

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1707
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Responsible Officer:	Brittany Harrison
Land to be developed (Address):	Lot 1 DP 818730, 18 Hillcrest Avenue MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Jennifer Lee Robins

Application Lodged:	20/12/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	13/01/2025 to 27/01/2025
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,991,000.00
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PROPOSED DEVELOPMENT IN DETAIL

This development application seeks consent for the demolition and construction of a dwelling house.

Specifically, the works comprise of the following:

- Demolition of the existing dwelling house and various retaining walls.
- Construction of a two (2) storey dwelling house with excavation for a basement garage.
- The lower ground floor: Garage, workshop, plant room, lift and stairway.
- The ground floor: Entry, guest bedroom, media, living, bathroom, stairway, lift, kitchen, dining, butlers and laundry.
- The first floor: Bedroom 2, Bedroom 3, rumpus, master-bedroom suite with rear balcony.
- Ground floor terrace at the rear with sunroom and spa with deck.

- Excavation to accommodate for a swim spa.
- External stairs along the "south elevation" to first floor rumpus.
- New driveway and retaining walls.
- Entryway and porch.
- Associated landscaping works.

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 Local Environmental Plan 2014 - Zone C4 Environmental Living
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.5 Coastal risk planning
 Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards
 Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area
 Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill
 Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan
 Pittwater 21 Development Control Plan - C1.3 View Sharing
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - D9.3 Building colours and materials
 Pittwater 21 Development Control Plan - D9.7 Side and rear building line
 Pittwater 21 Development Control Plan - D9.9 Building envelope
 Pittwater 21 Development Control Plan - D9.12 Fences - General

SITE DESCRIPTION

Property Description:	Lot 1 DP 818730 , 18 Hillcrest Avenue MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of one (1) allotment located on the north-eastern side of Hillcrest Avenue.

The subject site is legally identified as Lot 1 in Deposited Plan 818730, No. 18 Hillcrest Avenue, Mona Vale.

The site is irregular in shape with a frontage of 7.035 metres along Hillcrest Avenue. The site has a surveyed area of 3495m².

The site is located within the C4 Environmental Living Zone pursuant to the Pittwater Local Environmental Plan 2014. The site is currently occupied by a single storey dwelling house and secondary dwelling (under construction).

The site slopes down gradually to the north and falls steeply to the east down the cliff edge toward the beach and rock platform below.

The site consists of open lawn areas and a large significant Norfolk Pine tree.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential dwellings of varying architectural designs.

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:

DA2023/0246

Development Application seeks construction of a secondary dwelling.
Determined on 24 October 2023 by the Development Determination Panel.

Application History - DA2024/1707

The development application was notified for a period of fourteen (14) days, in accordance with Council's Community Participation Plan (CPP), with two (2) submissions received.

Amended information was requested on 22 January 2025 to address the following:

- All sections are to include the existing building line (dashed), for accurate representation and measurement.
- The Architectural Plans and Stormwater Plans indicated that portions of the stormwater system were sited below the foreshore building line. The system was to be re-located/shifted to sit landward of the foreshore building line.
- Any proposed retaining walls along the boundaries are to clearly demonstrate that they are located wholly within the site boundaries and not on common boundary lines.
- A plan showing the extent and volume of excavation and / or fill must be submitted for all developments involving excavation and fill.
- Visual Privacy in relation to the swim spa.

Further information was requested on 11 February 2025 to address the following:

- View loss concerns to No. 16 Hillcrest Avenue, Mona Vale.

Additional information was submitted on 11 March 2025, and was considered to be a reduction of impact. Therefore, the application did not require formal re-notification. The Application however, was informally notified to both objectors on the 14 March 2025, as the amendments were to address view loss concerns. Additional comments from one (1) objector was received. The objections are noted in the 'Submissions' section of this report.

Amended Plans were later submitted on 2 April 2025 to clearly demonstrate that the development was compliant with the 8.5m height standard, re-notification was not required as this was for clarification purposes and reduction of impact.

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	There are no current draft environmental planning instruments.

Section 4.15 Matters for Consideration	Comments
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 2021 (EP&A Regulation 2021)	<p>Part 4, <u>Division 2</u> of the EP&A Regulation 2021 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 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested, refer to 'Site History'.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the 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 Matters for Consideration	Comments
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 13/01/2025 to 27/01/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Withheld	MONA VALE NSW 2103
Smith and Tzannes Pty Ltd	M1/147-161 Mcevoy Street ALEXANDRIA NSW 2015

Two (2) submissions were received during the assessment process. The following issues were raised in the submissions:

- **Notification Process**

Concerns in reference to the notification timeframe and lack of time to form a submission. No notification sign displayed at front of site.

Comment

The application was notified in accordance with Council's Community Participation Plan for a period of fourteen (14) days. Details confirming that the notification sign was erected and displayed was received by way of photo evidence on the 13 January 2025, this was also confirmed at the time of the site inspection.

- **Biodiversity**

Concerns in relation to historical burning and removal of vegetation and the impact on biodiversity. Proposal does not enhance the riparian, foreshore or wildlife corridors and vegetation. A 1.8m boundary fence will limit movement of animals.

Comment

The proposed development has been accompanied by a landscape plan. Council's Landscape Officer has reviewed the proposal and is in support, subject to conditions. The subject site is not located within a Biodiversity Value zone, however, such impacts have been considered. No approval to boundary fences along the common boundary lines of No. 16 nor No. 20 will be granted under this consent. A 1.2m glass fence is proposed along the cliff face (landward of the foreshore building line) to replace the old fencing.

- **Norfolk Pine Tree**

Concerns relating to the overall impact the development will have on the significant tree and root system. The proposed sunroom and covered roof terraces extend significantly into the tree protection zone and the canopy of the Norfolk Island Pine.

Comment

An Arboricultural Impact Assessment (AIA) is submitted with the application by a qualified AQF level 5 Arborist. Council's Landscape Referral did not raise concerns with any of the recommendations regarding the management of tree protection measures during construction. It is noted that conditions are recommended requiring a Project Arborist to supervise works around the Norfolk Island Pine, with the additional requirements that “any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable”.

It is noted that Council's Landscape Officer has reviewed the submissions that referenced the Norfolk Pine, and is satisfied that the development won't have an adverse impact on that tree.

- **Overdevelopment of Site**

Concern that the proposed house is oversized and out of character with the environment and lacks landscaping to the street frontage. Insufficient parking on site for two (2) dwellings. Development will block pathway to secondary dwelling.

Comment

The proposal complies with the building height standard of 8.5m under the PLEP 2014 and is generally compliant with the built form controls under the P21DCP. A few non-compliances in relation to side setback and envelope are present and have been found to be acceptable. The character of the street is variable and consists of a range of architectural designs and sizes. The subject site is irregular in shape with a narrow front setback area, due to this constraint the vegetation proposed is considered acceptable. Existing vegetation is also located within the road reserve to aid in visual softening, in this circumstance. Sufficient parking has been provided on site and is an improvement to the existing arrangement. No pathways will be adversely impacted upon.

- **Fencing**

The existing fence on the north-eastern cliff face is deemed unsafe. Questions relating to the size of the fence and its location.

Comment

A 1.2m glass fence is proposed along the cliff face (landward of the foreshore building line) to replace the old fencing.

- **View Loss and objectives of C4 Environmental Living Zone.**

The application fails to properly address clause C1.3 of the DCP in that it does not demonstrate that view sharing has been achieved through the application of the Land and Environment Court planning principles. Request for height poles. Cumulative impact of the proposed dwelling and previously approved secondary dwelling (under construction). The combined development is not consistent with the low impact intent of development in the C4 Environmental Living Zone.

Comment

Refer to Clause C1.3 View Sharing for discussion in relation to view loss, elsewhere in this report. The proposal is consistent with the C4 Environmental Living Zone for the reasons set out within this report.

After Informal Notification - 14 March 2025

One (1) submission was received during this process and concerns addressed below (summarised):

- *View loss concerns remain.*
- *Roofing design does not cover edge of balcony - may be drafting error.*
- *The sunroom should be deleted for the benefit of views and also the tree.*
- *Privacy impact in relation to ground floor windows of terrace.*
- *The upper level balcony should be cut back to align with the ensuite and the wall removed to increase views.*

Comment

Concerns in relation to Norfolk Pine have been previously addressed. View loss impacts are discussed under Clause C1.3 View Sharing in this report. Window 21 of the sunroom includes a screen, Window 20 of sunroom will be frosted or is to include a screen (subject to condition). The roofing will act like an eave across the balcony to the rear, no concerns raised in regard to the roofing.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p><i>Supported, subject to conditions.</i></p> <p>The application as described in reports and as illustrated on plans is assessed by Landscape Referral against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and D9 Mona Vale Locality. The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment with</p>

Internal Referral Body	Comments
	<p>ecological, scientific or aesthetic values, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>An Arboricultural Impact Assessment (AIA) and a Landscape Plan accompany the application and are assessed as part of this Landscape Referral.</p> <p>The property supports one prescribed tree of high retention value (Norfolk Island Pine) in proximity to the proposed development works, and as noted in the AIA report the level of encroachment is arboriculturally manageable. To ensure proposed development works do not impact upon the Norfolk Island Pine, Landscape Referral consider that tree protection fencing, where feasible to place, shall be erected, and otherwise ground protection to protect the natural ground within the tree protection zone shall be installed, and a condition shall be imposed for a Tree Protection Plan.</p> <p>The Landscape Plan is noted that no concerns are raised subject to conditions.</p> <p>Note: The Landscape Officer reviewed the objections in relation to concerns in reference to the Norfolk Pine. No concerns were raised by the Landscape Officer, subject to conditions.</p>
NECC (Coast and Catchments)	<p><i>Supported, subject to conditions.</i></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • State Environmental Planning Policy (Resilience and Hazards) 2021 (section 2.10, 2.11 & 2.12); • Relevant LEP and DCP clauses. <p>State Environmental Planning Policy (Resilience & Hazards) 2021</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p><u>Comment</u></p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by BBF Town Planners dated November 2024, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H.</p> <p>As such, it is considered that the application is consistent with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>The subject site is also shown to be affected by Coastline Bluff/Cliff</p>

Internal Referral Body	Comments
	<p>Instability Hazard on Council's Coastal Risk Planning Map in Pittwater LEP 2014. As such, the Geotechnical Risk Management Policy for Pittwater (Appendix 5, Pittwater 21 DCP) and the relevant B3.4 Coastline (Bluff) Hazard controls in P21 DCP will apply to new development of the site.</p> <p>Coastline Bluff Hazard Management A Geotechnical Report by Crozier Geotechnical Consultants dated November 2024 assessing coastline (bluff)/ coastal cliff or slope instability has been submitted with the DA. An impact assessment of the long term coastal processes on the coastline (bluff)/ coastal cliff or slope instability, prepared by Horton Coastal Engineering dated October 2024 has been appended with the Geotechnical Report.</p> <p>The report assessed that an allowance for erosion/weathering of 6mm/year of the cliff at 18 Hillcrest Avenue Mona Vale, with sensitivity testing up to 12mm/year, should be considered and assessed by the geotechnical engineer. The geotechnical engineer should consider these estimated rates in conjunction with an understanding of the particular nature of the cliff materials at the site, their resistance to erosion, and potential failure planes related to geotechnical issues such as the joint spacing. That stated, any future failure of the upper slope of the cliff and in the vicinity of the proposed development may be unrelated to coastal processes at the base of the cliff, so other failure mechanisms should be considered by the geotechnical engineer. Coastal inundation is not a significant risk to the proposed development over a planning period of well over 100 years. Given this, and assuming that the geotechnical engineer will find that the development is at an acceptably low risk of damage from erosion/recession over a 100 year design life, the proposed development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 (Clauses 2.10 to 2.13), the Coastal Management Act 2016, Clause 7.5 of Pittwater Local Environmental Plan 2014, and Chapter B.4 of the Pittwater 21 DCP for the matters considered herein.</p> <p>As such, it is considered that the application does comply, subject to conditions, with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Development on Foreshore Area A section of the subject property is within the foreshore building line. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area.</p> <p>The DA proposes no works on the foreshores area and hence, the DA does not require to satisfy the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.</p> <p>On internal assessment and as assessed in the submitted Statement</p>

Internal Referral Body	Comments
	<p>of Environmental Effects (SEE) report prepared by BBF Town Planners dated November 2024 , the DA is consistent with the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.</p> <p>No other coastal issues identified.</p>
NECC (Development Engineering)	<p><i>Supported, subject to conditions.</i></p> <p>The proposed development is in Region 1.</p> <p>A geotechnical report has been provided.</p> <p>Vehicle crossing construction is proposed.</p> <p>Development engineering raises no objections to the proposed development, subject to conditions.</p>
NECC (Water Management)	<p><i>Supported, subject to conditions.</i></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Northern Beaches Water Management for Development Policy (WMD Policy); and • Relevant LEP and DCP clauses. <p>Section 4.0 of the WMD Policy applies. Water sensitive urban design (WSUD), water reuse and infiltration into the soil, and the resulting quality of stormwater leaving the site are interconnected concepts that guide a merit-based assessment under the section. The proposal includes a rainwater tank and disposal of all stormwater via a level spreader system.</p> <p>No objections regarding water management.</p>
Parks, reserves, beaches, foreshore	<p><i>Supported, no conditions required.</i></p> <p>The development site adjoins the Newport Beach Reserve coastal bluff and foreshore that is located downslope of the property.</p> <p>All development works must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries and prevented from travelling across the boundary and into the Reserve and coastal foreshore. No physical encroachments over the site boundaries are permitted, and structures and built elements are not permitted beyond the site boundaries. The development is not detrimental to the prevailing landscape character when viewed from the adjoining reserve and coastal foreshore, and as such Parks, Reserves and Foreshores raise no concerns with the development proposal.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><i>Supported, subject to conditions.</i></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No.1766586S dated 28 September 2024).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been

included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.
- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment

Council's Coastal Engineer has reviewed the proposal in relation to subclause 1 (a) - (g), and has recommended conditions to ensure that the development mitigates impact. Furthermore, Council's Landscape, Development Engineer and Water Management Team have reviewed the proposal and are supportive, subject to conditions. It is noted that the excavation will be located outside of the potential Aboriginal Heritage area, however, a condition in relation to uncovering aboriginal objects has been included.

It is considered that the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1).

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
 - b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an
 - ii) adverse impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment

The proposal will maintain safe access to and along the foreshore, beach, headland and rock platform such arrangements will not be altered. The development will not adversely impact on overshadowing, wind funneling nor the loss of views from public place. The design is considered to contribute to the visual amenity and scenic qualities of the coast, including coastal headlands.

It is considered that the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a).

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment

The proposed development is not likely to cause increased risk of coastal hazards on that land or other land, subject to conditions as recommended by Council's Coastal Engineer. The proposal was also accompanied by Coastal Advice prepared by Horton Coastal Engineering and a Geotechnical Report prepared by Crozier Geotechnical Consultants. Any recommendations in these reports will be included as conditions.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

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	8.5m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.5 Coastal risk planning	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The objectives of the C4 Environmental Living zone are addressed as follows:

- ***To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.***

Comment

The proposal has been reviewed by the relevant Interdepartmental Officers. With regard to their respective assessments, the development is considered to be of low impact to the

ecological, scientific or aesthetic values of the site and the surrounding Newport locale, subject to the recommended conditions.

- ***To ensure that residential development does not have an adverse effect on those values.***

Comment

The subject site is shown to be affected by Coastline Bluff/Cliff Instability Hazard on Council's Coastal Risk Planning Map and on Hazard Zone 1 (H1) on the Geotechnical Hazard Map in Pittwater LEP 2014. As such, the proposal was accompanied by both a Geotechnical Assessment Report and Coastal Engineering Report, which was reviewed by Council's Coastal and Development Engineering Teams. These teams have included recommended conditions to ensure that the development incorporates the recommendations made within these reports.

- ***To provide for residential development of a low density and scale integrated with the landform and landscape.***

Comment

The proposed development includes excavation to accommodate a basement level garage and driveway, consistent with surrounding properties. Such excavation is predominantly limited to the building footprint. The design has been amended to reduce impact to amenity and is generally compliant with the built form controls (in exception to an envelope breach and minor side setback non-compliance, as a result of the irregular shape of the allotment). The proposal exhibits compliance with the building height standard and is accompanied by a Landscape Plan, which provides acceptable levels of vegetation, subject to conditions.

- ***To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.***

Comment

The proposed development is supported by Council's Landscape and Coastal Officers, subject to recommended conditions to ensure no adverse impacts to the riparian and foreshore vegetation and wildlife corridors.

7.2 Earthworks

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment

The excavated material will be processed according to the Waste Management Plan for the development.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment

The excavated material will be processed according to the Waste Management Plan for the development.

(f) the likelihood of disturbing relics

Comment

Conditions have been included in the likelihood that relics are unearthed.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment

The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment

Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of this clause. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

7.5 Coastal risk planning

The proposal is accompanied with Coastal Engineering Advice prepared by Horton Coastal Engineering Pty Ltd, dated 18 October 2024.

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is not likely to cause detrimental increases in coastal risks to other development or properties, and

Comment

The development has been assessed by Council's Coastal Engineers. The Engineers have raised no objections to approval, subject to conditions. It is considered that the development is not likely to cause detrimental increases in coastal risks to other development or properties.

(b) is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and

Comment

The development has been assessed by Council's Coastal Engineers. The Engineers have raised no objections to approval, subject to conditions. It is considered that the development is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment.

(c) incorporates appropriate measures to manage risk to life from coastal risks, and

Comment

Subject to conditions the development incorporates appropriate measures to manage risk to life from coastal risks.

(d) is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the immediate hazard line, and

Comment

The development has been assessed by Council's Coastal Engineers that consider the development to be likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards.

(e) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and

Comment

The development has been designed to adapt to the impact of coastal processes and coastal hazards.

(f) has regard to the impacts of sea level rise, and

Comment

The development has regard to the impacts of sea level rise and is unlikely to be impacted upon.

(g) will have an acceptable level of risk to both property and life, in relation to all identifiable coastline hazards.

Comment

It is considered that the development will have an acceptable level of risk to both property and life, in relation to all identifiable coastline hazards, subject to conditions.

7.7 Geotechnical hazards

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment

The proposed development is supported by a geotechnical risk assessment prepared by Crozier Geotechnical Consultants dated 12 November 2024 which demonstrates all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment

The application has been reviewed by Council's Development Engineer and Water Management Team, who is supportive of the proposal, subject to conditions of consent. It is considered that the stormwater management plans that demonstrate waste water, stormwater and drainage are suitably managed on site.

- (b) the consent authority is satisfied that:*

- (i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or*
- (ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or*
- (iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.*

Comment

Subject to conditions, the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

7.8 Limited development on foreshore area

The proposal is landward of the Foreshore Building Line, therefore complying with the requirements under Clause 7.8 Limited development on foreshore area.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front Building Line	6.5m <i>"Western Boundary"</i>	Dwelling: 6.5m Front Stair Access: 6.0m*	-	Yes
Rear Building Line	FSBL <i>(Foreshore Building Line)</i>	All works proposed landward of FSBL	-	Yes
Side Building Line	2.5m <i>"Northern Boundary"</i>	Lower Ground Floor: 1.2m - 6.5m Ground Floor: 2.5m First Floor: 2.3m - 4.8m Roof Overhang from Ground Floor: 1.9m - 2.5m* Side Access: 1.5m Front Stair Access/Retaining Wall: 0.4m - 1.6m*	52.0% - 8.0% - 40.0% -	No Yes No Yes No Yes
	1.0m <i>"Southern Boundary"</i>	Lower Ground Floor: 1.0m - 1.8m Ground Floor: 2.0m - 4.0m Side Access and Stairs: 1.0m - 2.4m First Floor: 2.9m - 4.0m Pool/Spa: 1.0m - 1.8m	-	Yes
Building Envelope	3.5m <i>"Northern Elevation"</i>	Outside Envelope (toward front of dwelling - south-western corner)	-	No
	3.5m <i>"Southern Envelope"</i>	Outside Envelope (toward front of dwelling and screen)	-	No
Landscaped Area	60.0% (2097.0m ²)	86.21% (2013.33m ²)	-	Yes

The specific 'elevations' and 'boundaries' as noted above are reflective of the titles on the architectural plans.

* As defined under Pittwater Local Environmental Plan 2014, a front building line or setback means the horizontal distance between the property boundary or other stated boundary and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.4 Coastline (Bluff) 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
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	No	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	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
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.3 Building colours and materials	No	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D9.12 Fences - General	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D9.17 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B8.1 Construction and Demolition - Excavation and Landfill

Detailed Assessment

The subject site is located on land identified as Hazard H1 on the Geotechnical Hazard Map of the PLEP 2014. The proposal includes excavation greater than 1.5m in depth, hence the development must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.

The application was submitted with a Geotechnical Assessment prepared by Crozier Geotechnical Consultants and the Certified Forms 1 and 1A.

The Architectural Plans indicates a maximum excavation depth of 2.8m to accommodate the garage.

- ***Site disturbance is minimised.***

Comment

The excavation will occur within the building footprint of the dwelling house and for the new garage location. Majority of the site will not be disturbed and remain as existing or as landscaping.

- ***Excavation, landfill and construction not to have an adverse impact.***

Comment

The carrying out of the development in accordance with the recommendations of the Geotechnical Report will mitigate adverse impact. Recommended conditions relating to geotechnical/excavation works have been included to further ensure impacts are minimised. Furthermore, a condition is required for the applicant to prepare a Construction Traffic Management Report to address excavation and construction phases.

- ***Excavation and landfill operations not to cause damage on the development or adjoining property.***

Comment

The carrying out of the development in accordance with the recommendations of the Geotechnical Report will mitigate impacts to the adjoining properties. In addition, a dilapidation report will be prepared for any properties within close proximity to excavation works. This will be ensured via a condition of consent.

Based on the above and the submitted Geotechnical Report, the proposal is considered to therefore meet the outcomes of the control and is supported on merit in this particular instance.

B8.6 Construction and Demolition - Traffic Management Plan

A condition has been included requiring a Construction Traffic Management Plan (CTMP) and report to be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control, prior to issue of the Construction Certificate.

C1.3 View Sharing

Merit Consideration

One (1) submission was received from the following property which included concerns regarding view loss:

- No. 16 Hillcrest Avenue, Mona Vale

A site inspection was undertaken at the above-mentioned property, the photos taken from the inspection have been used to inform this assessment.

The erection of height poles were not considered necessary, as a satisfactory amount of information was available to determine the extent of impact.

Note: '*Subject site*' refers to No. 18 Hillcrest Avenue and '*affected site*' refers to No. 16 Hillcrest Avenue.

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

- ***A reasonable sharing of views amongst dwellings.***

Comment

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

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. 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, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1

The nature of the views affected will be discussed below.

No. 16 Hillcrest Avenue: The views of concern obtained by this property are achieved in both a north-easterly and easterly direction, over the side boundary of the subject site. A visual reference for the views of concern would be between the Norfolk Pine and the existing dwelling on the subject site. The view consists of water and horizon views of the Pacific Ocean. This view when obtained in a easterly direction is partly obscured by the large Norfolk Pine Tree and other vegetation.

Additional views are obtained to the north and north-east which consist of land/water interface of Bungan Beach, further ocean/horizon views and views of Bungan Head Headland and the associated rock platform below. It is noted that views obtained over side boundaries are more difficult to wholly maintain. The southern end of Bungan Beach is partially obstructed by a secondary dwelling (under construction). Refer to the below images for visual representation of the views.



Image 1: View toward the north and north-east from first floor rear balcony.



Image 2: View toward the east and north-east from first floor rear balcony.



Image 3: View from rear yard - northern point of site toward ocean.



Image 4: View from first floor through the rear and side windows - partly obstructed by vegetation.



Image 5: View from rear windows of first floor.



Image 6: View from bedroom on south- eastern elevation of affected site.



Image 7: Close up of the view to be impacted, standing at the edge of rear balcony looking back into the subject site, directly across side boundary.

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

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

Comment to Principle 2

The location of the obtained views will be discussed below, which should be read in conjunction with the images above.

No. 16 Hillcrest Avenue: The views of concern mentioned above (water/horizon views of Pacific Ocean) toward the north-east/east are obtained from the upper level rear balcony/terrace and upper level windows along the northern (rear) and south-eastern (side) elevations south-eastern elevation of the affected site.

The affected views across the side boundary of the subject site are difficult to obtain from the ground floor level. As such the views from the ground floor are better obtained toward the north/north-east and consist of the 'additional views'. These views are obtained from the ground floor kitchen, living and dining area, rear patio and swimming pool.

The views are obtained from both standing and sitting perspectives.

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% 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 to Principle 3

The extent of impact will be discussed below.

No. 16 Hillcrest Avenue: As a result of the proposal, the views toward the east over the side boundary of the subject site, which consist of ocean/horizon views will be impacted from the **rear upper floor balcony/terrace**. It is considered that the ocean views may be obtained from underneath the canopy of the Norfolk Pine Tree. The views north of the Norfolk Pine Tree will not be impacted upon, this includes the 'additional views' as described in Point 1.

The views toward the east over the side boundary of the subject site, which consist of ocean/horizon views will be impacted from the **upper floor windows on the northern (rear) and south-eastern (side) elevations**. It is noted that the views from these windows are obstructed by existing vegetation. It is considered that the ocean views may be obtained from underneath the canopy of the Norfolk Pine Tree. The views north of the Norfolk Pine Tree will not be impacted upon, this includes the 'additional views' as described in Point 1.

The view toward the north-east from the first floor bedroom, which consists of an ocean view (south of Norfolk Tree) will be impacted.

The views obtained from the ground floor toward the north and north-east (north of the Norfolk Pine Tree) will not be impacted upon.

When considering the extent of views to be obtained (additional views that are "north of the Norfolk Pine") and the views which are to be lost (the ocean views that are "south" of the Norfolk Pine), the overall view loss is considered to be **moderate**.

4. Reasonableness of the proposal that is causing the impact

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

Comment to Principle 4

The development area that impacts the main view lines is compliant with the Building Height Standard of 8.5m of the Pittwater LEP 2014 and the rear setback/Foreshore Building line requirements of the P21DCP. The proposal as amended is generally compliant with the relevant built form controls of the P21DCP, with the exception of a minor variation to the Side Building Line and a variation to the Side Boundary Envelope controls. These non-

compliances do not have an affect on the views. The "northern" (side - adjacent to No. 16 Hillcrest Avenue) and "southern" (side- adjacent to No. 20 Hillcrest Avenue) elevations breach the Side Boundary Envelope and is influenced by the topography and irregular shape of the allotment. This breach will have no material effect to view loss, as these breaches are located toward the front of the dwelling. A minor breach does also appear on a timber post on the "northern elevation" atop the upper floor balcony. If these non-conforming elements were brought into compliance, no significant change to the view loss outcome would likely occur. In this regard the proposal as amended is found to be acceptable on merit.

The question of a more 'skillful design' in relation to the initial proposal which provides the residents with a similar development potential and amenity whilst reducing the extent of impact on the views obtained from the affected property, in this case No. 16 Hillcrest Avenue was requested to be explored within a 'Request for Further Information Letter' dated 22 January 2025. The Applicant submitted an alternative design which consisted of a reduction to the size of the ground floor sunroom and rear steps, shifting these elements further south away from the Norfolk Pine. The first floor balcony was re-arranged to allow the development to be setback from the Norfolk Pine Tree, opening up the view corridor located between the Pine and existing dwelling house on the subject site. The screen was also removed from the side elevation of the upper floor balcony. It is to be considered that the subject site has limited areas for development potential given the irregularity of the allotment shape and proximity to the foreshore building line.

The proposed dwelling house can be considered reasonable in the circumstances of this application, which demonstrates an acceptable sharing of views, particularly considering the affected views being obtained over a side boundary, despite the classification of the impact being 'moderate'.

- ***Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.***

Comment

The proposal will not significantly impact views from the public domain.

- ***Canopy trees take priority over views.***

Comment

No canopy trees are proposed for removal, ensuring vegetation has priority over views. A condition will be included restricting the height of the proposed vegetation along the common boundary of the subject site and affected site.

Having regard to the above assessment, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

C1.5 Visual Privacy

Description of non-compliance

Clause C1.5 Visual Privacy stipulates that private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9.0m, by building layout, landscaping, screening devices or greater spatial separation. In addition, elevated decks/balconies and pools should incorporate privacy screens where necessary and should be located at the front or rear of the building.

The proposed development includes a swim spa along the "southern elevation" (side) and a smaller sized spa to the "east" (rear), such elements have been located in consideration of the foreshore building line. Amended plans were submitted which shifted the swim spa further "south- west", allowing the swim spa to be screened by an existing wall and vegetation rather than its original location, which had high potential for direct overlooking. Both spa's are considered to achieve an acceptable level of amenity. The rear terrace is located at the rear and is 8.0m from No. 20 Hillcrest Avenue and has been orientated toward the ocean views. The terrace is screened by a sunroom reducing the likelihood of overlooking to No. 16 Hillcrest Avenue. The privacy levels in relation to these elements are acceptable, particularly for an area that consists of open rear yards atop a headland.

The sunroom has two (2) windows (W21 + W20), window W1 includes screening whilst Window W20 does not. Given the orientation and location of Window W20, overlooking to the rear yard of No. 16 Hillcrest may occur, therefore a privacy element will be conditioned to reduce the likeliness of adverse privacy impact.

The windows across the side elevations of the dwelling have been located and designed to mitigate privacy impacts e.g. highlight windows and screening. The butler's pantry window to the ground floor "northern elevation" will be screened by existing vegetation. The landing to the first floor side access on the "southern elevation" will be screened by timber battens.

The first floor balconies are associated with bedrooms, not living spaces and are located to the front and rear elevations. These balconies are orientated toward the respective views not the adjoining properties, and are unlikely to result in direct overlooking into the neighbouring dwelling houses. Adverse impacts in terms of visual privacy to main outdoor recreation spaces is considered to be acceptable and consistent with other similar types of development in this area. It is considered difficult to completely avoid overlooking into rear yards, due to these areas atop the Mona Vale Headland being open and vegetated due to the sensitive nature of the view corridors and qualities of the headland.

Given the circumstances, the visual privacy impacts are considered to be acceptable for a residential area located atop a headland.

D9.3 Building colours and materials

Merit Consideration

Clause D9.3 Building Colours and Materials require that buildings are to utilise medium to dark colour ranges with natural and earthy tones.

A schedule of external finishes and materials was submitted with the development application and includes the following:



The materials/colours comply with the requirements of this clause, in exception to the white render. A site inspection revealed that properties along Hillcrest Avenue include lighter colour schemes including white/cream. As the development consists of a multitude of external materials, many that are of a natural and dark tone, the white render will not be considered to be a visually dominating feature and is limited to only portions of the external walls, particularly to the ground floor and lower ground floor.

The overall material and colour schedule is considered to be consistent with the streetscape, with the various materials enhancing the visual character of the area.

In this instance, it is considered that the materials/colour scheme is acceptable.

D9.7 Side and rear building line

Description of Non-compliance

Clause D9.7 Side and Rear Building Line prescribes a side setback of 2.5m to one side and 1.0m to the other. For this assessment, the 2.5m side building line is applied to the "north" and 1.0m side building line applied to the "south".

The proposal complies with the side setbacks to the "south". The proposal exhibits the following side setback to the "north":

- Lower Ground Floor: 1.2m - 6.5m, with a variation of 52.0%
- Ground Floor: 2.5m - compliant.
- First Floor: 2.3m - 4.8m, with a variation of 8.0%.
- Side Access: 1.5m, with a variation of 40.0%.
- Roof Overhang from Ground Floor: 1.9m - 2.5m*
- Front Stair Access: 0.4m - 1.6m*

The site is considerably irregular in shape and is restricted by the foreshore building line, limiting the areas in which development can be placed comfortably without adverse impact. The front of the site is quite narrow, particularly when compared to the immediate adjoining properties which opens up to provide a greater site width toward the rear.

** As defined under Pittwater Local Environmental Plan 2014, a front building line or setback means the horizontal distance between the property boundary or other stated boundary and—*

- (a) a building wall, or*
 - (b) the outside face of any balcony, deck or the like, or*
 - (c) the supporting posts of a carport or verandah roof,*
- whichever distance is the shortest.*

Merit Consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- ***To achieve the desired future character of the Locality. (S)***

Comment

The development will achieve a compliant building height (8.5m) that will be sited below existing tree canopy. The spatial separation of the development is consistent with surrounding development within the area.

- ***The bulk and scale of the built form is minimised. (En, S)***

Comment

The overall bulk and scale of the development is considered to be acceptable given the site's context. Refer to 'Clause 9.9 Building Envelope' elsewhere in this report. The side setback non-compliance does not result in excessive bulk.

- ***Equitable preservation of views and vistas to and/or from public/private places. (S)***

Comment

The side setback non-compliance to the west does not contribute to view loss. Refer to 'Clause C1.3 View Sharing' for further detail, elsewhere in this report.

- ***To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.***

Comment

Refer to 'Clause C1.3 View Sharing' for further detail, elsewhere in this report.

- ***To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)***

Comment

The side setback non-compliance does not result in adverse solar access or privacy impacts. The bulk of the dwelling complies with the required setbacks, in exception to the ground floor roofing and side access pathway. For an overall privacy discussion, refer to 'Clause C1.5

Visual Privacy', elsewhere in this report.

- ***Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)***

Comment

The proposal overall complies with the landscaped open space requirements, and does not propose to remove any significant canopy trees. Council's Landscape Officer has reviewed the proposal in terms of tree protection i.e. to the Norfolk Pine. The proposal consists of various levels of articulation, a combination of materials, balconies/verandahs and additional vegetation which will contribute to an attractive streetscape presence.

- ***Flexibility in the siting of buildings and access. (En, S)***

Comment

The site is considered to be irregular, however, the design of the dwelling will not impact the flexibility of the site or the site's access.

- ***Vegetation is retained and enhanced to visually reduce the built form. (En)***

Comment

As above, the proposal complies with the landscaped open space requirements and includes a Landscape Plan. Relevant landscaping conditions have also been recommended by Council's Landscape Officer.

- ***To ensure a landscaped buffer between commercial and residential zones is established. (En, S)***

Comment

The subject site is located in and is surrounded immediately by either environmental protection or residential zones, this outcome does not apply

Having regard to the above assessment, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

D9.9 Building envelope

Description of Non-compliance

Clause D9.9 Building Envelope requires development to be sited within a 3.5m building envelope to ensure the bulk and scale of the built form is minimised.

The proposed development encroaches the side building envelope on the "northern" and "southern" side elevations. The breaches occur to the front of the site and a timber post on the upper floor balcony, are minor in nature and will not significantly impact upon views. The areas of building to impact upon views are toward the rear of the dwelling and is considered generally compliant with the built form controls.

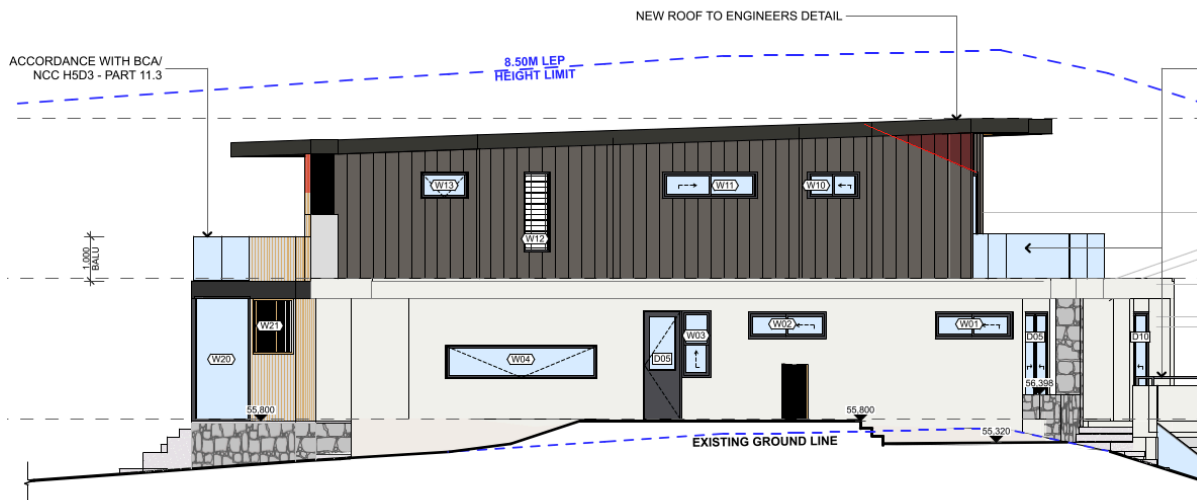


Figure 1: Envelope breach to the "northern elevation" adjoining No. 16 Hillcrest Avenue.

As previously mentioned in this report, the subject site is considerably irregular in shape and is restricted by the foreshore building line, limiting the areas in which development can be placed comfortably without adverse impact. The front of the site is quite narrow, particularly when compared to the immediate adjoining properties which opens up to provide a greater site width toward the rear. Such context contributes to the non-compliance to the front of the dwelling.

Merit Consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- ***To achieve the desired future character of the Locality. (S)***

Comment

The development will achieve a compliant building height (8.5m) that will be sited below existing tree canopy. The spatial separation and building bulk including the levels of articulation present is consistent with surrounding development within the area.

- ***To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.***

Comment

The non-conforming elements will not detrimentally impact the overall scale. The building height is compliant, with the dwelling to be situated below the height of surrounding canopy trees. The streetscape presence will be positive by the mixed-use of materials and addition of balconies, consistent with the area.

- ***To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.***

Comment

The design exhibits acceptable spatial separation between adjoining properties and compliant landscaped open space. Excavation is limited to the building footprint. The dwelling is situated

at a reasonable distance from the cliff edge. It is considered that the dwelling house provides acceptable spatial characteristics to complement the existing urban environment.

- ***The bulk and scale of the built form is minimised. (En, S)***

Comment

Despite the non-compliance, the proposal presents a landscaped area in excess of the required 60.0%, offsetting the extent of built form. The built form is limited to the front portion of the site, given the sensitive nature of views, irregularity of the site, the location of the Norfolk Pine and Foreshore Building Line. This limited portion is partially narrow and widens toward the rear the side elevations follow this angle of the building line to maximise building and amenity potential. The areas that are outside of the envelope is predominantly the screen to the "southern" elevation that provides privacy protection to No. 20 Hillcrest Avenue and the front corners of the development due to the narrowness of the site. The use of mixed materials will aid in breaking up built form and adding to visual interest, in addition to the levels of articulation present in the design.

- ***Equitable preservation of views and vistas to and/or from public/private places. (S)***

Comment

The non-conforming elements do not unacceptably impact views, refer to 'Clause C1.3 View Sharing' for further detail.

- ***To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)***

Comment

A reasonable level of privacy, amenity and solar access is provided within the development site and maintained to adjoining properties. Privacy will be discussed in further detail under 'Clause C1.5 Visual Privacy' elsewhere within this report.

- ***Vegetation is retained and enhanced to visually reduce the built form. (En)***

Comment:

The proposal complies with the landscaped open space requirements and includes a Landscape Plan with additional vegetation and the retention of the Norfolk Pine Tree. These landscaped elements will contribute to visual softening of built form. The Norfolk Pine given its size will partially screen the development from the public domain. Relevant landscaping conditions have also been recommended by Council's Landscape Officer.

Having regard to the above assessment, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

D9.12 Fences - General

An existing pool fence is located along the cliff edge of the site, to a height of approximately 1.2m. A new glass fence is proposed to replace the pool fence, due to the existing fence being dilapidated and unsafe. The fence is located on the subject site and is not a formal boundary fence to adjoining properties.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$19,910 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,991,000.

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 2021;
- 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 DA2024/1707 for Demolition works and construction of a dwelling house including a swimming pool on land at Lot 1 DP 818730, 18

Hillcrest Avenue, MONA VALE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA05	Revision E	Extended Site Plan	Progressive Plans	2 April 2025
DA06	Revision E	Existing Lower ground Floor Plan	Progressive Plans	2 April 2025
DA07	Revision E	Proposed Lower Ground Floor Plan	Progressive Plans	2 April 2025
DA08	Revision E	Existing Ground Floor Plan	Progressive Plans	2 April 2025
DA09	Revision E	Proposed Ground Floor Plan	Progressive Plans	2 April 2025
DA10	Revision E	Proposed First Floor Plan	Progressive Plans	2 April 2025
DA11	Revision E	Existing Roof Plan	Progressive Plans	2 April 2025
DA12	Revision E	Proposed Roof Plan	Progressive Plans	2 April 2025
DA13	Revision E	North Elevation	Progressive Plans	2 April 2025
DA14	Revision E	South Elevation	Progressive Plans	2 April 2025
DA15	Revision E	East Elevation	Progressive Plans	2 April 2025
DA16	Revision E	West Elevation	Progressive Plans	2 April 2025
DA17	Revision E	Section A	Progressive Plans	2 April 2025
DA18	Revision E	Section B	Progressive Plans	2 April 2025

DA24	Revision E	Spa Plan Detail	Progressive Plans	2 April 2025
DA25	Revision E	Section C	Progressive Plans	2 April 2025
DA26	Revision E	Section D	Progressive Plans	2 April 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate (No. 1766586S)	-	Elias Aboutannous	28 September 2024
Waste Management Plan	-	Balmoral Homes	12 November 2024
Arboricultural Impact Assessment	-	Treeism Arboricultural Services	September 2024
Coastal Engineering Advice on 18 Hillcrest Avenue Mona Vale	-	Horton Coastal Engineering Pty Ltd	18 October 2024
Geotechnical Report (Ref. 2022-039.2)	Issue 2	Crozier Geotechnical Consultants	12 November 2024
DA19, Finishes Board	Revision E	Progressive Plans	4 March 2025
No. L/01B, Proposed Landscape Plans	Revision B	Discount Landscape Plans	10 March 2025

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	3 January 2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **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 Certifier 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 Certifier 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 Certifier 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.

4. **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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.

- ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$19,910.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$1,991,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the

provision of new or augmented local infrastructure and services.

6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Tree Protection Plan

a) a Tree protection plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, to protect the following tree: tree 1 Norfolk Island Pine

b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating either or all of the following as applicable:

- i) access routes throughout the site for construction activity,
- ii) location of tree protection fencing / barriers,
- iii) root protection in the form of mulching or boards proposed within the tree protection zone,
- iv) trunk and branch protection within the tree protection zone,
- v) location of stockpile areas and materials storage,
- vi) other general tree protection measures.

Reason: Tree protection.

8. Stormwater Disposal from Low Level Property

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy in particular Section 5.5 Stormwater Drainage from Low Level Properties. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with Northern Beaches Council's policy by an appropriately qualified Civil Engineer are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising

from the development.

9. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants dated 12.11.2024 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. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

10. **Vehicle Crossings Application**

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.0 metres on the kerb line and a maximum 5.0 metres wide on the property boundary in accordance with Northern Beaches Council Standard Drawing A4 3330/2 NH in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

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

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

11. **Off Street Parking Design**

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Compliance with this consent.

12. **Stormwater Treatment Measures**

The applicant must install a filtration device (such as a level spreader or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

13. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

a) Side Boundary Fencing: No approval for new side boundary fencing along the common boundary lines of No. 16 and No. 20 Hillcrest Avenue, Mona Vale under this consent.

b) Window W20: Window No. W20 on the ground floor sunroom shall consist of an external fixed privacy screen for the full height of the window. The privacy screen shall be of fixed opaque panels or angled louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, the window glazing is to be frosted.

c) Balcony roof: At the first floor, the balcony roof shall be amended so that its profile on the north-western side aligns with the profile of the balcony.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

14. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

15. **Coastal Bluff Engineering Assessment Implementation**

The advice and recommendations contained in the approved Coastal Engineering Assessment report prepared by Horton Coastal Engineering, dated October 2024, must be addressed as necessary through the Geotechnical Risk Management Report prepared in support of the development application and must be incorporated as required into construction plans and structural specifications for the development.

Reason: To ensure potential hazards associated with development on a Coastal Bluff are minimised

16. **Coastal Bluff Engineering Assessment Implementation**

All development or activities must be designed and constructed such that they will not increase the level of risk from coastal processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect coastal processes; they will not be adversely affected by coastal processes.

Reason: To ensure potential hazards associated with development on a Coastal Bluff are

minimised

17. Compliance with Coastal Risk Management Report

The development is to comply with all recommendations of the approved Coastal Engineering Advice prepared by Horton Coastal Engineering, dated October 2024 and these recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development.

Reason: To ensure coastal risk is addressed appropriately

18. 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 Certifier prior to the issue of the Construction Certificate.

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

19. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

20. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

21. Construction Traffic Management Plan (CTMP)

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction

Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
 - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result

- of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

22. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the adjoining coastal cliff and the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To provide public and private safety

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

23. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular: Section 5 - Recommendations.

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing trees have been carried out satisfactorily to ensure no impact to the health of the trees. Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

24. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the below listed properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Properties

- No. 16 Hillcrest Avenue, Mona Vale
- No. 20 Hillcrest Avenue, Mona Vale

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

25. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),

- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

DURING BUILDING WORK

26. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site (T4, T5 and T6) shall be protected in accordance with Section 4 of AS4970-2009 Protection of trees on development sites.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any trees is prohibited. No

excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

27. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all prescribed trees within the site, or otherwise existing trees nominated for retention on the approved plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and the recommendations of the approved Arboricultural Impact Assessment,
- ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained; and structures are to bridge tree roots at or >25mm (Ø) diameter,
- iii) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- v) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as compliance to AS4970-2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

28. Road Reserve

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

Reason: Public safety.

29. Handling of asbestos during demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool

WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

30. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

31. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

32. **Survey Certificate**

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

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

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

33. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

34. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

35. Property Boundary Levels

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To maintain the existing profile of the nature strip/road reserve.

36. Stockpiling materials

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to local regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

37. Pollution Control

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste/debris is to be removed off site and disposed of as frequently as required in accordance to local regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not leave the construction site.

38. Geotechnical Issues

All conditions outlined in the Geotechnical report prepared by Crozier Geotechnical

Consultants dated November 2024 are to be complied with and adhered to throughout development.

Reason: To ensure new footings, retaining structures and excavation is undertaken in an appropriate manner and structurally sound.

39. Pollution Control

Any excess materials such as cleaning paintbrushes, lacquers, and any water from cleaning tools must not enter the stormwater network and/or receiving waterways.

Reason: To ensure that building associated chemicals and pollutants don't enter the surrounding environment.

40. Implementation of Construction Traffic Management Plan (CTMP)

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

41. Aboriginal Heritage

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

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

Reason: Aboriginal Heritage Protection.

42. Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

43. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

44. **Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the approved Arboricultural Impact Assessment, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

45. **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 Certifier prior to the issue of an Occupation Certificate.

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

46. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

47. **Waste Disposal Verification Statement**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within

14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

48. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

49. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces.

50. Certification of Off Street Parking Works

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Compliance with this consent.

51. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

52. 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 2018
- (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 Certifier, 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 ACTIVELY 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 Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

53. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. 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 generally in accordance with the approved Landscape Plan and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

54. **Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

55. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards

identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

56. Swimming Pool/Spa Motor Noise

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

57. Landscape Height

As shown on the stamped architectural plans and the submitted Landscape Plan (as referenced in Condition 1 of this consent), the new landscape perimeter along the common boundary line adjacent to No. 16 Hillcrest Avenue, in particular the north of the dwelling's rear building line, is not to reach a height of more than 1.5m upon maturity from existing ground level.

Such plantings include the following:

- *Acmena smithii* 'baby lilly'
- *Syzygium australe* 'Bush Christmas'

Reason: To protect the amenity of the surrounding residents.

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

Signed



Brittany Harrison, Planner

The application is determined on 07/05/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments