

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1077
----------------------------	-------------

<b>Responsible Officer:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 1 DP 500718, 1 A Panorama Parade SEAFORTH NSW 2092
<b>Proposed Development:</b>	Alterations and additions to an existing dwelling house
<b>Zoning:</b>	Manly LEP2013 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Steven George Seretis
<b>Applicant:</b>	Steven George Seretis

<b>Application lodged:</b>	25/06/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	03/07/2018 to 19/07/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	3
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 204,000.00
---------------------------------	---------------

### 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 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 - 3.4.3 Maintenance of Views

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

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 500718 , 1 A Panorama Parade SEAFORTH NSW 2092
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the western side of Panorama Parade.</p> <p>The site is irregular in shape with a frontage of 21.7m along Panorama Parade and a secondary frontage of 25.7m along Panorama Lane. The site has a surveyed area of 556.4m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a dwelling house.</p> <p>The site slopes gently from the north side to the south side of the site approximately 2m.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by residential development typically single and multi storey dwelling houses.</p>

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:

**DA372/2002-** Alterations and additions to an existing dwelling (Approved 4 December 2002)

## PROPOSED DEVELOPMENT IN DETAIL

The proposed works are for alterations and additions to the existing dwelling house including:

- First floor addition, incorporating:
  - Master bedroom with ensuite;
  - Bedroom 2 and 3;
  - Bathroom;
  - Living; and
  - Balcony.
- Ground floor alterations.
- New Lift.
- Window alterations.

## AMENDMENTS TO THE SUBJECT APPLICATION

Following a preliminary assessment of the application Council wrote to the applicant outlining a number of issues that would not allow for Council to support the application in its current form. The issues included floor space non-compliance and loss of views. Following receipt of the letter the applicant advised that they intended to amend the development application. Council agreed to accept amendments to the application. Amendments to the proposal included reduction to the size of the proposed master bedroom to the southern side of the subject site.

The applicant subsequently provided amended plans to address the concerns raised on 3 December

2018.

The amendments proposed (received 3 December 2018) are minor in respect to the original plans lodged with Council, and do not result in a greater environmental impact. As such the amended application was not re-notified to adjoining properties. This is in accordance with clause 2.6 of the Manly DCP 2013.

## 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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been</p>

Section 4.15 Matters for Consideration'	Comments
	<p>addressed via a condition of consent.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</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.

## 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 3 submission/s from:

Name:	Address:
Mrs Nancy Barone	10 Edgecliff Esplanade SEAFORTH NSW 2092
Mrs Denise Ueda Normali	21 Ponsonby Parade SEAFORTH NSW 2092

Name:	Address:
Mr Christopher James Bergman	19 Ponsonby Parade SEAFORTH NSW 2092

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

- **View Loss.**
- **Sunlight Access and Overshadowing.**
- **Privacy.**
- **Existing covenant on property.**
- **Streetscape**
- **Non-compliance with Floor Space Ratio development standard.**

The matters raised within the submissions are addressed as follows:

- **View Loss**  
Comment:

Concern was raised in regards to view loss from private and public spaces to Middle Harbour. The proposal has been assessed against the view loss provisions under Clause 3.4.3 of the Manly DCP and the Land and Environment Court Case of 'Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140' in this report (refer to Cl. 3.4.3 Maintenance of Views under the MDCP 2013 section of this report). In summary, the proposed development does not cause unreasonable view loss to and from public and private open spaces.

This matter does not warrant refusal of the application.

- **Sunlight access and overshadowing**  
Comment:

Concern is raised that the proposed development will result in unreasonable overshadowing of the adjoining southern property (No. 10 Edgecliffe Esplanade, Seaforth), particularly to living rooms and private open space that immediately adjoin the subject site.

This matter has been addressed in detail elsewhere within this report (refer to cl 3.4.1 Sunlight Access and Overshadowing under the Manly DCP 2013 section of this report). In summary, the development allows for a reasonable level of sunlight to be maintained to adjoining properties (living rooms and outdoor living areas) between 9am and 3pm on June 21.

This matter does not warrant refusal of the application.

- **Privacy**  
Comment:

Concern was raised about resulting privacy impacts from the new south facing first floor windows.

The proposed south facing window from the master bedroom is screened to a height of 1.5m



above finished floor level to mitigate any potential of direct overlooking between the subject site and the adjoining southern property. The screening proposed in conjunction with the southern side setback is satisfactory in maintaining both visual and acoustic privacy. The proposal complies with the relevant provisions and underlying objectives under Clause 3.4.1 of the Manly DCP.

This matter does not warrant refusal of the application.

- **Existing covenant on property**

Comment:

Concern was raised in regards to an existing covenant on the subject property restricting development to a single storey only on the subject site. The submissions also raise that any development beyond the scope of this covenant will result in privacy and solar access impacts.

Clause 1.9A *Suspension of covenants, agreements and instruments* of the Manly LEP 2013 states the following:

*" (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose."*

As such, any existing covenants for the subject site do not apply in the assessment of this application. The concerns regarding privacy and solar access have been addressed in detail through this report. The assessment of this application has found the proposal to provide a reasonable level of privacy and solar access to adjoining properties.

This matter does not warrant refusal of the application.

- **Streetscape**

Comment:

The proposed first floor addition will not have any unreasonable impact on the streetscape. The proposed size, scale and siting of the first floor addition is consistent with other multi storey residential development along Panorama and Ponsonby Parade.

This matter does not warrant refusal of the application.

- **Non-compliance with the Floor Space Ratio development Standard**

Comment:

The proposed works are non-compliant with the numeric control under Clause 4.4 of the Manly LEP. A written request was provided by the applicant that seeks to justify the contravention of the development standard. See comments under Clause 4.6 of the Manly LEP in this report.

In summary, the proposed written request from the applicant has been considered and is found to have adequately demonstrated the matters required to be demonstrated by subclause (3)(a) and (b).

This matter does not warrant refusal of the application.

## MEDIATION

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

## 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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A261977\_02 dated 19 June 2018).

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	7.97m	N/A	Yes
Floor Space Ratio	0.4:1 (222.56m <sup>2</sup> )	FSR: 0.43:1 (241.4m <sup>2</sup> )	8.4%	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
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	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**

Description of non-compliance:

Requirement:	0.4:1 (222.56m <sup>2</sup> )
Proposed:	0.43:1 (241.4m <sup>2</sup> )
Is the planning control in question a development standard?	YES
If numerical enter a % variation to requirement	8.4%

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:

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, submitted with this application, has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

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 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.

These are as follows:

- The subject site has a smaller lot size than that of the surrounding allotments.

- The existing subdivision pattern is generally consistent save for the subject site.
- The proposal provides for a modest residential dwelling building form which is consistent with the streetscape character of the locality.
- The proposal provides for a residential development that except for the FSR development standard, satisfies the remaining provision of the relevant planning controls – particularly in respect to amenity and character.
- In streetscape and character terms, there is no discernible manifestation of the non-compliance with the FSR development standard.
- There is no unreasonable loss of privacy for residents of the existing building and in neighbouring properties.
- There is no unreasonable shading of adjoining neighbours.
- There is no unreasonable visual scale and bulk arising from the proposal.

In doing so, the applicant's written request has demonstrated that the proposed development satisfies cl 1.3(c)(g) of the EPA Act.

In this regard, the applicants written request has adequately demonstrated 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 R2 Low Density 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 proposed addition of floor space is at first floor level within the existing building footprint. As viewed from the primary and secondary frontage, the building will present at a lower height than that of neighbouring properties and with a presentation of landscaping and vegetation that is complementary to the area. The bulk and scale of the development is less than that of development along the northern side of Panorama and Ponsonby Parade and the overall Seaforth area, and as such is deemed to be reasonable.

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:

No important landscape features within the close vicinity of the subject site will be unreasonably impacted by the proposed works, as the footprint of the dwelling is not increased. In regards to townscape features, there are no townscape features within the close vicinity of the subject site.

The development satisfies this objective.

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

Comment:

The development overall is found to enhance the visual continuity of the existing character of the area and improve the aesthetics of the development on site.

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 proposal has been assessed against the view loss provisions under Clause 3.4.3 of the Manly DCP and the NSW planning principle Tenacity Consulting v Warringah Council [2004] NSWLEC 140 in this report. The proposed development does not cause unreasonable view loss to and from public and private open spaces.

The extension of floor space does not adversely increase visual and aural privacy impacts on adjoining development, nor is there unreasonable levels of shadowing to the adjoining dwelling to the south (Nos. 10 Edgecliffe Esplanade, Seaforth). The proposal is consistent with the numeric control under clause 3.4.1 and 3.4.2 of the Manly DCP.

*(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:

The subject site is not located in a business zone.

Conclusion:

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

**Zone objectives**

The underlying objectives of the R2 Low Density Residential zone

- To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal retains the existing residential use within the low density residential environment.

- 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 R2 Low Density 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 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 Floor space ratio standard by more than 10%.

As the development varies development standard by less than 10% the concurrence of the Secretary is assumed by Council.

**Mainly Development Control Plan**

Built Form Controls

<b>Built Form Controls - Site Area:556.4m<sup>2</sup></b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation*</b>	<b>Complies</b>
4.1.2.1 Wall Height	East: 6.5m	6.4m	N/A	Yes
	West: 6.5m	6.3m	N/A	Yes
4.1.2.2 Number of Storeys	2	2	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.8m	N/A	Yes
	Pitch: maximum 35 degrees	15 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	4.5m, consistent with prevailing setback	25%	No
4.1.4.2 Side Setbacks and	2.1m (based on northern	3.9m	N/A	Yes



Secondary Street Frontages	wall height)			
	Windows: 3m	3.3-3.9m	N/A	Yes
	Secondary street frontage: Prevailing setback / 1.83	3.3m, consistent with prevailing setback	N/A	Yes
4.1.4.4 Rear Setbacks	8m	8m	N/A	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 60% (333.84m <sup>2</sup> ) of site area	61.9% (344.8m <sup>2</sup> )	N/A	Yes
	Open space above ground 25% (86.2m <sup>2</sup> ) of total open space	11.5% 39.7m <sup>2</sup>		

**\*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
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 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)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	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.*

Comment:

The proposed development allow for adequate solar access to the subject site and the adjoining southern property.

*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:

**No. 10 Edgecliffe Esplanade, Seaforth**

- *private open spaces within the development site; and*

The proposed first floor addition will increase overshadowing to private open space of the adjoining southern property. Increased shadowing to private open space occurs at all hours between 9am and 3pm during the winter solstice. Through this period the level of additional shadowing is minor with a significant level of sunlight access to the rear terrace and swimming pool retained through the hours of 12 midday to 3pm. The proposal is consistent with this objective.

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

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 in the winter solstice. The living room windows to the northern elevation of the dwelling house at No. 10 Edgecliffe Esplanade will receive additional shadowing during the afternoon of the winter solstice (12pm onwards). However, between the hours of 9am and 12pm the property will enjoy at least two hours of sunlight access during this period. The proposal is consistent with this objective.

*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 first floor has been articulated from the southern side of the ground floor to mitigate the level of shadowing to the adjoining southern dwelling to a reasonable extent.

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.

### **3.4.3 Maintenance of Views**

As a result of the public exhibition of the development application Council received a number of submissions raising view loss as a concern.

Submissions have been received from two (2) neighbouring properties at No.19 and 21 Ponsonby Parade, Seaforth raising view loss as an issue. To assist Council in its assessment of the application, on 8 August 2018 a request was made for the Applicant to erect height poles.

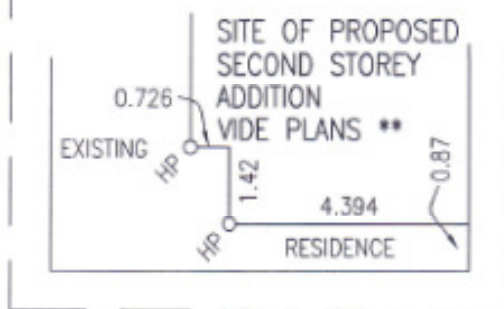
The Applicant subsequently erected height poles with certification of the height and location of the poles provided by a Registered Surveyor on 24 August 2018. Following amended plans being lodged with Council the poles were adjusted to reflect the amended plans with certification of the height and location of the poles provided by a Registered Surveyor on 23 January 2019. (Refer to plan prepared by Byrne and Associates dated 22/1/2019).

The location of the height poles (amended) is shown below:



\*\* PREPARED BY DUFFY REGAN DESIGN JOB No.573/16  
DRAWING No.DA-01A, DA-04A & DA-05A.

D.P. 500718



HP DENOTES METAL HEIGHT POLE TOP OF PINK TAPE  
ATTACHED TO POLE R.L. 66.97 A.H.D.

2

D.P. 500718

**PLEASE NOTE:**

1. LEVEL SHOWN IS BASED ON AUSTRALIAN HEIGHT DATUM
2. ORIGIN OF LEVELS - PM 1177 R.L. 58.24 A.H.D.  
LOCATED NEAR THE NORTH EASTERN CORNER OF  
EDGECLIFFE ESPLANADE & PANORAMA PARADE
3. DIMENSIONS SHOWN ARE FROM DESIGN PLANS  
PREPARED DUFFY REGAN DESIGN JOB. No.573/16 DA-01A  
& DA-04A.

Registered Surveyor

PARADE

PANORAMA

Image 1- Survey confirmation of amended height poles (submitted to Council 23 January 2019)

**Note:** For ease of reference the photos contained below include the height poles indicating the height of the proposed first floor.

Merit consideration:

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

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

Comment:

The proposed development will result in a moderate loss of view from No. 21 Ponsonby Parade, Seaforth and a minor loss of view from No. 19 Ponsonby Parade, Seaforth. The loss of views is not unreasonable and will maintain adequate view sharing between properties.

*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).*

The proposal results in a disruption of views from the adjacent development, however the view loss is not unreasonable and has been assessed below with regard to the planning principle established by the NSW Land and Environment Court.

Council received two (2) submission from surrounding residents in relation to view loss from the original plans submitted. The Manly DCP refers to the planning principal within *Tenacity Consulting v Warringah [2004] NSWLEC 140* when considering the impacts on the views of the adjoining properties which is provided below:

## **1. Nature of the view affected**

*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:

### **No. 21 Ponsonby Parade, Seaforth**

The nature of the view affected from this property would be partial harbour views to the south and south-east. Particularly, the views of the land water interface will be impacted. The views would be filtered through existing development and vegetation as pictured below. At present a large portion of the views are obtained over the roof of No. 1A Panorama Parade.

### **No. 19 Ponsonby Parade, Seaforth**

The nature of the view affected from this property would be partial harbour views to the south and south-east. Particularly, the views of the land water interface will be impacted. The views would be filtered through existing development and vegetation as pictured below. At present a large portion of the views are obtained over the roof of No. 1A Panorama Parade or along the road corridor.

## **2. What part of the affected property are the views obtained.**

*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:

**No. 21 Ponsonby Parade, Seaforth**

The views affected from this property are obtained over the rear boundary from the ground floor living room/kitchen and balcony from a standing and sitting position. It is noted that views obtained from a sitting positions are of lesser quality than those from a standing position.

**No. 19 Ponsonby Parade, Seaforth**

The views affected from this property are obtained over the rear boundary from first floor bedrooms from a standing position.

**3. Extent of Impact**

*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:

Both Nos. 19 and 21 Ponsonby Parade, Seaforth have substantial views to Middle Harbour and Middle Head.

**No. 21 Ponsonby Parade, Seaforth**

The views to Middle Harbour and Middle head will, to a moderate extent, be lost as a result of the proposed works.

Qualitatively and in consideration of the existing views available from No. 21 Ponsonby Parade, the extent of view loss is moderate (See photos 1,2 3 and 4). The occupants will continue to enjoy views to the south of Middle Harbour as well as the land water interface directly to the rear of the subject site

Therefore, the extent of impact is considered to be moderate.





**Photo 1- Living room (sitting)**



Photo 2- Living room (standing)





**Photo 3- Balcony off living room (standing)**



**Photo 4- Front Entrance way (standing)**

**No. 19 Ponsonby Parade, Seaforth**

The views to Middle Harbour and Middle Head will be impacted to very minor extent.

The occupants will continue to enjoy these views from first floor bedrooms to the south and south-east of Middle Harbour and Middle Head including the land water interface. A negligible to minor loss of views directly to the south of this property will result from the proposed first floor addition (See Photos Nos. 5, 6, 7 and 8) with the majority of the views retained including the whole land and water interface. It is noted that the view in question is compromised by existing vegetation along Panorama Parade.

Therefore, the extent of impact is considered to be minor.



**Photo 5- Master bedroom (Standing) looking south east**





**Photo 6- Master bedroom (standing) looking south**



**Photo 7- Bedroom No. 2 (Standing)**



**Photo 8- Bedroom 3 (Standing)**

#### **4. Reasonableness of the proposal that is causing the impact**

*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, as amended, responds appropriately to the available views through the provision of appropriate view corridors, setbacks and building articulation to ensure highly valued views are retained and the impact on properties in terms of view loss is moderate.

The development maintains compliance with height of buildings development standard within MLEP 2013.

The development provides compliant front and rear setbacks and minor variations to the side boundary setback controls contained within the MDCP 2013 however on merit these variations have been considered and are supported based upon the development achieving consistency with the underlying objectives of 4.1.4 Setbacks (front, side and rear) and Building Separation of MDCP 2013.



While it is noted that the proposal is numerically non-compliant with the Floor space ratio development standard, the proposal still responds proficiently to the available views through the provision of appropriate view corridors to the sides of the house and building articulation to ensure highly valued views including the land water interface are retained and the impact on properties in terms of view loss is moderate.

Given the above, it is considered that the proposal is acceptable and viewing sharing is achieved.

*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.*

Comment:

The proposed first floor addition will not cause unreasonable loss of view. In regards to ‘view creep’ the proposal does not include unreasonable bulk which could lead to unreasonable future view loss.

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.

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

Description of non-compliance

Clause 4.1.4.1 of the Manly DCP requires development be setback 6m from the front boundary or be consistent front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. The proposed development is setback 4.5m, non-compliant with the numeric control. This is a 25% 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 first floor setback is consistent with neighbouring properties along Panorama Parade. The proposed works will not have an unreasonable visual impact on the streetscape.

*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:

Amenity considerations including privacy, solar access and maintenance of views are all maintained to a reasonable extent as part of this proposed development

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

Comment:

Flexibility if provided in this circumstance as the proposed first floor addition will not cause any unreasonable amenity 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:

There is no change to landscaping proposed.

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

Comment:

The subject site is not located in a bush fire 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.

## **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 DA2018/1077 for Alterations and additions to an existing dwelling house on land at Lot 1 DP 500718, 1 A Panorama Parade, SEAFORTH, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

##### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>
--

Drawing No.	Dated	Prepared By
DA-1B/ Site Plan- North	October 2018	Duffy Regan Design
DA-02/Demolition Plan	October 2018	Duffy Regan Design
DA-03/ Ground Floor Plan	October 2018	Duffy Regan Design
DA-04/ First Floor Plan	October 2018	Duffy Regan Design
DA-06/ Elevations	October 2018	Duffy Regan Design
DA-06/ Elevations	October 2018	Duffy Regan Design
DA-07/ Sections	October 2018	Duffy Regan Design

**Reports / Documentation – All recommendations and requirements contained within:**

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A261877_02	19 June 2018	Duffy Regan Design

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 (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.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

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

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

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools



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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (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](http://www.northernbeaches.nsw.gov.au)).

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

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

### **5. 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)

6. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Council's "Manly Specification for on-site Stormwater Management."

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from development. (DACPLCPCC1)

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

7. **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. (DACPLFPOC1)

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

**Signed**



**Maxwell Duncan, Planner**

The application is determined on 06/02/2019, under the delegated authority of:



**Luke Perry, Acting Development Assessment Manager**