

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/0371
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<b>Responsible Officer:</b>	Dean Pattalis
<b>Land to be developed (Address):</b>	Lot 234 DP 16327, 14 Argyle Street BILGOLA PLATEAU NSW 2107
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	E4 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>	Matthew Jeffrey Tinker Rebecca Jean Tinker
<b>Applicant:</b>	Matthew Jeffrey Tinker

<b>Application Lodged:</b>	12/04/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	21/04/2021 to 05/05/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 430,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for alterations and additions to a residential dwelling pursuant to the *Pittwater Local Environmental Plan (PLEP) 2014*, including the following:

- Hardstand surface forward of the building line to accommodate two (2) carparking spaces.
- Demolition of existing carport.
- New front and side deck, entry stairs and front entryway.
- Minor extension to the ground floor level to provide increased floor space.
- Internal staircase to first floor level.
- Alterations and additions to the existing window and door schedule.
- First floor level which includes a master bedroom with walk-in wardrobe, two bedrooms, a bathroom and a sitting area.

## 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 - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D3.3 Building colours and materials

Pittwater 21 Development Control Plan - D3.6 Front building line

Pittwater 21 Development Control Plan - D3.7 Side and rear building line

Pittwater 21 Development Control Plan - D3.9 Building envelope

Pittwater 21 Development Control Plan - D3.11 Landscaped Area - Environmentally Sensitive Land

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 234 DP 16327 , 14 Argyle Street BILGOLA PLATEAU NSW 2107
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the eastern side of Argyle Street.</p> <p>The site is regular in shape with a frontage of 12.21m along Argyle Street and a depth of 40.23m. The site has a surveyed area of 491.6m<sup>2</sup>.</p> <p>The site is located within the E4 Environmental Living zone and accommodates a single storey residential dwelling with attached carport, within a landscaped setting.</p> <p>The site has a westerly orientation and is located on a gentle slope, falling in the direction from the rear eastern boundary toward the street frontage.</p>

The site has multiple trees throughout with areas of turf located in the front and rear yards. A small planter box is located in the rear yard along the southern boundary. A Jacaranda is located in the north-eastern area of the site.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by one and two storey residential dwellings within a landscaped setting.

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.

#### **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	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

Section 4.15 Matters for Consideration'	Comments
	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)(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&amp;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&amp;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&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 clause is not relevant to this application.</p> <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 clause is not relevant to this application.</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 of 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 of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in	<p>(i) <b>Environmental Impact</b></p> <p>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>

Section 4.15 Matters for Consideration'	Comments
the locality	<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 21/04/2021 to 05/05/2021 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 of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application is for the construction of alterations and additions to an existing dwelling including a new first floor addition and hardstand car parking.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause E4 zone Environmental Living, and the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation; and C1.1 Landscaping.</p> <p>The site is located in the E4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing</p>



Internal Referral Body	Comments
	<p>trees. The existing site contains maintained lawns, gardens and supports existing small trees that are proposed for retention as noted in the Statement of Environmental Effects. Existing vegetation located in close proximity to the existing building (ie. under 2 metres) is permitted to be removed without Council consent.</p> <p>There are significant trees located within the road verge and within adjoining properties that shall be protected and the proposed works are of sufficient distance away from these to not cause any impact, and regardless of this standard conditions of consent shall be imposed to ensure such protection is undertaken.</p> <p>Landscape Referral raise no objections to the proposal.</p>
NECC (Bushland and Biodiversity)	<p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p><b>Biodiversity Conservation Act 2016 (BC Act)</b> <b>Pittwater Local Environmental Plan (PLEP)</b></p> <ul style="list-style-type: none"> <li>7.6 Biodiversity Protection</li> </ul> <p><b>Pittwater Development Control Plan (PDCP)</b></p> <ul style="list-style-type: none"> <li>B4.6 Wildlife Corridors</li> </ul> <p>The proposal involves the construction of alterations and additions to the existing dwelling, including a new first floor addition and hardstand car parking, and does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values. The Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>
NECC (Development Engineering)	No objections to approval subject to conditions as recommended.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.

### 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. A411797, dated 29 March 2021).

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 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.

## Pittwater Local Environmental Plan 2014

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.4m	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	<b>Ground Floor:</b> <i>Hardstand carparking space:</i> 0.8m <i>Entry stairs &amp; decking:</i> 6.75m <i>Dwelling:</i> 9.8m	87.6% N/A N/A	No Yes Yes
Rear building line	6.5m	<b>Dwelling:</b> 17.4m	N/A	Yes
Side building line	2.5m (Southern Boundary)	<b>Ground Floor:</b> <i>Deck:</i> 2.1m <i>Dwelling:</i> 3.5m <i>Hardstand carparking space:</i> 3.8m  <b>First Floor:</b> <i>Dwelling:</i> 3.5m	16% N/A N/A  N/A	No Yes Yes  Yes
	1m (Northern Boundary)	<b>Ground Floor:</b> <i>Entry stairs &amp; decking:</i> 1.3m <i>Dwelling:</i> 1.3m <i>Hardstand carparking space:</i> 1.3m	N/A N/A N/A	Yes Yes Yes



		<b>First Floor:</b> <i>Dwelling: 1.3m</i>	N/A	Yes
Building envelope	3.5m (Southern elevation)	Within envelope	N/A	Yes
	3.5m (Northern elevation)	Outside envelope (1.3m)	28.9%	No
Landscaped area	60% (294.96m <sup>2</sup> )	<b>Existing:</b> 203.7m <sup>2</sup> (41.4%) <b>Proposed:</b> 215.8m <sup>2</sup> (44.2%)	26.33%	No

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

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.15 Stormwater	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
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.23 Eaves	Yes	Yes
D3.1 Character as viewed from a public place	Yes	Yes
D3.2 Scenic protection - General	Yes	Yes
D3.3 Building colours and materials	No	Yes
D3.6 Front building line	No	Yes
D3.7 Side and rear building line	No	Yes
D3.9 Building envelope	No	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	No	Yes

#### Detailed Assessment

#### **C1.5 Visual Privacy**

#### Detailed description of non-compliance

This control requires private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation.

The proposed wrap-around deck would be situated within 9m of the adjoining property to the south, being 16 Argyle Street. Due to the slope, the proposed deck will be above ground at a height range between 0.5m and 1.3m. The maximum height above ground is adjacent to a deck and carport at 16 Argyle Street. As discussed elsewhere in this report, Council will impose a condition that ensures additional screen planting along the southern side boundary adjacent to the proposed deck. Council considered requesting a privacy screen be installed for the entire length of the southern edge of the proposed deck, however, due to the reasonable spatial separation between the subject site and 16 Argyle Street it was determined that a privacy screen would be unnecessary and onerous.

#### Merit consideration

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.*

##### Comment:

The proposed spatial separation between 14 and 16 Argyle Street is considered acceptable and has been discussed under section D3.7 Side and Rear Building Line. And, as discussed above, Council will impose a condition relating to additional screen planting along the southern side boundary to further enhance the privacy between dwellings. Subject to compliance with this condition, the proposed development will optimise visual privacy through good design and additional landscape treatments.

*A sense of territory and safety is provided for residents.*

##### Comment:

The proposal will maintain the sense of territory and safety currently obtained by the occupants of the subject site and those of adjoining properties.

Based on the above, the proposal can be supported on merit.

### **D3.3 Building colours and materials**

This application is not accompanied by a schedule of colours and materials. The Statement of Environmental Effects (SEE) notes that the proposed development will be finished with earthy tones that will harmonise with the surrounding natural environment. While a schedule of colours and materials has not been provided, Council will include a condition of consent within this report that ensures the colour schedule of the proposed new works will be dark and earthy tones so as to adequately blend with the natural environment.

### **D3.6 Front building line**

#### Detailed description of development

This control requires development to be setback 6.5m from the front boundary line. The proposed hardstand surface will result in a front setback distance of 0.8m. This presents a variation of 87.6%. The remaining proposed new works achieve compliance with this control.

#### Merit consideration

*Achieve the desired future character of the Locality.*

Comment:

The proposed hardstand surface provides for two (2) off-street carparking spaces. The hardstand space will not be covered by a carport structure. As such, there is no built form. Further, the location of the hardstand surface allows for the retention of existing vegetation along the front boundary line which will continue to provide a vegetation screen. In this instance, the proposed development will achieve the desired future character of the Locality.

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

Comment:

The proposed hardstand surface will not impact upon the existing views and vistas to and/or from public/private places.

*The amenity of residential development adjoining a main road is maintained.*

Comment:

Argyle Street is not a main road. However, the proposed hardstand surface will not detract from the residential nature of the subject site and adjoining/nearby properties.

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

Comment:

As discussed above, the plans provided indicate that the two (2) trees within the front setback area (one sited along the front boundary line and the other is sited along the northern boundary) will be retained. Additionally, the hardstand surface does not include a carport structure, therefore it cannot be considered as 'built form', however, the retention of the trees will reasonably obscure the parked vehicles on site.

*Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

The site does not currently provide for vehicle manoeuvring in a forward direction. The plans provided do not appear to indicate vehicle manoeuvring as such it cannot be determined whether vehicle's can exist the site in a forward facing direction. In this instance, the existing vehicle manoeuvring on the site will be retained. Council can be satisfied with this outcome.

*To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment:

As discussed above, the non-compliant hardstand surface does not include a carport structure and, as such, cannot be considered 'built form'. Additionally, the retention of existing vegetation in the front setback area will continue to reasonably screen the site from the streetscape and adjoining/nearby properties. As such, the proposal will positively contribute to the existing streetscape and promote a scale and density that is in keeping with the height of the surrounding natural environment.

*To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

As discussed above, the retention of existing vegetation within the front setback area will continue to

result in an attractive street frontage and the hardstand surface will result in safe and improved pedestrian amenity.

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

Comment:

Due to the siting of the existing dwelling house and the driveway crossing, the proposed location for the hardstand surface is not only the most accessible but the most appropriate in that minimal site disturbance is required. As a result, the proposal will not result in any necessary removal of vegetation thereby sensitively responding and relating to the spatial characteristics of the environment.

Based on the above, the non-compliance can be supported on merit.

### **D3.7 Side and rear building line**

Detailed description of non-compliance

This control requires development to have the following side setbacks: 2.5m on one side and 1.0m on the other side. Additionally, this control requires development to be setback 6.5m from the rear boundary. The proposal achieves compliance with the rear boundary numerical requirement.

The proposed development results in the following setbacks to the northern and southern side boundaries:

#### **Northern side boundary - 1.0m**

Ground floor

Entry stairs and decking: 1.3m

Dwelling: 1.3m

Hardstand carparking space: 1.3m

First floor

Dwelling: 1.3m

#### **Southern side boundary: 2.5m**

Ground floor

Deck: 2.1m

Dwelling: 3.5m

Hardstand carparking space: 3.8m

First floor

3.5m

Therefore, the source of non-compliance results from the ground floor deck along the southern elevation. This presents a variation of 16%. Where alterations and additions to an existing building is proposed, maintenance of existing setbacks less than specified may be considered where it is shown that the outcomes of this control can be achieved. As such, a merit consideration of the proposal has been undertaken, as below.

Merit consideration

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

Comment:

As previously discussed elsewhere in this report, the proposal is consistent with the Desired Character statement of the Bilgola Locality.

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

Comment:

The area of non-compliance, being the deck, is located on the southern elevation of the ground floor, with no enclosed walls. The decking is sited below the maximum ridge height of the proposed first floor level and is well inside the prescribed building envelope. A Landscape Plan has not been provided with this application, therefore Council cannot ascertain whether screen planting is proposed along the southern boundary line. The architectural plans indicate the provision of an existing tree (Tree 3) within the southern side setback adjacent to the proposed deck. However, Council will impose a condition of consent that ensures additional screen planting is planted along a portion of the southern boundary that is adjacent to the proposed deck. This planting will, at maturity, result in visually reducing the built form of the deck when viewed from the adjoining property.

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

Comment:

The non-compliance will not give rise to any unreasonable impacts upon views and vistas to and/or from public/private places.

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

Comment:

Due to the deck remaining a generally open structure with no enclosed walls, view sharing through complimentary siting of buildings, a responsive design and well-positioned landscaping can be achieved.

*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 non-compliance of the deck along the southern elevation is unlikely to result in any unreasonable privacy or amenity impacts. As the deck is on the ground floor level the non-compliance will not create an impact on the solar access for the subject site nor for the adjoining property. Council considered requiring a privacy screen be installed along the southern elevation of the proposed deck, however, this was considered unnecessary and onerous due to the adequate spatial separation between buildings, non-compliant setback notwithstanding. As discussed elsewhere, Council will impose a condition relating to additional screen planting along a portion of the southern boundary adjacent to the proposed deck and, at maturity, this will likely provide a reasonable level of privacy between buildings.

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

Comment:

The subject site does not appear to have any canopy trees, and the proposed development does not include the planting of any canopy trees. However, the retention of a two small trees in the front setback area and other vegetation throughout the site, as well as the conditioned screen planting, will increase

the landscaping treatments on the site and will thus contribute to creating an attractive streetscape.

*Flexibility in the siting of buildings and access.*

Comment:

The proposed deck non-compliance will not impact upon vehicular and pedestrian access to and from the site.

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

Comment:

The proposed deck will be sited over the building footprint of the existing carport and, as such, no vegetation is expected to be removed to facilitate the proposed deck. As discussed above, Council will impose a condition to ensure adequate screen planting is included along southern boundary adjacent to the deck so as to provide visual relief of the built form.

*To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

The subject site is located in, and surrounded by, a residential zone. As such, this objective is not applicable to the subject site.

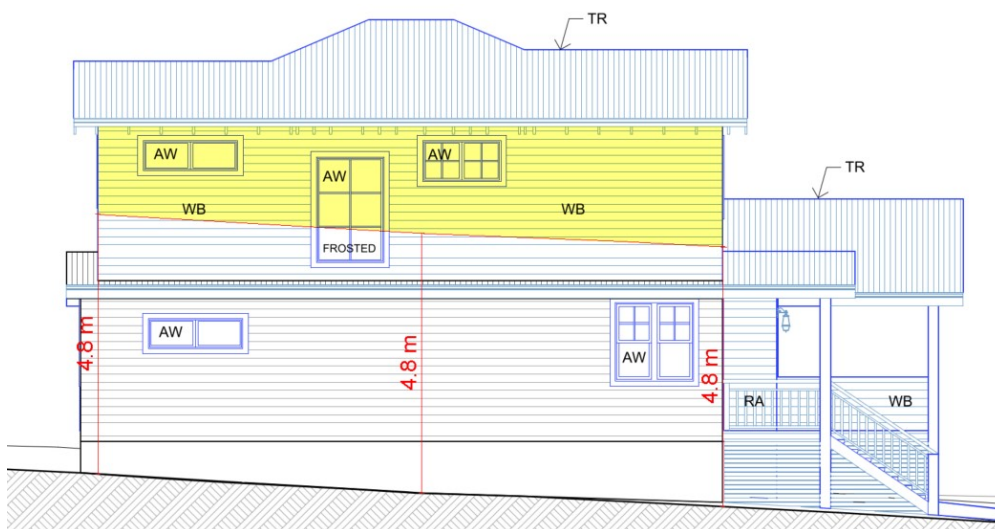
Based on the above, the non-compliance can be supported on merit.

### D3.9 Building envelope

Detailed description of non-compliance

This control requires development to be sited within a building envelope which is measured 3.5m in height from the side boundary, then angled inward at 45 degrees.

The proposed first floor addition will extend beyond the prescribed building envelope along the northern elevation, as indicated in the image below.



**Image 1. Northern elevation building envelope.**

Council may consider a variation to this control for the addition of a second storey where the existing dwelling is retained. As such, a merit consideration is undertaken, see below.



### Merit consideration

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

#### Comment:

As previously discussed, the proposal achieves compliance with the desired character statement of the Bilgola Locality.

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

#### Comment:

Notwithstanding the numerical non-compliance to this control, the proposal will positively enhance the existing streetscape as well as promote a building scale and density that will be below the height of the trees in the surrounding natural environment.

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

#### Comment:

The proposed development will retain the existing dwelling, as such, it is fair to accept that the first floor addition will likely result in some numerical non-compliances. In saying that, the proposal achieves compliance with the side setback control to the northern boundary line and will be a modest first floor addition to the existing dwelling. As such, the proposal responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

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

#### Comment:

Notwithstanding the numerical non-compliance to this control, and as discussed above, the proposal achieves compliance with the northern side setback and front boundary line controls which allows for adequate spatial separation between dwellings and minimal visual impact upon the existing streetscape. Further, the retention of existing vegetation within the front setback area will provide a level of visual relief of the built form when viewed from public and private places.

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

#### Comment:

The non-compliance does not give rise to any unreasonable impact upon existing views and vistas to and/or from public/private places.

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

#### Comment:

There are three (3) windows along the northern elevation of the first floor level which provide natural light to a sitting room, staircase and Bedroom 2. The proposed window to the staircase will be frosted, the windows for the sitting room and Bedroom 2 have a sill height of 1.9m and 2.1m, respectively. As such, these windows, while outside of the prescribed building envelope, do not give rise to any unreasonable privacy or amenity impacts.

Additionally, the non-compliance to this control does not result in an unreasonable impact upon solar

access to the subject site and adjoining property.

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

Comment:

The proposal does not involve the removal of any significant vegetation. As such, the retention of existing vegetation will reasonably screen the built form when viewed from public and private places.

Based on the above, the non-compliance can be supported on merit.

### **D3.11 Landscaped Area - Environmentally Sensitive Land**

Detailed description of non-compliance

The control requires at least 60% (294.96m<sup>2</sup>) of the site to be landscaped.

The proposed development incorporates 44.2% (215.8m<sup>2</sup>) landscaped area, which is a variation of 26.33% from the numerical control.

The proposed landscaped area represents a minor increase from the existing landscaped area of 203.7sqm (41.4%).

Merit consideration

*Achieve the desired future character of the Locality.*

Comment:

As discussed elsewhere in this report, the proposed development achieves compliance with the desired character statement of the Bilgola Locality.

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

Comment:

As discussed elsewhere in this report, the proposed development does not involve the removal of significant vegetation. Therefore, the retention of existing vegetation and a generally compliant built form will ensure that the bulk and scale of the built form is minimised appropriately.

*A reasonable level of amenity and solar access is provided and maintained.*

Comment:

The non-compliance to this control does not give rise to any unreasonable amenity or solar access impacts. As such, Council can be satisfied that the proposal achieves compliance with this objective.

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

Comment:

As discussed elsewhere in this report, the proposal does not require the removal of any significant vegetation. Further, Council will impose a condition ensuring additional screen planting along the southern side boundary adjacent to the proposed deck - this will enhance the landscape features of the site and will visually reduce the built form.

*Conservation of natural vegetation and biodiversity.*

Comment:

The subject site is located within a wildlife corridor. As such, Council's Bushland and Biodiversity Officer has reviewed this application and raised no concern with regards to the proposal.

*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment:

Council's Development Engineer has reviewed this application and raised no concern with regards to the proposal, subject to conditions. Compliance with these conditions will ensure that stormwater runoff is managed appropriately and will prevent soil erosion and siltation of natural drainage channels.

*To preserve and enhance the rural and bushland character of the area.*

Comment:

The subject site is not located within a rural or bushland setting. However, the proposal does not include the removal of any significant vegetation or trees and thus the natural features of the site will be preserved and further contribute to the natural environment of the Bilgola Locality.

*Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

Comment:

Notwithstanding the numerical non-compliance to this control, the proposal marginally increases the landscaped area of the site. As such, the soft surface of the site is maximised and will provide for reasonable water infiltration to the water table, will minimise stormwater runoff and assist with stormwater management.

Based on the above, the proposal can be supported on merit.

## **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 2019**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$4,300 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$430,000.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;

- Environmental Planning and Assessment Regulation 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 DA2021/0371 for Alterations and additions to a dwelling house on land at Lot 234 DP 16327, 14 Argyle Street, BILGOLA PLATEAU, 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
DA3 Site Analysis Plan	06/02/2021	Upstairs Design & Building Co.
DA4 Ground Floor Plan	06/02/2021	Upstairs Design & Building Co.
DA5 First Floor Plan	06/02/2021	Upstairs Design & Building Co.
DA6 Roof Plan	06/02/2021	Upstairs Design & Building Co.

DA7 Elevations N S	06/02/2021	Upstairs Design & Building Co.
DA8 Elevations E W	06/02/2021	Upstairs Design & Building Co.
DA9 Sections A-A, B-B	06/02/2021	Upstairs Design & Building Co.
DA10 Section C-C	06/02/2021	Upstairs Design & Building Co.

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA15 Erosion & Sediment Control Plan	06/02/2021	Upstairs Design & Building Co.

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate A411797	29 March 2021	Phil Brown Drafting

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:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	29 March 2021	Matthew and Rebecca Tinker

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. **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:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	22 April 2021

(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.

## 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal 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.

#### 4. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

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

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 5. **Policy Controls**

#### Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$4,300.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$430,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 6. **Security Bond**

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

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the 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](http://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**

### **7. Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

### **8. Vehicle Parking Area**

The Applicant is to ensure vehicle parking area dimensions and gradients within the private property are to be in accordance with AS2890.1:2004.

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

Reason: To ensure suitable vehicular access to private property.

### **9. Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

### **10. 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.

### **11. External Finishes to Roof and Walls**

The external finish to the roof and walls shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the

development.

**12. Landscape Plan**

A Landscape Plan shall be prepared by a suitable qualified person prior to the issue of the Construction Certificate. This Landscape Plan shall indicate additional screen planting along the southern elevation between the proposed deck and side boundary line for the entire length of the deck.

Species selection shall include locally native species and, at maturity, this screen planting will achieve a maximum height of 3.0m.

Reason: To provide a reasonable level of privacy and amenity between buildings.

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**13. Dead or Injured Wildlife**

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

Reason: To protect native wildlife.

**14. Protection of Habitat Features**

All natural landscape features, including any native vegetation, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

### **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**15. Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

**16. Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees

within 5 metres of development,

- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and 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.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

#### 17. **Road Reserve**

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

Reason: Public safety.

#### 18. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in



accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

19. **Demolition Works - Asbestos**

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

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

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

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

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

20. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To demonstrate the proposal complies with the approved plans.

21. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

**22. Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1N and the driveway levels application approval. 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.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

**23. Blank condition for during works work**

Ausgrid has no objection to this development application, however the design submission must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid's Network Standards can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

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

**24. 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.

**25. No Weeds Imported On To The Site**

No Priority or environmental weeds are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

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

**Signed**



**Dean Pattalis, Planner**

The application is determined on 14/05/2021, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**