

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2022/0124
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<b>Responsible Officer:</b>	Olivia Ramage
<b>Land to be developed (Address):</b>	Lot 7 DP 21933, 45 Hilltop Road AVALON BEACH NSW 2107
<b>Proposed Development:</b>	Modification of Development Consent DA2018/0765 granted for Alterations and additions to an existing dwelling house including construction of new secondary dwelling
<b>Zoning:</b>	C4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Sara Elizabeth Smith Michael David McDonald
<b>Applicant:</b>	Studio Friend Pty Ltd

<b>Application Lodged:</b>	04/04/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	14/04/2022 to 28/04/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

This application is a modification to the original consent in DA2018/0765. The proposed development involves the following works:

- Altering the configuration of rear retaining wall and stairway
- Removal of spa and water tank from front deck and changes to size of deck
- Addition of a window (W0.3) to the northern side of the garage
- Revised skylights
- Changes to the layout of the granny flat
- Addition of planters and BBQ to front terrace
- Changes to windows on the eastern side of the dwelling
- Revised inclinator stop position

## 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 - C1.19 Incline Passenger Lifts and Stairways

Pittwater 21 Development Control Plan - D1.9 Side and rear building line

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 7 DP 21933 , 45 Hilltop Road AVALON BEACH NSW 2107
<b>Detailed Site Description:</b>	<p>The subject site consists of Lot 7 DP 21933 at 45 Hilltop Road, Avalon Beach. It is located on the high, east side of Hilltop Road. The site is rectangular in shape with a frontage to Hilltop Road of approximately 15.85m and a depth of 48.77m. The site slopes steeply to the west and has an area of 773sqm.</p> <p>The site is located within a Geotechnical Hazard area and an Acid Sulfate Soils Class 5 area. The site also appears on the Pittwater Biodiversity map.</p> <p>The site is currently occupied by a two storey timber and brick dwelling at the front portion of the site with a single garage at the front.</p> <p>The surrounding properties comprise of a range of modern and traditional two storey dwelling houses along with secondary dwellings and inclinators being common ancillary development.</p>

Map:



## SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- **DA2018/0765** - Alterations and additions to an existing dwelling house including construction of a new secondary dwelling. This application was approved 17/10/2018. Mod2022/0124 seeks to modify this consent.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the

Assessment Report for DA2018/0765, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2018/0765 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The modifications include altering configurations of rear retaining wall and stairway which result in reduced excavation.</li> <li>• The modifications include changes to the layout of windows and will not alter the built form.</li> <li>• The modifications include changes to the layout of the secondary dwelling which result in reduced overall floor area.</li> <li>• The modifications have minimal and lesser impact than the originally approved DA and therefore the proposed works remain substantially the same.</li> </ul>
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2018/0765 did not require concurrence from the relevant Minister, public authority or approval body.
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority</p>	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.



Section 4.55 (2) - Other Modifications	Comments
is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of 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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;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 in the original consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 14/04/2022 to 28/04/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Alexandra Utiger	47 Hilltop Road AVALON BEACH NSW 2107

The following issues were raised in the submissions:

- Privacy
- Inclinator Installation

The above issues are addressed as follows:

- **Privacy**

The submissions raised concerns that the changed inclinator stop platform positioned at the rear of the secondary dwelling will impact on privacy. This results in the inclinator passing the main dwelling at No. 47 Hilltop Road posing potential privacy impacts as it will pass the windows of their living room.

Comment:

The proposed inclinator stop platform will result in the inclinator passing the living room of the main dwelling at No. 47 Hilltop Road. The site inspection revealed there is substantial tall vegetation that acts as screening along the boundary of No. 47 which reduces potential privacy impacts. A condition has been imposed for a privacy screen attached to the inclinator to further ensure a reasonable level of privacy.

- **Inclinator Installation**

The submissions raised concerns that access to their property No. 47 Hilltop Road will be needed for the installation of the inclinator and they are not willing to allow this.

Comment:

Council has no authority through this development consent to provide conditions regarding access to adjoining properties. This is a matter that should be addressed by the property owners.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>

Internal Referral Body	Comments
Landscape Officer	<p>The application is for modification to development consent DA2018/0765 including minor building amendments and externally the inclusion of a planter and vegetation over the garage structure.</p> <p>Landscape Referral raise no concerns subject to the imposition of standard conditions for on slab landscape works.</p>
NECC (Bushland and Biodiversity)	<p>Council's Bushland &amp; Biodiversity division has assessed the proposed modification against Pittwater LEP 2014 Control 7.6 Biodiversity Protection &amp; Pittwater 21 DCP 2014 Control B4.7 Pittwater Spotted Gum Forest- EEC and believes the development complies subject to conditions as previously applied in relation to DA2018/0765. The proposed modifications appear minor and do not result in additional tree removals. Whilst the property is now mapped on the NSW Governments Biodiversity Values map, the modification application does not result in clearing and will not trigger entry into the NSW Biodiversity Offsets Scheme.</p>
NECC (Development Engineering)	<p>Applicant seeks approval to modify an approved Development. Geotechnical Engineer has validated that the original report. No Development Engineering objection with no conditions.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, 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. A408776\_02 and 1277146S dated 2 February 2022).

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

### SEPP (Infrastructure) 2007

#### Ausgrid

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

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

#### Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

### 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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Dwelling: 8.0m Secondary Dwelling: 5.1m	8.0m 5.2m	N/A N/A	Yes 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
5.21 Flood planning	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	Approved	Proposed	Complies
Front building line	6.5m	0.2m	Unaltered	No (as approved)
Rear building line	6.5m	6.6m	Unaltered	Yes
Side building line	2.5m (north)	Dwelling: 0.6m-0.9m Secondary Dwelling: 3.0m	Unaltered Secondary Dwelling: 1.4m	No (as approved) <b>No</b>
	1m (south)	Dwelling: 1.0m Secondary Dwelling: 1.7m Secondary Dwelling Deck: 1.1m	Unaltered Secondary Dwelling: 4.5m Unaltered	Yes Yes Yes
Building envelope	3.5m (south)	Within Envelope	Unaltered	Yes
	3.5m (north)	Outside Envelope	Unaltered	No (as approved)
Landscaped area	50%	61.6%	64.7%	Yes

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	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
C1.9 Adaptable Housing and Accessibility	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
C1.25 Plant, Equipment Boxes and Lift Over-Run	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	Yes	Yes
D1.9 Side and rear building line	No	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes

### Detailed Assessment

#### **C1.19 Incline Passenger Lifts and Stairways**

Clause C1.19 requires inclinators to meet the following outcomes and controls:

Outcomes:

Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the

environment and neighbours.

Controls:

Incline passenger lifts and stairways shall:

- be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and
- 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, and
- be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and
- be painted to blend in with surrounding vegetation and screened by landscaping and
- be set back two (2) metres from the side boundary to the outer face of the carriage
- be located wholly on private land, and
- have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.

On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level.

Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions.

The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.

Comment:

The proposed inclinator has already been granted consent in DA2018/0765 and this modification is only to change the location of the stop platform at the secondary dwelling. The proposed inclinator involves minimal excavation and does not require the removal of natural rock or trees. The inclinator is erected as near as possible to the existing ground level except at the eastern end of the rail to respond to the steep slope and elevated deck of the secondary dwelling. The inclinator will not create unreasonable noise impacts and a condition has been imposed in DA2018/0765 to restrict noise. The proposed inclinator is positioned along the southern boundary line and is unable to meet the 2.0m setback due to the location of the existing dwelling house and staircase. DA2018/0765 has considered this setback acceptable as it has been sited in the most suitable location and amenity impacts have been minimised through screening. A condition is included for the inclinator to have a privacy screen as there is a direct view within 4.5m to a window of a habitable room of the dwelling at No. 47.

## **D1.9 Side and rear building line**

Description of non-compliance

The control requires a setback of 2.5m to one side boundary and 1m to the other. For this assessment, the southern side boundary has been adopted as the narrow side (1m) and the northern side as the wide side (2.5m).

The proposed modifications to the secondary dwelling do not comply with the 2.5m setback control as the secondary dwelling is setback 1.4m from the northern side boundary. This presents a variation of 44% to the control. The secondary dwelling is compliant with the southern side setback as it is setback

4.5m and the entry deck 1.1m from the boundary.

Merit consideration

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

- *To achieve the desired future character of the Locality.*

Comment:

The proposed development aligns with the desired future character of the Locality.

- *The bulk and scale of the built form is minimised.*

Comment:

The proposed modifications include changes to the secondary dwelling where the overall size has been reduced by 24sqm. The secondary dwelling meets the height controls and sits entirely within the required building envelope. The proposed development is therefore of minimal bulk and scale.

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

Comment:

The proposed development will not impact on any views and vistas to and from public and private places.

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

Comment:

As above, the proposal allows for reasonable view sharing.

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

Comment:

The proposed development ensures a reasonable level of privacy and amenity as the site maintains substantial vegetation across the site and along the side boundaries which mitigate any privacy issues. The tall trees across the site and adjoining properties mean that the proposed secondary dwelling will have minimal increases to overshadowing.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

The site maintains substantial landscaping and a mature tree canopy across the site which help to soften the built form. It is common for surrounding properties on Hilltop Rad to have a secondary dwelling and an inclinor, therefore the proposed development supports the existing streetscape.



- *Flexibility in the siting of buildings and access.*

Comment:

The proposed secondary dwelling is sited in the rear yard with adequate spatial separation from the main dwelling. Access to the site is retained and further improved by the addition of an inclinator.

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

Comment:

As above, the substantial landscaping across the site is retained and helps to visually soften and reduce the built form.

- *A landscaped buffer between commercial and residential zones is achieved.*

Comment:

Not applicable, given the subject site does not adjoin a commercially zoned property.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2021**

Section 7.12 contributions were levied on the Development Application.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- 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 approval to Modification Application No. Mod2022/0124 for Modification of Development Consent DA2018/0765 granted 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:

### A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

#### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
S4.55-01 - RevA Site Plan	1 March 2022	Studio Friend
S4.55-02 - RevA Garage Floor Plan	1 March 2022	Studio Friend
S4.55-03 - RevA Ground Floor Plan	1 March 2022	Studio Friend
S4.55-04 - RevA First Floor Plan	1 March 2022	Studio Friend
S4.55-05 - RevA Roof Plan	1 March 2022	Studio Friend
S4.55-06 - RevA North Elevation	1 March 2022	Studio Friend
S4.55-07 - RevA West Elevation	1 March 2022	Studio Friend
S4.55-08 - RevA South Elevation	1 March 2022	Studio Friend
S4.55-09 - RevA Studio Floor Plan	1 March 2022	Studio Friend
S4.55-10 - RevA Studio Roof Plan	1 March 2022	Studio Friend

S4.55-11 - RevA Studio Section and Elevation	1 March 2022	Studio Friend
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report	21 March 2022	Crozier Geotechnical Consultants

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

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

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

#### **B. Modify Condition 2 Amendments to and further details to be shown on the approved plans**

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

The southern edge of the inclinator carriage must be affixed a 1.7 metre high privacy screen (measured from the finished floor level of the carriage). The privacy screen shall be opaque.

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.

#### **C. Add Condition 6A Compliance with other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference
Ausgrid	Response Ausgrid Referral

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

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

#### **D. Add Condition 19A On Slab Landscape Works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

Soil depth shall be 600mm to support planting. Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

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

**Signed**



**Olivia Ramage, Planner**

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



**Steven Findlay, Manager Development Assessments**