

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0500
Responsible Officer:	Kevin Short
Land to be developed (Address):	Lot 12 DP 556287, 29 Hillcrest Avenue MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Todd Carl Gorsuch Larissa Jane Gorsuch
Applicant:	Hooghuis Design
Application lodged:	29/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	06/04/2018 to 24/04/2018
Advertised:	Not Advertised
Submissions Received:	2
Recommendation:	Approval
Estimated Cost of Works:	\$ 740,795.00

ASSESSMENT INTRODUCTION

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

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

- groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D9.9 Building envelope

Pittwater 21 Development Control Plan - D9.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 12 DP 556287 , 29 Hillcrest Avenue MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site is battle-axe in site, has an area of 947.9m² and is located on the low side of the road within moderate sloping topography. A two (2) storey dwelling house occupies the mid portion of the site. Vehicular access to the site is provided from Hillcrest Avenue.</p> <p>Landscaping on site comprises grass lawn areas within the rear setback area with under storey shrubs near the rear boundary.</p> <p>The subject site is zoned E4 Environmental Living and affected by landslip. Adjoining and surrounding development is characterised by a mixture of modern and traditional style two and three storey dwelling houses in landscaped settings.</p>

Map:



SITE HISTORY

Development Consent No. N0185/13 for alterations and additions to the existing dwelling was granted 21 June 2013.

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for alterations and additions to the existing two (2) storey dwelling house comprising the following;

- Ground floor plan: new double garage, inground swimming pool, deck area, pergola and internal works;
- First floor plan: bedroom above the garage, timber covered deck and internal works;
- Extensive landscaping works, including the planting of trees, shrubs and grass lawn areas; and
- External materials and finishes comprising aluminium framed glass doors and windows, glass balustrades, weatherboard clad external walls, timber decking and metal gable roof form.

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	None applicable.

Section 4.15 Matters for Consideration'	Comments
draft environmental planning instrument	
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 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> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under</p>

Section 4.15 Matters for Consideration'	Comments
environment and social and economic impacts in the locality	<p>the Pittwater 21 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.

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 2 submission/s from:

Name:	Address:
Mrs Danielle Lisa Senior	25 Hillcrest Avenue MONA VALE NSW 2103
Mr Nicholas Jonathan Senior	25 Hillcrest Avenue MONA VALE NSW 2103

One (1) submission was received from the residents at No. 25 Hillcrest Avenue and the raised matters are addressed below;

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

- View loss
- Privacy
- Visual outlook impact

The matters raised within the submissions are addressed as follows:

- View loss

Comment:

As detailed under the P21DCP cl. C1.3 View Sharing section of this report, view sharing between properties was found to be reasonable and acceptable and no changes to the built form are warranted.

Therefore, the concerns raised in relation to view loss are not concurred with and do not warrant the redesign or refusal of the application.

- Privacy

Comment:

The concern is that the proposed pool and deck will be able to be overlooked from the master bedroom and deck located at No. 25 Hillcrest Avenue.

As detailed under the P21DCP cl. C1.5 Visual Privacy, privacy between properties was found to be reasonable and acceptable. It is noted that the subject site is located downslope from the objector property. In this regard, it is expected that there is an existing degree of overlooking between properties. The proposal will not worsen this situation. Also, proposed landscaping once established, in conjunction with adequate spatial separation, will assist to maintain an acceptable level of privacy between properties.

Therefore, the concerns raised in relation to privacy do not warrant the redesign or refusal of the application.

- Visual outlook impact

Comment:

The concern is that the proposed swimming pool, pool fencing, retaining wall and deck will generate visual outlook impacts on the residents of No. 25 Hillcrest Avenue, particularly when standing within the rear yard next to the swimming pool.

These structures include a retained inground swimming pool, open decks and glass balustrades. In this regard, proposed landscaping once established will assist to visually screen these structures from the adjoining property.

Therefore, the concerns raised in relation to visual outlook impacts does not warrant the redesign or refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape outcome of the proposal is acceptable subject to recommended conditions requiring the completion of the proposed landscaping.

Internal Referral Body	Comments
NECC (Development Engineering)	No raised concerns subject to recommended conditions.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A307169 dated 6 March 2018). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).

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

Comment:

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

Pittwater Local Environmental Plan 2014

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	up to 8.5m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	51m	N/A	N/A
Rear building line	6.5m	9.3m	N/A	Yes
Side building line	2.5m	north: 1.8m (pool) east: 6.1m (additions)	N/A N/A	Yes (merit) Yes
	1m	south: 1.1m	N/A	Yes
Building envelope	3.5m	north: within envelope south: outside envelope	N/A up to 14.3%	Yes No

		east: within envelope	(0.5m) N/A	Yes
Landscaped area	60% (568.7m ²)	55.1% (522m ²) = 465m ² + 57m ² (ROW) Variation: 22m ² Total = 57.4% (544m ²)	4.3% (24.7m ²)	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes
D9.9 Building envelope	No	Yes
D9.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.3 View Sharing

One (1) submission was received in relation to view loss from the property owners of Nos. 25 Hillcrest Avenue. A site inspection was carried out at the property with an owner to assess the view loss impact

as a result of the development. This property is also deemed the worst affected site in terms of view loss.

Height poles were not erected as they were not deemed necessary to enable a complete and proper assessment of view sharing.

Following the view sharing assessment, view sharing is achieved as the development is assessed as having an acceptable impact on the available views of the property. In reaching this conclusion, the four steps used in the views principle outlined within the Land and Environment Court Case Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, were used. The four steps of assessment are provided as follows:

Step one: The nature of views to be affected

The first step is to assess the nature of the views to be affected, water views are valued more highly than land views, iconic views (such as of the Opera House, the Sydney Harbour Bridge or North Head) are valued more highly than views without those icons, and whole views are valued more highly than partial views. For example, a water view in which the interface between the water and the land is visible is more valuable than one in which it is obscured.

Comment: Distant views to the south-east of Warriewood headland, adjoining reserve and the ocean are available. These views are partial and obscured by large size canopy trees.

Distant district views are also available to the south and west, including views of the Mona Vale hospital.

Views to be affected are the partially obscured views of the beach and foreshore area (see Photo 1 below). These views are of minor value.

Photo 1. Views to be affected.



Step 2: Where the views are obtained

The second step is to consider from what part of the property affected views are obtained. In this regard it is more difficult to protect views obtained across side boundaries than the protection of views from front and rear boundaries. Also, whether the view is obtained from a standing or sitting position may also be relevant. Sitting views being more difficult to protect. The Senior Commissioner noted that the expectation to retain side or sitting views is often unrealistic.

Comment:

Affected views are obtained over the southern side boundary and above downslope properties in a standing and sitting position from the first floor level balcony.

The affected view is also available over the side boundary from a garage window, internal living room (bedroom) and upslope areas of the rear backyard.

Step 3: The extent of the impact

The third step is to assess the extent of the impact. This needs to be done for the whole of the property, and not just to that part of it from where the views are affected. The views from living areas (including kitchen areas) are more significant than from bedrooms or service areas. Whilst the impact could be assessed quantitatively, it is more useful to look at the issue in a qualitative sense and ask whether the view loss is negligible, minor, moderate, severe or devastating.

Comment: The extent of the view loss impact is assessed as negligible to minor as it is limited to distant, partial and obscure.

Step 4: The reasonableness of the proposal

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all relevant planning controls would be considered more reasonable

than one that breaches them. Importantly, the Senior Commissioner said that “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”. Where a development complies with the planning controls, the question is whether a more skilfully designed proposal could provide the same development potential whilst reducing the impact to neighbours. In that situation the view impact of a complying development would probably be considered acceptable, and the view sharing reasonable.

Comment: Affected views are vulnerable in that they are obtained across a side boundary. The development complies with the requirements of the maximum height limit, rear and side building lines and is contained within the northern elevation building envelope. In this regard, the bulk, scale, height and location of the dwelling is consistent with what is envisaged under relevant planning controls. In terms of skilful design, views will remain available through the open deck structure as well as over the gable roof form.

Having regard to the above, the impact of the proposal on available views and the development potential of adjoining and surrounding properties is deemed reasonable and acceptable. View sharing is achieved and amendments to the proposed dwelling are not warranted, including changes to the roof form from gable to a flat roof.

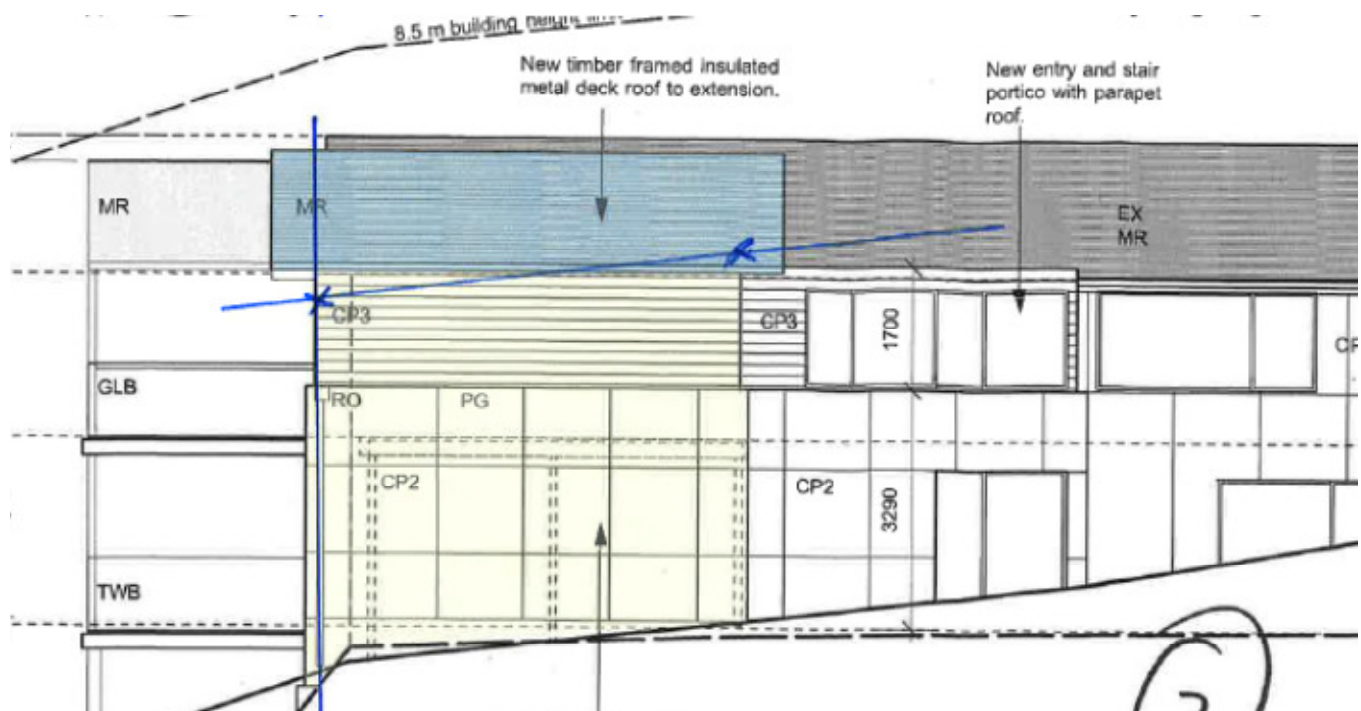
C1.5 Visual Privacy

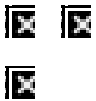
Visual Privacy privacy between properties was found to be reasonable and acceptable given intervening vegetation, proposed landscaping and adequate spatial separation.

D9.9 Building envelope

The first floor south elevation, located adjacent to Bedroom 4, is located outside of the projected building envelope. The non-compliance has a maximum height of 0.5m at the western end of the bedroom and extends for a distance of 3.5m, where the non-compliance ends (see Picture 1 below).

Picture 1. Extent of non-compliance





The non-compliance is supported for the following reasons:

- The extent of the non-compliance is minor and reasonable given the remaining building elements are contained within the envelope;
- The area of noncompliance does not result in any unreasonable impacts upon adjoining properties, including overshadowing, privacy, view loss and visual outlook impact;
- The dwelling complies with the maximum building height requirement and does not exhibit excessive bulk and scale; and
- The dwelling is not visually dominant by virtue of its height and bulk.

D9.11 Landscaped Area - Environmentally Sensitive Land

The amount of landscaped area provided on-site is calculated at 57.4% (544m²) which does not comply with the minimum 60% requirement of the control. This amount of landscaped area comprises 22m² of impervious private open space areas (part of pool deck and rear elevation deck).

The non-compliance is supported for the following reasons:

- The extent of the non-compliance is minor, being 4.3% (24.7m²);
- The proposal would provide an appropriate landscape setting consistent with that of adjoining and surrounding development;
- The bulk and scale of the development has been maintained in a manner that is consistent with adjoining and surrounding development; and
- Appropriate local amenity is maintained and no unreasonable impacts upon adjoining properties are generated from the proposal, including overshadowing, privacy, view loss and visual outlook impact.

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

Pittwater Section 94 Development Contributions Plan

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;
- Pittwater Local Environment Plan;
- Pittwater 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 DA2018/0500 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 12 DP 556287, 29 Hillcrest Avenue, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02, DA03, DA04, DA05, DA06, DA07, DA10 & DA11	08/03/18	Hooghuis Design

Reports / Documentation – All recommendations and requirements contained within:		

Report No. / Page No. / Section No.	Dated	Prepared By
Report on Geotechnical Site Investigation	March 2018	Crozier Geotechnical Consultants

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Issue 1 LDA - 01, LDA - 02 & LDA - 03	07/03/18	Stone Rose Landscapes

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

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

2. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in

progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative Requirement (DACPLB09)

3. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer

management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by

Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

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

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

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

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

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

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

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

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

5. **Construction, Excavation and Associated Works Bond (Drainage)**

A Bond of \$5000.00 as security against any damage or failure to complete the construction of Stormwater drainage works as part of this consent.

Reason: Protection of Council's Infrastructure

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

6. **Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans**

The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Crozier geotechnical consultants(2012-262.2) dated March, 2018 are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Reason: To ensure geotechnical risk is managed appropriately.

7. **Pre-Construction Stormwater Assets Dilapidation Report**

Survey a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure

8. **Compliance with Standards**

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

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

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

9. **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)

10. **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

11. **Maintenance of Road Reserve**

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

Reason: Public Safety.

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

12. **Stormwater Disposal**

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

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

13. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

14. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

15. **Landscape completion certification**

Landscaping is to be implemented in accordance with the Landscape Plans, LDA-01, LDA-02, and LDA-03, dated 07/03/18, as prepared by Stone Rose Landscapes, inclusive of the following requirement:

- i) the five (5) nominated Tuckeroo trees are to be substituted for more appropriate native canopy trees. Tuckeroo's have become a prolific self-seeding plant invading Sydney bushland,
- ii) planting at the edge of the undercroft terrace area shall be capable of attaining a height to screen 50% of the undercroft,
- iii) the screen shrub planting along the proposed swimming pool shall be selected to achieve a minimum height of 3 metres to provide residential privacy to adjoining neighbours.

This landscaping is to then be maintained for the life of the development.

Reason: To ensure the built form is softened and complemented by landscaping, reflecting the scale and form of development. (Control C1.1)

16. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The post construction dilapidation report must be submitted to the Council for review and the Principal Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure

17. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

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

18. **Landscape maintenance**

Any existing landscaping required to be retained by this consent together with all new landscaping is to be maintained for the life of the development.

Landscape works shall be maintained to achieve establishment for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be in accordance with the Landscape Plans, and associated conditions.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form.

19. **Structures Located Adjacent to Council Pipeline or Council Easement**

All structures (swimming pool) are to be located clear of any Council pipeline or easement located on the adjacent property. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with clause B5.12 of Pittwater DCP 2014.

Reason: Protection of Council's Infrastructure.

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

Signed




Kevin Short, Planner

The application is determined under the delegated authority of:



Matthew Edmonds, Manager Development Assessments

ATTACHMENT A



Notification Plan	Title	Date
 2018/213352	Plans - Notification	03/04/2018

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2018/213351	Plans-Survey	19/06/2013
 2018/213350	Cost Summary Report	01/03/2018
 2018/213375	Plans- External Finishes and Site Calculations	06/03/2018
 2018/213353	Report- Statement of Environmental Effects	09/03/2018
 2018/213364	Report- Landscape	09/03/2018
 2018/213363	Report- Geotechnical	29/03/2018
 DA2018/0500	29 Hillcrest Avenue MONA VALE NSW 2103 - Development Application - Alterations and Additions	29/03/2018
 2018/208988	DA Acknowledgement Letter - Hooghuis Design	29/03/2018
 2018/213378	Plans - Erosion Sediment Control	03/04/2018
 2018/213366	Plans - Landscape	03/04/2018
 2018/213352	Plans - Notification	03/04/2018
 2018/213360	Plans - Shadow Diagrams and Certification	03/04/2018
 2018/213358	Report - BASIX and Certification	03/04/2018
 2018/213338	Development Application Form	03/04/2018
 2018/213342	Applicant Details	03/04/2018
 2018/213345	Fee Form	03/04/2018
 2018/213377	Report - Waste Management and Plans	03/04/2018
 2018/213391	Plans- External	03/04/2018
 2018/213392	Plans - Master Set	03/04/2018
 2018/219941	Notification Letter - 15	06/04/2018
 2018/219959	DA Acknowledgement Letter (not integrated) - Hooghuis Design	06/04/2018
 2018/258738	Submission - Senior	20/04/2018
 2018/252920	Submission - Senior	23/04/2018
 2018/258997	Submission Acknowledgement Letter - Nicholas Jonathan Senior & Danielle Lisa Senior - SA2018/258738	27/04/2018
 2018/259003	Submission Acknowledgement Letter - Danielle Lisa Senior - SA2018/252920	27/04/2018
 2018/266282	Notification Sign - DA2018/0500 - 29 Hillcrest Avenue Mona Vale	01/05/2018
 2018/303907	Landscape Referral Response	18/05/2018
 2018/312943	Hooghuis - Timber Height Poles Installed - DA2018/0500 - 29 Hillcrest Avenue Mona Vale	23/05/2018
 2018/341706	Site inspection: objector 25 Hillcrest	05/06/2018
 2018/407887	Development Engineering Referral Response	05/07/2018

	2018/415681	Stamped Plans	06/07/2018
	2018/434348	Building envelope non-compliance	09/07/2018