

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0034
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Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot B DP 359788, 11 Moore Street CLONTARF NSW 2093
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Manly LEP2013 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Belinda Gaye Anderson
Applicant:	Belinda Gaye Anderson

Application Lodged:	20/01/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	10/02/2020 to 24/02/2020
Advertised:	Not Advertised
Submissions Received:	7
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 346,557.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of alterations and additions to a dwelling house. Specifically, the development consists of:

- First floor addition consisting of a sitting room, three bedrooms, ensuite and a bathroom;
- Internal alterations to the ground floor to amend the design of the kitchen and living room and create a new entry.

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report)

taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

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

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 4.3 Height of buildings

Manly Local Environmental Plan 2013 - 4.4 Floor space ratio

Manly Development Control Plan - 3.4.3 Maintenance of Views

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

SITE DESCRIPTION

Property Description:	Lot B DP 359788 , 11 Moore Street CLONTARF NSW 2093
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Moore Street.</p> <p>The site is regular in shape with a frontage of 18.29m along Moore Street and a depth of 40.235m. The site has a surveyed area of 735.8m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates an existing dwelling house which is partly two storey, the low level consisting of basement areas. A swimming pool exists in the back yard.</p> <p>The site has a moderate slope from front to rear with downward slope from the north-eastern corner to the south-western corner of the site. The site has an overall level change of approximately 7m from the highest to lowest point.</p> <p>The site has two medium height canopy trees in the front setback and some smaller shrubs and palms throughout the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by</p>

two and three storey dwelling houses. To the east is a two storey dwelling house and to the west is a two storey dwelling house. Across the road to the north are two storey dwelling houses. Within the immediate vicinity of the site there are some dwelling houses which are partially three stories as a result of the site topography.

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:

- Development Application DA2019/1149 for 'Alterations and additions to a dwelling house' was submitted to Council. The proposal as submitted was non-compliant with the maximum building height and floor space ratio. Upon assessment of the application, Council requested the application be withdrawn and amended to comply with the key development standards, therefore reducing the overall bulk and scale of the first floor addition.

The application was withdrawn on 7 January 2020.

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

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 7 submission/s from:

Name:	Address:
Mr Glenn Lyall Johnstone	10 Moore Street CLONTARF NSW 2093
Mr Richard Craig Bridges	16 Moore Street CLONTARF NSW 2093
Ms May Qing Wei Li Mr Michael Christopher Kennedy	14 Moore Street CLONTARF NSW 2093
Mr Thomas Andrew Holliday	74 Cutler Road CLONTARF NSW 2093
Mr Michael Craig Jonson	12 Moore Street CLONTARF NSW 2093
John Martin Woolfe	9 Moore Street CLONTARF NSW 2093
Mr Peter Frederick Douglas Mrs Moira Douglas	76 Cutler Road CLONTARF NSW 2093

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

- View Loss (10 Moore Street, 12 Moore Sreet, 14 Moore Street, 16 Moore Street, 9 Moore Street)
- Inaccurate calculation of FSR by the applicant which does not include lower ground level/basement level. The basement area does not meet the definition of basement under the LEP and therefore should be included in the FSR.
- The proposal results in a three storey building with an excessive bulk and scale which is inconsistent with the prevailing building height of two storey dwelling houses and creates a view loss.
- The proposal exceeds the 8.5m maximum building height.
- Survey shows incorrect sill heights of 9 Moore Street West elevation.
- Privacy concern for 74 and 76 Cutler Road and suggestion of landscape screening or screening to mitigate the impact.
- Privacy concern for 9 Moore Street for bathroom windows on eastern elevation.
- Request for non-reflective roof finish.
- Overshadowing of 9 Moore street and summer shadow diagrams should be prepared.

The matters raised within the submissions are addressed as follows:

- *View Loss (10 Moore Street, 12 Moore Sreet, 14 Moore Street, 16 Moore Street, 9 Moore Street).*

Comment:

A full assessment of the view impact in accordance with the planning principles as established in *Tenacity* is contained later within this report. Height poles have been erected and site inspections have been carried out to make an assessment of the view impact arising from the proposal.

Overall, the assessment has found that the development is reasonable in the context of the site and will result in a reasonable view sharing outcome for each of the surrounding properties.

- *Inaccurate calculation of FSR which does not include lower ground level/basement.*

Comment:

A detailed explanation of the FSR calculation is contained later within this report under Clause 4.4 MLEP. The majority of the lower ground floor/basement area has been included in Council's assessment of the FSR, with the exception of the storage area and workshop which meet the definition of basement storage as defined under the MLEP 2013 and therefore may excluded from the FSR calculation.

- *The proposal results in a three storey building with an excessive bulk and scale which is inconsistent with the prevailing building height of two storey dwelling houses and creates a significant view loss impact.*

Comment:

The assessment of the third storey and the view impact is contained later within this report under Clause 4.1.2 Height of Building (Incorporating wall height and number of storeys) and Clause 3.4.3 Maintenance of Views. The building is partially three storeys, though does not result in an unreasonable impact and the proposal is found to be reasonable in the circumstance for the reasons outlined later within this report.

- *The proposal exceeds the 8.5m maximum building height.*

Comment:

For the reasons outlined in the assessment of height under Clause 4.3 Height of Buildings, Council is satisfied the building is compliant with the maximum 8.5m height limit.

- *Survey shows incorrect sill heights of 9 Moore Street West elevation. The accuracy of the survey is questioned.*

Comment:

The RL's of the submitted survey have been compared with the RL's on a survey submitted for alterations and additions for the dwelling on 9 Moore Street under DA0205/2013 with the former Manly Council. The gutter line on the western elevation is shown at RL63.01 on the survey submitted for 11 Moore Street. The gutter line on the western elevation is shown as RL62.97 upon the survey submitted under DA205/2013. It is considered the 0.05m difference is within the expected tolerance for survey data. Therefore, the survey is considered to be an accurate representation of the surrounding development.

It is acknowledged that there is an error regarding the bottom sill heights for the upper floor windows of the Western Elevation of 9 Moore Street. However, this is not an essential detail that has hindered the assessment of the development application. Most notably, Council is satisfied the development will not have an unreasonable impact regarding overshadowing of the upper floor windows given the windows are located above the gutter line of the proposed development. Therefore, Council is satisfied that the level of detail provided enables a proper assessment of the development application.

- *Privacy concern for 74 and 76 Cutler Road and suggestion of landscape screening or screening to mitigate the impact.*

Comment:

Upper floor balconies and south facing windows are a common feature for the dwellings located on the southern side of Moore Street to capture the expansive harbour views available. The balcony proposed is not considered to be excessive or out of character for the area. The elevated nature of the balcony promotes outward, long views towards the harbour and the proposed 11.8m setback (compliant with the DCP) is considered sufficient to limit direct downward overlooking of the rear properties. The sitting room window is setback 2.3m from the edge of the deck which blocks direct downward views when occupying the sitting room. Council do not consider bedrooms to present an unreasonable impact given the low occupancy nature of these areas (as opposed to living rooms/kitchens/dining rooms).

Given the above assessment, additional landscape screening is not considered necessary for the proposed development.

- *Privacy concern for 9 Moore Street for bathroom windows on eastern elevation, direct looking between these windows and windows upon western facade of 9 Moore Street. Although obscure glazing used, still have the ability to open.*

Comment:

The two windows proposed upon the eastern elevation service bathrooms. Each window consists of obscure glazing and is openable to allow ventilation as required by the Building Code of Australia. The occupancy rate of bathrooms are considered low (as opposed to living rooms) and do not facilitate an unreasonable privacy impact. The spatial separation between the two dwellings is approximately 7m which is considered reasonable in a suburban context and not requiring further privacy treatment to the windows.

- Request for non-reflective roof finish.

Comment:

A condition of development consent has been included which requires a non-reflective roof finish to be used.

- Overshadowing impact of 9 Moore street and summer shadow diagrams should be prepared.

Comment:

The proposal will result in additional overshadowing of the rear yard of 9 Moore Street on 21 June (winter solstice) during the afternoon period. However, this is not unreasonable given the north/south orientation of the site. The dwelling on 9 Moore Street has an upper floor terrace directly adjoining the living room/kitchen, which will continue to receive solar access without any impact from the proposed development, therefore complying with the control. The upper floor living room window and kitchen window will retain the current amount of solar access as they are located above the gutter line of the proposed development, complying with the control.

The ground floor living room window will still receive the required amount of solar access with sill heights at a level that will not be impacted by the proposal taking into account the level difference and setbacks between the two dwellings (as depicted in Figure 1)

Shadow diagrams have been provided demonstrating the overshadowing impact on 21 June (winter solstice), as required by the DCP. There is no requirement for the applicant to provide summer shadow diagrams given solar access improves either side of 21 June.

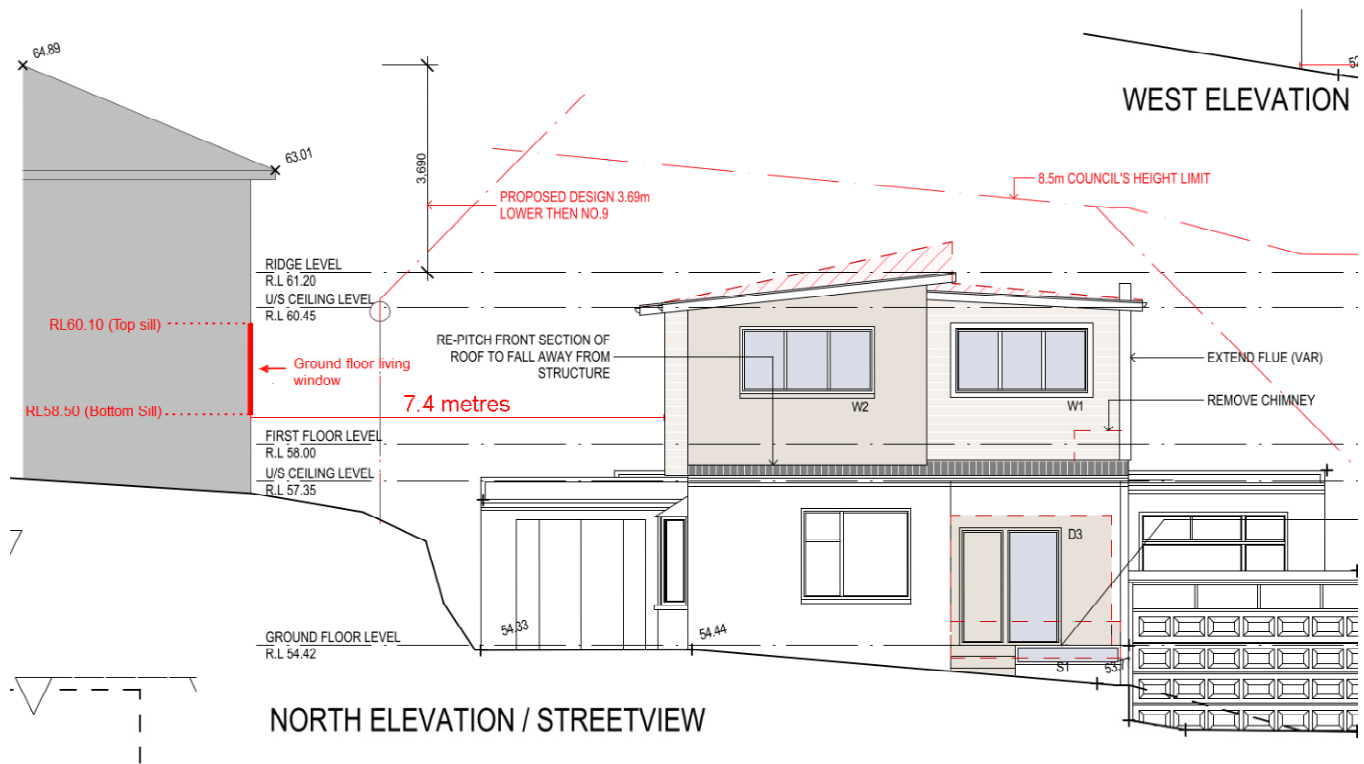


Figure 1 - Diagram showing level of ground floor living room window relative to the proposed development.

REFERRALS

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A361103_02 dated 14 January 2020).

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

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.

- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.4m	N/A	Yes
Floor Space Ratio	FSR: 0.4:1 (294.3sqm)	FSR: 0.4:1 (293.5sqm)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

Council has undertaken a detailed assessment of the development with regards to the maximum height. The applicant has provided a long-section plan demonstrating the height of the building from an extrapolated natural ground level below the building footprint showing a maximum height of 8.4m. The applicant has also provided a 3D height plane diagram showing no encroachment to the 8.5m maximum height.

The area situated beneath the south-western corner of the building is the lowest point below the building footprint. The survey provided shows an existing ground level of RL 52.14 in this part of the site. The maximum height of the building is RL60.45 over this low point of the building footprint. This

results in a maximum building height of 8.31m in this portion of the site. As the site slopes upwards from the south-west to the north-east the building height from existing ground level decreases due to the slope of the land. This is also demonstrated in the 3D height plane diagram provided by the applicant.

Therefore, Council is satisfied that the building is compliant with the 8.5m building height development standard.

4.4 Floor space ratio

Council has undertaken a detailed assessment of the Floor Space Ratio development standard. The gross floor area of the building has been calculated in accordance with the Manly LEP 2013 definition of 'gross floor area (GFA)', which excludes those areas used for common vertical circulation (stairs), areas used for parking (garage) and basement storage areas.

The building contains an existing basement level which is used for a variety of domestic purposes. Those areas marked a bedroom, rumpus room, sitting room and a sauna have been included in the gross floor area calculation. The basement includes a storage area and workshop which both are situated at a basement level. In accordance with the definition, basement storage may be excluded from the gross floor area. The workshop area is considered to be an area that is interchangeable and equivalent to a basement storage area, and therefore may be excluded from the gross floor area.

The GFA of the proposed development, as calculated in accordance with the definition, is compliant with the 0.4:1 FSR development standard consisting of 293.5sqm of GFA.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 735.8sqm	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	W: 6.9m (based on gradient 1 in 17)	8.4m (Measured from boundary level)	N/A	No
	E: 6.9m (based on gradient 1 in 15)	6.7m	N/A	Yes
4.1.2.2 Number of Storeys	2	3	50%	No
4.1.2.3 Roof Height	Height: 2.5m	0.6m	N/A	Yes
	Pitch: maximum 35 degrees	6 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line	Consistent with prevailing setback	N/A	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	E: 2.23m (based on wall height) W: 2.8 (based on wall height)	5.6m 4.9m	N/A	Yes
	Windows: 3m	4.9m	N/A	Yes
4.1.4.4 Rear Setbacks	8m	11.8m	N/A	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements	Open space 60% of site area	62% /460sqm	N/A	Yes

Residential Open Space Area: OS4	Open space above ground 25% of total open space	5% / 24sqm	N/A	Yes
4.1.5.2 Landscaped Area	Landscaped area 40% of open space	56% / 257.5sqm	N/A	Yes
	3 native trees	3 trees retained on site	N/A	Yes
4.1.5.3 Private Open Space	18sqm per dwelling	80sqm	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	Unchanged	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: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 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
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.5.8 Water Sensitive Urban Design	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	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
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes

Detailed Assessment

3.4.3 Maintenance of Views

Merit consideration:

The development is considered against the Objectives of the Control:

Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.

Objective 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).

Objective 3) To minimise loss of views, including accumulated view loss ‘view creep’ whilst recognising development may take place in accordance with the other provisions of this Plan.

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*, are applied to the proposal.

Height poles were erected by a registered surveyor (and their location confirmed by survey) to show the extent of the development. Site inspections were undertaken at four (4) properties to make an assessment of the view impact in the presence of the home occupier. Each of the properties are assessed individually against the view sharing planning principles.

The property owner of 16 Moore Street was unable to facilitate a site inspection, hence no detailed assessment has been undertaken below. The property owner of 16 Moore Street confirmed that Council may determine the application without inspecting their site. Notwithstanding this, it is considered the view loss assessment for 14 Moore Street to be most relevant to 16 Moore Street given the similar aspect and location. An assessment was made by standing at the most western extent of the balcony of 14 Moore Street. Views beyond 11 Moore Street are already impacted by an existing dwelling to the south of 11 Moore Street. When moving further west (to 16 Moore Street) the view corridor is diminished by existing development due to the angle, and therefore any further impact by the proposal would be considered minor. Harbour views towards the south-west from 16 Moore Street

would continue to be obtained and not impacted by the proposal.

Each of the view impact photos referenced below are contained in Appendix 1 as an attachment to this report.

Property 1 - 9 Moore Street (Woolfe)

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

Water views are currently obtained from the kitchen and are whole harbour views including land-water interface. A portion of the water view is impacted as viewed from the kitchen looking south-west, however the land-water interface is retained.

Water views are currently obtained from the downstairs living area looking south and south-west. The view is a whole view of the harbour containing land-water interface. The view looking directly west is impacted from the ground floor living room, however the impacted view only contains a minor amount of water. District views towards the Chatswood Skyline are impacted looking west.

Water views are currently obtained from both downstairs bedrooms looking south-west. The view from bedroom 1 is considered a partial view, which is obscured by vegetation. The view from bedroom 2 is a more whole view, containing land water interface. The view from bedroom 1 is impacted and water views are lost. The view from bedroom 2 is partially impacted, with a portion of harbour views lost, however a portion of land-water interface retained.

Water views are currently obtained from the upper floor terrace adjoining the living room which are whole views looking south and south-west containing harbour and land-water interface, as well as the chatswood skyline. A very minor portion of water views are lost, with the majority retained.

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The view impacted from the kitchen window is across a side boundary from a standing position. The view impacted from bedroom 1 and 2 are across the side boundary standing position. There is no impact looking across the rear boundary as a result of the development. The most heavily impacted areas are looking across the side boundary, which in accordance with the planning principle, are the views hardest to protect. The seated views from the living room looking west are not impacted as the ridge line is below the window sill height when seated.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be

meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

The kitchen views are obtained across a side boundary (hardest to protect) however still retain full land-water interface. The majority of views area retained from the main living areas/outdoor terrace looking south and south-west. The most severely impacted rooms are bedrooms with partially obscured views across a side boundary. On balance of views lost/retained and the areas of the dwelling impacted, the overall impact is considered to be moderate. The most highly valued views (land water interface) from the most occupied rooms (living room/terrace/kitchen) are largely retained, with the only impact across a side boundary.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

The proposal is compliant with all building height and floor space ratio (MLEP 2013) as well as setbacks and open space (MDCP 2013), which are considered the key determining factors in regulating building bulk and scale. The owner of 9 Moore Street sought an increased rear setback to the proposed first floor addition (approximately 2m extra) to assist in reducing the impact looking west. However, this is not considered necessary as key views corridors are retained and the building is compliant with key development controls. The applicant has increased the rear setback 1.1m from a previously submitted development application resulting in the removal of one (1) bedroom from the upper floor and an overall reduction in floor area. The roof pitch has been lowered from 12 degrees to 6 degrees to reduce the overall height, whilst retaining the desired architectural outcome for the applicant. The siting and design of the first floor addition is an appropriate response to the planning controls and view sharing outcomes, therefore further design amendments are not considered to be necessary given key views from living rooms and kitchen are largely retained in both a qualitative and quantitative sense.

Property 2 - 14 Moore Street (Li/Kennedy)

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

The views impacted are harbour views which contain some land-water interface looking directly south. Views of middle head and Balmoral Beach are currently obtained which will be partially impacted. The view is obtained from the living room, kitchen and outdoor terrace adjoining the living room upon the top floor of the dwelling.

The second step is to consider from what part of the property the views are obtained. For example, the

protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The views are obtained over the front boundary looking directly south from a standing and seated position. The views are obtained from the living room, kitchen and terrace adjoining the living room.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

The extent of the impact in a qualitative sense is considered to be minor, given the view corridor is already heavily impacted by the roof of the dwelling located directly south of 11 Moore Street. In a qualitative sense, a portion of land-water interface currently obtained over the roofline is impacted. This view contains a portion of Middle-Head and Balmoral Beach. However, a substantial amount of the view corridor is maintained which includes the majority of the Balmoral Beach view currently obtained, Middle Head and harbour views. In addition, views are currently obtained looking south-west which are not impacted by the proposal. Considering the proportion of views impacted, compared to the majority of views which are retained, the view impact is considered to be moderate.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

Key development controls which guide the bulk and scale of the development are complied with. A generous side setback of 4.9 is provided to the western boundary which maintains a clear view corridor between 11 and 13 Moore Street. A conservative roof pitch of 6 degrees has been used to achieve the desired architectural look sought by the applicant, while reducing the overall height of the building. It is considered there would be limited design alternatives which would result in the same floor area and amenity for the applicant and result in a largely different outcome with regard to the view impact. This is particularly due to the siting of the first floor addition being constrained by the location of the existing dwelling.

Property 3 - 10 Moore Street (Johnstone)

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued

more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

Water views are impacted by the proposal. The current view is a whole view of the harbour including Balmoral Beach, Middle Head and the city skyline in the distance.

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The view is obtained over the front boundary of the site. The view is enjoyed from both a sitting and standing position.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

The view impact is considered minor. The views are obtained from the Kitchen, Living Room, Terrace, Upper Floor Bedroom and Upper Floor Terrace. All land-water interface from these rooms are retained including Balmoral Beach and Middle Head. A portion of impacted view is currently obscured by vegetation and will not be further impacted by the proposal. The vegetation is not indicated for removal at this time. Notwithstanding this, the view impact is still considered minor.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

The proposal is compliant with the key development controls which guide bulk and scale. The roof has been amended from the previous proposal from 12 degrees to 6 degrees to limit the overall height of the building and view impact. Further design changes are not considered necessary or would make substantial difference to the view as obtained from 10 Moore Street.

Property 4 - 12 Moore Street (Jonson)

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

Water views are impacted by the proposal. The current view is a whole view of the harbour including Balmoral Beach, Middle Head and the city skyline in the distance.

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The view is obtained over the front boundary of the site. The view is enjoyed from both a sitting and standing position.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

The view impact is considered minor. The views are obtained from the kitchen, living room and terrace. It is noted a first floor addition is currently under construction at 12 Moore Street. The first floor will have less of an impact due to the elevated nature of the first floor. All land-water interface is retained including Balmoral Beach and Middle Head with only a minor portion of the harbour view impacted as a result of the proposal.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

The proposal is compliant with the key development controls which guide bulk and scale. The roof has been amended from the previous proposal from 12 degrees to 6 degrees to limit the overall height of the building and view impact. Further design changes are not considered necessary or would make

substantial difference to the view as obtained from 12 Moore Street.

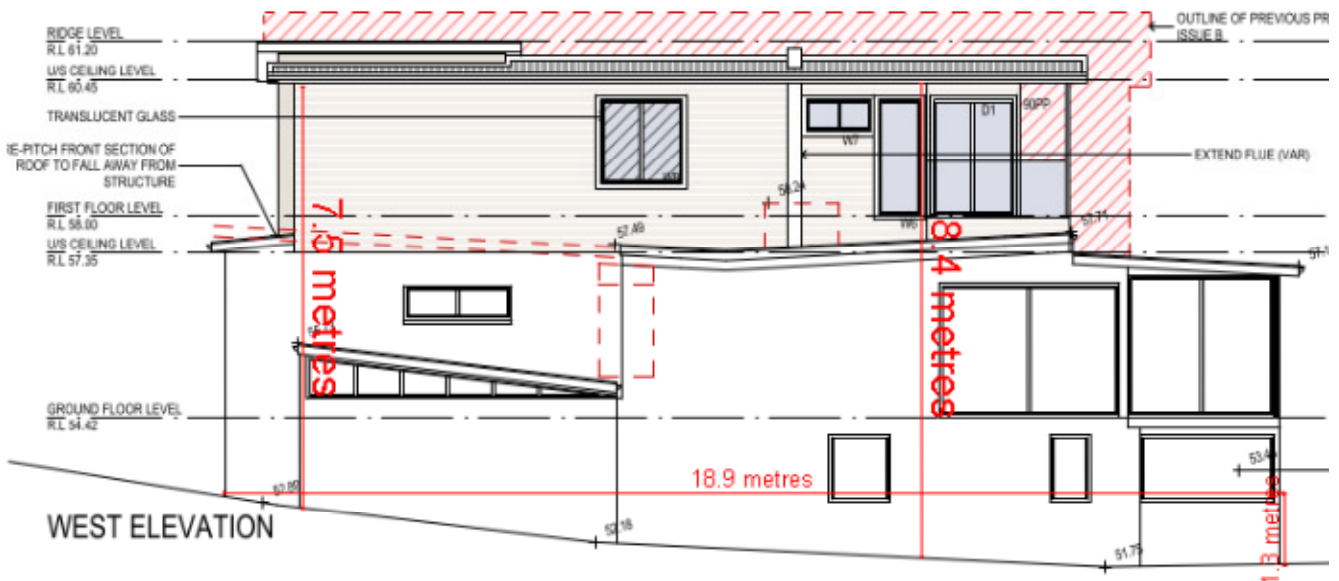
Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP, the view sharing principles established by the Land and Environment Court Case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140* and 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)

Description of non-compliance

The proposal is non-compliant with the maximum wall height at the western building elevation. Based on the site slope, the DCP requires a maximum 6.9m wall height (as measured from the boundary level). The proposal has a maximum wall height of 8.4m at the south-western corner of the building (measured from the boundary level).

The DCP also requires buildings are a maximum 2 storeys. A portion of the proposed building is three storeys. It is noted that portions of the lower floor can be considered 'basement' due to be predominately below ground level which is particularly evident upon the eastern elevation.



Merit Consideration

The non-compliance is as a result of the existing site conditions along the western boundary which includes a pre-excavated area. The first floor addition (and associated non-compliant wall) provides a generous setback from the western boundary of 4.9m. The application has demonstrated compliance with the maximum floor space ratio and building height for the site and compliance with all other DCP controls aside from clause 4.1.2. A detailed assessment has been undertaken against the view sharing principles contained within the *Tenacity* Planning Principle and the proposal is found to result in a reasonable view sharing scenario.

In considering the merits of a variation to the control, the development is assessed against the objectives of the particular control below.

(a) to provide for building heights and roof forms that are consistent with the topographic landscape,

prevailing building height and desired future streetscape character in the locality,

Comment: The proposed development as viewed from the streetscape will appear as a two storey dwelling with a moderately pitched roof. This is consistent with the existing established streetscape along Moore Street. When viewed from the street, the height of each dwelling progressively steps down following the slope of Moore Street. The ridgeline of the proposed development sits in between 9 and 13 Moore Street following the slope of the land.

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

Comment: The first floor addition is situated over the existing building footprint and provides generous setbacks to the east and west boundaries (5.6m and 4.9m respectively). The design provides a minimal 6 degree roof pitch which allows the overall height to be reduced as best possible without having to resort to a completely flat roof. It is noted this is not inconsistent with the roof forms along the southern side of Moore Street with many dwellings having pitched roof forms. The building complies with maximum building height and floor space ratio which results in a building considered to be in keeping with the desired bulk and scale envisaged by the planning controls.

(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: A detailed assessment has been undertaken against the view sharing principles established by *Tenacity* earlier within this report. The proposal is found to be reasonable in the context of the site and retains key view corridors for the surrounding dwellings to the harbour and foreshore. The proposal is therefore consistent with objective (c) and will result in a reasonable view sharing scenario as detailed in the view assessment earlier within this report.

(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: Shadow diagrams have been provided with the application which demonstrate the adjoining properties POS and living room windows will continue to receive solar access for the required period of time on 21 June.

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

Comment: The clause is not relevant to the application.

The proposed development is found to be consistent with the objectives of the Manly LEP, Manly DCP and the Objects of the Environmental Planning and Assessment Act 1979. Therefore, the variation to the control 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

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$3,466 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$346,557.

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 DA2020/0034 for Alterations and additions to a dwelling house on land at Lot B DP 359788, 11 Moore Street, CLONTARF, 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
9079 DA 1, Revision C	11/12/2019	Add-style
9079 DA 1, Revision D	12/03/2020	Add-style

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A361103_02	14/01/2020	Add-style

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	17/10/2019	Applicant

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

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

2. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the

work relates (not being the Council) has given the Council written notice of the following information:

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

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

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

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

Reason: Legislative requirement.

3. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether



the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall

notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

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

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

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$3,465.57 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$346,557.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

5. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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

6. **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.

7. **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)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. **Removing, Handling and Disposing of Asbestos**

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

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

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

9. **Survey Certificate**

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

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

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

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

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

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

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

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

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

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

Signed



Jordan Davies, Planner

The application is determined on 21/04/2020, under the delegated authority of:



Claire Ryan, Acting Development Assessment Manager