

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/0852
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<b>Responsible Officer:</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot 24 DP 2610, 12 Moore Street CLONTARF NSW 2093
<b>Proposed Development:</b>	Alterations and additions to the 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>	Development Determination Panel
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Michael Craig Jonson Heidi Dunbar Jonson
<b>Applicant:</b>	Raise The Roof

<b>Application lodged:</b>	24/05/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	29/05/2018 to 14/06/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 625,000.00
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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 Local Environmental Plan 2013 - 4.6 Exceptions to development standards  
 Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils  
 Manly Local Environmental Plan 2013 - 6.2 Earthworks  
 Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area  
 Manly Development Control Plan - 3.3.1 Landscaping Design  
 Manly Development Control Plan - 3.3.2 Preservation of Trees or Bushland Vegetation  
 Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing  
 Manly Development Control Plan - 3.4.2 Privacy and Security  
 Manly Development Control Plan - 3.4.3 Maintenance of Views  
 Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)  
 Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation  
 Manly Development Control Plan - 4.1.5 Open Space and Landscaping  
 Manly Development Control Plan - 4.4.5 Earthworks (Excavation and Filling)  
 Manly Development Control Plan - 5.4.1 Foreshore Scenic Protection Area

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 24 DP 2610 , 12 Moore Street CLONTARF NSW 2093
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the northern side of Moore Street.</p> <p>The site is regular in shape with a frontage of 12.215m along Moore Street and a depth of 42.67m. The site has a surveyed area of 521.3m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates an existing two-storey detached dwelling.</p> <p>The site slopes 5.7m from rear (north) to front (south).</p> <p>The site contains several small garden beds and planted vegetation. No significant trees are located on the site.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by detached dwellings.</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:

DA0137/2017 - Alterations and additions to the existing dwelling house - Approved.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal includes works as follows:

Lower Ground Floor:

- New entry
- Enclosure of existing carport

Ground Floor:

- Minor internal alterations
- Extension of existing Deck 1
- Changes to doors and windows

New First Floor consisting of:

- Master Bedroom with ensuite and walk in robe
- Bedroom 2
- Rumpus room
- Bathroom
- New Deck 2 with operable louvre roof and privacy screening

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)(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 clause is not relevant to this application.</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 addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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 1 submission/s from:

Name:	Address:
Ms Tamara-Ann Williams	15 Alma Street CLONTARF NSW 2093

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

- Bulk and scale  
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- View loss impacts
- Privacy impacts

The matters raised within the submissions are addressed as follows:

- Bulk and scale

Comment:

The proposed dwelling is not of unreasonable bulk or scale, particularly as viewed from the rear from No. 15 Alma Street. The substantial front, side and rear setbacks to the proposed first floor addition successfully minimise the bulk of the development. A full assessment of the proposed FSR non-compliant is completed under Clause 4.6.

- View loss impacts

Comment:

The proposal will result in only a minor amount of view loss from the western side of the rear deck of No. 15 Alma Street. A full view loss assessment against the objectives of the Manly DCP and the NSW LEC planning principle is completed under Part 3 General Principles of Development.

- Privacy impacts

Comment:

The proposal will result in negligible privacy impact between the subject site and No. 15 Alma Street. The proposed first floor addition contains only one window to the northern elevation, which is a highlight window to a walk in robe.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	<p><u>Planning Comments:</u></p> <p>Due to the age of the application on receipt of the initial referral comments received, Council's Development Engineer was requested to provide suitable conditions to satisfy the OSD requirements. The Engineer provided further comments and relevant conditions as included in the consent.</p> <p><u>Further Engineering Referral Comment:</u></p> <p>Irrespective of the lack of OSD details, submitted to Council in the DA, a Stormwater Drainage Application is to be submitted prior CC to ensure the OSD will be designed in accordance with Council's Manly Specification for on site stormwater Management 2003. An additional condition is placed to address the requirement.</p>



Internal Referral Body	Comments
	<p>And the applicant must be advised that a modification application may need to be lodged, if there are significant changes to the approved design due to the installation of the OSD.</p> <p>In this regards, Development Engineer has no objection to the application subject to the following conditions of consent.</p> <p><u>Engineering Referral comment:</u></p> <p>The total impervious areas of the site is over 60% of the total site area. As such, an on site stormwater detention system (OSD) shall be required in accordance with Council's Manly Specification for on site stormwater Management 2003. However, the applicant has not provided any stormwater design or detail in this DA submission. The application does not comply with the section 3.7 of Manly DCP 2013.</p> <p>Development Engineer cannot support the application without OSD design information.</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.

## 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)

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject property is located within the Sydney Harbour Catchment therefore the provisions of this plan apply to this development.

An assessment of the proposal against Clause 2(1) (aims of the SREP), Clause 13 (nominated

planning principles) and Clause 21 (relating to biodiversity, ecology and environmental protection) has been undertaken. The proposal is considered to be consistent with the above provisions of the SREP. Given the scale of the proposed modification and the works proposed referral to the Foreshores and Waterways Planning and Development Advisory Committee was not considered necessary.

### Manly Local Environmental Plan 2013

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.48m	N/A	Yes
Floor Space Ratio	0.4:1 208.52m <sup>2</sup>	0.54:1 280.8m <sup>2</sup>	34.7%	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
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

### Detailed Assessment

#### 4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.4 Floor space ratio development standard has taken into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	0.4:1 (208.52m <sup>2</sup> )
Proposed:	0.54:1 (280.8m <sup>2</sup> )
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	34.7%



The proposal must satisfy the objectives of 4.4 Floor Space Ratio, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the MLEP 2013. The assessment is detailed as follows:

**Is the planning control in question a development standard?**

The prescribed Floor space ratio limitation pursuant to Clause 4.4 of the MLEP 2013 is a development standard.

**What are the underlying objectives of the development standard?**

The underlying objectives of the standard, pursuant to Clause 4.4 – ‘Floor space ratio’ of the MLEP 2013 are:

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

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

Comment:

The proposal is not of unreasonable bulk or scale, the first floor is set back significantly from the front property boundary and the proposed building height is compliant. The subject site is located at the end of an access road off Moore Street, resulting in further separation from the street frontage and minimal visual impact on the streetscape.

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

Comment:

The proposed building bulk is minimised through the modulation of the first floor addition and the new low-profile roof form, ensuring that no important landscape or townscape features are unreasonably obscured. The proposed ground floor addition has been amended in order to minimise view loss impacts to Chinamans Beach at Balmoral.

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

Comment:

The proposed development is three storeys but is compliant with the maximum building height, thus allowing greater gross floor area to be achieved without the addition of unreasonable bulk. Despite the extent of the proposed FSR variation, the presentation of the development to the streetscape as a three-storey dwelling is consistent with the existing character and predominant building form on the northern side of Moore Street.

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

Comment:

The proposed flat roof form and substantial front, side and rear setbacks sufficiently minimise adverse impacts on the use of enjoyment of adjoining land and the public domain.

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

Comment:

N/A

### **What are the underlying objectives of the zone?**

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the <insert zone> zone.

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 low density residential use.

It is considered that the development satisfies this objective.

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

Comment:

N/A

It is considered that this objective is not relevant to the development.

### **Is the variation to the development standard consistent with the objectives of Clause 4.6 of the MLEP 2013?**

(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.*

Comment:

The proposal is assessed as being consistent with all relevant Manly LEP and DCP objectives and as such, flexibility in applying this standard will result in no unreasonable amenity impacts on the adjoining properties and surrounding area.

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The subject site is classified as an Undersized Lot under Clause 4.1.3.1 of the Manly DCP. The maximum allowable gross floor area calculated in accordance with this provision is 300m<sup>2</sup>, which would result in the proposed FSR being compliant. Furthermore, the subject site is located within the R2 Low Density Residential Zone and allowing flexibility in this circumstance would allow development consistent with that of the surrounding area, as demonstrated by the below analysis of approved gross floor area's within Moore Street:

10 Moore Street - 255.9m<sup>2</sup> (0.49:1)

13 Moore Street - 273m<sup>2</sup> (0.37:1 approx.)

15 Moore Street - 332m<sup>2</sup> (0.67:1)

26 Moore Street - 357m<sup>2</sup> (0.688:1)

30 Moore Street - 308m<sup>2</sup> (0.59:1 approx.)

(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.

(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.*

Comment:

The Applicant's written request provides the following justification:

*"The proposed first floor addition reflects the existing bulk and scale of neighbouring residences. The stepped nature of the proposed addition mimics those houses in the area that are navigating the sloping blocks in order to keep the desired streetscape character. Roof bulk has been minimised through the use of skillion roofs and parapets, glass balconies and large glass picture windows. This development is consistent with the existing and desired streetscape character.*

*The buildings density and bulk in relation to site area has negotiated the landscape features so as not to obscure the landscape features and views. The first floor and entry stair well have been stepped back to enable neighbouring houses to access views of Balmoral Beach.*

*The objective of the design is to maintain the visual relationship between the existing character of residences found in the area and landscape. The diminishing of roof bulk whilst stepping the house into the site helps to accomplish this relationship.*

*The first floor addition has minimised adverse environmental impacts. This has been achieved through the use of skillion roofs and avoiding the bulk of a traditional roof that would deny solar*

*access to neighbouring properties. The stepped nature of the design allows view sharing to the public domain. The environmental impacts have shown through shadow diagrams and roof heights that the solar access has not been impacted and views have not been interrupted.*

*It is requested to grant approval for the first floor addition at 12 Moore Street Clontarf, though the development standard set out in the Manly LEP clause 4.4 that governs the Floor Space Ratio has been contravened. Though not holding to the FSR standard set at 0.4:1 the objectives of clause 4.4 have been met. Through using these objectives to govern the design, the FSR has increased. The site area of 521.3msq has caused the design to be constrained. Compliance with this development standard is unreasonable in this circumstance.*

*Sufficient Environmental planning grounds have shown that the development is justified in contravening the development standard. The average lot size in the Clontarf area is 750msq. The site area of 12 Moore Street is 521.3msq and the proposed development has an FSR of 0.53:1. The development standard is limiting the design and it is requested that Council consider this justification in 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*

Comment:

The applicant's written request to vary the development standard adequately addresses subclause (3).

*(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:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone in the MLEP 2013.

*(b) the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General 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 PS 18-003, 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 a development standard by more than 10%.

As the application seeks to vary the development standard by more than 10% the

concurrence of the Secretary is assumed subject to determination by Council's Development Determination Panel.

## 6.1 Acid sulfate soils

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

The site is located in an area identified as Acid Sulfate Soil Class 5, as indicated on Council's Acid Sulfate Soils Planning Map.

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

No significant earthworks are proposed in the application.

## 6.2 Earthworks

No significant earthworks are proposed in the application.

## 6.9 Foreshore scenic protection area

The proposed first floor addition is compliant with the 8.5m height limit and is sufficiently set back to minimise the overall bulk of the dwelling. As such, the proposal will result in no unreasonable impact on visual aesthetic amenity or views to and from Sydney Harbour.

## Manly Development Control Plan

### Built Form Controls

Built Form Controls - Site Area: 521.3m <sup>2</sup>	Requirement	Proposed	Complies
4.1.2.1 Wall Height	Western: 7.1m	Dining: 5.1m	Yes
		Deck 2: 6.7m	Yes
		Bed 2 / stair: 7.8m	No
	Eastern: 7.2m	GF Void: 5.3m	Yes
		Deck 2: 6.9m	Yes
		Rumpus: 6.9m	Yes
4.1.2.2 Number of Storeys	2	3	No
4.1.2.3 Roof Height	Height: 2.5m	0.56m	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	10.691	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	West - Dining: 1.7m	1.6m	Existing
	West - Deck 2: 2.23m	2.892m	Yes

	West - Bed 2 / stair: 2.6m	2.892m	Yes
	East: GF Void: 1.77m	1.55m	No
	East - Deck 2: 2.3m	2.362m	Yes
	East: Rumpus: 2.3m	2.362m	Yes
4.1.4.4 Rear Setbacks	8m	GF: 6.469m	Existing
		FF: 10.03m	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS4	Open space 60% of site area 312.78m <sup>2</sup>	41.2% 214.8m <sup>2</sup>	No
	Open space above ground 25% of total open space 51m <sup>2</sup>	30% 65m <sup>2</sup>	No
4.1.5.2 Landscaped Area	Landscaped area 40% of open space 85.92m <sup>2</sup>	43% 92.4m <sup>2</sup>	Yes
4.1.5.3 Private Open Space	18m <sup>2</sup> per dwelling	> 18m <sup>2</sup>	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m 6.1m	6.57m	Existing
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	Yes

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

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	No	Yes
3.4.2 Privacy and Security	No	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.7 Stormwater Management	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	No	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

#### Detailed Assessment



### 3.3.1 Landscaping Design

The proposal includes only a minor reduction to landscaped area at the front of the dwelling, and will result in no unreasonable impact to existing vegetation or important landscape features on the site. It is noted that a previous approval (DA0137/2017) includes vegetation planting and a reduction to landscaped area within the rear yard). However, no changes to landscaping within the rear setback are included in this application.

### 3.3.2 Preservation of Trees or Bushland Vegetation

No trees or vegetation are proposed to be removed as part of this application.

### 3.4.1 Sunlight Access and Overshadowing

#### Merit consideration:

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

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

#### Comment:

The proposal will result in no unreasonable overshadowing of the subject site or surrounding properties. At 9am there is additional overshadowing within the front setback of No. 16 Moore Street and minor additional overshadowing to the front of No. 14 Moore Street. At 12pm the only additional shadowing is a minor area within the front setback of the subject site. At 3pm there is minor additional overshadowing of No. 10 Moore Street both within the front setback and partial shadowing of a highlight window to a walk in robe. There will also be additional overshadowing of the garage within the front setback at No. 8 Moore Street, with sunlight access to the adjacent swimming pool area being largely retained.

*Objective 2) To allow adequate sunlight to penetrate:*

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

#### Comment:

The proposal maintains adequate sunlight access to the private open spaces and windows of the development site and adjoining and surrounding properties. The additional overshadowing caused by the proposed additions is within the front setback areas of the neighbouring properties and generally avoids any additional impact to private open space areas.

*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 addition is appropriately sited with sufficient setbacks to minimise additional overshadowing impacts.

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

### **3.4.2 Privacy and Security**

Merit consideration:

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

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

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

Comment:

The proposal, as conditioned, will result in no unreasonable privacy impacts to the subject site or adjoining properties. The proposed extended ground floor Deck 1 is conditioned to be provided with an obscured/translucent glass balustrade to the western elevation to minimise potential downward overlooking of the adjoining property. The proposed Deck 1 extension follows the setback of the existing deck and the southern orientation of the deck is retained. As such, requiring the proposed glass balustrade to be obscured is considered sufficient to minimise any unreasonable privacy/overlooking impacts. The proposed setbacks to the first floor windows W5, W6 and W7 are such that the roof line below will prevent any unreasonable downward overlooking and any view lines will be generally over the roof of the adjoining property. Additionally, these windows are to bedrooms and a walk-in robe rather than living areas. Window W8 is to a staircase and will not result in any unreasonable privacy impact. The proposed first floor Deck 2 is provided with full-height sliding timber privacy screens for a length of approximately 3.5m along western elevation. The inclusion of these screens ensures that the primary orientation of the deck is to the south towards the harbour, rather than to the west towards the adjoining property. Further, Deck 2 is located off a rumpus room and is set back approximately 2.9m from the side boundary.

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

Comment:

The proposed and conditioned privacy measures are also considered to maintain harbour views from the existing/proposed windows and private open spaces, while providing a reasonable level of privacy and sunlight access to the subject site and adjoining and surrounding properties.

*Objective 3) To encourage awareness of neighbourhood security.*

Comment:

The proposal provides additional opportunities for passive surveillance.

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

### **3.4.3 Maintenance of Views**

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 proposal, as amended, ensures reasonable view sharing for the subject dwelling and surrounding 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).*

An assessment of view loss has also been undertaken with reference to the Views Principle established by the NSW Land and Environment Court as follows:

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

Comment:

The views over/through the subject site are currently available from No. 10 Moore Street and Nos. 13 and 15 Alma Street. The available views are water views over Middle Harbour and interface between land and water at Balmoral, including Chinamans Beach and Balmoral Beach. The views available from No. 10 Moore Street are whole views. Views available from No. 15 Alma Street include whole and partial views, and those from No. 13 Alma Street are partial views. See the attached document for related photographs where referred to in the below assessment.

*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:

Views from No. 10 Moore Street are gained across a side boundary from the middle-level dining/living room and balcony, and upper level terrace accessed from the master bedroom, as shown in **Figures 1-7**.

Views from No. 15 Alma Street are gained across a rear boundary from the ground floor kitchen, dining/living room and rear balcony, as shown in **Figures 8-11**.

Views from No. 13 Alma Street are gained across a side and rear boundary from the ground floor master bedroom, ensuite and rear balcony, as shown in **Figure 12**.

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

Comment:

The affected views from No. 10 Moore Street is gained from a sitting and standing position from the middle-level dining/living room as shown in **Figures 1-3**, and from the upper level terrace as shown in **Figures 4-7**. A minor view area through the western window of the ground floor dining room, shown in **Figure 3**, will be lost while the majority of this view including Chinamans Beach will be retained. The primary view area to the south from the dining/living room and balcony, shown in **Figures 1 & 2** will remain unaffected. A water view over the Spit Bridge and Chatswood to the west from the upper level terrace, as shown in **Figure 7** will also likely be lost. However, the primary view from this terrace towards the south-east, south and south-west will remain unaffected. The unaffected views shown in **Figures 4-6** include South Head, Middle Head, Balmoral Beach and Chinamans Beach.

The affected view from No. 15 Alma Street is gained from the dining room and rear balcony. Views from this property to Balmoral Beach are partially obscured by the large tree in the rear yard and the existing roof of the subject dwelling (**Figure 9**). A minor view area potentially lost from this property is limited to the eastern side of the rear balcony, shown in **Figure 10**. The substantial western side setback to the proposed first floor addition will allow the retention of views from the dining room and western side of the balcony, and views to the west to Chinamans Beach will remain unaffected.

The affected view from No. 13 Alma Street (**Figure 12**) is gained from the rear balcony accessed from the master bedroom. This view is obscured by the large tree in the rear yard of No. 15 Alma Street and the existing ground floor roof of the subject dwelling. The rear and western side setbacks to the proposed first floor addition will likely result in the retention of the majority of the existing partial view from No. 13 Alma Street.

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

*considered acceptable and the view sharing reasonable.*

Comment:

The proposal is non-compliant in relation to FSR, western wall height, number of storeys, eastern setback and open space. Despite these non-compliances, the proposed building height is compliant and the proposed first floor addition is sufficiently modulated through substantial front, side and rear setbacks, while the flat roof design minimises the additional bulk of the dwelling. The compliant design elements successfully minimise the overall impact of the development and the proposed non-compliances result in minimal material impact on views from the surrounding properties. As such, the proposed view loss is assessed as minor and is acceptable.

*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 proposal is considered to be reasonable in relation to view loss and all other relevant provisions of the Manly DCP.

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

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

Description of non-compliance

The proposed western Bedroom 2/stair wall and number of storeys is non-compliant.

Merit consideration:

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

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

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

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

Comment:

The proposed overall building height is compliant and the new flat roof minimises the height and bulk of the additions

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

Comment:

The proposed first floor addition is not of unreasonable bulk or scale and the setbacks are sufficient to minimise the visual impact of the additional storey.

*c) to minimise disruption to the following:*

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

Comment:

The proposal will result in no unreasonable impact on views to, from and between residential development and public spaces. A full assessment of view loss is completed under Part 3 General Principles of Development.

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

Comment:

The proposed setbacks are adequate to ensure reasonable sunlight access is retained to the adjoining properties. A full assessment of sunlight access and overshadowing is completed under Part 3 General Principles of Development.

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

Comment:

N/A

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

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

Description of non-compliance

The proposed eastern side setback to the ground floor void is non-compliant.

Merit consideration:

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

*Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions*



*of the street, the street edge and the landscape character of the street.*

Comment:

The proposed non-compliant wall is set back sufficiently from the street to minimise the 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:

The proposed wall is to a staircase/void and will result in no unreasonable impacts in relation to privacy, sunlight access, views, streetscape character or traffic conditions.

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

Comment:

The non-compliance is minor and the proposed wall element extends only 1m from the existing dwelling.

*Objective 4) To enhance and maintain natural features by:*

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

Comment:

The proposed non-compliance results in a negligible reduction to landscaped area.

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

Comment:

N/A

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the

Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

#### **4.1.5 Open Space and Landscaping**

The existing total open space area is non-compliant and the proposal results in a minor reduction of only 2.5m<sup>2</sup>. The proposed open space above ground is non-compliant. However, the proposed privacy measures, along with those required by conditions of consent, will provide sufficient privacy to the subject site and adjoining properties.

#### **4.4.5 Earthworks (Excavation and Filling)**

No significant earthworks are proposed in the application.

#### **5.4.1 Foreshore Scenic Protection Area**

The proposed first floor addition is compliant with the 8.5m height limit and is sufficiently set back to minimise the overall bulk of the dwelling. As such, the proposal will result in no unreasonable impact on visual aesthetic amenity or views to and from Sydney Harbour.

### **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 DA2018/0852 for Alterations and additions to the existing dwelling house on land at Lot 24 DP 2610, 12 Moore Street, CLONTARF, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1 Site Plan	Revision A, 5 September 2018	Raise the Roof
3 Proposed Lower Ground Floor Plan	Revision A, 5 September 2018	Raise the Roof
4 Proposed Ground Floor Plan	Revision A, 5 September 2018	Raise the Roof
5 Proposed First Floor Plan	Revision A, 5 September 2018	Raise the Roof
6 Elevations - South & North	Revision A, 5 September 2018	Raise the Roof
7 Elevations - West & East	Revision A, 5 September 2018	Raise the Roof
8 Section A-A	Revision A, 5 September 2018	Raise the Roof

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

Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary Geotechnical Assessment	16 March 2018	White Geotechnical Group
BASIX Certificate No. A308049_09	12 March 2018	Jacaranda Trading International Pty Ltd

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

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

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

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

A Stormwater drainage application under Section 68 of the Local Government Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the On site stormwater detention system which are to be generally in accordance with Council's "Manly Specification for On -site Stormwater Managment 2003".

The form can be found on Council's website using the following link.  
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/stormwater-drainage-approval/4022-stormwater-drainage-approval.pdf>

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

Council's Approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and Maintenance Stormwater management and compliance with the BASIX requirements, arising from the development.

6. **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)

7. **Privacy Screens**

The glass balustrade to the proposed extended Deck 1 is to be obscured/translucent glass along the entire western elevation of the deck.

Plans demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain a reasonable level of privacy between the subject site and adjoining property to the west.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. **Maintenance of Road Reserve**

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

Reason: Public Safety.

9. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

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

10. **Authorisation of Legal Documentation Required for Onsite Detention**

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

Occupation Certificate.

Reason: To create encumbrances on the land.

11. **Registration of Encumbrances for On-site Stormwater Detention**

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

Reason: To identify encumbrances on land.

12. **On-Site Stormwater Detention Compliance Certification**


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

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

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)


































## ATTACHMENT A





Notification Plan	Title	Date
 2018/322876	Plan - Notification	28/05/2018

## ATTACHMENT B

No notification map.

## ATTACHMENT C

Reference Number	Document	Date
 2018/322873	Report - Geotechnical	21/03/2018
 2018/322869	Report - Statement of Environmental Effects	26/03/2018
 2018/322870	Report - BASIX Certificate	23/05/2018
 2018/322875	Plans - Survey	23/05/2018
 2018/322872	Report - External Finishes	23/05/2018
 2018/322868	Cost Summary Report	24/05/2018
 2018/322874	Report - Waste Management Plan	24/05/2018
 DA2018/0852	12 Moore Street CLONTARF NSW 2093 - Development Application - Alterations and Additions	24/05/2018
 2018/322749	DA Acknowledgement Letter - Raise The Roof	28/05/2018
 2018/322876	Plan - Notification	28/05/2018
 2018/322878	Plans - Certification of Shadow Diagrams with Plans	28/05/2018
 2018/322884	Plans - Master Set	28/05/2018
 2018/322881	Plans - External	28/05/2018
 2018/322882	Plans - Internal	28/05/2018
 2018/322865	Development Application Form	28/05/2018
 2018/322867	Applicant Details	28/05/2018
 2018/325752	ARP Notification Map	29/05/2018
 2018/325754	DA Acknowledgement Letter (not integrated) - Raise The Roof	29/05/2018
 2018/325830	Notification Letter - 8	29/05/2018
 2018/468592	Engineering Referral Response	25/07/2018
 2018/477788	Outgoing Email Re: Additional info - Clause 4.6, Shadow diagrams	30/07/2018
 2018/480670	Email to Development Engineers Re: Request for conditions of consent.	31/07/2018
 2018/496897	Incoming email Re: Additional information	06/08/2018
 2018/501987	Report - Statement of Environmental Effects - Revised - 8 August 2018	08/08/2018
 2018/501991	Plans - Shadow Diagrams - Revised - 8 August 2018	08/08/2018
 2018/503308	Outgoing email Re: Clause 4.6 application insufficient	08/08/2018
 2018/519027	Site Photos	14/08/2018
 2018/519872	Working Plans	15/08/2018
 2018/523426	Engineering Referral Response	16/08/2018
 2018/529682	Incoming email Re: DA objection	20/08/2018
 2018/531288	Submission - Williams	21/08/2018

	2018/533396	View Loss - 10 Moore Street	22/08/2018
	2018/533412	View Loss - 15 Alma Street	22/08/2018
	2018/533418	View Loss - 13 Alma Street	22/08/2018
	2018/534984	Submission Acknowledgement Letter - Tamara-Ann Williams - SA2018/531288	22/08/2018
	2018/536093	Request for Withdrawal of Development Application - Raise The Roof	22/08/2018
	2018/586328	Incoming Email Re: Revised drawings and additional info	07/09/2018
	2018/582602	Report - BASIX Certificate - Revised - 7 September 2018	07/09/2018
	2018/582611	Report - Statement of Environmental Effects - Revised - 7 September 2018	07/09/2018
	2018/582617	Plans - Notification - Revised - 7 September 2018	07/09/2018
	2018/582623	Plans - Shadow Diagrams - Revised - 7 September 2018	07/09/2018
	2018/582641	Plans - Master Set - Revised - 7 September 2018	07/09/2018
	2018/586739	Working Plans - Revised	10/09/2018
	2018/605879	DDP Plans	18/09/2018
	2018/605916	Notification Letter DDP to Objector and Applicant	18/09/2018

## PANEL PLANS

No plans titled 'DDP Panel Plans' found in TRIM.



**No. 10 Moore Street, Clontarf**



*Figure 1. View from ground floor living room to the south.*



*Figure 2. View from ground floor living room to the south-west.*



*Figure 3. View to be affected from dining area to the south-west.*





*Figure 4. View from first floor terrace to the south-east.*



*Figure 5. View from first floor terrace to the south.*





*Figure 6. View from first floor terrace to the south-west.*



*Figure 7. View to be affected from first floor terrace to the west.*



**No. 15 Alma Street, Clontarf**



*Figure 8. View from ground floor kitchen to the west.*



*Figure 9. View from ground floor balcony (eastern side) to the south-west.*





*Figure 10. View from ground floor (western side) to the south.*



*Figure 11. View from ground floor dining area to the south.*



**No. 13 Alma Street, Clontarf**



*Figure 12. View from ground floor balcony to the south-west.*