AGENDA

DEVELOPMENT DETERMINATION PANEL MEETING

Notice is hereby given that a Meeting of the Development Determination Panel will be held in the Walamai Room, Civic Centre, Dee Why on

WEDNESDAY 24 OCTOBER 2018

Ashleigh Sherry
Manager Business System and Administration

northern
beaches
council

northern beaches council

Agenda for a Meeting of the Development Determination Panel to be held on Wednesday 24 October 2018 in the Walami Room, Civic Centre, Dee Why

1.0 APOLOGIES & DECLARATIONS OF INTEREST

2.0 MINUTES OF PREVIOUS MEETING

2.1 Minutes of Development Determination Panel held 10 October 2018

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS 5

3.1 DA2018/1011 - 50 Hudson Parade, Clareville - Alterations and additions to a dwelling house, boat shed and carport, and construction of a new secondary dwelling with associated driveway and landscaping works 5

3.2 DA2018/1394 - 60 Raglan Street, Manly - Alterations and additions to a dwelling house 6

3.3 DA2018/1268 - 16 Bower Street, Manly - Alterations and additions to an existing dwelling house including carport 33

3.4 DA2018/1101 - 43 West Street, Balgowlah - Alterations and additions to an existing dwelling house including carport 62

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 10 OCTOBER 2018

RECOMMENDATION

That the Panel note that the Minutes of the Development Determination Panel held 10 October 2018 were approved by all Panel Members and have been posted on Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

ITEM 3.1	**DA2018/1011 - 50 HUDSON PARADE, CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE, BOAT SHED AND CARPORT, AND CONSTRUCTION OF A NEW SECONDARY DWELLING WITH ASSOCIATED DRIVEWAY AND LANDSCAPING WORKS**
REPORTING MANAGER	**ANNA WILLIAMS**
TRIM FILE REF	**2018/658265**
ATTACHMENTS	**NIL**

This item has been removed from agenda, due to development standard variation being under 10%.

ITEM 3.2	**DA2018/1394 - 60 RAGLAN STREET, MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**
REPORTING MANAGER	**RODNEY PIGGOTT**
TRIM FILE REF	**2018/659432**
ATTACHMENTS	**1 Assessment Report** **2 Site Plan and Elevations**

PURPOSE

To refer the attached application for determination due to directions provided by the Department of Planning & Environment in relation to applications with a clause 4.6 variation to the floor space ratio.

RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority grant Development Consent to DA2018/1394 for alterations and Additions to a dwelling house on land at Lot C DP 102891, 60 Raglan Street, Manly subject to the conditions and for the reasons outlined in the Assessment Report.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1394

Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot C DP 102891, 60 Raglan 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
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Mark Eric Stead Wendy Allison Stead
Applicant:	Attic Ladders Pty Ltd

Application lodged:	23/08/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	29/08/2018 to 14/09/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	$ 266,952.00

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

northern beaches council

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 - 4.6 Exceptions to development standards
Manly Local Environmental Plan 2013 - 5.10 Heritage conservation
Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils
Manly Development Control Plan - 3.2 Heritage Considerations
Manly Development Control Plan - 3.3.1 Landscaping Design
Manly Development Control Plan - 3.3.2 Preservation of Trees or Bushland Vegetation
Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing
Manly Development Control Plan - 3.4.2 Privacy and Security
Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

SITE DESCRIPTION

Property Description:	Lot C DP 102891 , 60 Raglan Street MANLY NSW 2095
Detailed Site Description:	The subject site consists of one allotment located on the north-western corner of Raglan Street and Ocean Road. The site is regular in shape with a frontage of 8.84m along Raglan Street and a secondary frontage of 28.17m along Ocean Road. The site has a surveyed area of 248.1m². The site is located within the R1 General Residential zone and accommodates a detached dwelling house. The site slopes approximately 5m from north-west to south-east. The site contains minimal vegetation, with only a small lawn area to the front of the dwelling. **Detailed Description of Adjoining/Surrounding Development** Adjoining and surrounding development is characterised by a mix of detached and semi-detached dwellings, dual occupancies and residential flat buildings. Manly Bowling Club, Manly Oval and Ivanhoe Park are located across Raglan Street to the south.

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:

DA0134/2015 - Alterations and Additions - Construction of a timber fence on the existing sandstone wall - Approved 16 July 2015.

DA0181/2017 - Alterations and additions to the existing dwelling house - Withdrawn.

PROPOSED DEVELOPMENT IN DETAIL

The proposal includes a first floor addition consisting of:

- Existing attic
- Existing storage space
- Two (2) bedrooms
- Bathroom

No changes are proposed to the existing ground floor.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments

northern beaches council

Section 4.15 Matters for Consideration'	**Comments**
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	Division 8A 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. Clause 50(1A) of the EP&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. Clauses 54 and 109 of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. Clauses 93 and/or 94 of the EP&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. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. Clause 143A of the EP&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.
Section 4.15 (1) (b) – the likely impacts of	(i) **Environmental Impact**

northern beaches council

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	Planning Comment: It is noted that the scope of works referred to within the Heritage Impact Statement prepared by Weir Phillips Heritage relates to a previous application. However, the current application has been

northern beaches council

Internal Referral Body	Comments
	referred to Council's Heritage Officer with the below comments received. Heritage Officer Comment: Further to a review of the available documents and site visit, I am of opinion that the proposal complies with the heritage clauses of the Manly heritage DCP, and based on this have no objections to this proposal from heritage perspective. Kind Regards Zoran Popovic heritage adviser

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)

Nil

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.83m	N/A	Yes

northern beaches council

Floor Space Ratio	0.6:1 148.86m2	0.75:1 186.9m2	25.6%	No

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	No
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
6.12 Essential services	Yes

Detailed Assessment

4.6 Exceptions to development standards

Description of non-compliance:

Requirement:	0.6:1 (148.86m2)
Proposed:	0.75:1 (186.9m2)
Is the planning control in question a development standard?	YES
If numerical enter a % variation to requirement	25.6%

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.4 - Floor space ratio development standard has taken into consideration the recent judgement contained within Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 and an assessment of the request to vary the development standard in accordance with the requirements of Clause 4.6 is provided below:

Clause 4.6 Exceptions to development standards:

(1) The objectives of this clause are as follows:
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

northern beaches council

Clause 4.4 Floor space ratio development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
(b) the concurrence of the Secretary has been obtained.

cl 4.6 (4)(a)(i) (Justification) assessment:
cl 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6 (3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:
The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard. The applicant's written request has demonstrated consistency with the objectives of the Floor space ratio development standard as detailed below:

- The applicant's written request submits that the building form and scale is consistent with development in the vicinity of the subject site and the presentation of the dwelling from the primary Raglan Street frontage is maintained.
- The applicant's written request submits that the proposed addition is modest in size and that existing view corridors are retained.
- The applicant's written request submits that the proposed works are compatible with the existing residential development of Raglan Street and Ocean Road, and the landscape setting of the dwelling is retained.
- The applicant's written request submits that the proposal will result in no unreasonable impacts on the surrounding properties or on the existing heritage, streetscape or landscape values of the surrounding area.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

northern beaches council

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of Initial *Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)
The objects of this Act are as follows:
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
(c) to promote the orderly and economic use and development of land,
(d) to promote the delivery and maintenance of affordable housing,
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
(j) to provide increased opportunity for community participation in environmental planning and assessment.

The Applicant's written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, as detailed below:

- The applicant's written request submits that the proposed form and scale of the development is consistent with the adjoining residential development.
- The applicant's written request submits that the proposal will result in no unreasonable amenity impacts to surrounding properties.
- The applicant's written request submits that the proposal maintains the presentation of the dwelling to the public domain from Raglan Street and Ocean Road.
- The applicant's written request submits that the proposal retains the existing relationship to the heritage Item I219 (Group), of which the subject dwelling forms a part.

In doing so, the applicant's written request has demonstrated that the proposed development is an

northern beaches council

orderly and economic use and development of the land and that the building is of a good design and will protect the amenity of the surrounding built environment therefore satisfying cl 1.3(c)(g) of the EPA Act.

In this regard, the applicants written request has adequately demonstrated the that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

cl 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment:

In considering whether or not the proposed development will be in the public interest consideration must be given to the underlying objectives of the Floor space ratio development standard and the objectives of the R1 General Residential zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objectives of cl 4.4 Floor space ratio development standard are:

(a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,

Comment:

The appearance of the dwelling as viewed from the primary Raglan Street frontage is retained and the proposed eastern setback minimises the bulk and visual impact of addition as viewed from Ocean Road.

The development satisfies this objective.

(b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,

Comment:

The proposed building height is compliant and the bulk is not excessive in relation to the site area. No important landscape or townscape features will be obscured as a result of the proposed addition.

The development satisfies this objective.

(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,

northern beaches council

Comment:

The proposed addition is consistent in form and scale with surrounding development on Raglan Street and Ocean Road, and Council's Heritage Officer raised no objection to the proposal.

The development satisfies this objective.

(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,

Comment:

The proposed addition is sufficiently set back from the secondary street frontage (Ocean Road) and will result in no unreasonable impacts on the use of the public domain or adjoining properties to the north and west.

(e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres,

Comment:

N/A

Conclusion:

The proposed development satisfies the underlying objectives of the Floor space ratio development standard.

Zone objectives

The underlying objectives of the R1 General Residential zone

- *To provide for the housing needs of the community.*
- Comment:

  The proposal retains the existing residential use of the site.
- *To provide for a variety of housing types and densities.*

  Comment:

  The proposal retains the existing housing type and density.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

  Comment:

  N/A

northern beaches council

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R1 General Residential zone.

cl 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Floor space ratio Development Standard is assumed by Council's Development Determination Panel.

5.10 Heritage conservation

The proposed additions are located at the rear of the existing dwelling and the facade as viewed from Raglan Street will be retained.

Council's Heritage Officer commented that the proposal complies with the relevant heritage clauses of the Manly DCP and raised no objections.

6.1 Acid sulfate soils

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

The site is located in an area identified as Acid Sulfate Soil Class 4, as indicated on Council's Acid Sulfate Soils Planning Map.

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

No excavation is proposed.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 248.1m2	Requirement	Proposed	Complies
4.1.2.1 Wall Height	East: 6.5m	4.55m	Yes
	West: 6.5m	5m	Yes
4.1.2.2 Number of Storeys	2	2	Yes
4.1.2.3 Roof Height	Height: 2.5m	2.1m	Yes

northern beaches council

4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	2m	Existing
4.1.4.2 Side Setbacks and Secondary Street Frontages	East: 1.52m	3.535m	Yes
	West: 1.67	0.13m	No
4.1.4.4 Rear Setbacks	8m	3.87m	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.7 Stormwater Management	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

Detailed Assessment

3.2 Heritage Considerations

The proposed additions are located at the rear of the existing dwelling and the facade as viewed from Raglan Street will be retained.

Council's Heritage Officer commented that the proposal complies with the relevant heritage clauses of the Manly DCP and raised no objections.

3.3.1 Landscaping Design

The proposed additions are located at first floor level and the existing landscaping on the site remains unaffected.

3.3.2 Preservation of Trees or Bushland Vegetation

No trees or vegetation are proposed to be removed.

3.4.1 Sunlight Access and Overshadowing

Merit consideration:

northern beaches council

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

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

Comment:

The proposal will result in no unreasonable overshadowing of the subject site or adjoining properties. At 9am the majority of the additional shadowing will fall on the roof of Nos. 62 and 64 Raglan Street, with a small amount also falling within the front setbacks. At 12pm the additional shadow falls on the existing roof of the subject dwelling and the footpath of Ocean Road. At 3pm there is minor overshadowing of the western wall of No. 58 Raglan Street, and further overshadowing of the subject dwelling roof and Ocean Road.

Objective 2) To allow adequate sunlight to penetrate:

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

Comment:

The proposal allows adequate sunlight to be retained to the windows and private open spaces of the subject site and surrounding properties.

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

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

Comment:

The proposed additions are appropriately modulated and set back to mitigate any unreasonable overshadowing impacts.

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

3.4.2 Privacy and Security

Merit consideration:

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

northern beaches council

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

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

Comment:

The proposal is appropriately designed to maintain the privacy of the subject site and adjoining properties. The western first floor wall contains no windows and the proposed windows to the eastern side are significantly set back and look over the adjoining road reserve. The proposed first floor is lower than and sufficiently separated from the adjoining dwelling to the north (rear). Further, the proposed northern door D5 is to a hallway and window W4 is to a bedroom.

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

Comment:

The proposal provides sufficient privacy and sunlight access to the subject site and adjoining properties.

Objective 3) To encourage awareness of neighbourhood security.

Comment:

The proposal provides additional opportunities for passive surveillance.

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

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

Description of non-compliance

The proposed western side and rear setbacks are non-compliant.

Merit consideration:

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

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

Comment:

The existing appearance of the dwelling from Raglan Street is maintained and the proposed compliant setback from the Ocean Road frontage sufficiently minimises the visual impact of the dwelling.

northern beaches council

Objective 2) To ensure and enhance local amenity by:

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

Comment:

The proposal will result in no unreasonable impacts in relation to privacy, sunlight access, views, streetscape character or traffic conditions.

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

Comment:

The proposed addition is modest in scale and is located to the rear of the site to retain the form of the existing heritage dwelling. The proposed rear setback is generally consistent with the adjoining semi-detached dwellings at Nos. 62 and 64 Raglan Street and will result in no unreasonable amenity or streetscape impacts.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposed addition is contained within the existing building footprint and will not impact landscaping or vegetation on the site.

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

Comment:

N/A

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

northern beaches council

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

S94 Contributions are not applicable to 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 DA2018/1394 for Alterations and Additions to a dwelling house on land at Lot C DP 102891, 60 Raglan Street, MANLY, subject to the conditions printed below:

DA2018/1394

northern beaches council

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**
A1.01 A Site Plan	4 July 2018	CVMA Architects
A1.02 A Ground Floor Plan	4 July 2018	CVMA Architects
A1.03 A Attic Floor Plan	4 July 2018	CVMA Architects
A1.04 A Roof Plan	4 July 2018	CVMA Architects
A2.01 A South and North Elevations	4 July 2018	CVMA Architects
A2.02 A East Elevation	4 July 2018	CVMA Architects
A2.03 A West Elevation	4 July 2018	CVMA Architects
A3.01 A Section AA	4 July 2018	CVMA Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	**Dated**	**Prepared By**
Heritage Impact Statement	May 2017	Weir Phillips Heritage
BASIX Certificate No. A325533_02	20 August 2018	CVMA Architects

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

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

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

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Prescribed Conditions**
   (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

northern beaches council

Authority for the work, and

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:

A. the name and licence number of the principal contractor, and

B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

A. the name of the owner-builder, and

B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(i) protect and support the adjoining premises from possible damage from the excavation, and

(ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

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,

northern beaches council

- 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

northern beaches council

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

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

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

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

(i) Swimming Pools Act 1992

(ii) Swimming Pools Amendment Act 2009

(iii) Swimming Pools Regulation 2008

(iv) Australian Standard AS1926 Swimming Pool Safety

(v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

(vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

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

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

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

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

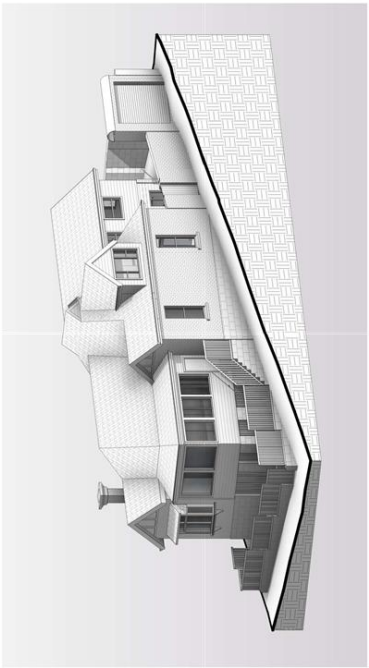
All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority

prior to the issue of the Construction Certificate.

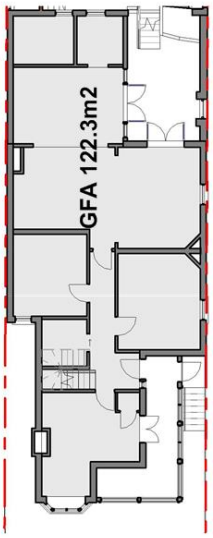
To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

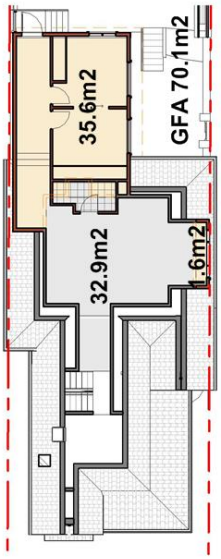
Reason: To ensure adequate protection of Council's infrastructure.

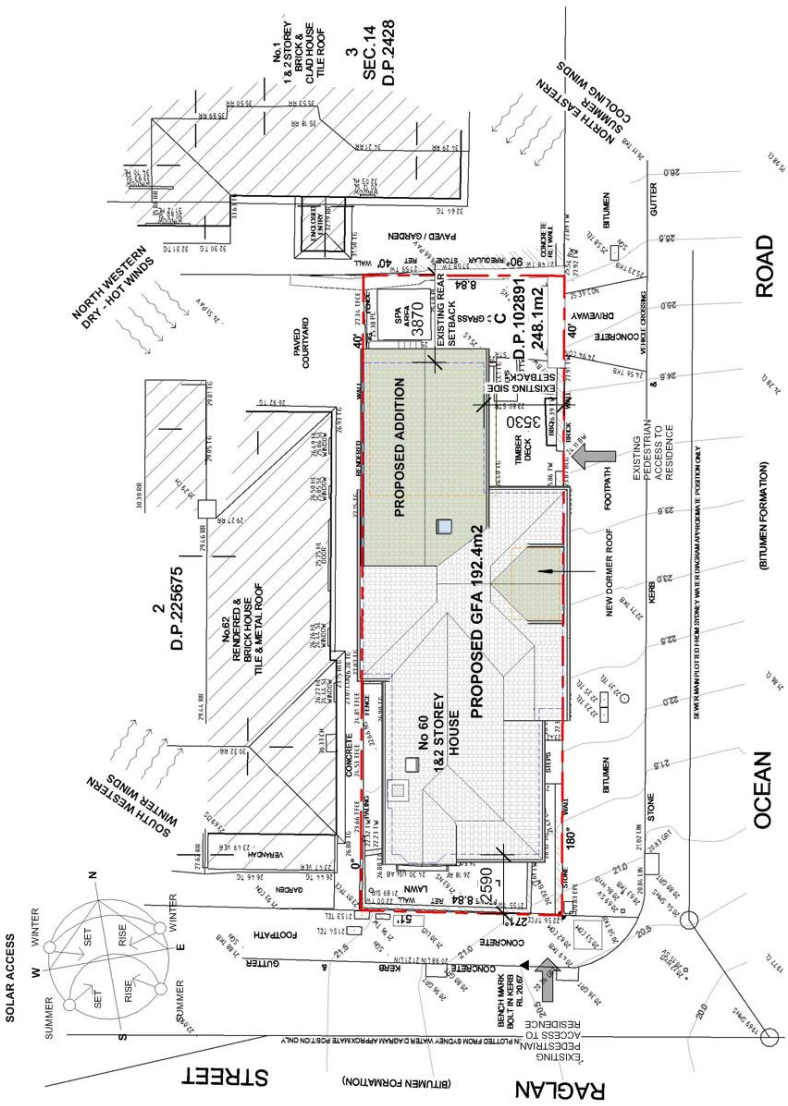
ALTERATIONS AND ADDITIONS AT N°60 RAGLAN STREET MANLY NSW



2 3D VIEW 1
1 : 1







1:200 0 2 4 10m

1 SITE/SITE ANALYSIS PLAN
A2.01
1 : 200

SITE AREA 248.1m2
PERMISSABLE FSR 0.65:1 OR 161.3m2
PROPOSED GROSS FLOOR AREA 192.4m2 FSR 0.77:1
NO CHANGES ARE PROPOSED TO EXISTING
LANDSCAPED AREA AND SITE COVERAGE AREA

DRAWING	SITE/SITE ANALYSIS PLAN
PROJECT	ALTERATIONS AND ADDITIONS
ADDRESS	60 RAGLAN STREET, MANLY NSW 2095
CLIENT	

DRAWN BY	NV
CHECKED BY	AC
SCALE	As indicated@A3
JOB NO	1816
DRAWING NO	A1.01 A

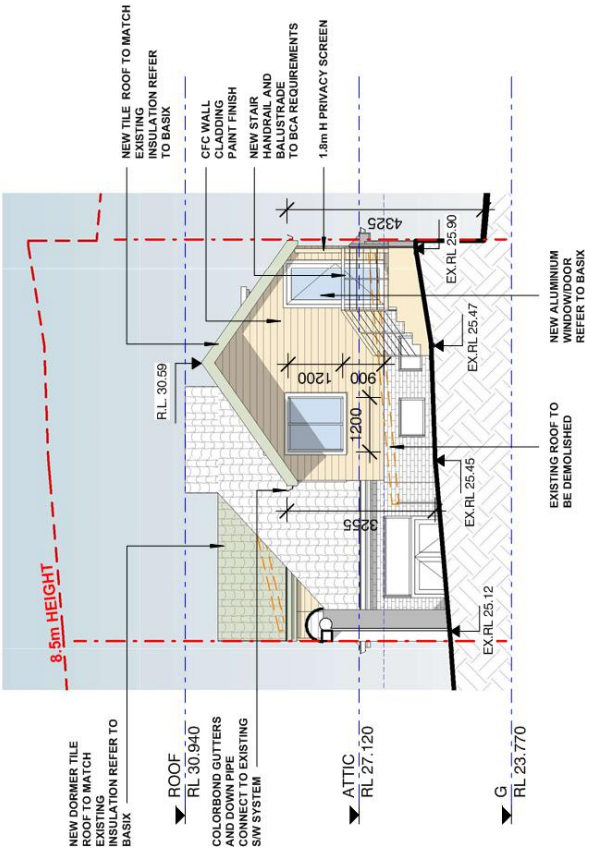
N

cvma architects
ARCHITECTURE • INTERIORS

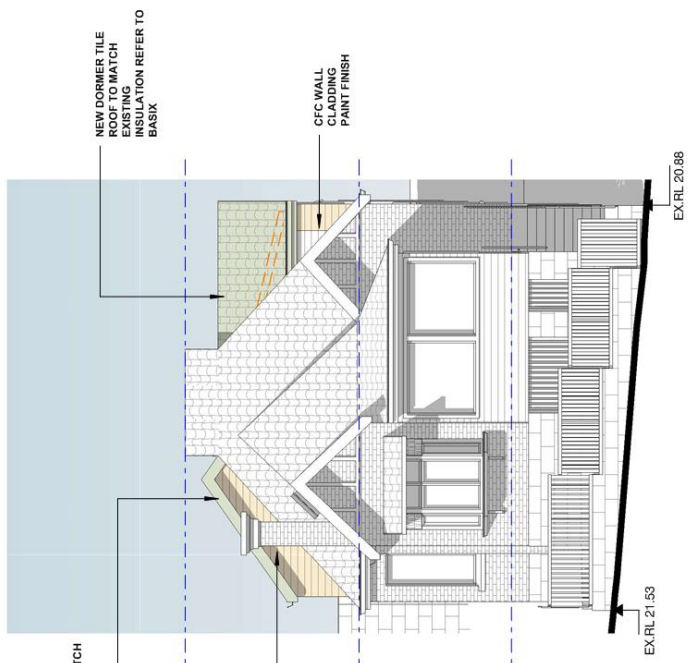
C V M A A R C H I T E C T S NOMINATED ARCHITECT No7196
t: 0293450694 m: 0403313035 a: 79 COOPER STREET MAROUBRA NSW 2035 w: CVMAARCHITECTS.COM.AU

Contractor to verify all dimensions on site before commencing work CVMA Architects is to be notified of any discrepancies in the dimensions and setting out of the work.Copyright of design shown hereon is retained by this office. Authority is required for any reproduction.

ISSUE	REVISIONS	DATE
A	DA ISSUE	4/07/2018



2 E NORTH
1 : 100



1 E SOUTH
1 : 100

C V M A A R C H I T E C T S NOMINATED ARCHITECT No7196
t: 0293450694 m: 0403313035 a: 79 COOPER STREET MAROUBRA NSW 2035 w: CVMAARCHITECTS.COM.AU

Contractor to verify all dimensions on site before commencing work CVMA Architects is to be notified of any discrepancies in the dimensions and setting out of the work.Copyright of design shown hereon is retained by this office. Authority is required for any reproduction.

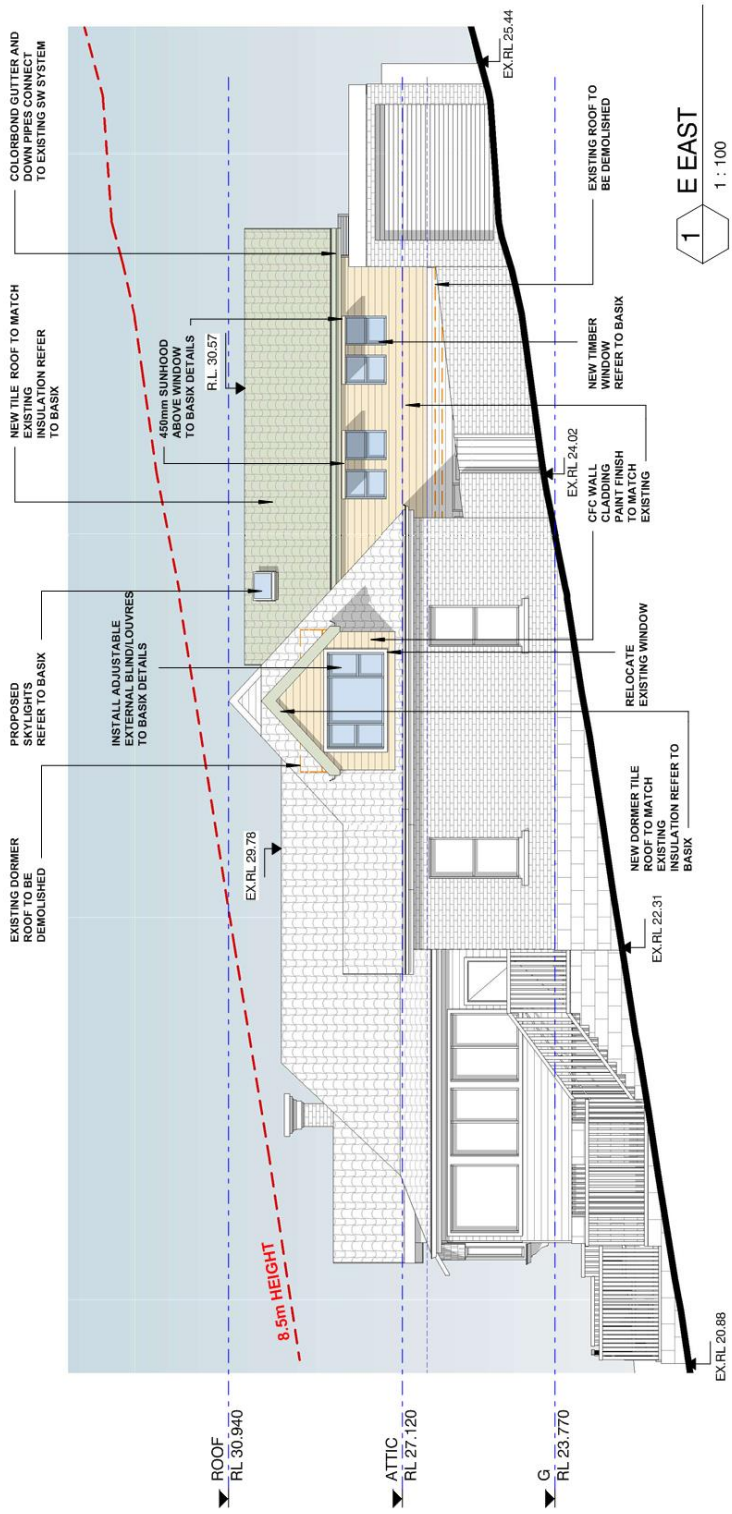
ISSUE	REVISIONS	DATE
A	DA ISSUE	4/07/2018

cvma_architects
ARCHITECTURE • INTERIORS

DRAWING	SOUTH AND NORTH ELEVATIONS
PROJECT	ALTERATIONS AND ADDITIONS
ADDRESS	60 RAGLAN STREET, MANLY NSW 2095
CLIENT	

DRAWN BY	NV
CHECKED BY	AC
SCALE	1 : 100@A3
JOB NO	1816
DRAWING NO	A2.01 A

N



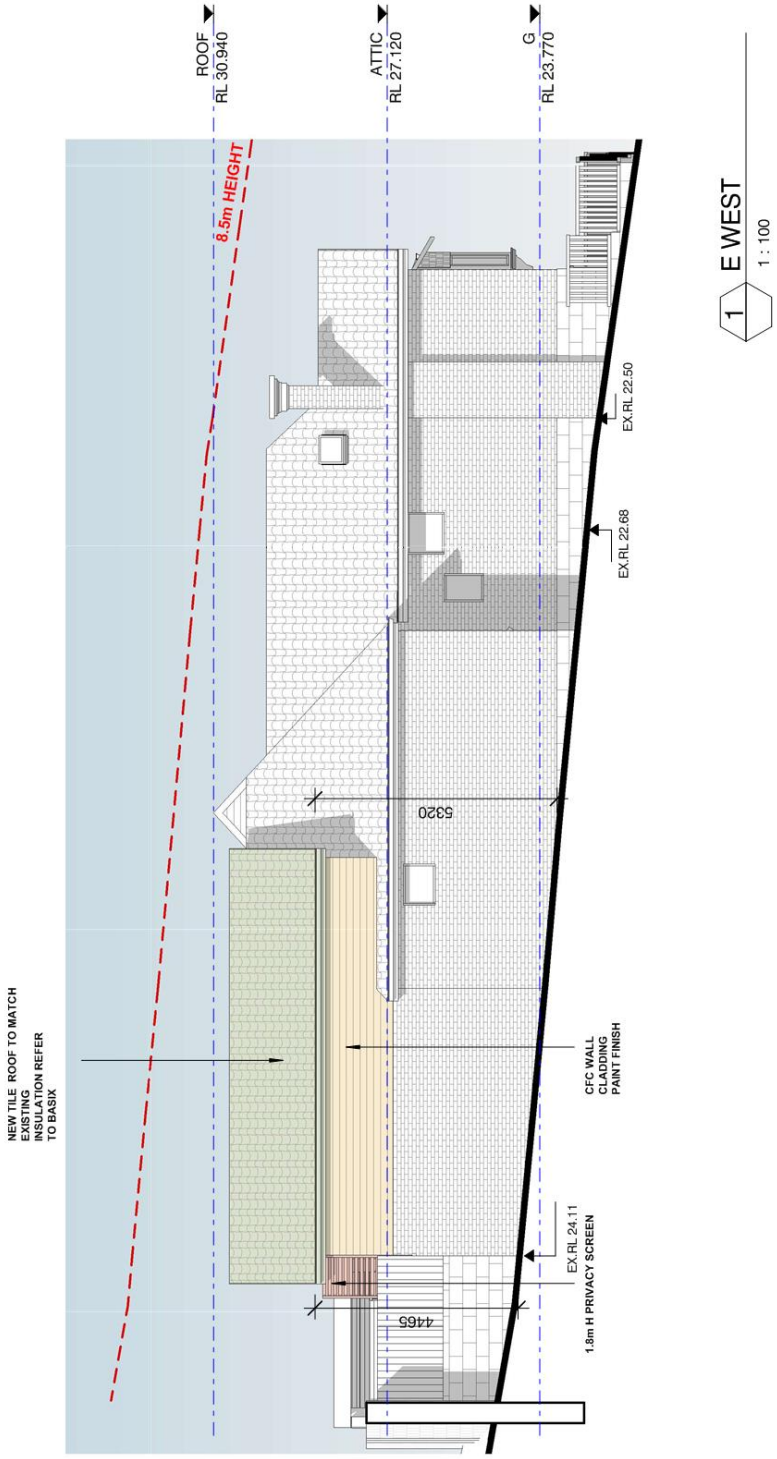
cvma architects
ARCHITECTURE • INTERIORS

DRAWING	EAST ELEVATION
PROJECT	ALTERATIONS AND ADDITIONS
ADDRESS	60 RAGLAN STREET, MANLY NSW 2095
CLIENT	
DRAWN BY	NV
CHECKED BY	AC
SCALE	1 : 100@A3
JOB NO	1816
DRAWING NO	A2.02 D

CVMA ARCHITECTS NOMINATED ARCHITECT No7196
t: 0293450694 m: 0403313035 a: 79 COOPER STREET MARCOUBRA NSW 2035 w: CVMAARCHITECTS.COM.AU

Contractor to verify all dimensions on site before commencing work CVMA Architects is to be notified of any discrepancies in the dimensions and setting out of the work. Copyright of design shown hereon is retained by this office. Authority is required for any reproduction.

ISSUE	REVISIONS	DATE
A	DA ISSUE	4/07/2018
B	DA ISSUE	13/07/2018
C	DA ISSUE	13/08/2018
D	DA ISSUE	28/08/2018



1 E WEST
1 : 100

CVMA ARCHITECTS NOMINATED ARCHITECT No7196
t: 0293450694 m: 0403313035 a: 79 COOPER STREET MAROUBRA NSW 2035 w: CVMAARCHITECTS.COM.AU

Contractor to verify all dimensions on site before commencing work CVMA Architects is to be notified of any discrepancies in the dimensions and setting out of the work.Copyright of design shown hereon is retained by this office. Authority is required for any reproduction.

ISSUE	REVISIONS	DATE
A	DA ISSUE	4/07/2018

cvma_architects
ARCHITECTURE • INTERIORS

DRAWING	ELEVATIONS
PROJECT	ALTERATIONS AND ADDITIONS
ADDRESS	60 RAGLAN STREET, MANLY NSW 2095
CLIENT	

DRAWN BY	NV
CHECKED BY	AC
SCALE	1 : 100@A3
JOB NO	1816
DRAWING NO	A2.03 A

N

ITEM 3.3	**DA2018/1268 - 16 BOWER STREET, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE INCLUDING CARPORT**
REPORTING MANAGER	**RODNEY PIGGOTT**
TRIM FILE REF	**2018/659444**
ATTACHMENTS	**1 Assessment Report**
	2 Site Plan and Elevations

PURPOSE

To refer the attached application for determination due to directions provided by the Department of Planning & Environment in relation to applications with a clause 4.6 variation to the Special Height Provisions.

RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority grant Development Consent to DA2018/1268 for Alterations and additions to an existing dwelling house including carport on land at Lot 30 DP 8075, 16 Bower Street, Manly subject to the conditions outlined in the Assessment Report.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1268

Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 30 DP 8075, 16 Bower Street MANLY NSW 2095
Proposed Development:	Alterations and additions to an existing dwelling house including carport
Zoning:	Manly LEP2013 - Land zoned E3 Environmental Management
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Trustees Roman Catholic Church Archdiocese Sydney Lauren Christie Templeman Paul Ashton Mitchell
Applicant:	Paul Mitchell

Application lodged:	27/07/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	02/08/2018 to 20/08/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	$ 24,500.00

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

northern beaches council

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 - 4.6 Exceptions to development standards
Manly Development Control Plan - 3.1 Streetscapes and Townscapes
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 - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

SITE DESCRIPTION

Property Description:	Lot 30 DP 8075 , 16 Bower Street MANLY NSW 2095
Detailed Site Description:	The subject site consists of an allotment located on the north-western side of Bower Street. The site is irregular in shape with a frontage of 16.295m along Bower Street and a depth of 44.96m-47.245m. The site is located within the E3 Environmental Management zone and accommodates dwellings on both sides of Bower Street. The site slopes from Bower Street down to land zoned for public recreation. **Detailed Description of Adjoining/Surrounding Development** Adjoining and surrounding development is characterised by residential development and public recreation land.

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:

- DA124/2007- Alterations and additions to the existing dwelling including new deck and demolition of rear shed with modification approved on 20 April 2010.
- DA271/2010- Alterations and additions to an existing dwelling including extension of garage, new room below existing deck, swimming pool, cabana, retaining walls, decks and landscaping with modification approved on 16 December 2010.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for alterations and additions to the existing dwelling including:

- Demolition of existing single garage and construction of a single carport.
- Partial demolition of existing wall and construction of a new wall
- Minor extension to existing concrete slab
- Widening of existing driveway.
- Removal and replacement of existing windows
- Installation of new planter box

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

northern beaches council

are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	Division 8A 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. Clause 50(1A) of the EP&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. Clauses 54 and 109 of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. Clauses 93 and/or 94 of the EP&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. Clause 98 of the EP&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. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction

northern beaches council

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application (prepared by ecological Australia, dated 28 August 2018.

The application was referred to the NSW Rural Fire Service for further assessment. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the Bush Fire Report have been included as part of the recommended conditions of consent.

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:

DA2018/1268

northern beaches council

Name:	Address:
Andrew James Howden	2 Geddes Street BALGOWLAH NSW 2093

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

- Request approval only to be granted for carport (without floor to ceiling walls or garage door)

Comment:
A condition with a list of plans has been recommended. In this list of plans, the structure is a carport and there is no reference to walls or a garage door. Council cannot prohibit any future application for a garage however if consent is granted to this proposal it will be a carport.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	The development site is located within declared habitat for the endangered population of Long-nosed Bandicoots at North Head. However, given the proposal will have minimal impact on existing soft open space, it is considered that a five-part test (in accordance with Section 7.3 of the *Biodiversity Conservation Act 2016)* is not required. The proposal is considered to be consistent with relevant Natural Environment controls of the Manly LEP and DCP 2013.
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following condition of consent.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been 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.

northern beaches council

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

SEPP 55 - Remediation of Land

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.2m (planter box) 5.8m (rear ridge of carport)	N/A	Yes.
Special Height Provisions	Highest Point of the road (RL30.57)	RL33.6	N/A	No, see comments.

DA2018/1268

northern beaches council

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.3A Special height provisions	No
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.5 Terrestrial biodiversity	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

Detailed Assessment

4.6 Exceptions to development standards

Special Height Provisions

Requirement:	RL30.57
Proposed:	RL33.6
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical.
If numerical enter a % variation to requirement	N/A (no percentage variation to building height)

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3A - Special height Provisions development standard has taken into consideration the recent judgement contained within Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 and an assessment of the request to vary the development standard in accordance with the requirements of Clause 4.6 is provided below:

Clause 4.6 Exceptions to development standards:

(1) The objectives of this clause are as follows:
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

northern beaches council

Clause 4.3A Special height provisions development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
(b) the concurrence of the Secretary has been obtained.

cl 4.6 (4)(a)(i) (Justification) assessment:
cl 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6 (3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:
The Applicant's written request has demonstrated that the objective of the development standard is achieved, notwithstanding the non-compliance with the development standard. The applicant has also established that the objective is not relevant to the purpose of the objective.
In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:
In the matter of Initial *Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act,

northern beaches council

including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)
The objects of this Act are as follows:
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
(c) to promote the orderly and economic use and development of land,
(d) to promote the delivery and maintenance of affordable housing,
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
(j) to provide increased opportunity for community participation in environmental planning and assessment.

The Applicant's written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard. The applicant's written request submits that the proposal maintains public views of the ocean, that these views are not of the harbour (as the objectives specifies) and that views of the ocean are obstructed by the existing garage that is proposed to be demolished.

In doing so, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land and that the building is of a good design and will protect the amenity of the surrounding built environment therefore satisfying cl 1.3(c)(g) of the EPA Act.

In this regard, the applicants written request has adequately demonstrated the that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

cl 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objective of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment:
In considering whether or not the proposed development will be in the public interest consideration must be given to the underlying objective of the Special height provisions development standard and

northern beaches council

the objectives of the E3 Environmental Management zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objective of cl 4.3A Special height provisions development standard is:

(1) The objective of this clause is to maintain public views to Sydney Harbour from street level on local roads above steeply sloping sites on certain land.

Comment:

The proposal involves the demolition of an existing garage and the construction of a carport. As a result, the carport would provide for more views through the area of car parking due to its open nature. Additionally, in this instance, the structure would reasonably maintain views to the ocean from public areas.

Conclusion:
The proposed development satisfies the underlying objective of the Special height provisions development standard.

Zone objectives

• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
• To provide for a limited range of development that does not have an adverse effect on those values.
• To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore
• To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.
• To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares.
• To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

Comment:
The proposal includes the addition of a open car parking area as well as retention of the existing dwelling. As a result of the proposed works being substantially within the existing building envelope and parking area, development would result in an appropriate minimisation to impact on the environmental factors outlined in the objectives above.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the E3 Environmental Management zone.

cl 4.6 (4)(b) (Concurrence of the Secretary) assessment:
cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning,

northern beaches council

advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the Development Determination Panel.

Manly Development Control Plan

Built Form Controls

Built Form Controls	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	North: 6m (carport posts)	4m	N/A	Yes.
4.1.2.2 Number of Storeys	2	1	N/A	Yes.
4.1.2.3 Roof Height	Height: 2.5m	0.9m	N/A	Yes.
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	0m	N/A	No, see comments.
4.1.4.2 Side Setbacks and Secondary Street Frontages	1.33m (based on wall height)	0.1m	N/A	No, see comments. Yes.
4.1.4.2 c) Windows of habitable dwellings	3m from side boundary	3.8m (planter box and windows)	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	6.8m	N/A	No, see comments.
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	N/A	Yes.

***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 x 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
3.3.1 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	Yes	Yes

northern beaches council

Clause	Compliance with Requirements	Consistency Aims/Objectives
Performance, and Water Sensitive Urban Design)		
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
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	No	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes
5.4.2 Threatened Species and Critical Habitat Lands	Yes	Yes

Detailed Assessment

3.1 Streetscapes and Townscapes

Merit consideration:

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

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

Comment:

The proposal is for alterations and additions to the existing dwelling and this particularly includes the demolition of the garage structure and the construction of a new carport. The existing garage provides a single space and is closed in nature. The proposed carport would provide for 2 car parking spaces and is open in nature. This is an improvement in terms of the visual impact caused by bulk and an improvement in terms of number of spaces provided in accordance with the Manly DCP. As a result, the proposal reasonably minimises negative visual impact, given the context of the existing site and proposed development (for alterations and additions).

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

Comment:

The proposed carport is sited in the location of an existing garage which is above the ridge of the road. In this area on the lower side of Bower Street the height of development is varied, being above and below the road. This varied identified streetscape along with the improved outlook through providing a open style carport, provides a development that would complement the streetscape.

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

northern beaches council

Comment:

There is no front fence or wall proposed.

It is noted that the proposal provides for alterations and additions to provide for a carport over an existing hard surface area. As such, the proposal maintains existing landscaping to the south of this car parking area and this is an appropriate integration of landscaping and car parking.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP 201 and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

3.4.2 Privacy and Security

Merit consideration:

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

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

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

Comment:

The proposal involves a carport and new larger windows in the place of an existing window. The carport does not provide any feature or additional habitable space that would lead to an unreasonable privacy impact. The new windows at the northern elevation will also provide an adequate design for privacy as a result of setback, physical separation and design. This includes a compliant setback with the control under 4.1.4.2c) requiring new windows to be setback 3m from side boundaries. Additionally, the design (above ground level and with a planter box) and location of the new windows ensure that there would be no unreasonable overlooking.

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

Comment:

The proposal maintains the existing dwelling and adds windows to the north that reasonably minmise privacy impact whilst also providing additional opportunity for light to access the habitable area.

Objective 3) To encourage awareness of neighbourhood security.

Comment:

The dwelling maintains windows and access areas that provide opportunity for awareness of

northern beaches council

neighbourhood security.

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

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

Description of non-compliance

The proposal is non-compliant with the control for front setbacks, being 0m. The existing garage also has a setback of 0m.

The proposal provides for a side setback of 0.1m and the control for this side setback is 1.33m.
Merit consideration:

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

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

Comment:

The proposal for a double carport in the location of an existing single garage would provide for reasonable spatial proportions in the street and appropriate landscape character. This is as a result of the open nature of the carport and the maintenance of landscaped area to the south of the proposed carport at the front of the site.

Objective 2) To ensure and enhance local amenity by:

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

Comment:
The compliant setback, adequate design and location of the proposed windows ensures that there would be no unreasonable privacy impact that arises from the windows. The proposed carport will provide for more views through the structure than are available through the existing garage. Overall, the proposed alterations and additions to the existing dwelling will adequately ensure and enhance local amenity.

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

Comment:

northern beaches council

Flexibility for the location of the carport to be within the front setback is warranted in this circumstance as it will result in an additional car parking space on site (to be compliant with the requirement for parking spaces under the Manly DCP) whilst also providing an adequate and more appropriate visual presentation than the existing situation.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposed carport is over an existing hard surface and landscaped features on site are maintained. In addition, the proposed windows have a planter box attached to further enhance natural features on site.

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

Comment:

A bushfire report has been provided as a reference documents for the conditions of consent.

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 requirement for width of car parking at the frontage is 50% up to 6.2m. The proposed carport is 6.8m in width.

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 alterations and additions to the building would result in providing a compliant situation for parking in terms of number of spaces. Given the constraints of the site including slope from the street and location of the existing dwelling, this design provides adequate and accessible parking for the site and existing

northern beaches council

dwelling.

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 proposal provides a carport for two car parking spaces on site. These spaces reduce demand for on street parking.

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:

Then proposed carport has landscaping located to the south assist in minimising visual impact on the streetscape. The car parking is also reasonably setback from the street (through the separation caused by the road reserve) to ensure access and egress is safe and efficient.

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 proposed area for parking is at street level and would require no significant excavation.

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

Comment:

The proposed driveway crossing provides an adequate size access for two cars to the proposed garage, to ensure width and number of footpath crossings is minimised.

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

Comment:

The proposal is located in an existing hard surface area and maintains the landscaped area to the south and at the front of the site. This provides an appropriate integration of car parking and landscaping.

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 proposal provides adequate on-site parking to be consistent with the number of spaces required by the Manly DCP. As such, further limiting onsite parking is not appropriate in this circumstance.

northern beaches council

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

S94 Contributions are not applicable to 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

DA2018/1268

northern beaches council

THAT Council as the consent authority grant Development Consent to DA2018/1268 for Alterations and additions to an existing dwelling house including carport on land at Lot 30 DP 8075, 16 Bower 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**
DA101- Proposed Site Plan	31/10/17	Annabelle Chapman Architect
DA102- Proposed Ground Floor Plan	31/10/17	Annabelle Chapman Architect
DA103- North Elevation	31/10/17	Annabelle Chapman Architect
DA104- North Elevation	31/10/17	Annabelle Chapman Architect
DA105- Proposed Carport Floor Plan	31/10/17	Annabelle Chapman Architect
DA106- Proposed Carport Roof Plan and Sections	31/10/17	Annabelle Chapman Architect
DA107- Carport Elevations	31/10/17	Annabelle Chapman Architect
DA108- Driveway Plan + Section	31/10/17	Annabelle Chapman Architect

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	**Dated**	**Prepared By**
Bushfire Protection Assessment	28 August 2018	ecological Australia

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

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

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

Waste Management Plan		
Drawing No.	**Dated**	**Prepared By**

northern beaches council

DA111- Waste Management Plan	04/06/18	Annabelle Chapman Architect

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Prescribed Conditions**

(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

northern beaches council

damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

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.

northern beaches council

(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.

northern beaches council

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

A bond (determined from cost of works) of $1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

6. **Vehicle Crossings**
The provision of one vehicle crossing 6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory

northern beaches council

"Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

7. **Pre-clearance Survey Required – Bandicoot Habitat**
A pre-clearance survey for Long-nosed Bandicoot activity and presence is required prior to the removal of any vegetation, material or debris stockpiles. Clearing may only proceed if the survey concludes that no Long-nosed Bandicoots are present within the area to be cleared. All clearing must initially be carried out with hand tools to identify whether any bandicoots are sheltering within the area to be cleared (e.g. at the base of vegetation or under deep litter). Machinery may only be used once it has been confirmed that no bandicoots are sheltering within the area to be cleared. Clearing must be carried out at dusk and completed within one day so that bandicoots do not reoccupy partially cleared areas overnight. A record of each inspection is to be made in the daily inspection register log-book. The log-book is to be made available to the Principal Certifying Authority.

Reason: To avoid injury or death of Long-nosed Bandicoots which may be utilising stockpiles of vegetation, materials or debris.

8. **Daily Inspections Required – Bandicoot Habitat**
An inspection register log-book must be kept on site recording daily inspections of all holes, machinery and construction material stockpiles, checking for Long-nosed Bandicoots. Inspections are to be undertaken each work day prior to commencement of works and works may only proceed once any bandicoot has safely vacated any holes, machinery or stockpiles. The log-book is to be made available to Principal Certifying Authority.

Reason: To avoid injury or death of Long-nosed Bandicoots which may be utilising stockpiles of vegetation, materials or debris.

9. **Report Dead or Injured Bandicoots – Bandicoot Habitat**
Any injured or dead Long-nosed Bandicoots found within the worksite must be reported to the National Parks & Wildlife Service (9457 9577) or Northern Beaches Council (1300 434 434).

Reason: To prevent impacts to Long-nosed Bandicoots in accordance with the Biodiversity Conservation Act 2016.

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

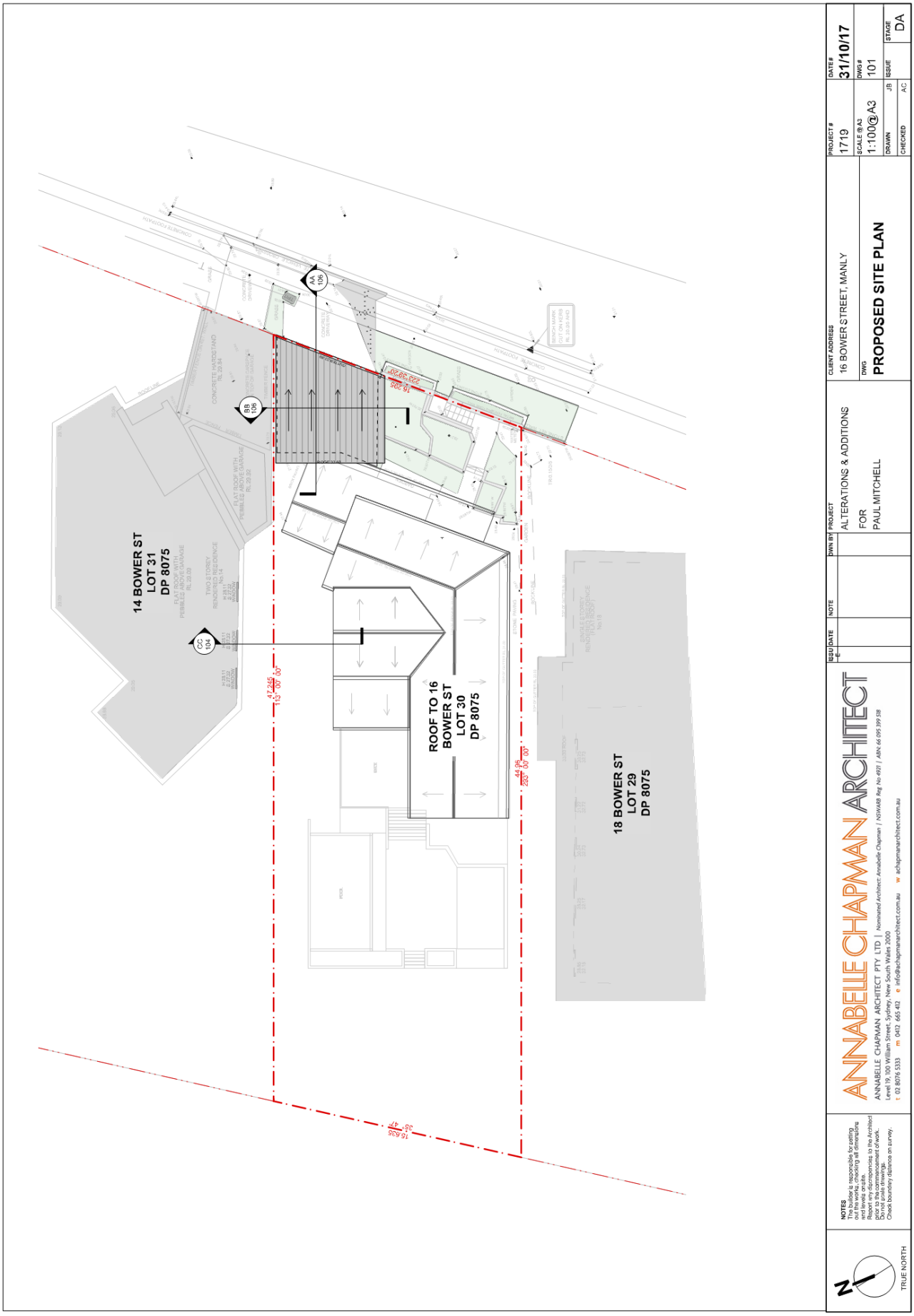
10. **Stormwater Disposal**
The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

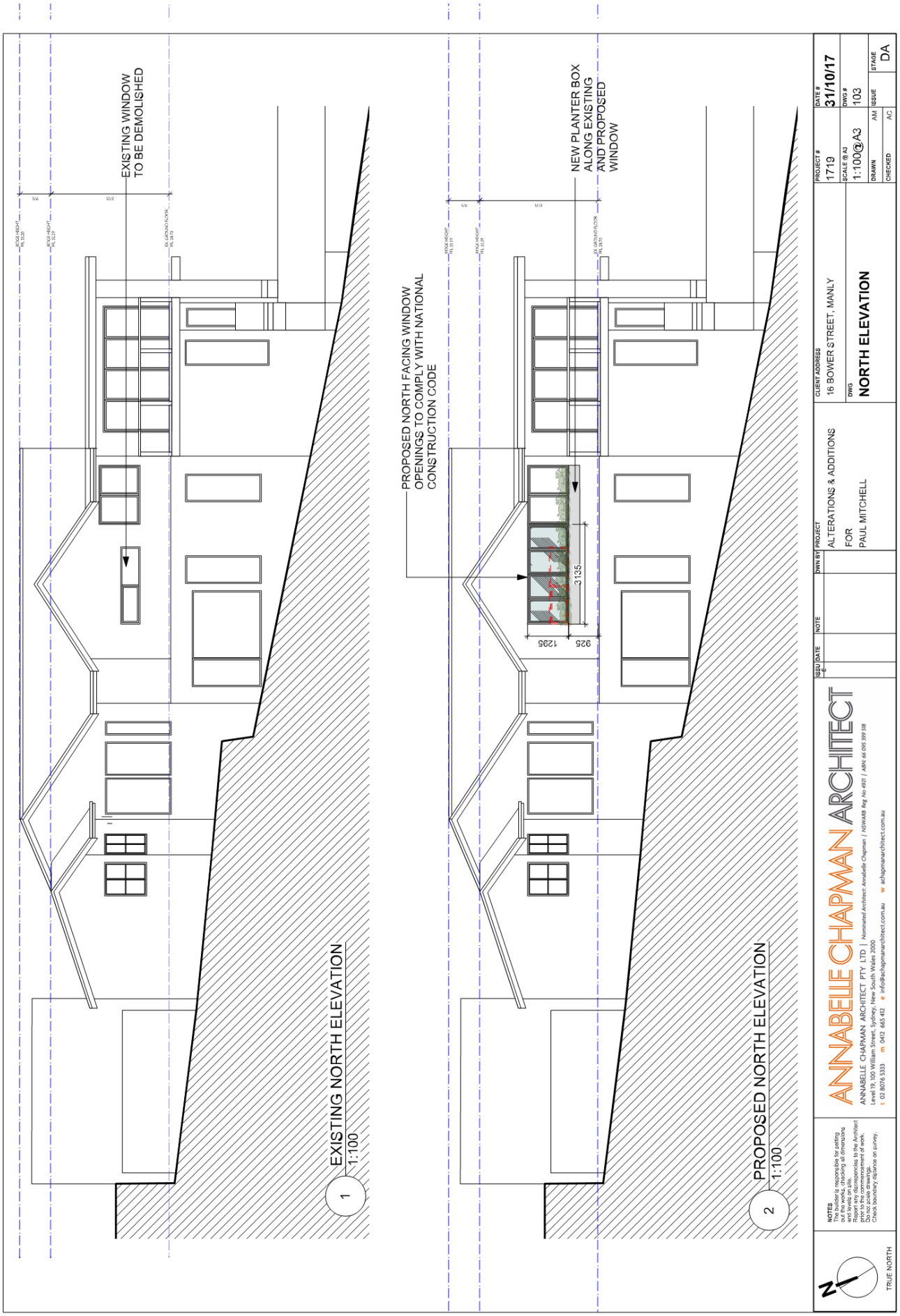
Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

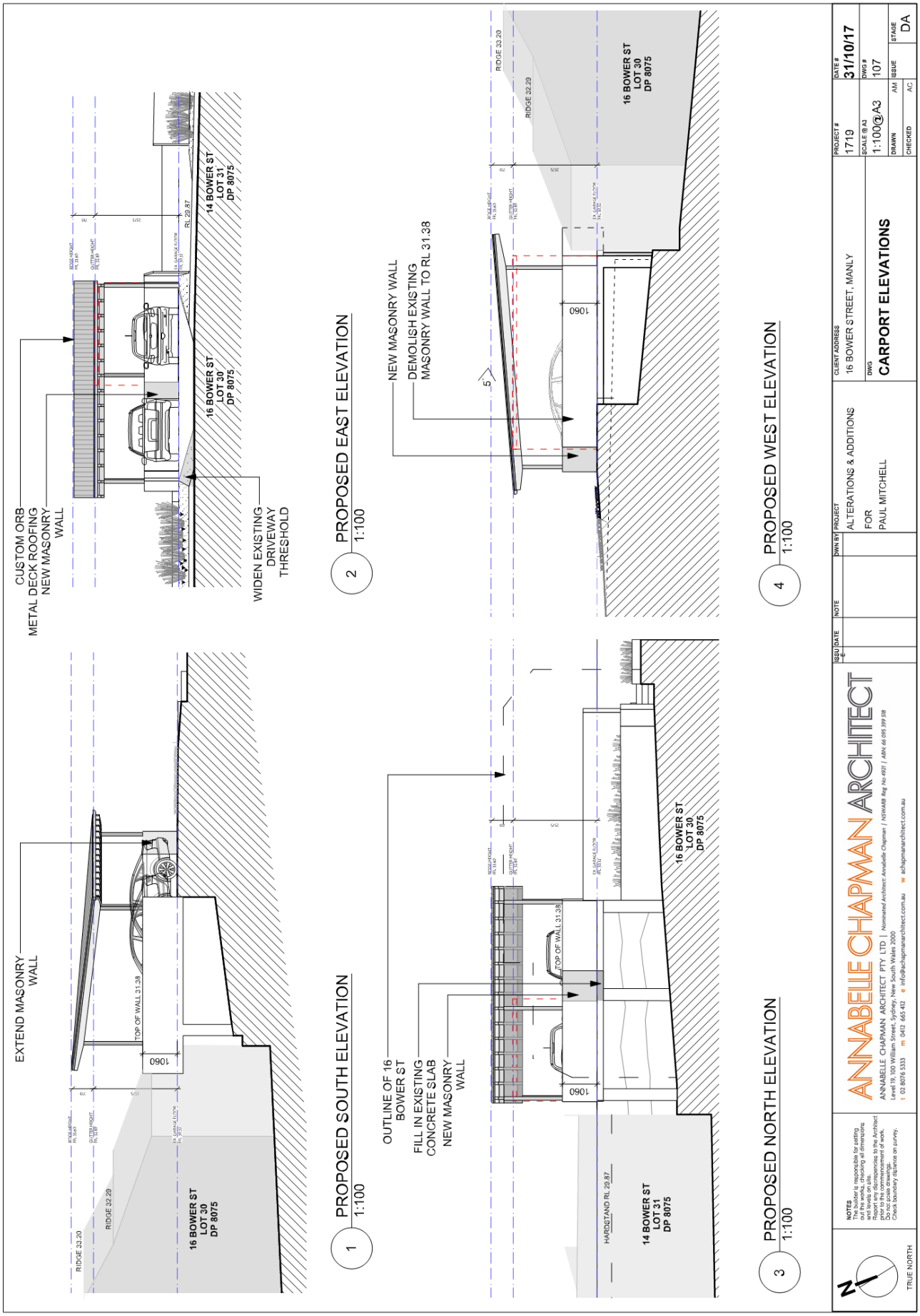
ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

11. **Dead or Injured Wildlife – Manly LEP Clause 6.5**
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 mitigate potential impacts to native wildlife resulting from construction activity.


14 BOWER ST
LOT 31
DP 8075
ROOF TO 16
BOWER ST
LOT 30
DP 8075
18 BOWER ST
LOT 29
DP 8075
CONCRETE HARDSTAND
RL 23.34
FLAT ROOF WITH
PEBBLES ABOVE GARAGE
RL 23.02
TWO STOREY
RENDERED RESIDENCE
No.14
CONCRETE DRIVEWAY
CONCRETE FOOTPATH
BENCH MARK
TOP OF PAVERS
RL 18.29
AA
106
BB
106
CC
104
47.245
43° 00' 00"
44.96
225° 00' 00"
16.635
35° 47'
NOTES
The builder is responsible for setting out the works, checking all dimensions and levels on site.
Report discrepancies to the Architect prior to the commencement of work.
Do not scale drawings.
Check boundary distance on survey.
TRUE NORTH
ISSUE DATE
NOTE
DWN BY
PROJECT
ALTERATIONS & ADDITIONS
FOR
PAUL MITCHELL
CLIENT ADDRESS
16 BOWER STREET, MANLY
DWG
PROPOSED SITE PLAN
PROJECT #
1719
DATE #
31/10/17
SCALE @ A3
1:100@A3
DWG #
101
DRAWN
JB
ISSUE
CHECKED
AC
STAGE
DA
ANNABELLE CHAPMAN ARCHITECT
ANNABELLE CHAPMAN ARCHITECT PTY LTD | Nominated Architect: Annabelle Chapman | NSWARB Reg No 4921 | ABN 66 095 399 938
Level 19, 100 William Street, Sydney, New South Wales 2000
t 02 8076 5333 m 0412 665 412 e info@achapmanarchitect.com.au w achapmanarchitect.com.au


EXISTING WINDOW TO BE DEMOLISHED
EXISTING NORTH ELEVATION
1:100
1
PROPOSED NORTH FACING WINDOW OPENINGS TO COMPLY WITH NATIONAL CONSTRUCTION CODE
NEW PLANTER BOX ALONG EXISTING AND PROPOSED WINDOW
3135
1295
925
PROPOSED NORTH ELEVATION
1:100
2
NOTES
The builder is responsible for getting and checking all dimensions and levels on site.
Report any discrepancies to the Architect prior to the commencement of work.
Do not scale drawings.
Check boundary distance on survey.
TRUE NORTH
ANNABELLE CHAPMAN ARCHITECT
ANNABELLE CHAPMAN ARCHITECT PTY LTD | Nominated Architect: Annabelle Chapman | NSWARB Reg No 4901 | ABN: 66 095 399 318
Level 19, 100 William Street, Sydney, New South Wales 2000
t 02 8076 5333 m 0412 865 412 e info@achapmanarchitect.com.au w achapmanarchitect.com.au
ISSU DATE NOTE DWN BY
E
PROJECT
ALTERATIONS & ADDITIONS
FOR
PAUL MITCHELL
CLIENT ADDRESS
16 BOWER STREET, MANLY
DWG
NORTH ELEVATION
PROJECT # 1713
DATE # 31/10/17
SCALE @ A3 1:100@A3
DWG # 103
DRAWN AM
ISSUE
STAGE DA
CHECKED AC


EXTEND MASONRY WALL
TOP OF WALL 31.38
1060
RIDGE 33.20
RIDGE 32.29
16 BOWER ST LOT 30 DP 8075
1 PROPOSED SOUTH ELEVATION 1:100
CUSTOM ORB
METAL DECK ROOFING
NEW MASONRY WALL
14 BOWER ST LOT 31 DP 8075
RL 29.87
WIDEN EXISTING DRIVEWAY THRESHOLD
2 PROPOSED EAST ELEVATION 1:100
OUTLINE OF 16 BOWER ST
FILL IN EXISTING CONCRETE SLAB
NEW MASONRY WALL
HARDSTAND RL 29.87
3 PROPOSED NORTH ELEVATION 1:100
NEW MASONRY WALL
DEMOLISH EXISTING MASONRY WALL TO RL 31.38
4 PROPOSED WEST ELEVATION 1:100
TRUE NORTH
NOTES
The builder is responsible for setting out the work and checking all dimensions and levels on site.
Report any discrepancies to the Architect before proceeding with the component of work.
Do not scale drawings.
Check boundary distances on survey.
ANNABELLE CHAPMAN ARCHITECT
ANNABELLE CHAPMAN ARCHITECT PTY LTD | Nominated Architect: Annabelle Chapman | NSWARB Reg No 4901 | ABN: 66 095 399 38
Level 19, 100 William Street, Sydney, New South Wales 2000
t 02 8076 5333 m 0412 665 412 e info@achapmanarchitect.com.au w achapmanarchitect.com.au
ISSU DATE NOTE DWN BY
PROJECT
ALTERATIONS & ADDITIONS
FOR
PAUL MITCHELL
CLIENT ADDRESS
16 BOWER STREET, MANLY
DWG
CARPORT ELEVATIONS
PROJECT # 1719
DATE # 31/10/17
SCALE @ A3 1:100@A3
DWG # 107
DRAWN AM
ISSUE
STAGE DA
CHECKED AC

ITEM 3.4	**DA2018/1101 - 43 WEST STREET, BALGOWLAH - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE INCLUDING CARPORT**
REPORTING MANAGER	**RODNEY PIGGOTT**
TRIM FILE REF	**2018/660223**
ATTACHMENTS	**1 Assessment Report**
	2 Site Plan and Elevations

PURPOSE

To refer the attached application for determination due to directions provided by the Department of Planning & Environment in relation to applications with a clause 4.6 variation to the building height standard.

RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority grant Development Consent to DA2018/1101 for Alterations and additions to an existing dwelling house including carport on land at Lot 21 DP 165048, 43 West Street, Balgowlah subject to the conditions outlined in the Assessment Report.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1101

Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 21 DP 165048, 43 West Street BALGOWLAH NSW 2093
Proposed Development:	Alterations and additions to an existing dwelling house including carport
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Deborah Frances McNee
Applicant:	Deborah Frances McNee

Application lodged:	28/06/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	06/07/2018 to 24/07/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	$ 964,850.15

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;

northern beaches council

- 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 - 4.6 Exceptions to development standards
Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing
Manly Development Control Plan - 3.4.2 Privacy and Security
Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)
Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation
Manly Development Control Plan - 4.1.8 Development on Sloping Sites

SITE DESCRIPTION

Property Description:	Lot 21 DP 165048 , 43 West Street BALGOWLAH NSW 2093
Detailed Site Description:	The subject site consists of one (1) allotment located on the western side of West Street. The site is regular in shape with a frontage of 15.24m along West Street and a depth of 44.8m. The site has a surveyed area of 683m². The site is located within the R1 General Residential zone and accommodates a dwelling house. The site slopes from the south-west corner to the north-east corner approximately 5.95m. **Detailed Description of Adjoining/Surrounding Development** Adjoining and surrounding development is characterised by residential development typically single and two storey dwelling houses.

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:

DA336/2016- Construction of a swimming pool and deck. (Approved 8 March 2017).

- Works included:
  - Construction of a new swimming pool and deck.
  - Removal of Syzigium paniculatum (Brush Cherry, Magenta Lilly Pilly).
  - Screen Planting along south, north and west boundary.

BA127/93 - Construction of a pergola/awning.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for alterations and additions to the existing dwelling house. The works are as follows:

- First floor:
  - First floor addition incorporating:
    - Living room.
    - Master bedroom with walk in robe and ensuite and balcony.
    - Bedroom 3 with walk-in robe and ensuite with balcony.
    - Bedroom 4 with walk-in robe and ensuite with balcony.
    - Outdoor terrace.

- Ground floor:
  - Internal alterations.
  - Ground floor rear extension.
  - Terrace.

northern beaches council

- Lower ground floor:
  - External access and storage.
  - Garage alterations.

- Other:
  - Demolition.
  - Landscaping.
  - Single space carport.
  - Driveway alterations.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	**Comments**
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	Division 8A 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. Clause 50(1A) of the EP&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. Clauses 54 and 109 of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.

northern beaches council

Section 4.15 Matters for Consideration'	Comments
	Clauses 93 and/or 94 of the EP&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. Clause 98 of the EP&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. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. Clause 143A of the EP&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.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) **Environmental Impact** The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report. (ii) **Social Impact** The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) **Economic Impact** The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

DA2018/1101

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:
Boston Blyth Fleming Pty Ltd	1 / 9 Narabang Way BELROSE NSW 2085

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

- **Sunlight access and overshadowing.**
- **Privacy**

The matters raised within the submissions are addressed as follows:

- **Sunlight access and overshadowing**
  Comment:

  The adjoining neighbour to the south of the subject site raised concern in relation to the shading impacts and loss of direct sunlight from the proposal to both living and ground floor terrace space which is connected to the principal living area of the property.

  An assessment of the application against Clause 3.4.2 Sunlight Access and Overshadowing of the Manly DCP reveals that the application complies with the requisite provisions for solar access and does not unreasonably overshadow the adjoining property to the south.

- **Privacy**
  Comment:

  Concern was raised in regards to the privacy impacts resulting from the first floor windows and balconies at the front and rear of the upper floor addition.

  A suitable condition has been imposed as part of the recommendation to mitigate the potential for direct viewing to adjoining properties, by screening and increasing the sill height of the two of the windows on the south side elevation. It is not warranted to refuse or further modify the proposed works to achieve privacy to adjoining properties.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape component of the proposal is acceptable upon

northern beaches council

Internal Referral Body	Comments
	completion of landscaping. Council's Landscape section have assessed the application against the controls of Manly DCP2013.
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following condition of consent. However, the applicant shall be noticed that the proposed single open space is only 4.6 m long which does not comply with minimum 5 m long space requirement of AS 2890. *Planner comment:* *The proposed car space will allow for greater off-street car parking (to be compliant with Manly DCP residential parking requirements), in addition to the existing single space garage. While the length of the space is non-compliant with the 5m length requirement under AS 2890, retaining landscaped open space between the proposed car space/carport and the adjoining northern property reduces the overall bulk of the proposal, while not unreasonably compromising the ability for cars to enter and exit the site in a forward direction.*

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. A317150 dated 4 June 2018).

A condition has been included in the recommendation of this report requiring compliance with the

northern beaches council

commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.5m - 10.26m	20.7%	No
Floor Space Ratio	FSR: 0.5:1 341.5m^2	FSR: 0.435:1 297.3m^2	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No
4.4 Floor space ratio	Yes
4.6 Exceptions to development standards	Yes
5.8 Conversion of fire alarms	Yes
6.1 Acid sulfate soils	Yes

northern beaches council

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Detailed Assessment

4.6 Exceptions to development standards

Requirement:	8.5m
Proposed:	10.26m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	20.7%

The following assessment of the variation to Clause 4.3 - Building Heights development standard has taken into consideration the recent judgement contained within Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 and an assessment of the request to vary the development standard in accordance with the requirements of Clause 4.6 is provided below:

Clause 4.6 Exceptions to development standards:

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.3 Building Height development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the

northern beaches council

development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

cl 4.6 (4)(a)(i) (Justification) assessment:
cl 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6 (3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:
The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard. The applicant's written request has demonstrated consistency with the objectives of the Building Height development standard as detailed below.:

- The applicant's written request submits that the proposed that the height of the building is consistent with that of neighbours, and that the variation to the standard is a result of the topography of the land.
- The request states that height variation does not change the scale of the structure itself, and that that bulk and scale is consistent with the bulk and scale in which it sits.
- The request submits that the height of building variation will have no impact upon views, and a lower dwelling would not reduce impact upon neighbours.
- The request submits that sunlight access is achieved to public and private open spaces.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:
In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that that there are sufficient environmental planning grounds to justify contravening the development standard:

northern beaches council

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)
The objects of this Act are as follows:
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
(c) to promote the orderly and economic use and development of land,
(d) to promote the delivery and maintenance of affordable housing,
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
(j) to provide increased opportunity for community participation in environmental planning and assessment.

The Applicant's written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, as detailed below:

- The applicant's written request submits that the overall result is an architecturally pleasing development, which could not be achieved with full compliance
- The requests states that the shadow resulting from the minimal additional height is also negligible, the highest point being the roof ridge and not the adjoining wall, maintaining amenity in the design.
- The request states that the variation to the height is only at the front of the dwelling, well away from the key private open space of adjoining properties.

In doing so, the applicant's written request has demonstrated that the proposed development is of a good design and will protect the amenity of the surrounding built environment therefore satisfying cl 1.3 (c)(g) of the EPA Act.

In this regard, the applicants written request has adequately demonstrated the that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

cl 4.6 (4)(a)(ii) (Public Interest) assessment:

DA2018/1101

northern beaches council

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment:
In considering whether or not the proposed development will be in the public interest consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the R1 General Residential zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the MLEP 2013 are:

(1) The objectives of this clause are as follows:

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

Comment:
The proposal involves the addition of a first floor. The proposed ridge line is similar to other dwellings along the western side of West Street, with the non-compliant section of the building resulting from the fall of the land. Given the above, the proposed dwelling ensures that the building height is consistent with surrounding development and has regard to the topography of the land.

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

Comment:
As a result of the proposed front setback, a compliant open space and floor space ratio the proposal would reasonably control bulk and scale so as to present appropriately to the street and not have any unreasonable amenity impacts. Additionally, there are horizontal and vertical elements in the proposal that combine to modulate the perceived bulk of the proposal.

c) to minimise disruption to the following:

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

Comment:
The proposal will not result in any unreasonable loss of views to and from private and public spaces.

northern beaches council

d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,

Comment:
The solar impacts of this aspect of the development are minimal and acceptable in terms of the impact on habitable rooms of the adjoining properties and public open spaces.

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

Comment:
Not applicable.

Conclusion:
The proposed development satisfies the underlying objectives of the Building Heights development standard.

Zone objectives

The underlying objectives of the R1 General Residential zone

- *To provide for the housing needs of the community.*

  Comment:
  The proposal retains the existing residential use of the site.

- *To provide for a variety of housing types and densities.*

  Comment:
  The proposal retains the existing housing type and density.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

  Comment:
  N/A

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R1 General Residential zone.

cl 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

northern beaches council

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument where the variation to a numerical standard is not greater than 10%. Following the release of PS18-003, Council received correspondence from a delegate of the Secretary which granted Council staff, for 12 months from 1 March 2018, the ability to assume the Secretary's concurrence for Class 1 buildings which seek to vary the special height provisions standard by more than 10% via determination at the DDP.

As the development varies the development standard by more than 10% the concurrence of the Secretary is assumed subject to determination through Councils Development Determination Panel.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 683m^2	**Requirement**	**Proposed**	**% Variation***	**Complies**
4.1.2.1 Wall Height	South: 7.7m (based on gradient 1:4.8)	8.8m	14%	No
	North: 7.2m (based on gradient 1:7)	8m	10%	No
4.1.2.2 Number of Storeys	2	2	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.7m	N/A	Yes
	Pitch: maximum 35 degrees	15 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	3m, consistent with prevailing setback	50%	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	1.33m (based southern on wall height)	1.45m (new ground floor wall)	N/A	Yes
	2.93m (based southern on wall height)	3.33m (first floor)	N/A	Yes
	0.6m (based northern on privacy screen height)	1.45m (ground floor)	N/A	Yes
	2.66m (based northern on wall height)	1.1-2.2m (first floor)	58%	No
	Windows: 3m	1.54m-3.33m	48%	No
4.1.4.4 Rear Setbacks	8m	11m (new works)	N/A	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% (375.65m²) of site area	60% 415m^2	N/A	Yes
	Open space above ground 25% 103m^2 of total open space	12.2% 51sqm		
4.1.5.2 Landscaped Area	Landscaped area 35% 145.25m^2 of open space	55% 250m^2	N/A	Yes

northern beaches council

	3 native trees	3 trees	N/A	Yes
4.1.5.3 Private Open Space	18sqm per dwelling	50sqm	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	4m	N/A	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	N/A	Yes

***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 x 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
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	No	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	No	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

Detailed Assessment

3.4.1 Sunlight Access and Overshadowing

Merit consideration:

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

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

northern beaches council

Comment:

The proposed development will allow for adequate levels of light and sunshine to penetrate the subject site and adjoining properties.

Objective 2) To allow adequate sunlight to penetrate:

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

Comment:

The proposed ground floor extension and first floor addition will increase overshadowing to living room windows and private open space of the adjoining southern property.

Clause 3.4.1.1 a) of the Manly DCP requires new development to not eliminate more than one third of existing sunlight accessing the private open space of adjacent properties between 9am and 3pm throughout the winter solstice. Increased shadowing to the private open space of No. 41 West Street occurs at all hours between 9am and 3pm during the winter solstice. At 9am, 10am and 11am the level of shadowing to the private open space of the subject site is substantial, however from 11am onward the level of sunlight access to the private open space is extensive and reasonable in this residential setting with only minor shadowing. The proposed works do not eliminate more than third of the existing sunlight accessing the private open space of No. 41 West Street between 9am and 3pm during the winter solstice. The proposal is compliant with this clause.

Clause 3.4.1.2 a) of the Manly DCP requires at least 2 hours of solar access be retained to living room windows that presently enjoy solar access between 9am and 3pm on the winter solstice. The ground floor primary living room of the adjoining southern dwelling is to the rear of the house. Plans indicate that there are no northern elevations windows to the living room. Skylights and rear windows from the living room currently provide natural sunlight to the primary living room. Between 12pm and 3pm the windows facing the rear living room and skylights retain sunlight to the primary living room. Equitable levels of sunlight to adjoining properties living rooms are retained as part of this proposal. The proposal complies with this clause.

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

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

Comment:

The primary dwelling retains a compliant rear setback which ensures that high levels of direct sunlight is able to access the outdoor living area and landscaped area to the rear of the adjoining southern property (No.41 West Street, Balgowlah).

Having regard to the above assessment, it is concluded that the proposed development is consistent

northern beaches council

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.

3.4.2 Privacy and Security

Merit consideration:

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

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

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

Comment:

The proposed works retain reasonable levels of privacy (visual and acoustic) to the subject site and adjacent development, subject to conditions.

No. 41 West Street, Balgowlah

The proposed balconies to the rear of the first floor are setback 3.3m from the southern boundary and 2.3m from the northern side boundary, generally providing sufficient physical separation for acoustic and visual privacy. While suitable physical separation is proposed, the development would still cause an adverse visual privacy impact to the adjoining southern property. This is a result of the size and usability of the balcony off bedroom 4 and the difference in levels between the first floor terrace and the adjoining ground floor principle open space of No. 41 West Street. In response to the privacy issue and having regard to MLEP 2013 and the MDCP 2013, the following recommendation is made to address the concerns raised:

> A privacy screen is to provided across the extent of southern side of the balcony off bedroom 4 to a height of 1.6m above finished floor level.
>
> Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
>
> Reason: to protect the visual privacy of adjoining residences.

First floor windows labelled W19 and W20 are ideally setback from the first floor windows of the adjoining southern property No. 41 West Street, Balgowlah. However, it is considered that large size of the windows may still result in an unreasonable visual impact. A condition of consent has been included as part of this recommendation to ensure that the bottom sill of the windows is raised from 1.5m to at least 1.6m above finished floor level, to reduce the potential visual privacy impact between properties.

Concern was raised by No. 41 West Street in regards to the potential privacy impact (visual and acoustic) that would result from the ground floor patio/entrance area. Given the size and use of the patio, the provision of further screening is not necessary.

northern beaches council

No. 45 West Street, Balgowlah

The proposed first floor bedroom balconies and northern side windows will not result in any unreasonable privacy impacts to the adjoining northern property. The windows proposed along the first floor are offset from the windows of No 45 West Street with no direct view between windows. The balcony proposed off bedroom 3 has no direct view to the outdoor living space of No. 45 West Street. The single storey potion to the house to the rear of No. 45 West Street interrupts the potential for any direct overlooking between properties.

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

Comment:

The ground floor outdoor living area has proposed a privacy screen across the extent of the living area on the north and south side of the outdoor living area to ensure no direct viewing between properties, while still allowing for air flow and solar access for the subject site and the adjoining southern property.

Objective 3) To encourage awareness of neighbourhood security.

Comment:

The subject site retain an open frontage to allow for passive surveillance.

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.

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

This clause relies upon the objectives of Clause 4.3 under MLEP 2013. An assessment of the proposal against the objectives of Clause 4.3 has been provided within this report. This assessment has found the proposal to be consistent with the objectives of Clause 4.3.

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

Description of non-compliance

Clause 4.1.4.1 of the Manly DCP requires dwelling houses be setback at least 6m from the front boundary or be consistent with the prevailing building line within the streetscape.

Clause 4.1.4.2 of the Manly DCP requires development be setback at least third of the adjoining wall height.

Clause 4.1.4.2 of the Manly DCP requires windows be setback at least 3m from side boundaries.

The development proposes the following:

Front setback- 3m (measured to carport), 50% variation to the numeric control.
Northern side setback- 2.66m, 58% variation to the numeric control.

northern beaches council

Windows- 1.46m-3.33m- 51% variation to the numeric control.

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 proposed side setbacks on both the north and south side of the dwelling are an extension of the existing, the first floor has been stepped back appropriately from the ground floor The proposed setbacks are consistent with other dwelling houses within the streetscape. Properties to the north and south of the subject site adopt similar patterns of physical separation between buildings.

Objective 2) To ensure and enhance local amenity by:

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

Comment:

The proposed dwelling does not give rise to any unreasonable privacy impacts, subject to conditions. Solar access is provided to the subject site and adjoining properties private open space and living rooms windows.

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

Comment:

Flexibility is considered to be appropriate as the proposal would not result in any unreasonable amenity impact, subject to conditions.

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:

northern beaches council

The proposal is compliant with the numerical control relating to landscaped open space.

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

Comment:

The subject site is not located in a bush fire asset protection zone.

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.

4.1.8 Development on Sloping Sites

The dwelling house responds appropriately to the sloping site. No views of the harbour of ocean will be unreasonably compromised by the proposed works.

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

S94 Contributions are not applicable to 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.

DA2018/1101

northern beaches council

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 DA2018/1101 for Alterations and additions to an existing dwelling house including carport on land at Lot 21 DP 165048, 43 West Street, BALGOWLAH, 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**
DA02/ Site/ roof/ waste management/ sediment erosion control plan	12 October 2018	Action Plans
DA05/ Proposed garage floor plan	12 October 2018	Actions Plans
DA06/ Proposed ground floor plan	12 October 2018	Actions Plans
DA07/ Proposed first floor plan	12 October 2018	Actions Plans
DA08/ North Elevation:	12 October 2018	Actions Plans
DA09/ East Elevation	12 October 2018	Actions Plans
DA10/ South Elevation	12 October 2018	Actions Plans
DA11/ West Elevation	12 October 2018	Actions Plans
DA12/ Long Section	12 October 2018	Actions Plans
DA13/ Cross Section	12 October 2018	Actions Plans
DA14/ Driveway Plan/ Long Section	12 October 2018	Actions Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	**Dated**	**Prepared By**
Aboricultural Impact Report	12 June 2018	Guy Paroissien

northern beaches council

BASIX Certificate No: A317150	4 June 2018	Action Plans

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

Landscape Plans		
Drawing No.	**Dated**	**Prepared By**
L-01 Landscape site plan	15 October 2018	Site Design and Studios
L-02 Front Landscape plan	15 October 2018	Site Design and Studios
L-03 Planting	15 October 2018	Site Design and Studios

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Prescribed Conditions**

(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

northern beaches council

the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(i) protect and support the adjoining premises from possible damage from the excavation, and

(ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

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.

northern beaches council

(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.

northern beaches council

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

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

A bond (determined from cost of works) of $2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

5. **On-site Stormwater Detention Compliance**
Certification of Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003 and the concept drawing by Hyten Engineering, drawing number 18H9016 dated 22/6/2018. Details demonstrating compliance are to be submitted to the Principal 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.

6. **Vehicle Crossings Application**
An application for Driveway levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid. Approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

northern beaches council

Reason: To facilitate suitable vehicular access to private property

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

8. **External Finishes to Roof**
The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

9. **Privacy- Windows**
The first floor south facing windows labelled as window 19 and 20 are to have a sill height of at least 1.6m above finished floor level, or be fixed and frosted below 1.6m.

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

Reason: to protect the visual privacy of adjoining residences. (DACPLCPCC1)

10. **Privacy- Balconies**
A privacy screen is to provided across the extent of southern side of the balcony off bedroom 4 to a height of 1.6m above finished floor level.

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

Reason: to protect the visual privacy of adjoining residences. (DACPLCPCC2)

11. **Blank condition for prior construction certificate**
Blank condition for prior construction certificate

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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

northern beaches council

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.

13. **Tree protection**

A) Existing trees and vegetation shall be retained as follows:

i) all trees and vegetation within the site, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,

ii) all other trees and vegetation located on adjoining properties,

iii) all road reserve trees and vegetation, excluding B).

B) approval is granted for the removal of the existing shaped Water Gum as recommended in the Arboricultural Impact Report prepared by Landscape Matrix, dated 12 June 2018, subject to replacement street tree planting.

C) Tree protection shall be generally undertaken as follows:

i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,

ii) any tree roots exposed during excavation with a diameter greater than 50mm within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,

iii) to minimise the impact on trees and vegetation to be retained and protected, 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,

iv) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,

v) all structures are to bridge tree roots greater than 50mm diameter unless directed by a AQF Level 5 Arborist on site,

vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: to retain and protect significant planting on development sites.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. **Vehicle Crossings**
The provision of a vehicle crossing 4 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete.

northern beaches council

All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

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

Reason: Public Safety.

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

16. **Landscaping**
Landscaping is to be implemented in accordance with the Landscape Plans prepared by Site Design Studios, numbered L-01 B, L-02, and L-03, including the following amendment:
i) the proposed tree planting within the front setback shall be planted a minimum of 3 metres from the dwelling façade.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

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

17. **Authorisation of Legal Documentation Required for Onsite Detention**
The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land.

18. **Registration of Encumbrances for On-site Stormwater Detention**
A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

19. **On-Site Stormwater Detention Compliance Certification**
Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to

northern beaches council

Council.

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 stormwater disposal is constructed to Council's satisfaction. (DACENF10)

20. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**
A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

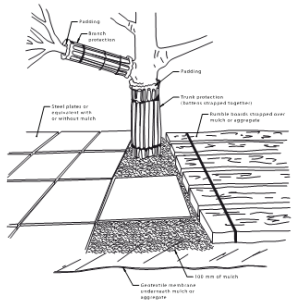
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard

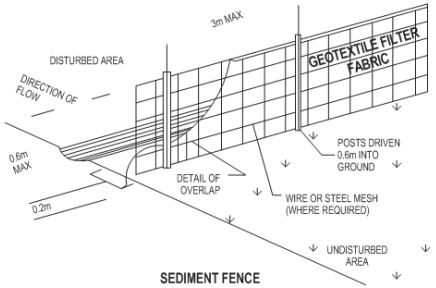
21. **Replacement street tree planting**
One (1) Bauhinia x blakeana street tree shall be planted within the road verge as a replacement for the street tree removal, planted at a minimum 200 litre size, 2.5 metres in height, and with a minimum 40mm caliper.

The planting shall be centralized within the turf verge, planted into a prepared 1m x 1m x 0.6m depth planting pit, backfilled with organic soil conditioners. The street tree shall be staked with 3 x 50 x 50 x 1800 timber stakes, installed to at least 600mm into the ground, and hessian trunk tied.

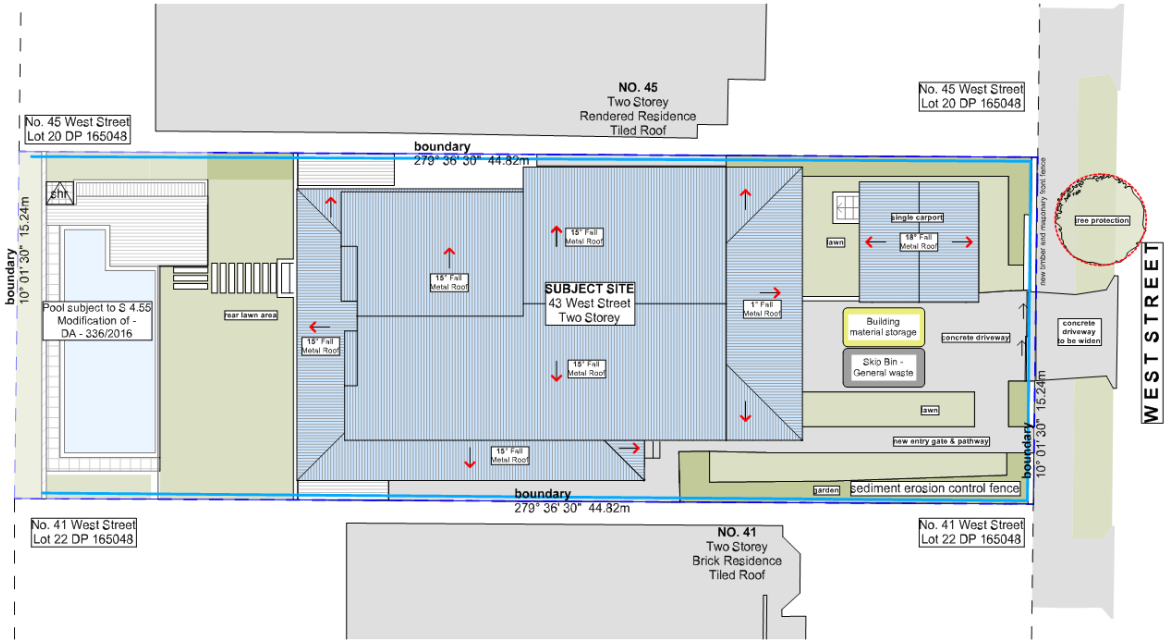
Reason: to re-inforce the street tree planting theme of West Street in close proximity.



TREE PROTECTION



SEDIMENT FENCE



DUST CONTROL :
TO REDUCE DUST GENERATED BY WIND ACTION, THE REMOVAL OF THE TOP SOIL IS TO BE MINIMISED. TO PREVENT DUST GENERATION, WATERING DOWN OF THE SITE, ESPECIALLY DURING THE MOVEMENT OF MACHINERY IS REQUIRED. WHERE EXCAVATING INTO ROCK, KEEP THE SURFACE MOIST TO MINIMISE DUST. CONSTRUCT A GRAVEL ENTRY/EXIT POINT USING BLUE METAL AND RESTRICT ALL VEHICLE MOVEMENTS WITHIN THE SITE TO A MINIMUM. ENSURE WIND BREAKS, SUCH AS EXISTING FENCES ARE MAINTAINED DURING THE CONSTRUCTION PHASE UNTIL NEW LANDSCAPING IS PROVIDED OR REINSTATED.
PREVENT DUST BY COVERING STOCKPILES

SEDIMENT NOTE :
1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY THE SITE MANAGER.
2. MINIMISE DISTURBED AREAS, REMOVE EXCESS SOIL FROM EXCAVATED AREA AS SOON AS POSSIBLE.
3. ALL MATERIAL STOCKPILE TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS, OR WITHIN SEDIMENT FENCE AREA.
4. DRAINAGE TO BE CONNECTED TO STORMWATER AS SOON AS POSSIBLE. IF STORED ON SITE, IT MUST BE FILTERED BEFORE RELEASING INTO STORMWATER SYSTEM OR WATERWAYS.
5. ROADS AND FOOTPATHS TO BE SWEPT DAILY.

STOCKPILES :
ALL STOCKPILES ARE TO BE KEPT ON-SITE WHERE POSSIBLE. ANY MATERIALS PLACED ON THE FOOTPATHS OR NATURE STRIPS REQUIRE COUNCIL'S PERMISSION.
ALL STOCKPILES ARE TO BE PLACED AWAY FROM THE DRAINAGE LINES AND STREET GUTTERS. IT IS BEST TO LOCATE THESE ON THE HIGHEST PART OF THE SITE IF POSSIBLE. PLACE WATERPROOF COVERING OVER STOCKPILES.
IF REQUIRED PROVIDE DIVERSION DRAIN & BANK AROUND STOCKPILES.

GUTTER PROTECTION :
PROVIDE PROTECTION TO DOWNHILL GRATE IN GUTTER BY MEANS OF SAND BAGS OR BLUE METAL WRAPPED IN GEOTEXTILE FABRIC. WHEN SOIL OR SAND BUILDS UP AROUND THIS SEDIMENT BARRIER, THE MATERIAL SHOULD BE RELOCATED BACK TO THE SITE FOR DISPOSAL.

NOTE: ALL PROPOSED STORMWATER TO CONNECT WITH EXISTING

site / roof / waste management / sediment erosion control plan
scale 1:200 @ A3

ACTION PLANS
m: 0426 957 518
e:operations@actionplans.com.au
w: www.actionplans.com.au

REV.	DATE	COMMENTS	DRWN
A	07/05/18	DEVELOPMENT APPLICATION	AL
B	27/08/18	NEIGHBOUR SHADOWS SET	AF
C	14/09/18	DEVELOPMENT APPLICATION: REV A	RNA
D	12/10/18	DEVELOPMENT APPLICATION: REV A	RNA

NOTES
This drawing is the copyright of Action Plans and not be altered, reproduced or transmitted in any form or by any means in part or in whole with the written permission of Action Plans.
All levels and dimensions are to be checked and verified on site prior to commencement of any work, making of shop drawings or fabrication of components.
Do no scale on drawings. Use figured dimensions.

LEGEND
NEW FLOOR AREA
NEW WET FLOOR AREA
METAL ROOFING
TILED ROOFING
TIMBER
CONCRETE
BRICKWORK
METAL
EXISTING
DEMOLISHED

CLIENT
Deb & Andy McNee

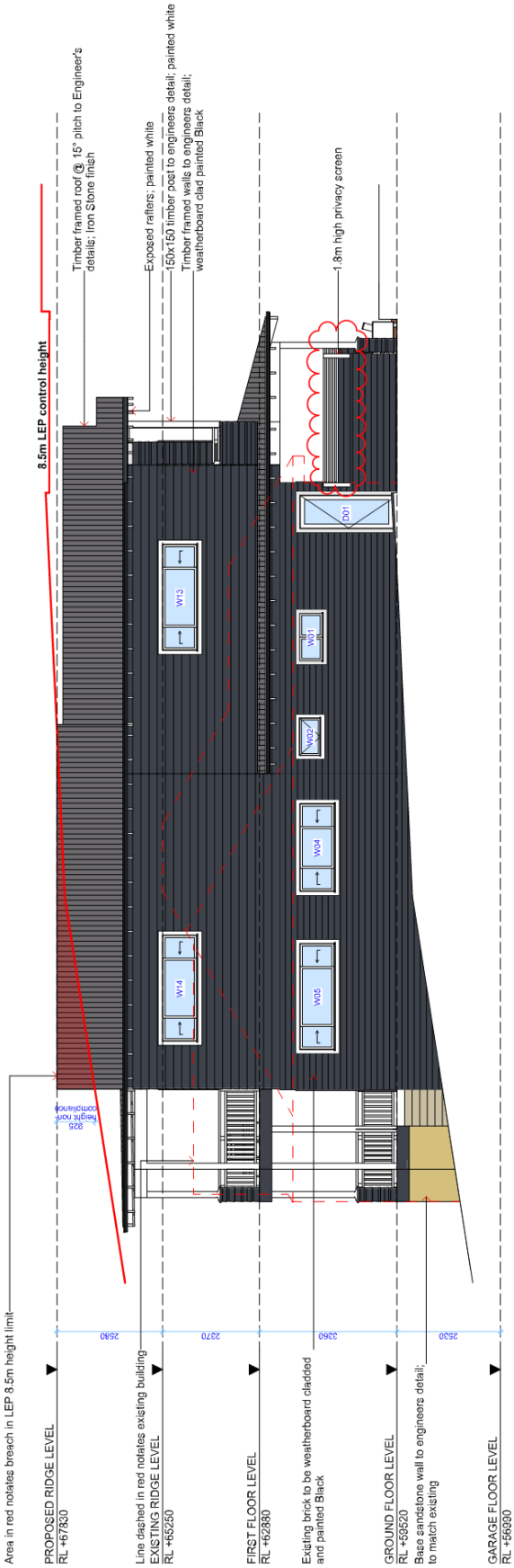
PROJECT ADDRESS
43 West St, Balgowlah
NSW 2093

DRAWING NO.
DA02

DATE
12 October 2018

DRAWING NAME
SITE / ROOF / SEDIMENT EROSION / WASTE MANAGEMENT PLAN

SCALE
1:200 @A3



north elevation: Rev A
scale 1:100 @ A3

LEGEND
TIMBER
WEATHERBOARD
FACE BRICKWORK
METAL
CONCRETE
METAL ROOFING
TILED ROOFING
RENDER
EXISTING

NOTES
This drawing is the copyright of Action Plans and not be altered, reproduced or transmitted in any form or by any means in part or in whole with the written permission of Action Plans.
All levels and dimensions are to be checked and verified on site prior to commencement of any work, making of shop drawings or fabrication of components.
Do not scale on drawings. Use figured dimensions.

REV.	DATE	COMMENTS	DRWN
A	07/06/18	DEVELOPMENT APPLICATION	AL
B	27/08/18	NEIGHBOUR SHADOWS SET	AP
C	14/09/18	DEVELOPMENT APPLICATION: REV A	RNA
D	12/10/18	DEVELOPMENT APPLICATION: REV A	RNA

ACTION PLANS
m: 0426 957 518
e:operations@actionplans.com.au
w: www.actionplans.com.au

CLIENT
Deb & Andy McNee

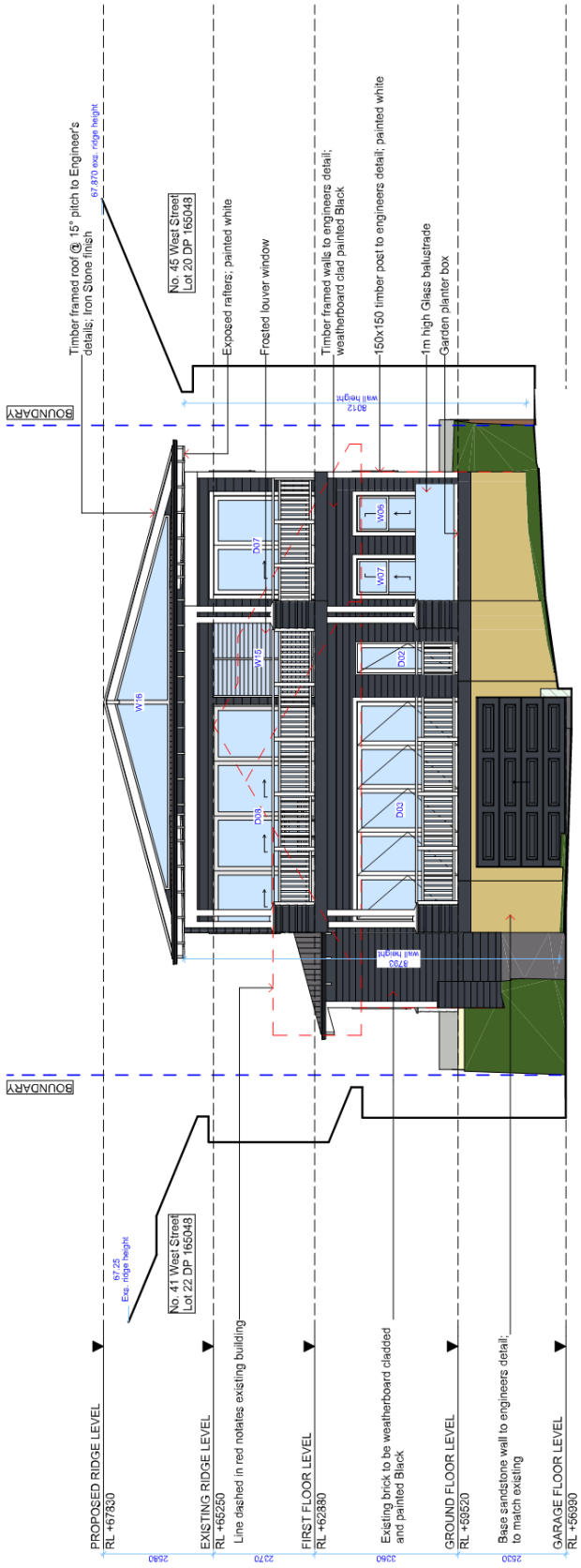
PROJECT ADDRESS
43 West St, Balgowlah
NSW 2093

DRAWING NO.
DA08

DATE
12 October 2018

DRAWING NAME
NORTH ELEVATION: REV A

SCALE
1:100 @ A3



east elevation
scale 1:100 @ A3

LEGEND

TIMBER
WEATHERBOARD
FACE BRICKWORK
METAL
CONCRETE
METAL ROOFING
TILED ROOFING
RENDER
EXISTING

NOTES

This drawing is the copyright of Action Plans and not be altered, reproduced or transmitted in any form or by any means in part or in whole with the written permission of Action Plans.
All levels and dimensions are to be checked and verified on site prior to commencement of any work, making of shop drawings or fabrication of components.
Do no scale on drawings. Use figured dimensions.

REV.	DATE	COMMENTS	DRWN
A	07/06/18	DEVELOPMENT APPLICATION	AL
B	27/08/18	NEIGHBOUR SHADOWS SET	AP
C	14/09/18	DEVELOPMENT APPLICATION: REV A	RNA
D	12/10/18	DEVELOPMENT APPLICATION: REV A	RNA

ACTION PLANS
m: 0426 957 518
e:operations@actionplans.com.au
w: www.actionplans.com.au

CLIENT
Deb & Andy McNee

PROJECT ADDRESS
43 West St, Balgowlah
NSW 2093

DRAWING NO.
DA09

DATE
12 October 2018

DRAWING NAME
EAST ELEVATION

SCALE
1:100 @A3

south elevation: Rev A
scale 1:100 @ A3

REV.	DATE	COMMENTS	DRWN
A	07/06/18	DEVELOPMENT APPLICATION	AL
B	27/08/18	NEIGHBOUR SHADOWS SET	AP
C	14/09/18	DEVELOPMENT APPLICATION: REV A	RNA
D	12/10/18	DEVELOPMENT APPLICATION: REV A	RNA

NOTES
This drawing is the copyright of Action Plans and not be altered, reproduced or transmitted in any form or by any means in part or in whole with the written permission of Action Plans.
All levels and dimensions are to be checked and verified on site prior to commencement of any work, making of shop drawings or fabrication of components.
Do no scale on drawings. Use figured dimensions.

LEGEND
TIMBER
WEATHERBOARD
FACE BRICKWORK
METAL
CONCRETE
METAL ROOFING
TILED ROOFING
RENDER
EXISTING

CLIENT
Deb & Andy McNee

PROJECT ADDRESS
43 West St, Balgowlah
NSW 2093

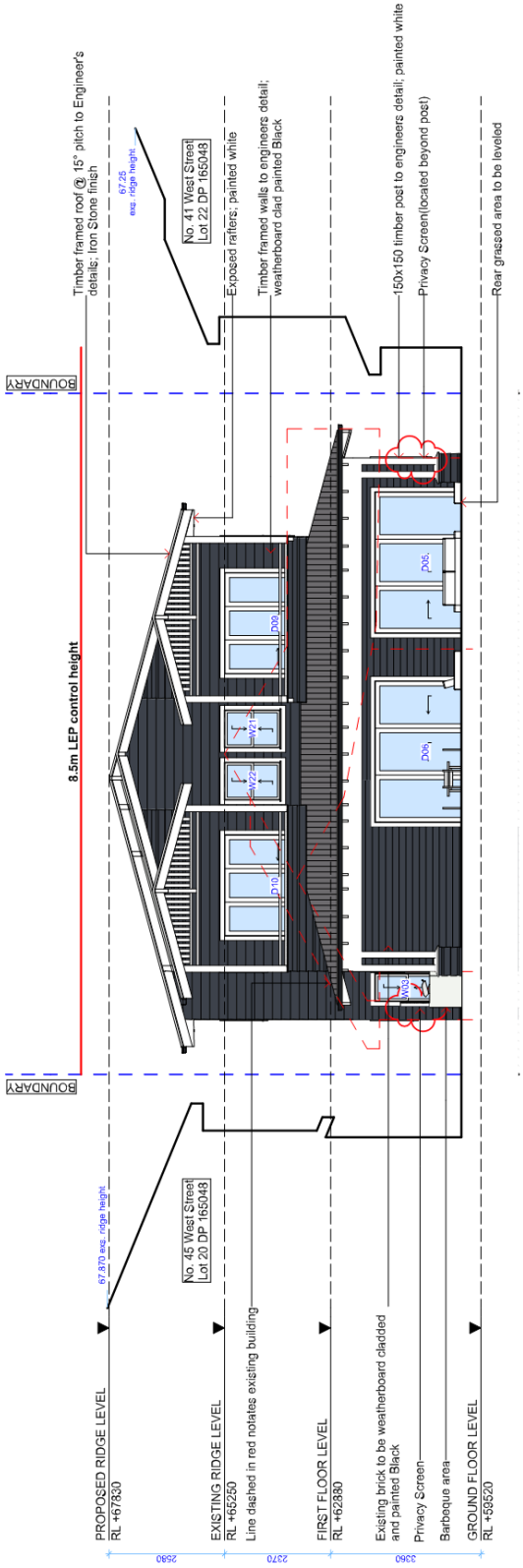
DRAWING NO.
DA10

DATE
12 October 2018

DRAWING NAME
SOUTH ELEVATION: REV A

SCALE
1:100 @A3

ACTION PLANS
m: 0426 957 518
e:operations@actionplans.com.au
w: www.actionplans.com.au



west elevation: Rev A
scale 1:100 @ A3

LEGEND

- TIMBER
- WEATHERBOARD
- FACE BRICKWORK
- METAL
- CONCRETE
- METAL ROOFING
- TILED ROOFING
- RENDER
- EXISTING

NOTES

This drawing is the copyright of Action Plans and not be altered, reproduced or transmitted in any form or by any means in part or in whole with the written permission of Action Plans.
All dwelling and drawings are to be checked and verified on site prior to commencement of any work, making of shop drawings or fabrication of components.
Do no scale on drawings. Use figured dimensions.

REV.	DATE	COMMENTS	DRWN
A	07/06/18	DEVELOPMENT APPLICATION	AL
B	27/08/18	NEIGHBOUR SHADOWS SET	AP
C	14/09/18	DEVELOPMENT APPLICATION: REV A	RNA
D	12/10/18	DEVELOPMENT APPLICATION: REV A	RNA

ACTION PLANS
m: 0426 957 518
e:operations@actionplans.com.au
w: www.actionplans.com.au

CLIENT
Deb & Andy McNee

PROJECT ADDRESS
43 West St, Balgowlah NSW 2093

DRAWING NO.
DA11

DATE
12 October 2018

DRAWING NAME
WEST ELEVATION: REV A

SCALE
1:100 @A3