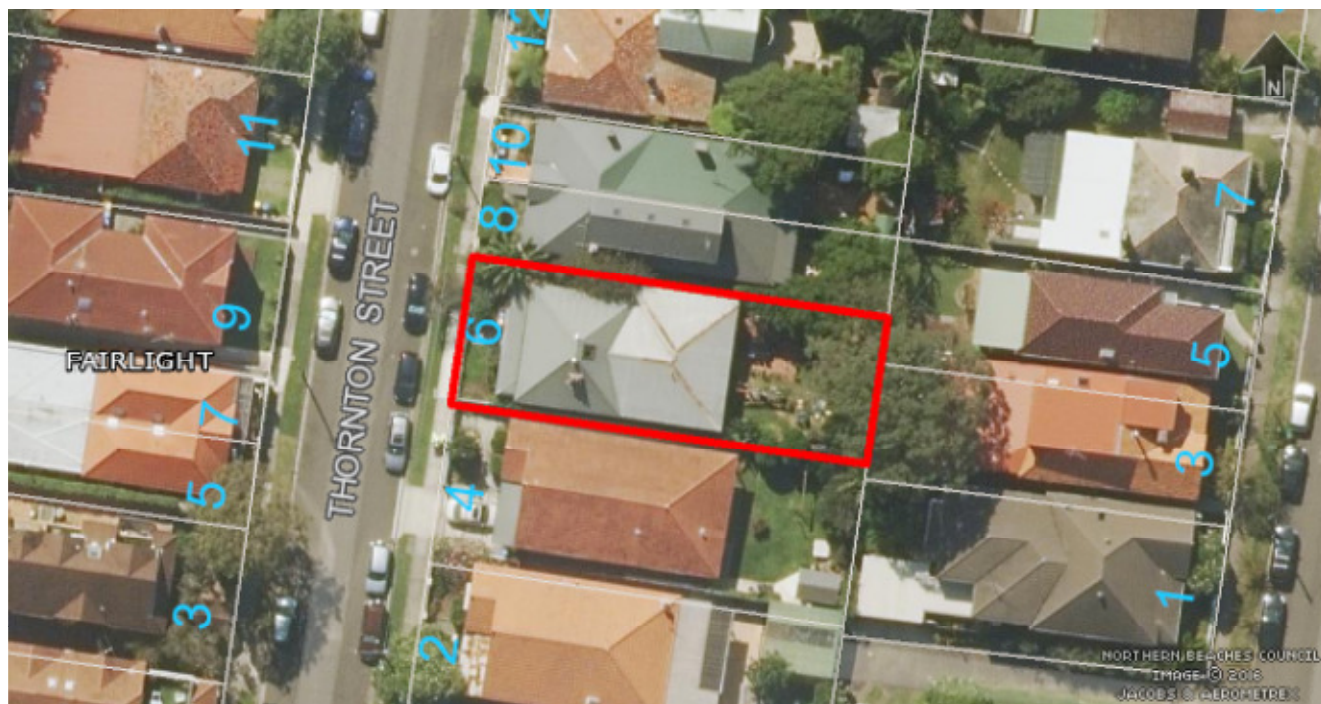
Manly Development Control Plan - 4.1.5 Open Space and Landscaping

Manly Development Control Plan - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 11 DP 1464 , 6 Thornton Street FAIRLIGHT NSW 2094
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the eastern side of Thornton Street, Fairlight.</p> <p>The site is regular in shape with a frontage of 12.5m along Thornton Street and a depth of 34.5m. The site has a surveyed area of 404.7m<sup>2</sup>.</p> <p>The site is located within the R1 General Residential zone and accommodates a one and two storey dwelling house.</p> <p>The site maintains an east/west orientation and has a cross fall from east to west by approximately 1.9m.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by similar low density residential development, within landscaped settings.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

## PROPOSED DEVELOPMENT IN DETAIL

This applications seeks consent for alterations and additions to an existing dwelling house.

In particular, the application includes:

- an extension of the first floor to the rear of the dwelling.

## 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 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the</p>

Section 4.15 Matters for Consideration'	Comments
	proposal.  (iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 1 submission/s from:

Name:	Address:
Mr Timothy Huw King Ms Kerrie King	4 Thornton Street FAIRLIGHT NSW 2094

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

- **Privacy**
- **Shadowing**

The matters raised within the submissions are addressed as follows:

### Privacy

Concern is raised specifically in relation to the windows of the addition along the southern elevation (windows W06; W07; W08). There is concern that such windows will directly look into an upstairs bedroom. It is thought that window W06 should be opaque being that it adjoins a bathroom. Further

concern is raised that the new windows will overlook the downstairs bathroom at No. 4 Thornton Street.

Comment:

The window adjoining the ensuite on the southern elevation has a sill height of 1.74m, which is considered a sufficient privacy measure. It is also noted this window is to be finished in opaque glass, and this will be imposed as a condition of consent.

Given the nature of a hallway, the associated windows (W07 and W08) are not considered to result in unreasonable privacy levels. The occupants of the dwelling are not able to utilise this space as a living area, rather to simply enter and exit the bedrooms. In turn, the duration of use and frequency of traffic within this space is considered minimal. Further, this structure is setback 4.74m from the common boundary of No.4 Thornton Street, and 8m in total from the upstairs windows of No. 4 Thornton Street. This figure represents a very sufficient building separation, to which will provide no unreasonable amenity impacts.

This matter does not warrant the refusal of the application.

### **Overshadowing**

Concern is raised that the proposal will result in a reduction in the available solar access for the property at No. 4 Thornton Street. It is thought that the provided shadow diagrams are insufficient as the height of the shadows upon the north wall are not shown. Further concern is raised in regard to the height of the addition.

Comment:

The provided shadow diagrams have been certified and prepared in accordance with Council's development assessment lodgement requirements. Further, the provided shadow diagrams depict compliance with Part 3.4.1.1 within Manly Development Control Plan that stipulates adjacent buildings with an east-west orientation must continue to enjoy a minimum of 2 hours of sunlight from 9am to 3pm to windows or glazed doors of living rooms. The provided shadow diagrams demonstrate that at least 2 hours of sunlight will be maintained for the eastern elevation of No. 4 Thornton Street. Additionally, the rear yard of the adjoining property is considered to form the private open space of this dwelling; the proposal will not eliminate more than one third of the existing sunlight available to this space, in accordance with Part 3.4.1.1 of Manly Development Control Plan.

The building height of the proposed development measures at a maximum, 7.4m. The building height control for the subject site is 8.5m, therefore the proposal remains well within the prescribed building height.

This matter does not warrant the refusal of this application.

### **MEDIATION**

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

### **REFERRALS**

Internal Referral Body	Comments
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following conditions of consent.
Strategic and Place Planning	The site of proposed development is a listed heritage item in its own



Internal Referral Body	Comments
(Heritage Officer)	right. The proposed additions are in keeping with the advice issued at the concept design stage by Council's heritage officers and in that context are deemed acceptable.

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

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

#### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A336590, 11 December 2018).

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

### 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	7.48m	N/A	Yes
Floor Space Ratio	FSR: 0.6:1	FSR: 0.51:1	N/A	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
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

## Manly Development Control Plan

### Built Form Controls

Built Form Controls - Site Area: XXXX	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	N: 6.9m (based on gradient 1:14)	6.7m	N/A	Yes
	S: 6.8m (based on gradient 1:16)	6.3m	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.2m	N/A	Yes
	Pitch: maximum 35 degrees	15 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line - 4.1m	3.4m <i>Existing dwelling</i>	N/A	N/A
		11.6m <i>Proposed addition</i>	N/A	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	North - 2.2m South - 2.1m (based on wall height)	2.5m 2.2m	N/A	Yes
	Windows: 3m	North - 2.5m South - 2.2m	16.7% 17.7%	No
4.1.4.4 Rear Setbacks	8m	13.6m	N/A	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% of site area (222.59m <sup>2</sup> )	42.65% (172.63m <sup>2</sup> )	22.46% (49.96m <sup>2</sup> )	No
	Open space above ground 25% of total open space	4.69%% (10.43m <sup>2</sup> )	N/A	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% of open space	46.6% (103.8m <sup>2</sup> )	N/A	Yes
4.1.5.3 Private Open Space	18sqm per dwelling	30.2m <sup>2</sup>	N/A	Yes
Schedule 3 Parking and	Dwelling 2 spaces	Nil	100%	No



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

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
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
4.1.2 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)	No	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
Schedule 1 – Maps accompanying the DCP	Yes	Yes

#### Detailed Assessment

### 3.4.2 Privacy and Security

The proposed balcony extending off the new bedrooms includes adjustable timber louver screening from the floor level of the balcony to the roof. This screening mechanism will enhance visual and acoustic privacy levels for the occupants of the subject site as well as those of adjoining properties. However, in order to maximise amenity, a condition of consent will be imposed stating the louvers must have a maximum opening angle of 45 degrees. Further, sufficient landscaping exists within the rear portion of the site, which will assist in screening the built form as viewed from the rear (eastern) elevation.

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

##### Description of non-compliance

The existing dwelling measures 3.4m from the front boundary, however as this is an existing non-compliance that does not form part of this application, no merit consideration has been undertaken in this regard.

The proposed development is compliant with the front setback Control. The proposal also remains compliant with the side and rear setbacks, however Windows W03 and W06 are not setback at least 3m from the side boundary and the two proposed water tanks encroach the southern side setback. W03 is setback 2.5m from the northern side boundary and W06 is setback 2.2m from the southern side boundary. The position of such windows results from the placement of the external walls. The water tanks are modest in size, measuring 1.48m in height and 4.78m in length combined.

##### 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 two above mentioned windows will be unseen as viewed from the streetscape. It should be noted that the proposed development remains compliant with the prescribed side setbacks, thus appropriate separation between buildings will be maintained. The water tanks will also be unseen from the streetscape, and will not be largely evident from the adjoining property as a result of the existing dividing fence. No landscaping is required to be removed to facilitate this development.

*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:

No unreasonable amenity impacts will arise as a result of this development, as discussed under Part 3.4 'Amenity', of this report. Further, the provided shadow diagrams (drawing numbers DA12, DA13, DA14, dated 12 December 2018) depict compliance with the requirements prescribed within Part 3.4.1 'Sunlight Access and Overshadowing'. The development will not hinder any views or vistas currently obtained from private or public spaces and the development will not affect traffic conditions.

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

Comment:

The proposal remains wholly within the existing building footprint and no unreasonable amenity impacts are considered likely to arise as a result of this development.

*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 total landscaped area of the site complies and exceeds the required percentage of landscaped area, and this application does not reduce any of this pervious surfacing. No vegetation is required to be removed to facilitate this development.

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

Comment:

Not applicable, as the subject site is not classified as bushfire prone land.

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

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

Description of non-compliance

Required total open space: 55% of site area (222.59m<sup>2</sup>)  
Proposed: 42.65% (172.63m<sup>2</sup>)

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:

This application does not require the removal of any landscaping, and the additions remain wholly within the existing building footprint. Further, the landscaped area of the site exceeds the requirement prescribed within this Control (representing 46.6% of the total open space and 11.6% more than that required).

*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 amount of pervious surface is to remain as existing; this development remains wholly within the existing building footprint.

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

Comment:

As detailed under Part 3.4 Amenity of the Manly Development Control Plan section of this report, no unreasonable amenity impacts are considered likely to arise as a result of this development. The addition remains within the 8.5m height control, and further, complies with the front, rear and side setback controls. The provided shadow diagrams (drawing numbers DA12, DA13, DA14, dated 12 December 2018) depict compliance with the Controls prescribed within Part 3.4.1 Sunlight Access and Overshadowing.

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

Comment:

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections to the proposed stormwater system subject to conditions included in the recommendation of this report. The soft surface contained within the site will continue to function as is, such that water infiltration and surface runoff will continue to be managed as existing.

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

Comment:

The development will not impact upon private or public open space, and further, no amendments are proposed for the landscaping within the site.

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

Comment:

The vegetation within the subject site is to remain as existing, thus the provision of wildlife habitat and wildlife corridors will not be hindered.

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

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

##### Description of non-compliance

The subject site does not contain any off-street parking facilities. This arrangement is to remain unchanged as part of this application.

##### Merit consideration:

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

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

##### Comment:

The existing dwelling house does not contain any on-site parking facilities, and this arrangement is to remain unchanged, therefore it is considered reasonable to assume this arrangement is accessible and adequate for the occupants of the subject site,

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

##### Comment:

Given the existing parking arrangements, the on-street parking demand is considered to remain as is.

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

##### Comment:

Not applicable, as the subject site does not contain a driveway or on-site parking spaces.

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

##### Comment:

Not applicable, as the site does not contain nor does it propose the addition of on-site parking spaces.

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

##### Comment:

Not applicable, as this proposal does not contain any encroachment upon footpaths.

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

Comment:

The subject site contains sufficient landscaping and further, limits the amount of impervious surfaces as no on-site parking is provided.

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

Comment:

The use of public transport is likely encouraged for occupants of the subject site, as a result of the lack of on-site parking. The fairlight locality is considered to be well serviced by public transit options. Further, the current parking arrangement may also facilitate an increase in bicycle use for the occupants.

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.

## **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 DA2018/1980 for Alterations and additions to a dwelling house on land at Lot 11 DP 1464, 6 Thornton Street, FAIRLIGHT, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA05, Rev. E - Proposed Ground Floor Plan	12 December 2018	Action Plans
DA06, Rev. E - Proposed First Floor Plan	12 December 2018	Action Plans
DA07, Rev. E - North/East Elevation	12 December 2018	Action Plans
DA08, Rev. E - South/West Elevation	12 December 2018	Action Plans
DA09, Rev. E - Long/Cross section	12 December 2018	Action Plans

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA02, Rev. E - Site/ Roof/ Sediment Erosion/ Waste Management/ Stormwater	12 December 2018	Action Plans

Concept Plan		
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<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate (Cert. No. A336590)	11 December 2018	Action Plans
Statement of Heritage Impact	11 December 2018	Purcell Asia Pacific Limited

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:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	December 2018	Paul and Frances Wallace

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 2. Prescribed Conditions

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

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

- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

### 3. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

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

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

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

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

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

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. **Security Bond**

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

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

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

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

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

## 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. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

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

9. **Visual Privacy**

The louvers along the northern and southern elevations of the deck extending off the two new bedrooms, are to have a maximum opening angle of 45 degrees. The louvers are to extend from the finished floor level of the deck, up to the roof.

Reason: to enhance amenity for occupants of the subject site and for those of adjoining properties.

10. **Visual Privacy**

Windows W03 and W06 are to be finished in translucent glass.

Reason: to maximise visual privacy for occupants of the subject site and those of adjoining properties.

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

**Signed**



**Georgia Quinn, Planner**

The application is determined on 16/04/2019, under the delegated authority of:





**Rodney Piggott, Manager Development Assessments**