

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2022/2108
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<b>Responsible Officer:</b>	Grace Facer
<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 including a carport
<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>	Matthew Jeffrey Tinker Rebecca Jean Tinker
<b>Applicant:</b>	Upstairs Design & Building Co

<b>Application Lodged:</b>	29/03/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	05/04/2023 to 19/04/2023
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 48,950.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for the construction of a new driveway and carport to accommodate two (2) vehicles.

### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act

1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

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

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 western side of Argyle Street.</p> <p>The site is regular in shape with a frontage of 12.215m along Argyle Street and a depth of 40.235m. The site has a surveyed area of 491.6m<sup>2</sup>.</p> <p>The site is located within the C4 Environmental Living zone from PLEP 2014 and accommodates a dwelling house, a single carport which has now been removed, and a studio. Construction works are currently underway on the site under the development consent for DA2021/0371 for alterations and additions to the existing house including the construction of a front deck, first floor addition and internal alterations on the ground floor level.</p> <p>The site grades moderately downwards from the south-eastern rear of the site towards Argyle Street to the west. The site contains lawn areas, shrubs and trees. There are no details of any threatened species on the subject site.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by one and two storey dwelling houses of varying ages and architectural styles.</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:

### DA2021/0371

Alterations and additions to a dwelling house  
14 May 2021

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the</p>

Section 4.15 Matters for Consideration	Comments
	<p>submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to the Arboricultural Impact Assessment Report and amended driveway and carport plans. Subsequently, the applicant provided the requested information.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 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 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) 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><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) 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 Matters for Consideration	Comments
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 05/04/2023 to 19/04/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Ms Jane Roberta Prior	74 Chisholm Avenue AVALON BEACH NSW 2107

The following issues were raised in the submissions:

- Impact on Street Tree

The above issue are addressed as follows:

- **Impact on Street Tree**

The submission raised concerns that the alterations and additions will encroach on the Angophora costata tree on the nature strip.

### Comment:

Non-invasive root mapping was conducted and an Arboricultural Impact Assessment (AIA) Report was submitted to address concerns regarding the protection of the existing Angophora costata (Sydney Red Gum) street tree in proximity to the proposed works. The AIA confirms that the proposed works are able to be constructed without impact to the Sydney Red Gum, subject to conditions such as retention of the existing natural ground levels from the base of the tree trunk to the edge of the proposed driveway/timber retaining walling alignment, and subject to Project Arborist supervision and reporting. Appropriate conditions of consent have been imposed by Council's Landscape Officer.

## REFERRALS



Internal Referral Body	Comments
Landscape Officer	<p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C1.1 Landscaping</li> <li>• D3 Bilgola Locality</li> </ul> <p>The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>Updated plans and reports are submitted including arboricultural information to address Landscape Referral concerns regarding the protection of the existing <i>Angophora costata</i> (Sydney Red Gum) street tree in proximity, identified as T1 in the submitted Arboricultural Impact Assessment (AIA). The AIA is updated in response to the updated site planning proposal and provides the following assessment on the proposed works near the Sydney Red Gum:</p> <ul style="list-style-type: none"> <li>• "The updated sections provided show the amended design to require more excavation than the previous assessment with the proposed depth to the top of the slab at 500 millimetres. As previously discussed, the deep footing of the existing wall has inhibited the development of tree roots within the first 600mm of the soil. Therefore, on the provision the excavations for the proposed carport slab do not exceed the 600-millimetre depth of the existing footing no significant tree roots will be impacted."</li> <li>• "The existing driveway is proposed to be replaced with a new, wider structure that also requires excavation into the existing soil level. Root investigations have been carried out to a depth of 500 millimetres below the existing soil line. The investigation showed there to be three tree roots within the trench measuring 30 millimetres in diameter. All three roots will require pruning to allow for the driveway and the proposed tree sensitive retaining wall structure to avoid any over excavation. The three roots proposed to be pruned are not considered critical to the health or stability of the tree and the tree is unlikely to be significantly impacted by the proposed works. To retain the tree in a viable condition, tree sensitive retaining wall design is required to be used ... "</li> </ul> <p>Given the information as assessed from the non-destructive root investigation, now included in the AIA, Landscape Referral is satisfied that the proposed works are able to be constructed without impact to the Sydney Red Gum, subject to conditions such as retention of the existing natural ground levels from the base of the tree trunk to the edge of the proposed driveway/timber retaining walling alignment, and subject to Project Arborist supervision and reporting. It is noted that any works within the road reserve requires, under the Roads Act, a section 138 application to Council.</p>

Internal Referral Body	Comments
	<p>The AIA recommends the removal of three small trees to accommodate the development proposal, including T2 and T3 (Brush Cherry) and T4 (Magnolia). It is noted that both T2 and T3 are exempt species by height under the PDCP and Council consent is not required for management or removal. Landscape Referral raise no objections to the proposed tree removal, subject to tree replacement within the property to satisfy the landscape objectives of the C4 zone, and these shall include replacement tree planting to offset the loss of canopy in the order of at least two native trees.</p>
NECC (Bushland and Biodiversity)	<p>The proposal seeks approval for alterations and additions to a single dwelling including a carport.</p> <p>The comments in this referral relate to the following applicable controls:</p> <ul style="list-style-type: none"> <li>• Pittwater LE P2014 - Clause 7.6 Biodiversity Protection</li> <li>• Pittwater 21 DCP - Clause B4.6 Wildlife Corridors</li> </ul> <p>The proposal seeks approval for the addition of a carport for safety reasons. The submitted Arboricultural impact assessment has determined that a total of 3 trees will have to be removed for the works to take place (Tree 2, 3 and 4). No objections are raised but conditions shall apply in order to replace prescribed trees (protected) approved for removal.</p>
NECC (Development Engineering)	<p>The application seeks consent for alterations and additions to a dwelling house including a carport.</p> <p><b><u>27/04/2023</u></b></p> <p><b>Access</b></p> <p>The proposed new carport requires reconstruction of the existing vehicle crossing. The proposed new vehicle crossing encroaches significantly within the TPZ of the existing street tree, identified as T1 in the Arboricultural Impact Assessment. Council's Landscape Officer has requested further information relating to a non-destructive root system investigation for T1. Development Engineering will have to wait until all landscape issues have been resolved before continuing with the referral assessment.</p> <p>The proposed carport does not comply with AS 2890.1, as the length of the parking facility is 4.6m not 5.4m. The proposal will have to be amended to suite the extension of the carport to provide a compliant parking facility in accordance with AS 2890.1. The proposed driveway does not comply with Council's Standard Vehicle Crossing Profile - Maximum High. The level of the garage floor may have to be lowered to allow for a Maximum High Profile. Lowering of the garage floor level would require additional excavation and this impact must be accounted for in the design if included.</p> <p>The applicant is advised to provide amended architectural plans which</p>

Internal Referral Body	Comments
	<p>include the following:</p> <ol style="list-style-type: none"> <li>1. Parking facility which complies with AS 2890.1</li> <li>2. Driveway profile which complies with Council's Standard V</li> </ol> <p><b>Stormwater</b> The subject site is a high level property, falling towards the front of the property into Argyle Street. No changes are proposed to the existing stormwater management for the property. The proposed carport is to direct stormwater into the existing drainage system.</p> <p><b>Note to Planner</b> Lowering of the garage floor level to suite the proposed vehicle crossing will require additional excavation. This may impact the assessment made by Council's Landscape Officer. Any significant changes will require reassessment from the respective officer.</p> <p><b><u>4/07/2023</u></b></p> <p><b>Access</b> The amended Architectural Plans prepared by Upstairs Design &amp; Building Co., Project No. 2038, Dwg No's DA1 to DA15, dated 27/06/2023, are noted. The proposed garage has been amended to provide a compliant parking facility in accordance with AS 2890.1 and with Council's Standard Vehicle Crossing Profile - Maximum High.</p> <p><b>Note to Planner</b> The approved development application (DA2021/0371) for this property includes a parking facility which varies significantly to the proposed parking facility included in this application. It is advised that the Planner assesses the previous approval to determine if a modification to development consent will be required for DA2021/0371 to remove the conditions of consent associated with the previous parking facility as this has been superceded with this application.</p> <p>No objections to proposal, subject to conditions.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	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 and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

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



provisions which the proposal is considered to be acceptable against.

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

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

### **SEPP (Transport and Infrastructure) 2021**

#### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

#### Comment:

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

### **SEPP (Resilience and Hazards) 2021**

#### **Chapter 4 – Remediation of Land**

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

### **Pittwater Local Environmental Plan 2014**

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

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
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Height of Buildings:	8.5m	3.3m (carport)	-	Yes
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#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

#### Detailed Assessment

##### **Zone C4 Environmental Living**

The application has been addressed against the underlying objectives of the C4 Environmental Living zone as follows:

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

#### Comment:

The proposed development maintains the residential character of the area.

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

#### Comment:

The proposed development is not anticipated to result in any adverse impacts on the ecological, scientific or aesthetic values of the locality.

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

#### Comment:

The proposed development is consistent with the low density nature of the residential area and achieves an appropriate scale that is integrated with the landform and landscape.

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

#### Comment:

The proposal will retain sufficient vegetation to enhance biodiversity and preserve wildlife corridors.

##### **7.2 Earthworks**

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which

development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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

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

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

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

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

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

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

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

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

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

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

***(f) the likelihood of disturbing relics***

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

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

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

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

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

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

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

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	1m	84.6% (5.5m)	No
Rear building line	6.5m	34.5m	-	Yes
Side building line	2.5m (North)	5.2m	-	Yes
	1m (South)	1m	-	Yes
Building envelope	3.5m (North)	Within Envelope	-	Yes
	3.5m (South)	Within Envelope	-	Yes
Landscaped area	60% (294.96m <sup>2</sup> )	Without variation: 43.78% (215.2m <sup>2</sup> ) With variation: 55% (270.4m <sup>2</sup> )	8.3% (24.56m <sup>2</sup> )	No

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	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	Yes	Yes
D3.6 Front building line	No	Yes
D3.7 Side and rear building line	Yes	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	No	Yes

#### Detailed Assessment

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

##### Description of Non Compliance

Clause D3.6 requires development to be setback 6.5m from the front boundary line. The new carport proposes a 1m setback from the front boundary, resulting in a variation of 84.6% (5.5m). It is noted that under the development consent for DA2021/0371 a hardstand area for parking was approved within the front setback which presented a variation of 87.6%. The carport under this Development Application DA2022/2108 will supersede the previously approved parking arrangements on the site.

##### Merit consideration

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

- ***Achieve the desired future character of the Locality.***

##### Comment:

The proposal maintains the low-density residential use of the site, consistent with the desired future character of the Locality. Due to the siting of existing development and topography of the land, a number of carports within the front setback area are observed within streetscape and in the larger surrounding locality. However, the gable end of the proposed carport will be visually prominent and as such, a condition of consent will be imposed to amend the gable end of the carport structure to a hipped roof design. Therefore, subject to conditions, the proposal will not be out of character for the area.



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

Comment:

The open nature of the carport which enables view corridors across the site to be retained ensures the equitable preservation of 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 considered a 'main road', therefore this outcome is not relevant for this application. It is however noted that Argyle Street is a relatively narrow street and the provision of two (2) parking spaces on the subject site will likely enhance the amenity of road users.

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

Comment:

The retention of trees on the site, particularly in the front setback area and on the road reserve, will visually reduce the built form of the proposed carport.

- ***Vehicle manoeuvring in a forward direction is facilitated.***

Comment:

The previous driveway and carport on the site did not facilitate exiting the site in a forward direction, nor did the approved driveway and hardstand under DA2021/0371. Due to site constraints, in order to achieve vehicle manoeuvring in a forward direction, significant disruption to the landscaped areas in the front setback area would be required, therefore the proposed variation to this underlying outcome in relation to the proposed carport is considered acceptable.

- ***To preserve and enhance the rural and bushland character of the escarpment and the locality.***

Comment:

The proposed carport will be largely located over the existing driveway area. This ensures the retention of landscaped areas to preserve and enhance the rural and bushland character of the locality.

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

Comment:

The proposal is of a scale and density that is in keeping with the height of the natural environment and is not considered to be a visually dominant feature within the streetscape due to the carport's open nature. Additionally, the retention of existing vegetation in the front setback area will continue to reasonably screen the site from the streetscape and adjoining properties.

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

Comment:

The proposed carport's location will not impact on pedestrian amenity and the amended hipped roof design will create an attractive street frontage.

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

Comment:

The proposed carport is suitably located given the topography of the site and the existing location of the dwelling house which creates a smaller front setback area. As strict adherence to the control is difficult to achieve due to site constraints, the carport is considered to suitably respond to, reinforce, and sensitively relate to the characteristics of the environment by ensuring minimal site disturbance is required and significant vegetation will be preserved.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the 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.

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

#### Description of Non-compliance

Clause D3.11 requires a minimum of 60% (294.96m<sup>2</sup>) of the site area to be landscaped. The proposal results in a total landscaped area of 43.78% (215.2m<sup>2</sup>). The previously approved development application incorporated a landscaped area of 44.2% (215.8m<sup>2</sup>), which was a minor increase from the pre-existing landscaped area of 41.4% (203.7m<sup>2</sup>). As such, it is noted that the proposal will still result in a minor increase in pervious areas to the site prior to the commencement of construction works under DA2021/0371.

The control stipulates that provided the outcomes of this control are achieved, impervious areas less than 1.0m in width and impervious areas used for outdoor recreational purposes (up to 6% of site area) can be included in the landscaped area calculation. The inclusion of this variation to the landscaped area increases the calculation to 55% (270.4m<sup>2</sup>), which presents a variation of 8.3% (24.56m<sup>2</sup>).

#### Merit Consideration

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

- ***Achieve the desired future character of the Locality.***

Comment:

The proposed development is considered to be appropriate within its context as it is consistent with surrounding development in the locality.

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

Comment:

The proposed carport is a relatively small addition within the subject site and the development will be sited well below the existing tree canopy. The retention of existing vegetation and compliance with the building height and envelope controls ensures 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 minor numerical non-compliance to this control does not give rise to any unreasonable amenity or solar access impacts.

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

Comment:

The proposal will retain significant vegetation on the site and incorporates screen planting under the previously approved development application to assist in visually reducing the built form.

- ***Conservation of natural vegetation and biodiversity.***

Comment:

The application has been assessed by Council's Biodiversity and Landscape Officer's and adequate landscaping is considered to be maintained to conserve natural vegetation. Additionally, conditions in relation to tree protection measures will be imposed to preserve biodiversity.

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

Comment:

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections subject to conditions included in the recommendation of this report. It is considered the site contains a reasonable amount of pervious surface which will contribute to the prevention of 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:

Sufficient pervious surfacing is provided on-site which will enable the infiltration of water to the water table, whilst minimising run-off and assisting with stormwater management.

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, subject to conditions, 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 2022**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this 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 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2022/2108 for Alterations and additions to a dwelling house including a carport on land at Lot 234 DP 16327, 14 Argyle Street, BILGOLA PLATEAU, subject to the conditions printed below:

## Terms and Reasons for Conditions

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

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan - Drawing No.DA3 Issue B	27 June 2023	Upstairs Design & Building Co
Ground Floor Plan - Drawing No.DA4 Issue B	27 June 2023	Upstairs Design & Building Co
First Floor Plan - Drawing No.DA5 Issue B	27 June 2023	Upstairs Design & Building Co
Roof Floor Plan - Drawing No.DA6 Issue B	27 June 2023	Upstairs Design & Building Co
Elevations North and South - Drawing No.DA7 Issue B	27 June 2023	Upstairs Design & Building Co
Elevations East and West - Drawing No.DA8 Issue B	27 June 2023	Upstairs Design & Building Co
Sections, Carport and Driveway - Drawing No.DA9 Issue B	27 June 2023	Upstairs Design & Building Co
Sections Driveway - Drawing No.DA10 Issue B	27 June 2023	Upstairs Design & Building Co

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By



Arboricultural Impact Assessment Report	29 June 2023	Hugh the Arborist
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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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	Undated	Upstairs Design & Building Co

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:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	14 April 2023

(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. Terms of this Consent

This consent is to be read in conjunction with the consent for DA2021/0371.

The conditions in this consent supersede any parking-related and vehicular access conditions under DA2021/0371.

Reason: To ensure compliance with the terms of this consent.

## 4. Prescribed Conditions

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

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

## 5. 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 an 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 \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (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

### 6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any

damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **7. Walling design near street tree (T1 - Sydney Red Gum) to be retained**

Only timber sleeper retaining walls shall be used along the southern alignment of the proposed driveway and in accordance with section 8.2.1 of the approved Arboricultural Impact Assessment.

All documents shall include reference to this requirement.

Reason: Street tree protection.

### **8. Vehicle Crossings Application**

The Applicant is to submit an application with Council for driveway levels to construct a vehicle crossing 3.17 metres wide at layback and 5.20 metres at boundary in accordance with Northern Beaches Council's Standard Vehicle Crossing Profile - Maximum High in accordance with Section 138 of the Roads Act 1993.

The Applicant will also be required to provide details of the proposed timber retaining wall along the southern edge of the driveway for assessment in this application. The retaining wall is to be structurally adequate for the intended purpose and will be required to be designed and certified by a Structural Engineer if the height of the retaining wall is greater than 0.50 metres. The timber retaining wall is to comply with the requirements in AS/NZS 1720.1:2010 and Council's standard drawings, in particular 'Timber Log Retaining Wall Detail'. The timber retaining wall is to be clear of the 3.60 metre radius SRZ for the existing *Angophora costata* (Noted as Tree 1 in the Arborist Report by Hugh The Arborist dated 29/06/2023). The timber retaining wall is to have a minimum clearance of 1.50 metres from the back of existing kerb to allow for future footpath connections within Argyle Street. All disturbed areas will have to be regraded and turfed at a maximum 1:4 grade.

Note, driveways are to be in plain concrete only.

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

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



Reason: To facilitate suitable vehicular access to private property.

9. **Off Street Parking Design**

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

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

Reason: Compliance with this consent.

10. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

11. **Amendments to the approved plans**

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

- The roof of the carport is to be changed to a hipped roof design overall and is to be no higher than the height of the carport as shown on the approved plans.

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

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

12. **Compliance with Standards**

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to

the Certifier prior to the issue of the Construction Certificate.

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

**13. External Finishes to Roof**

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

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

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

**14. Sydney Water "Tap In"**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

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

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

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

**15. Project Arborist**

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

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

a) sections 8.2.1, all section 11, and section 12.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

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

Reason: Tree protection.

## DURING BUILDING WORK

### 16. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

The street tree identified as T1 - Sydney Red Gum is subject to the requirements of sections 8.2.1, all section 11 and section 12 of the approved Arboricultural Impact Assessment.

Reason: Street tree protection.

### 17. **Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project 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/Project Arborist to the Principal Certifier, 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 AS4970-2009 Protection of trees on development sites,

ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

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 AS4373-2007 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 Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

18. **Wildlife Protection**

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

Reason: To protect native wildlife.

19. **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.

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 Certifier when the external structure of the building is complete.

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

21. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

## BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

### 22. **Required Tree Planting**

- a) two (2) locally native trees shall be planted within the property to achieve at least 8.5 metres height at maturity, and in accordance with the following:
- i) tree planting shall be a minimum pre-ordered planting size of 75 litres; generally selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, or Council's Tree Guide; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
  - ii) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

### 23. **Condition of Retained Vegetation**

- Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:
- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
  - b) extent of damage sustained by vegetation as a result of the construction works,
  - c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

### 24. **Replacement of Canopy Trees**

At least 2 locally native Lilly Pillies (*Syzygium australe*) trees are to be planted on the site to replace protected trees approved for removal.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

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

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

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

26. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

27. **Stormwater Drainage Disposal Certification**

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website. The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the authority to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

28. **Waste Management Confirmation**

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

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

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



**Signed**



**Grace Facer, Planner**

The application is determined on 11/07/2023, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**