

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0574
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Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 1 DP 998291, 48 Wood 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:	Craig Rodney Dingle Veronica Tracey Williams
Applicant:	Craig Rodney Dingle

Application Lodged:	14/05/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	20/05/2021 to 03/06/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 96,600.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to an existing dwelling house at No. 48 Wood Street, Manly. The works comprise of;

- Construction of a single hardstand with an associated driveway and crossover,
- Construction of a new front fence with sliding gate,
- Construction of a new awning over existing patio,
- Construction of a new south-east facing window, which will be attached to the existing study,
- Associated landscaping works.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 5.10 Heritage conservation

Manly Development Control Plan - 3.2 Heritage Considerations

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 1 DP 998291 , 48 Wood Street MANLY NSW 2095
Detailed Site Description:	The subject site consists of one (1) allotment located on the southern side of Wood Street. The site is regular in shape with a frontage of 7.6m along Wood Street and a depth of 45.7m. The site has a surveyed area of 348.4m². The site is located within the R1 General Residential zone and accommodates a heritage listed cottage. The subject dwelling is single storey and has no off-street parking. The site slopes in the south-west direction with an approximate fall of 5.0m. Detailed Description of Adjoining/Surrounding Development Surrounding properties consist of other dwelling houses of varying age, size and construction.

Map:



SITE HISTORY

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

PLM2019/0045:

Pre-lodgement meeting for the subject application, held on 21 April 2019. The meeting concluded that the proposal was not satisfactory in its current form and required a redesign prior to submission. Specifically it was advised to make the following amendments;

"a. greater (maximised) landscaped setbacks to both side boundaries and increasing the proportion of landscaping within the front setback (i.e. by (i) deleting the ramp and hardpaved area between the top of the ramp and the front fence on the eastern side and widen the landscaping to the edge of the carspace and (ii) reduce the extent of paving on the western side in between the new steps and the front gate by widening the landscaping to the edge of the carspace for 50% of the area of that hardpaving)

b. the use of natural pavers (sandstone or similar) for the surface of the carspace and pedestrian areas to soften the visual impact of this area

c. lowering the hardstand area to maximise the visibility of the dwelling when a car is parked on the site

d. the design of the proposed front fence must allow bandicoots to pass through."

DA2020/1448:

Application for alterations and additions to an existing dwelling house, including the construction of a carport, front fence and a rear awning. This application was refused by Council on 25 February 2021.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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 allow Council to request additional information. Additional information was requested in relation to amended plans. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration'	Comments
of the site for the development	
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 20/05/2021 to 03/06/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Mr Christoph Derks	1 / 50 Wood Street MANLY NSW 2095

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

- **Overshadowing**

The matters raised within the submissions are addressed as follows:

- **Overshadowing:** Concern has been raised that the proposal will result in unreasonable overshadowing to the adjoining property No. 1/50 Wood Street.

Comment:

The applicant has provided detailed shadow diagrams, which demonstrates that the proposed awning will not eliminate any existing sunlight accessed by No. 50 Wood Street's north-west facing windows. Furthermore, it acknowledged that the proposal will cast additional shadows over No. 50 Wood Street's side access path from 12pm onwards. However, these impacts are negligible and remain consistent with the desired outcomes contained within *Clause 3.4.1 Sunlight Access and Overshadowing* of Manly Development Control Plan.

This matter does not warrant the refusal of this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	This application is for the alterations and additions to an existing residential dwelling. Proposed works include the extension of the existing rear patio and the construction of new roofing above, as well as the construction of a new driveway and car-stand area, entry path as well as additional landscape works. Councils Landscape Referral section has considered the application against the Warringah Local Environment Plan, and the following Manly DCP 2013 controls: • 3.3.1 Landscaping Design • 3.3.2 Preservation of Trees or Bushland Vegetation • 4.1.5 Open Space and Landscaping The Statement of Environmental Effects provided with the application notes that no existing significant trees or vegetation shall be removed as a result of the proposed works. This is supported by the Architectural Plans as all significant vegetation is noted as retained. It is noted that upon review of the Site Survey provided, only one significant tree is located within the site. This tree is located towards the rear of the site adjacent to the south-west boundary, and is largely clear of proposed works. As a result, proposed works are expected to have minimal effect on the health and vitality of this tree. The retention of this tree, as well as others located in the adjoining properties and road reserve, is vital to satisfy control 3.3.2, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide". The Architectural Plans provided indicate that some planting is proposed within the front of the site. As the site is located within Long-Nosed Bandicoot Habitat, the proposed planting is required to be in accordance with control 3.3.1, specifically <i>Clause a) iv)</i> which outlines suitable planting species that are capable of providing new and/or improved low dense clumping habitat for potential foraging and nesting. In addition to this, the proposed planting is to serve a dual purpose and provide built form softening and mitigation, ensuring open space and landscaping is the dominant feature of the site. This planting is necessary to satisfy both controls 3.3.1 and 4.1.5, as key objectives of these controls include "to retain and augment important landscape features and vegetation including remnant populations of native flora and fauna", "to maximise wildlife habitat and the potential for wildlife corridors", as well as "to maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area". The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as

Internal Referral Body	Comments
	the completion of landscape works as proposed on the Architectural Plans.
NECC (Bushland and Biodiversity)	Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including: Biodiversity Conservation Act 2016 (BC Act) Manly Local Environmental Plan (MLEP) • Clause 6.5 (Terrestrial Biodiversity) Manly Development Control Plan (MDCP) • Clause 3.3.1. a) iv) Landscaping Design • Clause 5.4.2 (Threatened Species and Critical Habitat Lands) The proposal involves minor additions and alterations to the existing dwelling and the provision of an off-street car space with driveway access from Wood Street together with perimeter landscaping within the front yard and works to the rear yard of the site. Given the limited extent of works, and small impact on soft-landscaping Council have concluded that no significant impact on the Long-nosed Bandicoot - North Head population was likely to occur. Issues relating to Landscaping for Lon-nosed Bandicoots in accordance with section 3.3.1 of the MDCP have been captured within the Landscape Referral response. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.
NECC (Development Engineering)	Development Engineering has no objection to the application subject to the following condition of consent.
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	The proposal has been referred to Heritage as the subject property is a heritage item, being part of group listed cottages - Item I261 - Houses - 42 and 46–48 Wood Street, and within the vicinity of heritage items: Item I262 - Residential flat building - 49 Wood Street Item I263 - House - 51 Wood Street Item I2 - All stone kerbs - Eastern side of Wood Street
	Details of heritage items affected
	Details of the items as contained within the Manly heritage inventory are as follows:

Internal Referral Body	Comments																					
	Item I261 - Houses <u>Statement of significance:</u> Listed as a unified group of modest single storey weatherboard cottages. <u>Physical description:</u> Single storey weatherboard cottages with hipped corrugated metal roofs with skillion roofed verandahs and timber louvred gable vents. Verandahs feature stop-chamfered timber posts. Item I262 - Residential flat building <u>Statement of significance:</u> Listed as a representative Inter-War Georgian Revival style flat building. <u>Physical description:</u> Two storey Inter-War Georgian Revival style flat building in dark face brick with hipped unglazed terracotta roof, 6 & 8 Wood Street, paned timber framed double hung windows, central gabled entry bay with elaborate brickwork and decorative entablature over entry with decorative stucco brackets. Two storey corner bays with terracotta shingled aprons either side of entry bay. Original brick fence. Contains four flats. Item I263 - House <u>Statement of significance:</u> Listed as a fine example of Victorian Filigree style residence in prominent location overlooking Little Manly Cove. <u>Physical description:</u> Two storey Victorian Filigree style residence, rendered walls, hipped and gabled roof. Verandah featuring fluted cast iron columns with decorative brackets and frieze to ground floor. Elaborate front door and French doors. A Metal Palisade front fence. <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>No</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>No</td><td></td></tr><tr><td>Other</td><td>No</td><td></td></tr></table> Consideration of Application	Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	No	
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Other	No																					

Internal Referral Body	Comments
	The proposal seeks consent for alterations and additions to the existing cottage including the construction of a carport and a driveway within the front setback, addition of a window to the existing study (eastern elevation) and a new metal roof over the existing terrace. Previously, a Development Application - DA2020/1448 had been refused for mainly heritage related concerns. The revised plans have resolved some heritage concerns by deleting the proposed carport over the hardstand area and lowering the hardstand, to the point that it does not exceed height of 950 mm above ground level and removing the need for balustrading allowed the retention of an appropriate visual setting that contributes to the character of the streetscape and the retention of the views upon the heritage item. The proposed new window to the study is considered be inappropriate for the character of the existing cottage and required to match the existing windows on this facade in terms of the shape/size and the materiality. Therefore, no objections are raised to the proposal, subject to one condition. <u>Consider against the provisions of CL5.10 of Manly LEP 2013.</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes Further Comments COMPLETED BY: Oya Guner, Heritage Advisor DATE: 10 June 2021

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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. A391275_02 dated 03 May 2021).

If supported a condition would be 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 who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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	Complies
Height of Buildings:	8.5m	3.6m	Yes
Floor Space Ratio	FSR: 0.6:1 (209.04sqm)	FSR: 0.57:1 (198.8sqm)	Yes (Existing)

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
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	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

5.10 Heritage conservation

Merit Consideration

The development is considered under the objectives of the clause below.

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Manly,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

The proposal has been assessed by Council's Heritage Officer. This assessment has found the proposal's design to be an appropriate response to the existing heritage listed cottage at No. 48 Wood Street, as the lowered hardstand with adequate landscaping minimises any adverse visual impacts upon the heritage item. Therefore, the proposal is consistent with the objectives of the clause and is supported by Council.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 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 not supported, in this particular circumstance.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 348.4sqm	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	South-east: 7.0m	No new walls proposed	N/A	N/A
	North-west: 7.0m	2.3m (Rear patio)	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.1m (Rear patio)	N/A	Yes
	Pitch: maximum 35 degrees	< 35 degrees (Rear patio)	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	0.7m	88.3%	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	South-east: 1.14m (Hardstand) 0.66m (Rear patio)	1.0m (Hardstand) 1.0m (Rear patio)	14% N/A	No N/A
	North-west: 1.14m (Hardstand) 0.69m (Rear patio)	3.0m (Hardstand) 0.5m (Rear patio)	N/A 27.5%	Yes No
	Windows 3.0m	2.0m	33.3%	No
4.1.4.4 Rear Setbacks	8m	9.4m	N/A	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% of site area	30% (105sqm)	45.2%	No
4.1.5.2 Landscaped Area	Landscaped area 35% of open space	104% (109.8sqm)	N/A	Yes
	1 native trees	1 trees	N/A	Yes
4.1.5.3 Private Open Space	18sqm per dwelling	>18sqm	N/A	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	45% (3.5m)	N/A	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	1 spaces	50%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
3.3.3 Footpath Tree Planting	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	No	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.1.10 Fencing	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
5 Special Character Areas and Sites	Yes	Yes
5.4.2 Threatened Species and Critical Habitat Lands	Yes	Yes

Detailed Assessment

3.2 Heritage Considerations

Merit consideration:

The development is considered against the underlying Objectives of the Control as follows:

Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including:

- *significant fabric, setting, relics and view associated with heritage items and conservation areas;*
- *the foreshore, including its setting and associated views; and*
- *potential archaeological sites, places of Aboriginal significance and places of natural significance.*

Comment:

The proposal involves constructing an open hardstand, which will be enclosed by a 1.0m picket fence and vehicle entry gate. These structures are located beyond the existing building line of the heritage listed cottage. Councils Heritage Officer has found the proposal's design to be an appropriate response (subject to conditions) to the existing heritage listed cottage at No. 48 Wood Street, as the lowered hardstand with adequate landscaping minimises any adverse visual impacts upon the heritage item. Furthermore, the picket fence complements the existing façade, which effectively integrates the proposal within the streetscape. Therefore, the proposal is consistent with the objectives of the clause and is supported by Council.

Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.

Comment:

As discussed above, the development is suitably designed to fit sympathetically with the heritage item and will not have an adverse impact on the significance of the area.

Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.

Comment:

The proposed hardstand is compatible within the locality, as the minimal design is an appropriate form that does not detract from the significance of the existing heritage item.

Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.

Comment:

The proposal involves providing the subject site a new means of access through the construction of a driveway and single hardstand, while preserving the heritage values of the site and locality.

Objective 5) To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.

Comment:

The application has been referred to Councils Heritage Officer who determined that the development is an appropriate design (subject to conditions) with regards to the existing heritage item. The application is recommended for approval on this basis.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent 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 not supported, in this particular circumstance.

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

Description of non-compliance

Hardstand

The Manly DCP 2013 requires the provision of a 6m front setback, when there is no prevailing building line in the immediate vicinity. The proposed hardstand is set back 0.7m from the front boundary. In addition, the proposed hardstand provides a non-compliant south-east side setback of 1.0m.

Rear awning

The proposed awning is set back 0.5m from the north-west side boundary. The control requires a minimum north-west side setback of 0.69m.

Window

The south-east facing window is set back 2.0m from the boundary. The control requires all windows to be set back 3.0m from side boundaries.

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:

Hardstand

As discussed throughout this report the proposed hardstand has been adequately designed to maintain the heritage significance of the existing cottage and the nearby heritage items. It is acknowledged that the non-compliance with the setback controls are a result of the existing dwelling's placement and the relatively narrow lot width. In addition, the proposal's open nature is complemented by an enhanced landscape design, which maintains consistency with the existing built form and nearby comparable developments that share the same situation. Overall, the proposal will maintain and enhance the existing streetscape.

Rear Awning/Window

These works will not be readily visible, when viewed from the street.

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:

Hardstand

The proposed hardstand is suitably designed to provide privacy within the locality. The proposal is accompanied with shadow diagrams that demonstrate no unreasonable overshadowing of the neighbouring properties. Further, the proposal will not result in any unreasonable loss of views from the neighbouring properties. In addition, the proposal results in an appropriate visual setting that contributes to the character of the streetscape and the retention of the views upon the heritage item. The proposed location of the parking structure will not result in any unreasonable impacts on the traffic conditions within the locality.

Window

The proposed south-east facing window will be attached to the existing ground floor study. The adjoining site known as No. 50 Wood Street, contains an elevated side access path, which runs parallel to the subject dwelling's south-east elevation. As such, the proposed window will not provide readily accessible views into adjoining private open space areas and windows.

Rear awning

The proposed awning will be constructed over the existing rear patio and will therefore have minimal impacts upon the existing privacy experienced between buildings. Furthermore, the structure has a lightweight design and a maximum height of 3.6m, which mitigates any unreasonable visual impacts. In addition, the applicant has provided detailed shadowing diagrams that indicate compliance with *Clause 3.4.1 Sunlight Access and Overshadowing* of Manly Development Control Plan.

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

Comment:

The proposed setback non-compliance area considered to be acceptable given the characteristics of the site and its surroundings.

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 non-compliance will not result in any unreasonable impacts on the natural features of the site.

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

Comment:

Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent 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 not supported, in this particular circumstance.

4.1.5 Open Space and Landscaping

Description of non-compliance

The DCP requires that the site consist of 55% open space with minimum dimensions of 3m. The proposed development consists of 30% (105sqm) open space. Notwithstanding the numerical non-compliance with the control, the development is considered to be consistent with the desired outcomes of the control and this is discussed in detail below.

Merit consideration:

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

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

Comment:

The development does not result in the removal of significant canopy trees which would result in the character of the site being compromised or impact populations of flora and fauna. In addition, as the site is located within Long-Nosed Bandicoot Habitat, imposed conditions will require the new planting to be in accordance with *Clause 3.3.1 Landscaping Design* of MDCP.

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 proposal provides a compliant landscape setting, which reasonably maximises soft landscaped areas and open space at ground level that includes appropriate tree planting and vegetation coverage.

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

Comment:

The proposal achieves reasonable compliance with the solar access requirements under MDCP and does not impact upon views. In addition, the proposal's privacy impacts have been mitigated through appropriate separation from boundaries. Further, the proposed hardstand is considered to be compatible within the Wood Street streetscape. Overall, the proposal enhances the subject site's amenity through the provision of adequate off-street parking and additional outdoor entertaining areas, while not creating unreasonable amenity impacts for the surrounding area.

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

Comment:

The proposal will retain sufficiently sized landscape areas across the site that are capable of water infiltration, which will assist in minimising stormwater run-off.

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

Comment:

No major landscaping works are proposed within this application.

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

Comment:

The development does not impact significant canopy trees which would be used for habitat.

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.

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

Description of non-compliance

The proposal provides one off-street parking space, while the control requires two spaces.

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:

Currently the subject site has no form of off-street parking, as such the proposal will enhance the site's accessibility through the provision of one off-street parking space. Notwithstanding the non-compliance with Council's parking requirements, the proposal effectively provides off-street parking that reasonably maintains the visual characteristics of the streetscape. The proposed space will be easily accessible from the street and the design of the proposed hardstand adequately integrates the development with the associated heritage listed dwelling. Overall, it is considered that the proposal will reasonably provide accessible and adequate parking on site relative to the type of development and the locality for all users.

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

Comment:

The proposed hardstand will provide one off-street parking space, which is a notable improvement upon the current situation. Therefore, the proposal will reasonably reduce the demand for on-street carparking within the immediate vicinity.

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:

The proposal's design adequately provides one off-street carparking space that promotes efficient, safe, and convenient vehicular access.

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

Comment:

The proposal involves relatively minor earthworks for the proposed structure, therefore, will not jeopardise the stability of the subject site nor will it disrupt ground water flows.

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

Comment:

The proposed changes to the footpath have been reviewed and accepted by Council's Development Engineers.

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 design of the car space is minimal in terms of width and low-lying nature, such that it allows adequate opportunities for landscaped areas in the front setback.

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:

This clause does not apply, as the subject site is zoned R2 Low Density Residential.

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 affect threatened species, populations or ecological communities, or

their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

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 DA2021/0574 for Alterations and additions to a Dwelling House on land at Lot 1 DP 998291, 48 Wood 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
DA01 - RevB: Site plan	09 March 2021	Sammy Fedeles
DA03: Floor plan	22 September 2020	Sammy Fedeles
DA04 - RevB: Carspace plan	09 March 2021	Sammy Fedeles
DA05 - RevB: Roof plan	09 March 2021	Sammy Fedeles
DA06: Elevation section	22 September 2020	Sammy Fedeles
DA07 - RevB: Elevation	09 March 2021	Sammy Fedeles
DA08 - RevB: Driveway section (A)	09 March 2021	Sammy Fedeles
DA09 - RevB: Driveway section (B)	09 March 2021	Sammy Fedeles
DA10 - RevB: Driveway section (C)	09 March 2021	Sammy Fedeles
DA12 - RevB: Footpath	09 March 2021	Sammy Fedeles
DA13 - RevB: Streetscape	09 March 2021	Sammy Fedeles

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	03 November 2020	Craig Dingle & Veronica Williams

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. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	26 May 2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the

statutory requirements of other departments, authorities or bodies.

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.

4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved

waste/recycling centres.

- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

- (k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

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

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

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

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

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

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

6. Stormwater Disposal

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY.

Details demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

7. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of driveway crossing and footpath which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer.

The design must include the following information:

- 1) 3 m wide driveway crossing
- 2) 1.2 m wide footpath along Wood Street to accommodate the driveway crossing.
- 3) the protection of the existing drainage infrastructure under the proposed driveway
- 4) the affected areas on the road reserve

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

8. Structural Adequacy and Excavation Work

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

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

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

Reason: To provide public and private safety.

9. New window servicing the study

The proposed new window to the study is considered be inappropriate for the character of the existing cottage and required to match the existing windows on this façade in terms of the shape/size and the materiality. Details demonstrating compliance with this condition are to be submitted to Councils Heritage Officer for approval prior to the issue of the Construction Certificate.

Reason: To preserve the character and integrity of the heritage item and its significance.

10. 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.

11. 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 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Dead or Injured Wildlife

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

13. Public Liability Insurance - Works on Public Land

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

15. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

16. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

17. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

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

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

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

19. **Traffic Control During Works**

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

Reason: Public Safety.

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

20. Landscape Completion

Landscaping is to be implemented in accordance with the approved Architectural Plan, inclusive of the following conditions:

i) proposed planting is to utilise species listed in control 3.3.1 of the Manly DCP 2013, specifically *Clause a) iv)*, as the site is located in an area identified as Long-Nosed Banidooct habitat. A variety of plant types, including screening shrubs, grasses and groundcovers shall be utilised to provide new and/or improved low dense clumping habitat to provide for potential foraging and nesting.

Proposed shrub planting is to comprise of native species capable of attaining a height of 2 metres at maturity.

Shrub planting is to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

21. 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.

22. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

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

23. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be

replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

24. **Undesirable Trees**

Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars, or any other Undesirable Trees identified by Council, must not be planted on the site for the life of the development.

In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views and loss of plant diversity.

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

Signed



Kye Miles, Planner

The application is determined on 05/07/2021, under the delegated authority of:



Catriona Shirley, Acting Development Assessment Manager