

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1380
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Responsible Officer:	Benjamin Price
Land to be developed (Address):	Lot A DP 368257, 39 Adelaide Street CLONTARF NSW 2093
Proposed Development:	Construction of a swimming pool and landscaping works
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:	Gina Minks
Applicant:	Sticks & Stones Landscape Design

Application lodged:	21/08/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	27/08/2018 to 12/09/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 90,000.00
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ASSESSMENT INTRODUCTION

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

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

determination);

- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Development Control Plan - 3.1 Streetscapes and Townscapes

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 4.1.5 Open Space and Landscaping

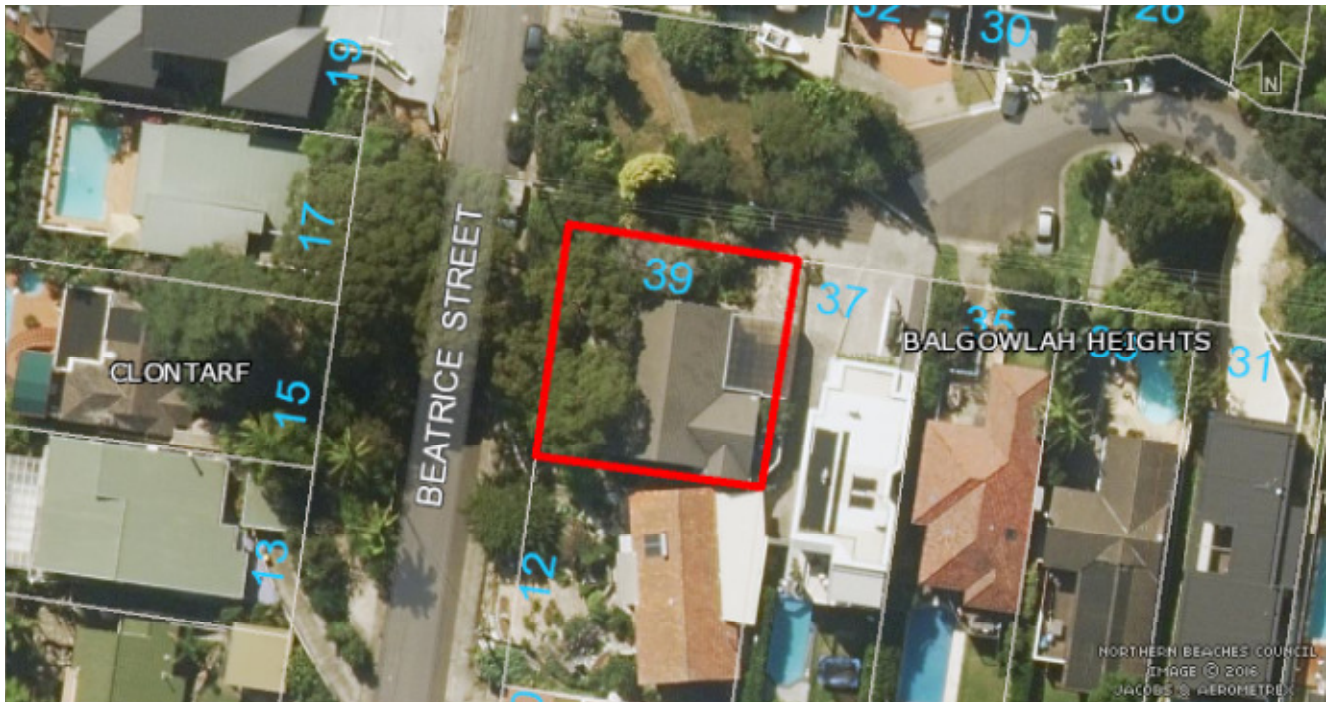
Manly Development Control Plan - 4.1.9 Swimming Pools, Spas and Water Features

Manly Development Control Plan - 4.4.5 Earthworks (Excavation and Filling)

SITE DESCRIPTION

Property Description:	Lot A DP 368257 , 39 Adelaide Street CLONTARF NSW 2093
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Adelaide Street and the eastern side of Beatrice Street.</p> <p>The site is regular in shape with a frontage of 21.21m along Adelaide Street and 21.335m along Beatrice Street. The site has a surveyed area of 452.6m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two storey dwelling house.</p> <p>The site steeply slopes from east to west and includes a crossfall of 5m</p> <p>The site includes some small trees and shrubs and rock outcrops on the Beatrice street frontage.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one and two 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:

PLM2018/0117 - A pre-lodgement was held on the 7 June 2018. The swimming pools height above ground was raised as a significant issue. Council advised that the design should be amended to reduce the height of the swimming pool above ground to 2m and to integrate landscaping to reduce the impact of the built form.

The swimming pool proposed in this application is a maximum height of 2m above ground level.

The retaining wall/fence steps back into the site to provide visual relief and allow for landscaping to break up the bulk of this structure.

The submitted development application is consistent with the advice provided at the pre-lodgement meeting.

PROPOSED DEVELOPMENT IN DETAIL

The proposal includes:

- Swimming pool and associated decking
- Fence and retaining wall to Adelaide street frontage
- Deck with outdoor kitchen attached to existing balcony and dining room
- Landscaping

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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, 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&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>

Section 4.15 Matters for Consideration'	Comments
	Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</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 of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The landscape component of the proposal is acceptable upon completion of landscaping and protection of existing trees.</p> <p>Council's Landscape section have assessed the application against the controls of Manly DCP2013.</p> <p><u>Planning Comments</u></p> <p>The landscape officer recommended the following condition requiring a landscape buffer of 3m to be provided along the western boundary and the edge of the proposed pool. The assessment under clause 3.1 found that the proposed development will not result in any unreasonable impacts on the streetscape. Furthermore the area forward of the pool is dominated by rock outcrops and the establishment of a 3m screen is not possible. After discussions with the applicant Council was advised that it was intended to provide some plantings between the rock outcrops forward of the pool. As such it is recommended the condition be worded to require plantings on the western boundary forward of the pool.</p>

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.
Aboriginal Heritage Office	The application was referred to the Aboriginal Heritage Office (AHO). The AHO raised no objection subject to a condition of consent. The condition has been included in this recommendation.

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. A324385 dated 3 August 2018).

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

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	3.2m	N/A	Yes
Floor Space Ratio	FSR: 0.4:1	No change	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 452.6sqm	Requirement	Proposed	% Variation*	Complies
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS4	Open space 60% of site area (271.6sqm)	Existing 41% (185.7sqm)	31.6%	No further non-compliance
	Open space above ground 25% of total open space (46.4sqm)	11.4% (21.1sqm)		
4.1.5.2 Landscaped Area	Landscaped area 40% of open space (74.3sqm)	70.5% (130.9sqm)	N/A	Yes
4.1.9 Swimming Pools, Spas and Water Features	1m height above ground	2m	100%	No
	Setback equal to twice the height above ground - 4m	1.5m	62.5%	No
4.1.10 Fencing	1m solid 1.5m where 30% transparent above 1m	1.8m-3.1m	100%	No, see assessment under clause 3.1

***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	No	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3 Landscaping	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.9 Swimming Pools, Spas and Water Features	No	Yes
4.4.5 Earthworks (Excavation and Filling)	No	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

3.1 Streetscapes and Townscapes

Description of non-compliance

The Manly DCP permits front fences to a maximum height of 1m where they are solid and 1.5m where they are 30% transparent above 1m. The proposed wall/fence on the Adelaide Street frontage is solid and ranges in height from 1.8m-3.1m.

Merit consideration:

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

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

Comment:

The proposed retaining wall and fence fronts an unformed section of Adelaide Street. This section is currently used as a pedestrian walkway connecting Adelaide Street to Beatrice Street. The lowest

section of the fence/wall is adjacent to the pedestrian pathway. The pathway then turns away from the site. The highest portion will not impose on the trafficked area of the pedestrian walkway.

The fence/wall is articulated to step back into the site towards the middle of the Adelaide street frontage. This area is proposed to be landscaped with two large trees. The articulation of the fence/wall will break up the bulk of the proposal and ensure landscaping is integrated into the design. The landscaping will also screen the highest section of fence/wall from view from the trafficked area of Adelaide Street.

The proposed design of the fence and retaining wall is appropriate to minimise any negative visual impacts on the streetscape.

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

Comment:

The proposed fence and retaining wall is appropriately designed to ensure no unreasonable impacts on the streetscape within the locality. The proposed swimming pool will not be visible from the Adelaide Street frontage.

The subject site slopes steeply down towards Beatrice Street. The proposed swimming pool and decks are designed to step down with the topography of the site to minimise the overall bulk of the development. The proposed swimming pool will be a maximum of 2m above the ground level and will not result in any unreasonable impacts on the streetscape.

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

Comment:

The proposed front fence and retaining wall design appropriately incorporates soft landscaped areas. The proposed front fence and retaining wall is satisfactory in this circumstance.

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

3.4.2 Privacy and Security

The proposed development is orientated to the north-west and will not result in any unreasonable overlooking of private open spaces. The proposal will also encourage passive surveillance of the streetscape within the locality. The proposal will maintain the sites consistency with the objectives of this clause.

4.1.5 Open Space and Landscaping

The existing total open space on the site is non-compliant with the minimum required total open space. The proposed development will not result in any further reduction of the total open space on the site. The proposed landscaping will enhance the vegetation on the site and the landscape character of the locality. The proposal will maintain the sites consistency with the objectives of the control.

4.1.9 Swimming Pools, Spas and Water Features

Description of non-compliance

The proposed swimming pool is not compliant with the height above ground and side setback control of the Manly DCP 2013.

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 be located and designed to maintain the privacy (visually and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties;

Comment:

The proposal is orientated to the north-west of the site away from the neighbouring properties. The proposal will not result in any unreasonable impacts on the privacy of the neighbouring properties.

Objective 2) To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality;

Comment:

The eastern side of Beatrice Street includes a number of examples of buildings, garages and retaining walls built on the street front boundary. The proposed swimming pool provides a 1.5m setback to the boundary and is designed to step down with the slope of the site. This design minimises the overall height of the swimming pool to a maximum of 2m and will ensure the proposed swimming pool will not result in any unreasonable impacts on the streetscape character of the locality. The proposed swimming pool will not be visually prominent from Adelaide Street.

Objective 3) To integrate landscaping; and

Comment:

The proposal incorporates landscaping into the design to minimise any impacts on the streetscape.

Objective 4) To become an emergency water resource in bush fire prone areas.

Comment:

The proposal is not located within a bushfire prone area.

4.4.5 Earthworks (Excavation and Filling)

Description of non-compliance

The Manly DCP 2013 permits a maximum fill height of 1m above ground level. The Manly DCP 2013 also requires retaining walls within 1m of the front boundary to be a maximum of 1m in height. The proposed retaining walls are not compliant with this 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 retain the existing landscape character and limit change to the topography and vegetation of the Manly Local Government Area by:

Limiting excavation, “cut and fill” and other earthworks;

- *Discouraging the alteration of the natural flow of ground and surface water;*
- *Ensuring that development not cause sedimentation to enter drainage lines (natural or otherwise) and waterways; and*
- *Limiting the height of retaining walls and encouraging the planting of native plant species to soften their impact.*

Comment:

The proposed retaining wall on the Adelaide street frontage has been assessed under Clause 3.1 Streetscapes of the Manly DCP 2013. The assessment found the proposal to be satisfactory within the streetscape. In summary the location of the retaining wall and the articulated design incorporating planting will ensure the proposal does not result in any unreasonable impact on the streetscape of the locality. The proposal will not result in any significant impact on the landscape character of the area. The development was supported by a geotechnical report the provides recommendations to ensure the proposal does not result in any unreasonable impacts within the locality.

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 DA2018/1380 for Construction of a swimming pool and landscaping works on land at Lot A DP 368257, 39 Adelaide 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
F01 Landscape Plan	10 July 2018	Sticks and Stones
F02 - Elevation Drawings	2 October 2018	Sticks and Stones
F03 Planting Plan	10 July 2018	Sticks and Stones

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment Report	16 September 2018	Urban Arbor
Limited Geotechnical Assessment: 39 Adelaide Street, Balgowlah Heights, NSW	16 August 2018	Martens

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

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

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

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

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

2. Prescribed Conditions

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

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

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

5. Screen planting requirements

Plantings shall be provided along the western boundary forward of the proposed pool. Details including species, pot size and spacing are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure suitable planting is provided.

6. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. **Aboriginal Heritage**


If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

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

Signed




Benjamin Price, Planner

The application is determined on 25/10/2018, under the delegated authority of:



Rodney Piggott, Manager Development Assessments




























ATTACHMENT A






Notification Plan	Title	Date
 2018/535923	Plan - Notification	16/08/2018

ATTACHMENT B

Notification Document	Title	Date
 2018/539855	Notification Map	24/08/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/535916	Plan - Survey	22/05/2018
 2018/535943	Report - Arborist	09/07/2018
 2018/535935	Report - BASIX	15/08/2018
 2018/535948	Plan - Stormwater	15/08/2018
 2018/535939	Report - Geotechnical	16/08/2018
 2018/535927	Report - Statement of Environmental Effects	16/08/2018
 2018/535960	Plan - Waste Management	16/08/2018
 2018/535923	Plan - Notification	16/08/2018
 2018/535958	Plan - Site and Landscape	20/08/2018
 2018/535946	Planting Schedule	20/08/2018
 DA2018/1380	39 Adelaide Street CLONTARF NSW 2093 - Development Application - Alterations and Additions	21/08/2018
 2018/532830	DA Acknowledgement Letter - Sticks & Stones Landscape Design	21/08/2018
 2018/535901	Development Application Form	22/08/2018
 2018/535902	Applicant Details	22/08/2018
 2018/536000	Plan - External	22/08/2018
 2018/536003	Plans - Master Set	22/08/2018
 2018/539813	ARP Notification Map	24/08/2018
 2018/539828	DA Acknowledgement Letter (not integrated) - Sticks & Stones Landscape Design	24/08/2018
 2018/539855	Notification Map	24/08/2018
 2018/539860	Notification Letter - 11	24/08/2018
 2018/599235	Confirmation of Notification Sign - DA2018/1380 39 Adelaide Street Clontarf	16/09/2018
 2018/623355	DA2018/1380 - 39 Adelaide Street Clontarf - Request for Western Elevation	26/09/2018
 2018/638625	Re: DA2018/1380 - 39 Adelaide Street Clontarf - Western Elevation	04/10/2018
 2018/638635	Plan - Western Elevation - Revised 5 October	05/10/2018
 2018/644645	DA2018/1380 - 39 Adelaide Street Clontarf - RE: Western Elevation	08/10/2018
 2018/644779	RE: DA2018/1380 - 39 Adelaide Street Clontarf - Western Elevation	09/10/2018
 2018/654628	Request for Services Progress - DA2018/1380 39 Adelaide Street Clontarf - Aboriginal Heritage Office	12/10/2018

	2018/661605	39 Adelaide St - Revised Arborist Report	16/10/2018
	2018/661616	Report - Arborist - Revised 16 October	16/10/2018
	2018/661971	Landscape Referral Response	16/10/2018
	2018/679637	Notice of Determination	25/10/2018
	2018/679638	Stamped Plans	25/10/2018