

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1534
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Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 8B DP 372411, 10 Hillcrest Avenue MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Robyn Annette Terrell
Applicant:	Michael Terrell

Application lodged:	17/09/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	19/09/2018 to 05/10/2018
Advertised:	Not Advertised
Submissions Received:	2
Recommendation:	Approval

Estimated Cost of Works:	\$ 408,000.00
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ASSESSMENT INTRODUCTION

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

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

determination);

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

SUMMARY OF ASSESSMENT ISSUES

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 - D9.6 Front building line

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 - D9.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 8B DP 372411 , 10 Hillcrest Avenue MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northwestern side of Hillcrest Avenue.</p> <p>The site is battle-axe in shape with a frontage of 2.45m along Hillcrest Avenue and a depth of 78.105m. The site has a surveyed area of 621.7m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a single storey cottage and detached garage.</p> <p>The site falls 12m from the road frontage to the rear boundary with an average slope of approximately 15.4%.</p> <p>The site is devoid of any significant vegetation with turf and small shrubs the predominate vegetation type.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by low density residential dwellings with moderate landscaping.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

APPLICATION HISTORY

12 November 2018

View loss inspections to the neighbouring properties (4 Hillcrest Avenue and 6 Hillcrest Avenue) was conducted.

8 January 2019

A site inspection undertaken by the reallocated Assessing Officer was conducted on the subject site.

23 January 2019

View Loss inspections to the neighbouring properties (4 Hillcrest Avenue and 6 Hillcrest Avenue) was conducted by the reallocated Assessing Officer.

PROPOSED DEVELOPMENT IN DETAIL

The application proposes alterations and additions to the existing dwelling and extension of the existing garage. In particular the works include:

Garage

- New garage roof and addition to include a carport

Ground Floor

- Extension of floor to include new lounge room, internal stairs and decking

First Floor

- Addition of new floor level which includes 3 bedrooms, entry foyer, kitchen, dining room, lounge room, bathroom and internal stairs
- Inclusion of decking along all elevations

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this</p>

Section 4.15 Matters for Consideration'	Comments
	<p>application.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

Name:	Address:
Mr Jeremy John Rosenwax	4 Hillcrest Avenue MONA VALE NSW 2103
Mrs Bozana Kristana Tezak	6 Hillcrest Avenue MONA VALE NSW 2103

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

- View sharing
- Visual privacy

The matters raised within the submissions are addressed as follows:

- View sharing
Comment:
Concerns have been received in relation to the potential view impact created by the proposed additions to the dwelling. The proposal has been considered to meet the requirements of view sharing. See clause C1.5 'View Sharing' for further discussion.
- Visual privacy
Comment:
Concerns have been received from the neighbouring properties in relation to the potential visual privacy impact created by the proposed additional to the dwelling. Conditions are recommended in order for the proposed development to meet the requirements of this clause. See clause C1.5 'Visual Privacy' for further discussion.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	As the property is located below the street, drainage is to be in accordance with clause B5.10 which has been conditioned. The existing driveway crossing is to remain which is satisfactory. The submitted geotechnical report addresses the relevant DCP controls. No objection to approval, subject to conditions as recommended.

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

External Referral Body	Comments
	assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A323817, dated 15/08/2018).

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

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	6.9m	N/A	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
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	4.5m	30.77%	No
Rear building line	6.5m	7.3m	N/A	Yes
Side building line	2.5m	0.5m	80%	No
	1m	1.3m	N/A	Yes
Building envelope	3.5m	Outside envelope (Eastern)	10.34%	No
	3.5m	Outside envelope (Western)	2.3%	No
Landscaped area	60%	40.86%	31.9%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
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
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	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
C1.23 Eaves	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.3 View Sharing

Two (2) submissions were received from neighbouring properties No. 4 Hillcrest Avenue and No. 6 Hillcrest Avenue, seeking clarification regarding the impact on views as a result of the proposal. A view loss assessment was conducted on each property on the 12 November 2018 to ensure an unreasonable level of view loss will not occur as a result of the proposal.

A view loss assessment from No. 4 Hillcrest Avenue and No. 6 Hillcrest Avenue was undertaken to assess the impacts of the proposal by utilising the four step planning principal established in *Tenacity Consulting v Warringah Council [2004] NSW LEC 140*.

Step 1 - Assessment of views to be affected.

The site inspection at No. 4 Hillcrest Avenue found the views to be affected consist of the ocean views of the Tasman Sea.

The site inspection at No. 6 Hillcrest Avenue found the views to be affected consists of the Bungan Beach. This view includes land/water interface and the surf zone of Bungan Beach.

Step 2 - Considering from what part of the property the views are obtained.

The views of concern raised by No. 4 Hillcrest Avenue are towards the Tasman Sea and are obtained across the side boundary from a seated and standing position at the first floor deck located towards the south of the site. Views are also obtained from a seated and standing position from the first floor living and dining areas as well as from the first floor deck and ground floor deck located towards the north of the site.

The views of concern raised by No. 6 Hillcrest Avenue are towards Bungan Beach and area obtained from across the rear boundary when facing north. Bungan Beach can be viewed from windows in the first floor living and kitchen areas and from the first floor balcony areas from a seated and standing position. Views of Bungan Beach (waves) and Bungan Cliff Headland can also be viewed from north facing windows on the ground floor rumpus room at a standing level. The foreground of this ground floor view is filtered through vegetation which partially obscures the land/water interface, particularly Bungan Beach.

Step 3 - Assess the extent of the impact for the entire property

The site inspection at No. 4 Hillcrest Avenue found that the property enjoys panoramic views of Bungan Beach, extensive ocean views to the east and ridge top views towards Newport in the north. These views are obtained from the rear boundary, most notably from the first floor living area and first floor deck. When taking into consideration the extent of the views obtained from No. 4 Hillcrest Avenue, the ocean views across the side boundary towards the Tasman Sea, the overall view impact arising from the proposed development at No. 10 Hillcrest Avenue is categorised as minor.

The site inspection at No. 6 Hillcrest Avenue found that the property enjoys panoramic views of Bungan Beach, extensive ocean views to the east and ridge top views towards Newport in the north. South facing views are also available to Mona Vale Beach, Long Reef and beyond to North Head. These south facing views will not be affected by the proposed development at No. 10 Hillcrest Avenue. Views of Bungan Beach (sand and waves) are obtained from the adjacent rear boundary of No. 8 Hillcrest Avenue, most notably from the first floor living areas and from the first floor balcony areas. Views of Bungan Beach (waves), Bungan Cliff Headland and Newport Reef are also available from the north facing windows on the ground floor. When taking into consideration the extent of the views obtained from No. 6 Hillcrest Avenue, the views of Bungan Beach (sand and waves), Bungan Cliff Headland and Newport Reef are considered valuable. However, the overall view impact arising from the proposed development at No. 10 Hillcrest Avenue is categorised as minor.

Step 4 - Assess the reasonableness of the proposal causing the impact.

The commissioner of *Tenacity Consulting v Warringah Council [2004] NSW LEC 140* indicated views obtained over a side boundary are difficult to protect and this is applicable to the proposal. A proposal that complies with all control is considered more reasonable than one that breaches them. The proposed maximum height of the development is 6.9m and therefore complies with the maximum height limit of 8.5m. The non-compliance with the proposal have been considered in this report and have been supported on merit.

The east facing ocean views for No. 4 Hillcrest Avenue that are obtained across the side boundary from the ground floor deck are anticipated to be obstructed by the proposed first floor addition and the extension to the carport. The ocean views (Tasman Sea) obtained from the kitchen window of the first floor is obstructed by the proposed ground floor addition and first floor addition. Ocean views (Tasman

Sea) obtained from the first floor deck facing east will be partially obstructed from the proposed first floor addition and deck. It should be noted that this proposed deck at No. 10 Hillcrest Avenue has been designed in an open style to help maintain a line of sight towards the Tasman Sea for the occupants of No. 4 Hillcrest Avenue.

The north facing views for No. 6 Hillcrest Avenue that are available across the adjoining rear boundary towards Bungan Beach (sand and waves) are partially obstructed from the first floor principal living areas and the views of Bungan Cliff Headland and Newport Reef from the ground floor are also partially obstructed by the proposed first floor addition.

As the proposed development is consistent with the Pittwater LEP 2014 and outcomes of relevant P21 DCP clauses, it cannot be deemed an unreasonable proposal considering the difficulty in preserving the view across the side boundary. Reducing the first floor level, which falls below the height limit, would not lead to a noticeable improvement in views towards Bungan Beach, Bungan Cliff Headland, Newport Reef and the Tasman Sea to the east. The occupants of both No. 4 and No. 6 Hillcrest Avenue will continue having panoramic beach and ocean views from principal living areas such as the living rooms and elevated rear decks. When accounting for the extent of the view impact at both properties and the level of compliance of the proposal, the development is considered acceptable and the view sharing reasonable.

C1.5 Visual Privacy

A submission was received from the adjoining property owner at 4 Hillcrest Avenue, raising concerns about the loss of privacy resulting from the proposed first floor addition to their main living areas. The requirements of the control indicate that elevated decks should be located at the front or rear of the building and that private open space areas including living rooms of adjoining dwellings are to be protected from direct overlooking within 9 metres. In order to address the concerns of overlooking, a condition is recommended for the deck along the eastern and western elevations be deleted to maintain privacy. In addition, a condition is recommended for doors marked 'D4' and 'D6' to be deleted and replaced with windows that have a minimum sill height of 1m from the finished floor level. Subject to compliance with these conditions, the proposal is considered to satisfy the outcomes of the control and is supported on merit.

D9.3 Building colours and materials

Colours indicate with the submitted Colour Schedule appear to be consistent with Council's requirements for dark and earthy tones. However, no specific colours have been indicated. A condition will be included for a compliant colour schedule to be submitted at Construction Certificate stage should consent be granted.

D9.6 Front building line

The proposal is technically non-compliant as the existing garage is located within the front setback area, although due to the battle-axe shape of the allotment this (southern) boundary more closely resembles a side setback.

The existing garage is at a significantly lower level than the adjoining neighbour along this boundary, which creates a minimal built form impact. The proposed development to include an attached carport to the garage does not result in a further encroachment to this setback area. Concerns from the adjoining property at No. 4 Hillcrest Avenue have been received in relation to view sharing, although due to the location and level of the garage in relation to the dwelling, the garage/carport extension would not result in view loss issues to this property. A view sharing analysis has been conducted under Clause C1.3 previously within this report.

Therefore, as the proposed garage additions are considered to be reasonable in regards to a bulk, scale and amenity impact the front setback variation in this instance is acceptable and supported on merit.

D9.7 Side and rear building line

The proposed carport extension is technically non-compliant, being 0.5m at its nearest point to the from the western side boundary adjoining No. 4 Hillcrest Avenue. The variation to the control is considered acceptable as the carport will maintain the side setback of the existing garage and is proposed to be an open-style structure to reduce amenity and view impacts as viewed from No. 4 Hillcrest Avenue. The proposed first floor addition is also located within western side building setback, being 2m from the side boundary. The side building line setback control refers to one side being 2.5m with the other being 1.0m. The side setback of 2m results in a 20% variation to the 2.5m control requirement. The variation is sought on the western boundary adjoining No. 4 Hillcrest Avenue for a side deck. While this breach to the side setback is minor, a condition is recommended for the decking along the eastern and western elevations be removed to maintain visual privacy as discussed in C1.5 previously within this report. The removal of the western side deck would result in an increased setback to 3m that would comply with the requirements of this control. Subject to compliance with this condition, the proposed development is considered to meet the objectives of this clause and is supported on merit.

D9.9 Building envelope

The proposed first floor addition is not within the prescribed building envelope and is technically non-compliant with the control. The control permits variation for a second storey when the existing dwelling is retained and for roof eaves that extend outside the building envelope. As the proposal seeks to retain the existing dwelling, the variation to the control is applicable in this instance. At its maximum extent, the first floor will breach the building envelope on the eastern elevation by 1m (17.24%). However this breach is only applicable for a total length of 0.35m. This breach is also reduced to 0.6m when considering the variation for roof eaves. On the western elevation, the proposed first floor addition will breach the building envelope by a maximum of 0.15m (2.3%) and is only applicable for a total length of 0.35m. This breach is also reduced to 0m when considering the variation for roof eaves. The variation sought for the proposed first floor addition does not result in an unreasonable impact to neighbouring properties with regard to views, privacy and solar access. It is recommended that the variations to the control be supported in this instance, given the proposed development is consistent with the outcomes of the control.

D9.11 Landscaped Area - Environmentally Sensitive Land

The proposed development is technically non-compliant with the control that requires 60% of the total site area to be dedicated for landscaping. The proposal seeks to vary this control by 31.9% reducing the overall landscape area to 40.86% (254.06m²). The variations in this clause allow for a revised landscape area to include imperious areas of less than 1m in width, and up to 6% of the total site area if used for outdoor recreational purposes. Total pathways is 6.6% (41.189m²) and the variation for outdoor areas is 6% (37.3m²). The revised landscape area is 53.46% (332.55m²). The proposed development is also includes a landscape plan incorporating a majority of native species. While there remains a non compliance with the technical requirement, the development will not result in an unreasonable impact on the amenity and solar access provided to neighbouring properties. The proposed development in this instance is considered to meet the objectives of this clause and the non-compliance is supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1534 for Alterations and additions to a dwelling house on land at Lot 8B DP 372411, 10 Hillcrest Avenue, MONA VALE, subject to the conditions printed below:

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A1 (Site Plan)	April 2018	Mitch Clark Design & Drafting Services
A4 (Proposed Ground Floor Plan)	April 2018	Mitch Clark Design & Drafting Services
A5 (Proposed First Floor Plan)	April 2018	Mitch Clark Design & Drafting Services
A6 (Proposed Roof Plan)	April 2018	Mitch Clark Design & Drafting Services
A7 (Elevations)	April 2018	Mitch Clark Design & Drafting Services
A8 (Elevations)	April 2018	Mitch Clark Design & Drafting Services
A9 (Elevations)	April 2018	Mitch Clark Design & Drafting Services
A10 (Elevations)	April 2018	Mitch Clark Design & Drafting Services
A11 (Section AA)	April 2018	Mitch Clark Design & Drafting Services

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report, MS 31062	6 August 2018	Jack Hodgson Consultants Pty Ltd
BASIX Certificate, A323817	15 August 2018	Mitchell Clark
Coastal Report	12 September 2018	Horton Coastal Engineering Pty Ltd

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
A13 (Proposed Landscape Plan)	April 2018	Mitch Clark Design & Drafting Services

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
A14 (Sediment and Erosion Control)	April 2018	Mitch Clark Design & Drafting Services

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

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

2. Prescribed Conditions

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative

change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

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

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

5. **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 Jack Hodgson Consultants Pty Ltd dated 6 August 2018 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

6. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Pittwater DCP21 Clause B5.10. Stormwater from the proposed alterations and additions are not to be pumped to the street.

A certificate is to be provided to the Principal Certifying Authority with the Construction

Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field that the existing approved system can accommodate the additional flows or provide drainage plans demonstrating compliance with Council's requirements.

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

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

7. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

8. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings.

Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

9. Compliance with Standards

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

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

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

10. 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 Certifying Authority 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.

11. External Colours and Materials

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity. White, light coloured, red or orange roofs and walls are not permitted. The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted. A satisfactory specification which achieves this shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate in the form of a Schedule of Finishes.

Reason: To ensure the external colours and materials comply with Council's requirements

12. Amendments to the approved plans

The following amendments to the approved plans:

The decks along the eastern and western elevations of the first floor addition are to be deleted. The decks along the northern and southern elevation of the first floor addition must not protrude beyond 2.3m when measured from the eastern boundary and must not protrude beyond 3m when measured from the western boundary.

The lounge room door marked 'D4' is to be deleted and replaced with a window that has a minimum sill height of 1m from the finished floor level.

The bed 2 sliding door marked 'D6' is to be deleted and replaced with a window that has a minimum sill height of 1m from the finished floor level.

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

Reason: To reduce impacts on visual privacy.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. Maintenance of Road Reserve

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

Reason: Public Safety.

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

14. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to

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

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

Signed



Kent Bull, Planner

The application is determined on 12/02/2019, under the delegated authority of:



Claire Ryan, Acting Development Assessment Manager