

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2018/0765 |
| Responsible Officer: | Kevin Short |
| Land to be developed (Address): | Lot 7 DP 21933, 45 Hilltop Road AVALON BEACH NSW 2107 |
| Proposed Development: | Alterations and additions to an existing dwelling house including construction of new secondary dwelling |
| Zoning: | E4 Environmental Living |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Michael David McDonald |
| Applicant: | Askerrobertson Design & Construction |
| Application lodged: | 10/05/2018 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 28/05/2018 to 13/06/2018 |
| Advertised: | Not Advertised |
| Submissions Received: | 2 |
| Recommendation: | Approval |
| Estimated Cost of Works: | \$ 450,000.00 |

ASSESSMENT INTRODUCTION

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

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - C1.19 Incline Passenger Lifts and Stairways
 Pittwater 21 Development Control Plan - D1.8 Front building line
 Pittwater 21 Development Control Plan - D1.9 Side and rear building line
 Pittwater 21 Development Control Plan - D1.11 Building envelope

SITE DESCRIPTION

| | |
|-----------------------------------|--|
| Property Description: | Lot 7 DP 21933 , 45 Hilltop Road AVALON BEACH NSW 2107 |
| Detailed Site Description: | <p>The subject site is rectangular in shape, has an area of 773m² and is located on the high east side of Hilltop Road, within predominately steeply west sloping topography at mid-slope level. The site is currently occupied by a two storey timber and brick dwelling at the front portion of the block with a lower level single garage at the front. At the rear of the house towards the centre of the block, there are two timber retaining walls with a moderately sloping lawn at the rear.</p> <p>The front and rear setback areas are vegetated with small to large size canopy trees, shrubs, grass and areas of sandstone rock outcrops . The subject site is zoned E3 Environmental Management and is located within Pittwater Spotted Gum Forest area. Adjoining and surrounding development is characterised by a mixture of modern and traditional style two storey dwelling houses in bushland settings.</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.

Request to Withdraw Development Application Letters dated 10 July 2018 and 21 August 2018 were sent to the applicant raising concern with non-compliance with the following planning controls;

- PLEP 2014 cl. 7.6 Biodiversity Protection; and
- P21DCP cl. cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community, cl. 7.10 Essential services, cl. C1.19 Incline Passenger Lifts and Stairways, cl. B6.3 Off-Street Vehicle Parking Requirements, cl. B3.1 Landslip Hazard & cl. B5.7 Stormwater Management - On-Site Stormwater Detention.

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for alterations and additions to the existing dwelling house and the construction of an inclinor and secondary dwelling. Specifically, the following works are proposed;
Proposed Site/ Roof Plan

- New skylights to replace existing
- New roof line to extend over rear elevation existing bedroom and bathroom; and
- Redesigned retained rear patio to suit;
- New tiled roof with sky lights.

Level 1

- New sliding doors to rear of existing dwelling, elevated platform to extend existing bedroom and new windows to suit;

- Replacement rear elevation patio area with new replacement retaining walls.

Ground Floor

- Widen driveway and single garage to provide a double garage;
- Provision of a terrace over the garage; and
- Replace existing deck with sunken spa.

Proposed Secondary Dwelling

- Secondary dwelling located within rear setback of property including a deck, one (1) bedroom, living and dining room, kitchen and bathroom;

Site and landscape works

- Inclinator with landings located adjacent to southern boundary between front of dwelling to secondary dwelling;
- Replacement retaining walls, including include replacement of two existing timber retaining walls adjacent to the rear east side of the house with a new retaining wall requiring excavation works up to 3.8m; retaining walls adjacent to the rear east side of the house with a new retaining wall. The new retaining wall is intended to create space for a patio approximately 3.50m from the existing dwelling;
- Substantial landscaping works within the rear setback area;
- Excaavtion .

Amended Plans

The assessment report is based on amended plans. Amended plans and further information were received in response to concerns raised by Council letters dated 10 July 2018 and 21 August 2018 and included the following;

- Revised architectural plans with further inclinator details;
- Concept stormwater on-site detention plan;
- Revised arborist report;
- Inclinator width details;
- Landscape plan; AND
- Amended geotechnical report

In accordance with the P21 DCP notification requirements, the amendments are of minor environmental impact and do not require re-notification.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration' | Comments |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | None applicable. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | 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. As detailed under the Detailed Description of Development section of the report, additional information was received in relation to matters raised by Council.</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 matter has been addressed via a condition of consent.</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 matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the</p> |

| Section 4.15 Matters for Consideration' | Comments |
|--|---|
| | submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application. |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report. |
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

| Name: | Address: |
|---------------------------|---------------------------------------|
| Mr Paul Wheeler | 43 Hilltop Road AVALON BEACH NSW 2107 |
| Ms Kerry Catherine Ritson | 43 Hilltop Road AVALON BEACH NSW 2107 |

The following issues were raised in submissions from the adjoining property owners located at No. 43 Hilltop Avenue and each raised matter has been addressed below:

- Landslip, excavation works and stormwater impacts
- Issues with the inclinometer
- Construction and parking impacts

- Acoustic impact from balcony
-

The matters raised within the submissions are addressed as follows:

- Landslip, excavation works and stormwater impacts

Comment:

The concern is that the proposed works, including excavation works, will potentially cause adverse impacts on adjoining properties in terms of landslip, rock outcrop collapse and stormwater runoff. The submitted geotechnical report prepared by Crozier Geotechnical Consultants dated 30 March 2018 does not raise concern with the construction of retaining walls, disposal of stormwater, natural down slope stormwater runoff or related landslip risk and boulder collapse subject to the development being carried out in accordance with the recommendations of the report. In this regard, adjoining structures, including inclinators, are not expected to be adversely impacted on. Should the application be approved, suitable conditions are included in the recommendation for this to occur, including a requirement for dilapidation reports on adjoining properties to be carried out. In addition, sewer plans are not a relevant matter in this development application.

Having regard to the above, the raised concerns are not concurred with.

- Issues with the inclinator

Comment:

As detailed under the P21DCP cl. C1.19 Incline Passenger Lifts and Stairways section of the report, the design of the inclinator is acceptable and is supported on merit. Supporting documentation from Inclined Lifts, being the supplier of the proposed lift, provides that the standard 600mm wide carriage will travel safely between the house and the boundary on the subject site. Also, consistent with the Zone E4 Environmental Living, the proposal will have an acceptable impact on local fauna and flora.

Having regard to the above, the raised concerns are not concurred with.

- Construction and parking impacts

Comment:

The concern is that the construction of the development will cause adverse amenity impacts on adjoining and surrounding properties including traffic and parking impacts and workers accessing adjoining property. As detailed under the P21 cl. B6.3 Off-Street Vehicle Parking Requirements section of the report, the proposal will provide two (2) on-site parking spaces which satisfies the requirements of the control on merit. To manage and minimise these impacts, suitable conditions are included for a detailed Construction Traffic Management Plan to be implemented prior and during construction. It is not unique for development to be carried out given the constraints of the site, including the location of the existing dwelling and steepness of the site. In this regard, matters relating to workers trespassing adjoining sites is a civil matter and should be reported to the relevant authorities.

Having regard to the above, the raised concerns are not concurred with.

- Acoustic impact from balcony

Comment:

Noise generated from the balcony is expected to be reasonable and acceptable given the residential nature of the development and adequate spatial separation to adjoining dwelling houses.

MEDIATION

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

REFERRALS

| Internal Referral Body | Comments | | | |
|---|--|-------------------|-----------------------------------|---|
| Landscape Officer | <p>The landscape component of the proposal is acceptable subject to completion of landscaping and protection of existing trees and vegetation.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping C1.11 Secondary Dwellings and Rural Worker's Dwellings</p> | | | |
| NECC (Bushland and Biodiversity) | <p>Council's Bushland & Biodiversity division has assessed the proposal against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Control B4.7 Pittwater Spotted Gum Forest-EEC and believes the development complies subject to conditions.</p> | | | |
| NECC (Development Engineering) | <p>Second Referral</p> <p>The submitted drainage plan and amended Geotechnical report adequately address the previous issues raised in the assessment. The provision of 2 parking spaces is to be assessed by Planning.</p> <p>No objection to approval, subject to conditions as recommended.</p> <p>First Referral</p> <p>The submitted Geotechnical Report does not list the submitted set of Architectural Plans as the date of the plans is incorrect, and it is unclear if the proposal has been reviewed by the Geotechnical Engineer. The proposal increases the impervious area by in excess of 50 square metres and as such on-site stormwater detention (OSD) is required. No concept plan for the provision of OSD has been provided with the application. The proposal requires the provision of 3 parking spaces. Only 2 spaces have been provided. Parking of vehicles on the driveway crossing is not acceptable.</p> <p>Development Engineers cannot support the application due to insufficient information to assess clauses B3.1, B5.7 and B6.3.</p> | | | |
| Property Management and Commercial | <p>The proposal is for alterations and additions to the existing dwelling and the construction of a secondary dwelling.</p> <p>Property has no objections to the proposal as currently submitted.</p> | | | |
| Strategic and Place Planning (Heritage Officer) | <table><tr><th>HERITAGE COMMENTS</th></tr><tr><th>Discussion of reason for referral</th></tr><tr><td><p>This application has been referred to heritage as it adjoins a</p></td></tr></table> | HERITAGE COMMENTS | Discussion of reason for referral | <p>This application has been referred to heritage as it adjoins a</p> |
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| Internal Referral Body | Comments | | |
|---|--|----|--|
| | heritage item | | |
| | <i>Item – Log Cabin</i> | | |
| | Details of heritage items affected | | |
| | Details of this heritage item, as contained within the Pittwater Heritage Inventory, is: | | |
| | <i>Log Cabin</i> | | |
| | <u>Statement of Significance</u> The Log Cabin at 43 Hilltop Road, Avalon Beach, which was built on a lot of the 1914 Newport and Clareville Beach Estate subdivision, is representative of one of Pittwater's early log cabins built of local natural materials to simple designs with traditional construction techniques. The cabin has historic and aesthetic significance as one of the most intact remaining log cabins of the early Pittwater subdivisions. An increasingly rare, little modified example of its type, it is associated with the development of the Northern Beaches as a holiday destination. | | |
| | <u>Physical Description</u> This small cabin is a simple timber-framed structure made of raw timber logs with a highly pitched roof originally clad in timber with simple detailing. Recent works have replaced the original roof clad with corrugated iron. Not inspected internally. | | |
| | Other relevant heritage listings | | |
| | Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | No | |
| | Australian Heritage Register | No | |
| NSW State Heritage Register | No | | |
| National Trust of Aust (NSW) Register | No | | |
| RAIA Register of 20th Century Buildings of Significance | No | | |
| Other | No | | |

| Internal Referral Body | Comments |
|------------------------|---|
| | <div>Consideration of Application</div> <p>The proposal seeks consent for alterations and additions to a dwelling as well as an inclinor and secondary dwelling. The secondary dwelling is to be located in the rear yard at some distance from the adjoining heritage item and the inclinor is to be located on the other side of the property closer to 47 Hilltop Road. As such there is considered to be adequate separation between them and the heritage item and are of no concern.</p> <p>The proposed works to the main dwelling include a rear extension from the upper level with a new patio, the extension of the mid level deck over the existing garage and a new deck and sunken spa. While these works are in closer proximity to the heritage item, they are not considered to detract from the significance of the heritage item. The proposal can be supported by Strategic Planning (Heritage).</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No</p> <p>Has a CMP been provided? No</p> <p>Is a Heritage Impact Statement required? No</p> <p>Has a Heritage Impact Statement been provided? No</p> <div>Further Comments</div> <p>COMPLETED BY: Brendan Gavin, Strategic Planner</p> <p>DATE: 12 June 2018</p> |

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and

Council Policies have been considered in the merit assessment of this application.

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

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

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

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 for both the dwelling house and secondary dwelling (see Certificate No. A314895 dated 30 April 2018 & 825813S dated 30 April 2018). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificates.

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|----------------------|--|----------------------------|-------------|------------|
| Height of Buildings: | dwelling: 8.5m secondary dwelling: 5.5m | 8.0m (as existing) 5.1m | N/A N/A | Yes Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| Part 1 Preliminary | Yes |
| 4.3 Height of buildings | Yes |
| 5.9 Preservation of trees or vegetation | Yes |
| 5.9AA Trees or vegetation not prescribed by development control plan | Yes |
| 5.10 Heritage conservation | Yes |
| 7.1 Acid sulfate soils | Yes |
| 7.2 Earthworks | Yes |
| 7.6 Biodiversity protection | 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 | 0.2m | 97% (6.3m) | No (as existing) |
| Rear building line | 6.5m | 6.6m | N/A | Yes |
| Side building line | 2.5m (north) | dwelling: 0.6m to 0.9m secondary dwelling: 3.0m | up to 7.6% (1.9m) N/A | No (as existing) Yes |
| | 1m (south) | dwelling: 1.0m secondary dwelling: 1.7m | N/A N/A | Yes (as existing) Yes |
| Building envelope | 3.5m (south) | Within envelope | N/A | Yes |
| | 3.5m (north) | Outside envelope | up to 51.4% (1.8m) | No |
| Landscaped area | 60% | 61.6% (475.9m ²) 429.5m ² (landscaped area) + 46.4m ² | N/A | Yes |

(6% private open space) = 475.9m²

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A4.1 Avalon Beach Locality | Yes | Yes |
| A5.1 Exhibition, Advertisement and Notification of Applications | Yes | Yes |
| B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites | Yes | Yes |
| B1.4 Aboriginal Heritage Significance | Yes | Yes |
| B3.1 Landslip Hazard | Yes | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | Yes | Yes |
| B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community | Yes | Yes |
| B4.22 Preservation of Trees and Bushland Vegetation | Yes | Yes |
| B5.7 Stormwater Management - On-Site Stormwater Detention | 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 |
| B8.2 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 |
| 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 | Yes | Yes |
| C1.4 Solar Access | Yes | Yes |
| C1.5 Visual Privacy | Yes | Yes |
| C1.6 Acoustic Privacy | Yes | Yes |
| C1.7 Private Open Space | Yes | Yes |
| C1.12 Waste and Recycling Facilities | Yes | Yes |
| C1.13 Pollution Control | Yes | Yes |
| C1.19 Incline Passenger Lifts and Stairways | No | Yes |
| C1.23 Eaves | Yes | Yes |
| D1.1 Character as viewed from a public place | Yes | Yes |
| D1.5 Building colours and materials | Yes | Yes |
| D1.8 Front building line | No | Yes |
| D1.9 Side and rear building line | No | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| D1.11 Building envelope | No | Yes |
| D1.14 Landscaped Area - Environmentally Sensitive Land | Yes | Yes |
| D1.17 Construction, Retaining walls, terracing and undercroft areas | Yes | Yes |
| D1.20 Scenic Protection Category One Areas | Yes | Yes |

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

Under the control, a development for the purposes of a secondary dwelling generates a requirement for an additional on-site car parking space. Currently, one (1) space is provided on-site within the existing single garage. The proposal seeks to widen this garage to make a double garage and hence provide an additional parking space on-site which satisfies the requirements of the control.

C1.19 Incline Passenger Lifts and Stairways

The design of the inclinator satisfies the requirements of the control in the following way;

a) be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees

Comment: The design of the inclinator involves minimal excavation and does not require removal of natural rock or trees.

b) be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures

Comment: The inclinator is near as possible to the existing ground level with exception of the eastern portion of the structure. However, this is deemed acceptable given the steepness of the site and elevated nature of the secondary dwelling deck.

c) be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings

Comment: The inclinator will have an acceptable amenity impact on adjoining properties with respect to noise and privacy. A condition is recommended requiring compliance with relevant offensive noise legislation.

d) be painted to blend in with surrounding vegetation and screened by landscaping and

Comment: A condition is included in the Recommendation for the colour tone of the inclinator to be of medium to dark tones.

e) be set back two (2) metres from the side boundary to the outer face of the carriage be located wholly on private land

Comment: The inclinator has a minimum side building line of 0.6m to the outer face of the carriage and is to be constructed over an existing staircase. A 2.0m setback to the southern side boundary cannot be achieved given the location of the existing dwelling house. The setback is deemed acceptable given the location of the existing dwelling and staircase, minimal environmental impact and acceptable neighbour amenity impacts.

f) have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.

Comment: The orientation and intervening vegetation does not warrant a requirement for a privacy

screen.

Having regard to the above, the design and location of the inclinator is supported on merit.

D1.8 Front building line

The garage and patio above and sunken spa/deck have a 0.2m front building line which does not comply with the minimum 6.5m requirement of the control. With regard to the consideration of a variation, the development is assessed as being consistent with the underlying Outcomes of the control as follows:

- the proposal is maintaining the same front building line but introducing minor new building elements, including a widened garage with an open balcony above and replacing an existing deck with a sunken spa/deck;
- an acceptable planning outcome is achieved as the non-compliance will enable two (2) on-site carparking spaces;
- the new areas of non-compliance are minor and of minimal bulk and scale and will have an acceptable impact on the streetscape, particularly as existing landscaping within the front setback area is being maintained;
- the development has been found to be consistent with the desired future character of the locality;
- the areas of non-compliance will not generate unreasonable or unacceptable amenity impacts on adjoining and surrounding properties; and
- whilst maneuvering in a forward direction is not facilitated, safe and convenient vehicle access will be provided to and from the site in accordance with Australian Standards.

Having regard to the above, the non-compliance is supported on merit.

D1.9 Side and rear building line

Proposed buildings lines to the northern elevation vary from 0.6m to 0.9m which does not comply with the minimum 2.5m requirement of the control. The area of non-compliance relates to an increase in the length of Bedroom 4 by 2.0m from the rear elevation of the existing dwelling and the balcony above the existing garage. Under the control, these building elements are maintaining the existing building line of the dwelling and therefore can be supported as variations subject to the outcomes of the control being supported.

Having regard to the above, the non-compliance is supported for the following reasons;

- the existing side building line is being maintained and is therefore considered an appropriate design response;
- the non-compliance does not generate unreasonable or unacceptable adverse amenity impacts on adjoining and surrounding properties and maintains privacy between neighbours and the preservation of views and vistas to and/or from public/private places; and
- the bulk and scale of the built form is satisfactorily minimised.

Having regard to the above, the non-compliance is supported on merit.

D1.11 Building envelope

The upper most section of the Level 1 northern elevation is located outside of the projected building

envelope. The area of non-compliance is triangular in shape, has a maximum height of 1.8m and relates to the rear addition to Bedroom 4. The non-compliance is supported for the following reasons:

- the extent of the non-compliance is minor and relates to the increase in the length of Bedroom 4 by 2.0m;
- the area of noncompliance does not result in any unreasonable impacts upon adjoining properties, including overshadowing, privacy, view loss and visual outlook impact;
- the dwelling complies with the maximum building height requirement and does not exhibit excessive bulk and scale; and
- The dwelling is not visually dominant by virtue of its height and bulk.

Having regard to the above, 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 DA2018/0765 for Alterations and additions to an existing dwelling house including construction of new secondary dwelling on land at Lot 7 DP 21933, 45 Hilltop Road, AVALON BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|---|------------|--|
| Drawing No. | Dated | Prepared By |
| DA 03, DA 04, DA 05, DA 06, DA 08, DA 09, | 23/07/2018 | Askerrobertson Design and Construction |
| DA 07, DA 10, DA 11, DA 12, DA 13, DA 17, DA 18 | 03/04/2018 | Askerrobertson Design and Construction |
| Sh-2 | undated | Askerrobertson Design and Construction |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|--|----------------|----------------------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| Report of Geotechnical Site Investigation and Landslip | September 2018 | Crozier Geotechnical Consultants |
| Arborist Report | July 2018 | Growing My Way Tree Consultancy |

b) 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 |
| Rev A DA1 | 08/17 | Volker .Klemm Landscape Design |

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. Amendments to and further details to be shown on the approved plans

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

- The Paved Terrace area shown on the approved Landscape Plan prepared by Volker Klemm Landscape Design dated 08/17 Drawing DA1 Rev A does not form any part of any approved works and is to be deleted;
- All retaining walls, including footings, are to be located wholly within the property.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

3. Prescribed conditions (Demolition):

(a) 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 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
- (ii) 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.

(b) 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.

(c) 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.

Reason: Legislative Requirement (DACPLB09)

4. **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)

5. **General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- o 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 a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. 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) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of

residents and the community. (DACPLB10)

6. 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

7. 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

8. 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 3 September 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.

9. On-site Stormwater Detention

An On-site Stormwater Detention system must be designed and constructed in accordance with Pittwater 21 DCP 2014 Clause B5.7 and generally in accordance with the concept drainage plan prepared by Askerrobertson, drawing number 02/2016 DA 04, dated 05/09/2018. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- a. Provision of a single stormwater outlet from the property.
- b. Unobstructed access to the orifice plate for future maintenance and inspection.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with the abovementioned DCP are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of storm water and storm water management arising from the development.

10. 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.

11. 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. 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.

12. Vehicle Crossings Application

An application for Driveway levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid. Approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To facilitate suitable vehicular access to private property

13. Soil and Water Management Program

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

14. Pre-commencement Dilapidation Report

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining private properties to the north and south, being Nos. 47 & 43 Hilltop Road. A copy of the report must be provided to Council and the owners of adjoining and affected private properties.

Reason: Protection of Private Party's Infrastructure during construction.

15. Compliance with standards (Demolition):

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

Council prior to the commencement of demolition works.

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

16. 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)

17. External Finishes to Roof and Inclinor

The external finish to the roof and inclinor shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

18. Sewer / Water Quickcheck

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

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

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

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

19. Traffic and Construction Management Plan (TMCP)

A Traffic and Construction Management Plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The plan shall detail:

(a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion, noise and dust in the area, with no access across public parks or reserves being allowed;

(b) The proposed phases of construction works on the site, and the expected duration of each construction phase;

- (c) 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;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) 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;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) 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;
- (h) 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;
- (i) Proposed protection for Council and adjoining properties;
- (j) The location and operation of any on site crane; and
- (k) The proposed methods of reducing dust and noise during construction.
- (l) The TMCP must include the anticipated truck size and movements numbers to and from the site during demolition, excavation and construction stages, truck access routes to and from the site, work zone and/or parking restriction adjustments during construction, site worker parking arrangements and traffic control plans anticipated to facilitate construction works

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. Tree Protection

- a) A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed prior to the commencement of works.
- b) All excavation and construction works in the vicinity of existing trees to be retained shall be conducted under the supervision of the Project Arborist, including excavation by hand tools only in the vicinity of the proposed `Sunken Spa`
- c) The Project Arborist is to oversee all tree protection measures for the existing trees identified in the "Growing My Way" Tree Consultancy report.
- d) The Certifying Authority or Project Arborist must ensure and certify that;
 - i) the activities listed in section 4.2 of AS4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
 - ii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree

or any other tree to be retained on the site during the construction, is undertaken using the protection

measures specified in sections 4.5.3 and 4.5.6 of that standard, and

iii) tree protection measures satisfy the recommendations of the Arboricultural Impact Assessment.

e) 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.

Note. A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: To ensure tree protection is provided and maintained.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. 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.

22. Vehicle Crossing

The provision of a vehicle crossing 6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/4 EH and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

23. Protection of rock outcrops

All rock outcrops on site are to be protected for the duration of the works.

Reason: to protect natural landscape features.

24. Building materials and sediment fencing

No building materials or other materials are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or foreshore vegetation. Appropriate sediment fencing is to be installed.

Reason: Environmental Protection.

25. Traffic Control During Road Works

A copy of the CTMP approved under this consent is to be retained on site for the duration of the demolition/construction works.

Reason: Public Safety

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

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

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

Reason: To create encumbrances on the land.

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

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

Reason: To identify encumbrances on land.

28. **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

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

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

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

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

30. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern

Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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 the on-site detention and/or pump system is maintained to an appropriate operational standard

31. **Post-Construction Dilapidation Report**

The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council and the owners of adjoining private properties.

Reason: To ensure security against possible damage to private property.

32. **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.

33. **Restoration of Damaged Public Infrastructure**

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

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

34. **Documentation of Arborist Site Supervision Required**

Documented evidence of a qualified arborist supervising the works in proximity to trees being retained and ensuring that all tree protection measures and recommendations as specified in the supplied arborist report (specifically but not limited to Part 6 & 7) by Growing My Way - Kyle Hill, (up)dated July 2018 is required. This documentation is to be provided prior to the issue of the Occupation Certificate.

Reason: To ensure the retention of the Urban Forest/Natural Environment.

35. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings. (DACPLF04)

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

36. **Retention of Natural Features**

All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on

approved plans.

Reason: To ensure the retention of natural features.

37. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

38. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

39. **Landscape Plan to be Implemented**

Landscaping is to be implemented in accordance with the approved Landscape Plan authored by Volker Klemm, dated August 2017, Drawing no. DA1, Rev A. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.

Reason: To ensure the site is landscaped.

40. **Noise from Inclinor**

The use of the inclinor shall not cause an LAeq(15min) which exceeds the RBL by more than:
(a) 5dB between the hours of 6:00am and 10:00pm; and,
(b) 0dB between the hours of 10:00pm and 6:00am on the following day when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

Reason: To comply with best practice standards for residential acoustic amenity.

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

Signed



Kevin Short, Planner

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



Matthew Edmonds, Manager Development Assessments

ATTACHMENT A

No notification plan recorded.






















ATTACHMENT B

No notification map.

ATTACHMENT C

| Reference Number | Document | Date |
|---|---|------------|
|  2018/297296 | Report - Geotechnical | 18/04/2017 |
|  2018/297297 | Report - Statement of Environmental Effects | 16/08/2017 |
|  2018/297292 | Report - Arborist | 26/08/2017 |
|  2018/297295 | Report - Cost Summary Report | 23/04/2018 |
|  2018/297294 | Report - BASIX Certificate (Secondary Dwelling) | 30/04/2018 |
|  2018/297293 | Report - BASIX Certificate (Principal Dwelling) | 30/04/2018 |
|  DA2018/0765 | 45 Hilltop Road AVALON BEACH NSW 2107 - Development Application - Alterations and Additions | 10/05/2018 |
|  2018/289150 | DA Acknowledgement Letter - Askerrobertson Design & Construction | 11/05/2018 |
|  2018/297302 | Plan - External | 16/05/2018 |
|  2018/297291 | Plan - Survey | 16/05/2018 |
|  2018/297289 | Plan - Schedule of of Finishes | 16/05/2018 |
|  2018/297290 | Plan - Stormwater | 16/05/2018 |
|  2018/297287 | Plan - Master Set | 16/05/2018 |
|  2018/297298 | Applicants Details | 16/05/2018 |
|  2018/297300 | Development Application Form | 16/05/2018 |
|  2018/297301 | Fee Form | 16/05/2018 |
|  2018/323482 | DA Acknowledgement Letter (not integrated) - Askerrobertson Design & Construction | 28/05/2018 |
|  2018/323801 | Notification Map - DA2018-0765 - 45 Hilltop Road Avalon Beach | 28/05/2018 |
|  2018/323542 | Notification Letter - DA | 28/05/2018 |
|  2018/323800 | Council Notification - DA2018-0765 | 28/05/2018 |
|  2018/329448 | Property and Commercial Development Referral Response | 30/05/2018 |
|  2018/354957 | Online Submission - Wheeler | 09/06/2018 |
|  2018/354963 | Online Submission - Ritson | 09/06/2018 |
|  2018/355175 | Heritage Referral Response - DA2018/0765 - 45 Hilltop Road, Avalon Beach | 12/06/2018 |
|  2018/406580 | Additional Submission - DA2018/0765 – 45 Hilltop Road, Avalon Beach – An addendum to a DA submission – Paul Wheeler | 02/07/2018 |
|  2018/406602 | Additional Submission- DA2018/0765 - 45 Hilltop Road - Deep Excavation - Kerry Ritson | 02/07/2018 |
|  2018/404111 | Landscape Referral Response | 03/07/2018 |
|  2018/407656 | DELETE - DA2018/0765 – 45 Hilltop Road, Avalon Beach – An addendum to a DA submission – Paul | 04/07/2018 |

Wheeler

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|---|-------------|--|------------|
|  | 2018/407657 | Cr De Luca - memo response - DA2018/0765 - 45 Hilltop Road - Deep Exacavation - Kerry Ritson | 04/07/2018 |
|  | 2018/437271 | Request for Withdrawal of Development Application - Askerrobertson Design & Construction | 09/07/2018 |
|  | 2018/439759 | Cr De Luca Further information - on behalf of Mr James - Swans on planned alignment of the elevated exercise track at Two Brothers | 09/07/2018 |
|  | 2018/446434 | response - Additional submission - An addendum to a DA submission | 10/07/2018 |
|  | 2018/440367 | response - Additional submission - DA 0765/2018 45 Hilltop Rd Deep Excavation - Kerry Kitson | 10/07/2018 |
|  | 2018/446280 | Confirmation from objector that email response received | 11/07/2018 |
|  | 2018/447054 | Email sent with withdrawal letter request | 13/07/2018 |
|  | 2018/470376 | Revised arborist report | 25/07/2018 |
|  | 2018/470380 | Revised plans (full set) | 25/07/2018 |
|  | 2018/470387 | Covering letter from applicant additional information and revised plans | 25/07/2018 |
|  | 2018/492816 | Superceded - Development Engineering Referral Response | 03/08/2018 |
|  | 2018/525903 | Natural Environment Referral Response - Biodiversity | 17/08/2018 |
|  | 2018/532895 | Request for Withdrawal of Development Application - Askerrobertson Design & Construction | 21/08/2018 |
|  | 2018/538428 | Request for withdrawal letter (2nd) | 23/08/2018 |
|  | 2018/542952 | Building height calculation | 27/08/2018 |
|  | 2018/542983 | Height calculation plan | 27/08/2018 |
|  | 2018/548613 | Hilltop site and adjoining site with inclinometer | 28/08/2018 |
|  | 2018/580943 | Stormwater OSD concept plan | 06/09/2018 |
|  | 2018/580987 | Amended geotech report | 06/09/2018 |
|  | 2018/618377 | Development Engineering Referral Response | 24/09/2018 |
|  | 2018/618836 | Stamped Plans | 25/09/2018 |