

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | Mod2024/0104 |
|----------------------------|--------------|

|   |  |
|---|--|
| <b>Responsible Officer:</b>               | Dean Pattalis  |
| <b>Land to be developed (Address):</b>    | Lot 4B DP 361236, 18 The Serpentine BILGOLA BEACH NSW 2107<br>Lot 4A DP 361236, 20 The Serpentine BILGOLA BEACH NSW 2107<br>Lot 5 DP 13497, 20 The Serpentine BILGOLA BEACH NSW 2107 |
| <b>Proposed Development:</b>              | Modification of Development Consent DA2023/0374 granted for Construction of a studio and car parking structure   |
| <b>Zoning:</b>                            | C4 Environmental Living<br>SP2 Infrastructure  |
| <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>                             | Cheryl Gai Miller  |
| <b>Applicant:</b>                         | Sean Clive Gartner   |

|                                  |                                  |
|----------------------------------|----------------------------------|
| <b>Application Lodged:</b>       | 14/03/2024                       |
| <b>Integrated Development:</b>   | No                               |
| <b>Designated Development:</b>   | No                               |
| <b>State Reporting Category:</b> | Refer to Development Application |
| <b>Notified:</b>                 | 20/03/2024 to 03/04/2024         |
| <b>Advertised:</b>               | Not Advertised                   |
| <b>Submissions Received:</b>     | 0                                |
| <b>Clause 4.6 Variation:</b>     | Nil                              |
| <b>Recommendation:</b>           | Approval                         |

### PROPOSED DEVELOPMENT IN DETAIL

The application proposes to modify the consent under DA2023/0374 which approved the construction of a new front carport as well as pedestrian access facilities.

The proposed modification works include:

- Removal of the approved turning circle
- Minor re-positioning of the approved carport structure and crossover towards the northern boundary
- Pedestrian stairs re-configured

The proposed modification works result in a reduction in overall footprint and ridge level of the approved carport structure.

## 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 SP2 Infrastructure

Pittwater Local Environmental Plan 2014 - 5.1 Relevant acquisition authority

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 4B DP 361236 , 18 The Serpentine BILGOLA BEACH NSW 2107<br>Lot 4A DP 361236 , 20 The Serpentine BILGOLA BEACH NSW 2107<br>Lot 5 DP 13497 , 20 The Serpentine BILGOLA BEACH NSW 2107   |
| <b>Detailed Site Description:</b> | The site of the existing dwelling at 18 and 20 The Serpentine, Bilgola Beach is legally described as Lots 4A and 4B in DP 361236 and Lot 5 in DP 13497. The proposed works are located on land known as 20 The Serpentine (Lot 5 in DP13497). |

The front portion of the allotment where the proposed works are located is zoned SP2 Infrastructure. The remaining areas of the site are zoned C4 Environmental Living.

The site of the existing dwelling is an irregular shaped allotment within an area of 1,977 square metres. The site has a 50.29 metre frontage to The Serpentine. The north-eastern boundary has a length of 60.655 metres and the south-western boundary has a length of 64.14 metres. The rear boundary has a length of 40.11 metres.

The site is currently improved by a two-storey dwelling with an attached garage. A habitable space is provided below the existing garage. Vehicular access to the site is provided via a driveway located in the south-west corner of the site. The existing garage is located on Lots 4A and 4B in DP 361236.

The topography of the site is characterised by a moderate fall from the northern boundary to the southern boundary.

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:

Application **DA2023/0374** for Construction of a studio and car parking structure (Approved 27/11/2023)

A pre-lodgement meeting **PLM2021/0305** was held on 9 December 2021

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

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

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

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2023/0374, in full, with amendments detailed and assessed as follows:

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

| Section 4.55 (2) - Other Modifications  | Comments  |
|---|---|
| A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:   |   |
| (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and   | <p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2023/0374 for the following reasons:</p> <p>The modified carport generally retains the presentation and character of the existing approved carport, with a minor reduction in overall footprint and ridge level. The modified carport also does not encroach any existing approved built form controls.</p> <p>The consent authority cannot be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2023/0374.</p> |
| (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, | <p>The proposed works are located within the Land Reservation Acquisition Map under PLEP 2014. The provision states that for land zoned SP2 Infrastructure and marked "Classified road", it is the authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, which in this case is Transport for NSW.</p> <p>Development Application DA2023/0374 obtained concurrence from the relevant Minister, public authority or approval body.</p>   |

| Section 4.55 (2) - Other Modifications  | Comments   |
|---|--|
| within 21 days after being consulted, objected to the modification of that consent, and   |  |
| (c) it has notified the application in accordance with:<br><br>(i) the regulations, if the regulations so require,<br><br>or<br><br>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan. |
| (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.  | No submissions were received in relation to this application.  |

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 (2) the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

| Section 4.15 'Matters for Consideration'   | Comments   |
|--|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument        | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | There are no current draft environmental planning instruments.         |



| Section 4.15 'Matters for Consideration'   | Comments   |
|--|--|
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan   | Pittwater 21 Development Control Plan applies to this proposal.  |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement  | None applicable.   |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)  | <p>Part 4, <u>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 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 traffic engineering requirements which were accepted by Council on 27 May 2024.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This clause is not relevant to this application.</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 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 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>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>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><br/>The proposed development will not have a detrimental economic</p>   |

| Section 4.15 'Matters for Consideration'   | Comments  |
|--|---|
|  | impact on the locality considering the nature of the existing and proposed land use.                                |
| 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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Bushfire Planning Services, dated 19 February 2024) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection.

### NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 20/03/2024 to 03/04/2024 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 of the application Council received no submissions.

### REFERRALS

| Internal Referral Body           | Comments  |
|----------------------------------|---|
| Landscape Officer                | The application is for modification to development consent DA2023/0374 to reduce the scale of the approved carport, as described in reports and as illustrated on plans. A updated Arboricultural Impact Assessment is submitted and no concerns are raised regarding the recommendations, and the relevant development consent conditions shall be modified to suit. |
| NECC (Bushland and Biodiversity) | AMENDED COMMENTS<br>Amended plans and documents including an amended Arboricultural Impact Assessment have been submitted with the application. The plans indicate that no additional impacts to trees and vegetation within the property boundary would take place and therefore no additional biodiversity conditions are recommended. Comments in                  |

| Internal Referral Body           | Comments   |
|----------------------------------|--|
|                                  | <p>relation to impacts to trees on the Road Reserve are deferred to the Landscape Referral team.</p> <p>The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> <p><b>ORIGINAL COMMENTS</b><br/>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> <li>• SEPP (Resilience and Hazards) 2021 - Development within the coastal environment</li> <li>• Planning for Bushfire Protection 2019</li> <li>• Pittwater LEP 2014 - Part 7.6 Biodiversity Protection</li> <li>• Pittwater 21 DCP - Clause B4.17 Littoral Rainforest - Endangered Ecological Community</li> </ul> <p>The proposed modifications are the result of a reduction in scale of the original development set out in DA2023/0374. The proposed modifications will allow the retention of three trees originally proposed for removal but will require the removal of another 3 trees originally set out to be retained. As the trees proposed for removal are found outside of the property boundary this matter is deferred to the Landscape referral team.</p> <p>The proposed landscape plan has included tree replacements for the prescribed trees being removed and no additional biodiversity conditions are recommended.</p> |
| NECC (Development Engineering)   | <p>Development engineering has reviewed the proposed modification. No objections are raised subject to the retention of the existing engineering conditions of consent and the inclusion of the following additional conditions:</p> <p><b>Engineering Comments 12.06.24</b><br/>Development engineering raises no objections to the proposed modification, subject to the removal of the following engineering conditions of consent:<br/>12. Stormwater Disposal, 13. Vehicle Crossings Application, 44. Vehicle Crossings, the retention of all other engineering conditions of consent and the inclusion of the following engineering conditions:</p>  |
| NECC (Riparian Lands and Creeks) | <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>- Supplied plans and reports;</li> <li>- Coastal Management Act 2016;</li> <li>- State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>- Relevant LEP and DCP clauses; and</li> <li>- Northern Beaches Council Water management for development policy.</li> </ul>  |



| Internal Referral Body | Comments  |
|------------------------|---|
|                        | No objection. Modifications are minor and are not expected to impact the riparian environment. Conditions from original DA apply.   |
| Traffic Engineer       | <p><b>Further Comments - dated 3 June 2024</b></p> <ul style="list-style-type: none"> <li>• It is noted that a supplementary traffic report has been provided to address the concerns raised in the original traffic referral comments.</li> <li>• It is noted that the provided sight line assessment in the latest traffic report shows a sight line assessment done for the southernmost vehicle exiting in the forward direction. Although this is not the most critical position, Council accepts this sight line assessment given the trees (trees 9, 12 &amp; 15) most affecting sight lines are being removed completely.</li> <li>• It is noted that the driveway layout has been slightly adjusted on the eastern side of the driveway maintaining a 5.5metres width in order to allow for a B99 access as requested by the Council in the original referral comments. This is acceptable to the traffic team.</li> <li>• It is noted that an appropriate sight line triangle for pedestrians is provided at the vehicular access to the property boundary through a note in the architectural plan that states, "Pedestrian sight line triangle 2m/2.5m is achieved through height of fence and balustrade below 900mm".</li> </ul> <p>The proposal is supported subject to conditions.</p> <p><b>Original Comments - dated May 2024</b><br/> <b>Proposal Description:</b> Modification to DA2023/0374 (Construction of a studio and car parking structure)<br/> The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> <li>• Plans (Master Set) - Amended DA Project No. 2236, Revision D, designed by GartnerTrovato Architects, dated 22/01/2024,</li> <li>• Parking Design Statement Report, prepared by PDC Consultants, dated 30/01/2024, and</li> <li>• The <i>Statement of Environmental Effects</i> prepared by GartnerTrovato Architects, issue B, dated March 2024.</li> </ul> <p><b>Access and Parking Design</b></p> <ul style="list-style-type: none"> <li>• The development proposes a combined entry/exit driveway with a width of 5.5 metres in accordance with table 3.1 of AS 2890.1. However, according to the Notice of Determination conditions of DA2023/0374, condition number 15 – Vehicle Crossing Application restricts the maximum width of the proposed driveway to be 4 metres in accordance with Northern Beaches Council Standard Drawing A4/3330/1 in accordance with Section 138 of the Roads Act 1993. Although this condition has been breached by the proposed 5.5metres wide driveway, the proposed driveway width is acceptable</li> </ul> |

| Internal Referral Body | Comments  |
|------------------------|---|
|                        | <p>because the proposed driveway is two-way and is in accordance with AS2890.1:2004.</p> <ul style="list-style-type: none"> <li>The Parking Design Statement prepared by PDC Consultants, included a swept path analysis for the proposed driveway access using a B85 Design Vehicle, however swept paths for a B99 vehicle should be used in the design of access driveways. The swept path analysis on page 9 shows that the vehicle body hits the column on eastern side during both entry and exit movements. Moreover, the swept path on page 10 shows that the vehicle body will hit the stair handrail on western side during entry movement. The swept paths must be revised.</li> <li>The Traffic report mentions that at least one reverse manoeuvre into or out of the double garage car parking space is required. Hence, the swept path analysis for one reverse in movement must be provided.</li> </ul> <p><b>Sight Distance</b></p> <ul style="list-style-type: none"> <li>It is understood that this is a modification to the approved DA2023/0374. Hence, a reference is made to the original DA and notes from the pre-lodgement meeting. The driveway location in original application was considered to be in close proximity to the bend, hence a sight line analysis was requested. The proposed modification proposes to move the driveway further to the north, resulting in closer distance to the bend. Hence, high emphasis should be given to the sightline assessment. The submitted traffic letter provides a sight line assessment on page number 12, Drawing number S.001, done only for the far left vehicle, but not for the right vehicle which is closer to the bend. Council believes that the sight line assessment should be carried out for the most affected vehicle (right vehicle which is closer to the bend). Furthermore, given the exit movement will be reverse out as shown in the swept path analysis, the position of driver on the sightline assessment must be amended as the driver's position at the moment is for the vehicle exiting in a forward direction. This sight line assessment shows that a minimum of 35m Stopping Sight Distance is achievable on the eastern side of the driver's position. However, to achieve the unobstructed sightlines, Tree 12 and 15 will need to be removed. The recommendation of the Arborist Report only appears to consider the impacts the location of the driveway and structures have on the existing trees and not any consideration of their effects on sight distance. The Arborist report mentions no pruning required for tree 12 and minor crown pruning for vision up (street to the north) for tree 15. Furthermore, Council notes that the architectural plan used on Arborist Report (page 7) is not same as the latest architectural plans submitted as the driveway width and</li> </ul> |

| Internal Referral Body | Comments  |
|------------------------|---|
|                        | <p>shape are different to the one shown on the traffic report. The Transport Network continues to have concerns regarding visibility exiting the driveway and restricted sight distance due to the existing trees and vegetation.</p> <p><b>Pedestrian sight distance at property boundary</b></p> <ul style="list-style-type: none"> <li>A pedestrian sight triangle of 2 metres by 2.5 metres, in accordance with AS2890.1:2004 (figure 3.3) is to be provided and shown on the plans at the vehicular access to the property boundary. The sight triangle should be clear of obstructions or lower than 900mm height or 50% transparent if higher than 1 metre.</li> </ul> <p><b>Conclusion</b><br/>The application is not supported at this stage with further information as outlined above required prior to further consideration of the proposal.</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.

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

### **Chapter 2 – Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

#### **Division 4 Coastal use area**

##### **2.11 Development on land within the coastal use area**

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
  - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
    - ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - iv) foreshores,
    - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
  - b) is satisfied that:
    - i) the development is designed, sited and will be managed to avoid an
    - ii) adverse impact referred to in paragraph (a), or
    - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed development is not considered likely to cause an adverse impact on safe access to and along the foreshore, overshadowing, wind funnelling and the loss of views from public places to foreshores, the visual amenity and scenic qualities of the coast, including coastal headlands, or cultural and built environment heritage.

**Division 5 General**

**2.12 Development in coastal zone generally—development not to increase risk of coastal hazards**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

**2.13 Development in coastal zone generally—coastal management programs to be considered**

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The relevant provisions of any certified coastal management program that applies to the land have been considered.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (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

| Development Standard | Requirement | Approved | Proposed | % Variation | Complies |
|----------------------|-------------|----------|----------|-------------|----------|
| Height of Buildings: | 8m          | 7m       | 7m       | -           | Yes      |

Compliance Assessment



| Clause  | Compliance with Requirements |
|---|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments            | Yes                          |
| 4.3 Height of buildings   | Yes                          |
| 5.1 Relevant acquisition authority                                  | Yes                          |
| 5.1A Development on land intended to be acquired for public purpose | Yes                          |
| 7.1 Acid sulfate soils  | Yes                          |
| 7.2 Earthworks  | Yes                          |
| 7.6 Biodiversity protection   | Yes                          |
| 7.7 Geotechnical hazards  | Yes                          |
| 7.10 Essential services   | Yes                          |

### Detailed Assessment

#### **Zone SP2 Infrastructure**

The front portion of the site adjoining The Serpentine is zoned SP2 Infrastructure whilst the remainder of the site is zoned C4 Environmental Living. The proposed works are wholly located within the SP2 Infrastructure zone.

As addressed under the original consent (DA2023/0374), whilst the proposed works are not listed in the Land Use Table for permitted development in the SP2 zone, the land is located within "Area 24" of the Additional Permitted Uses Map which permits development for the purposes of enabling access to a dwelling house.

The proposed parking structure as well as the associated stairway and front access gate works are considered to provide an additional vehicular and pedestrian access point to the existing dwelling house and therefore may be permitted with consent.

Given no change is proposed to the land use approved under DA2023/0373, the proposed modification works are considered acceptable.

#### **5.1 Relevant acquisition authority**

The proposed works are located within the Land Reservation Acquisition Map under PLEP 2014.

The provision states that for land zoned SP2 Infrastructure and marked "Classified road", it is the authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, which in this case is Transport for NSW.

Concurrence has been provided from the authority of the state under DA2023/03/74 raising no objection to approval. The conditions and recommendations within the TfNSW response remain relevant to this modification consent.

#### **Pittwater 21 Development Control Plan**

##### Built Form Controls

| Built Form Control  | Requirement      | Approved | Proposed | Complies             |
|---------------------|------------------|----------|----------|----------------------|
| Front building line | Merit Assessment | Nil - 1m | Nil      | Yes - See discussion |

|                    |                   |                 |                 |                      |
|--------------------|-------------------|-----------------|-----------------|----------------------|
| Rear building line | 6.5m              | N/A             | N/A             | N/A                  |
| Side building line | 2.5m (south-west) | Unimpacted      | Unaltered       | Yes                  |
|                    | 1m (north-east)   | 3.3m            | 1.18m (min.)    | Yes                  |
| Building envelope  | 3.5m (south-west) | Within envelope | Within envelope | Yes                  |
|                    | 3.5m (north-east) | Within envelope | Within envelope | Yes                  |
| Landscaped area    | 60%               | Existing        | Unaltered       | Yes - See discussion |

### Compliance Assessment

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                       | Yes                          | Yes                         |
| A4.3 Bilgola Locality   | Yes                          | Yes                         |
| B3.1 Landslip Hazard  | Yes                          | Yes                         |
| B3.2 Bushfire Hazard  | Yes                          | Yes                         |
| B4.17 Littoral Rainforest - Endangered Ecological Community         | Yes                          | Yes                         |
| B5.15 Stormwater  | 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                         |
| B6.6 On-Street Parking Facilities                                   | 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   | Yes                          | Yes                         |
| C1.6 Acoustic Privacy   | Yes                          | Yes                         |
| D3.1 Character as viewed from a public place                        | Yes                          | Yes                         |
| D3.3 Building colours and materials                                 | Yes                          | Yes                         |
| D3.6 Front building line  | Yes                          | Yes                         |
| D3.7 Side and rear building line                                    | Yes                          | Yes                         |
| D3.9 Building envelope  | Yes                          | Yes                         |
| D3.11 Landscaped Area - Environmentally Sensitive Land              | Yes                          | Yes                         |
| D3.13 Fences - Flora and Fauna Conservation Areas                   | Yes                          | Yes                         |
| D3.14 Construction, Retaining walls, terracing and undercroft areas | Yes                          | Yes                         |
| D3.15 Scenic Protection Category One Areas                          | Yes                          | Yes                         |

## Detailed Assessment

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

#### **Description of non-compliance**

The land adjoining the front boundary and adjoining The Serpentine is zoned SP2 Infrastructure. Pursuant to clause D3.6 of the PDCP the minimum front building line is to be based on a merit assessment.

The modified carport has a nil setback.

The control permits a variation where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered.

The modified carport results in an overall reduction in footprint in comparison to the existing approved carport, whilst retaining an entirely open and lightweight structure with a low-pitched roof. The carport will appear visually recessive from the streetscape due to the slope of the land which slopes down from the frontage and will not be readily visible from pedestrian areas or the public domain. An acceptable visual outcome is therefore considered to be achieved.

The proposed carport also provides additional off-street parking to occupants and visitors of the existing dwelling as no on-street parking is available in the vicinity.

The proposed development is considered against the outcomes of the control as follows:

#### **Merit Consideration**

*Achieve the desired future character of the Locality.*

Comment:

The proposed development is consistent with the requirements of Clause A4.3 Bilgola Locality, which details the desired future character of the subject site and surrounds.

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

Comment:

The proposed works are designed and sited so as not to result in any unreasonable impact to views to or from public or private places.

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

Comment:

The amenity of residential development adjoining Barrenjoey Road is maintained.

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

Comment:

A significant portion of existing landscaping is to be retained. Such landscaping will soften the appearance of the proposed works.

*Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

Council's Development Engineer has reviewed the application in regards to vehicular access and raised no objection to approval, subject to conditions.

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

Comment:

The proposed carport is an open, low-lying and lightweight structure which will not result in an unreasonable streetscape presentation or visual impact. The subject site also gently slopes down from the street frontage which further reduces the visual prominence of any ground level structures in the front setback area.

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

Comment:

The proposed works do not result in unreasonable visual imposition to the street or pedestrian amenity.

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

Comment:

The proposed development does not rely on significant earthworks or unreasonable height. As such, the proposed work respond to, reinforce, and sensitively relate to the existing spatial characteristics of the site.

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

The control states that on lots where there is a split zoning and part of the lot is zoned SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned SP2 Infrastructure. It will not be based on the site area of the whole lot. The proposed development is located wholly within the SP2 zone and therefore there is no change to the existing landscaped area of the site.

### **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**

Section 7.12 contributions were levied on the Development Application.

### **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 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 approval to Modification Application No. Mod2024/0104 for Modification of Development Consent DA2023/0374 granted for Construction of a studio and car parking structure on land at Lot 4B DP 361236, 18 The Serpentine, BILGOLA BEACH, Lot 4A DP 361236, 20 The Serpentine, BILGOLA BEACH, Lot 5 DP 13497, 20 The Serpentine, BILGOLA BEACH, subject to the conditions printed below:

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

| Application Number                       | Determination Date                       | Modification description  |
|--|--|---|
| PAN# - PAN-417612<br>MOD# - Mod2024/0104 | The date of this notice of determination | Modification of Development Consent DA2023/0374 granted for Construction of a studio and car parking structure<br><br>Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation<br>Add Condition No.6A - Fencing Height / Vegetation<br>Add Condition No.8A - Construction, Excavation and Associated Works Security Bond(s)<br>Add Condition - No.27A - Submission Roads Act Application |



|  |  |
|--|--|
|  | <p>for Civil Works in the Public Road</p> <p>Add Condition No.27B - Pre-Commencement Dilapidation Report</p> <p>Add Condition No.27C - Shoring of Council's Road Reserve (Temporary road anchors)</p> <p>Add Condition No.27D - Stormwater Disposal from Low Level Property</p> <p>Add Condition No.27E - Car Parking Standards</p> <p>Add Condition No.27F - Car Parking Finishes</p> <p>Add Condition No.33A - Work Zones and Permits</p> <p>Add Condition No.53A - Post-Construction Dilapidation Report</p> <p>Add Condition No.53B - Certification of Off Street Parking Works</p> <p>Modify Condition No.9 - Tree Protection Plan</p> <p>Modify Condition No.17 - Construction Traffic Management Plan</p> <p>Modify Condition No.28 - Project Arborist</p> <p>Modify Condition No.29 - Tree Removal Within the Property</p> <p>Modify Condition No.30 - Tree Removal Within the Road Reserve</p> <p>Modify Condition No.56 - Landscaping adjoining vehicular access</p> <p>Delete Condition No.12 - Stormwater Disposal</p> <p>Delete Condition No.13 - Vehicle Crossings Application</p> <p>Delete Condition No.44 - Vehicle Crossings</p> |
|--|--|

**Modified conditions**

**A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans |                 |                       |                 |              |
|----------------|-----------------|-----------------------|-----------------|--------------|
| Plan Number    | Revision Number | Plan Title            | Drawn By        | Date of Plan |
| A.01           | E               | Site Plan             | Gartner Trovato | 21 May 2024  |
| A.02           | E               | Floor Plans + Section | Gartner Trovato | 21 May 2024  |
| A.03           | E               | NW+SW Elevation       | Gartner Trovato | 21 May 2024  |
| A.04           | E               | NE+SE Elevation       | Gartner Trovato | 21 May 2024  |

| Approved Reports and Documentation |                |                                 |                  |
|------------------------------------|----------------|---------------------------------|------------------|
| Document Title                     | Version Number | Prepared By                     | Date of Document |
| Stormwater Management (SW1)        | S4.55          | Barrenjoey Consulting Engineers | 21 February      |

|                                  |   |         |                |
|----------------------------------|---|---------|----------------|
|                                  |   |         | 2024           |
| Arboricultural Impact Assessment | - | Treeism | May 2024       |
| Parking Design Statement         | - | PDC     | 24 May<br>2024 |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**B. Add Condition No.6A - Fencing Height / Vegetation to read as follows:**

All fencing and/or vegetation along the frontage road(s) shall not impede pedestrian or driver visibility. This requires that vegetation does not exceed one (1) metre in height. Appropriate plants shall be selected within the 2.0 x 2.5m splay to ensure this condition is met.

Reason: To ensure maximum vehicular and pedestrian visibility.

**C. Add Condition No.8A - Construction, Excavation and Associated Works Security Bond(s) to read as follows:**

The applicant is to lodge a bond with Council for the following:

**Crossing / Kerb & Gutter / Footpath Works**

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$10,000.00.

**Security Bond**

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$10,000.00.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

**D. Add Condition - No.27A - Submission Roads Act Application for Civil Works in the Public Road to read as follows:**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of vehicle crossing which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following

information:

1. Longitudinal section of proposed vehicle crossing.
2. Structural design of vehicle crossing, including all geotechnical recommendations.
3. The width of the crossing shall not exceed 6.0 metres.
4. All other relevant information to produce a FOR CONSTRUCTION standard drawing.

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 Principal Certifier prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

**E. Add Condition No.27B - Pre-Commencement Dilapidation Report to read as follows:**

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

**F. Add Condition No.27C - Shoring of Council's Road Reserve (Temporary road anchors) to read as follows:**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

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

**G. Add Condition No.27D - Stormwater Disposal from Low Level Property to read as follows:**

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy in particular Section 5.5 Stormwater Drainage from Low Level Properties. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with Northern Beaches Council's policy by an appropriately qualified Civil Engineer are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

development.

**H. Add Condition No.27E - Car Parking Standards to read as follows:**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of carport/ double garage are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

**I. Add Condition No.27F - Car Parking Finishes to read as follows:**

All driveways and car parking areas are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

**J. Add Condition No.33A - Work Zones and Permits to read as follows:**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane

Reason: To ensure Work zones are monitored and installed correctly.

**K. Add Condition No.53A - Post-Construction Dilapidation Report to read as follows:**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

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

**L. Add Condition No.53B - Certification of Off Street Parking Works to read as follows:**

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and 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 Occupation Certificate.

Reason: Compliance with this consent.

**M. Modify Condition No.9 - Tree Protection Plan to read as follows:**

- a) a Tree protection plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, to protect the following trees:
- i) all trees within the road reserve including those in proximity to the development works (trees T7, T8, T17 and T18) proposed for retention as listed in the approved Arboricultural Impact Assessment dated May 2024,
  - ii) all trees within the property in proximity to the development works (trees T1, T2, T5, T6, T13, and T14) proposed for retention as listed in the approved Arboricultural Impact Assessment dated May 2024.
- b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:
- i) location of all trees identified for retention, including extent of canopy,
  - ii) access routes throughout the site for construction activity,
  - iii) location of tree protection fencing / barriers,
  - iv) root protection in the form of mulching or boards proposed within the tree protection zone,
  - v) trunk and branch protection within the tree protection zone,
  - vi) location of stockpile areas and materials storage,
  - vii) other general tree protection measures.
  - viii) all existing trees within the road reserve in the vicinity of the works shall be retained during all construction stages, and protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites, and no excavated material, building material storage, site facilities, nor landscape materials are to be located within the canopy dripline of trees within the road reserve.

Reason: Tree protection.

**N. Modify Condition No.17 - Construction Traffic Management Plan to read as follows:**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:



- Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
  - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
  - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
  - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
  - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
    - Compare the post-construction report with the pre-construction report,
    - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
    - Should any damage have occurred, identify remediation actions taken.
    - Be submitted to Council with the Occupation Certificate.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
  - Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
  - The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
  - Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
  - Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck

routes. These communications must be documented and submitted to Council prior to work commencing on site.

- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

#### **O. Modify Condition No.28 - Project Arborist to read as follows:**

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 dated May 2024. The Project Arborist shall be in attendance and supervise all works as nominated in the approved Tree Protection Plan and any recommendation of the approved Arboricultural Impact Assessment, including: arboricultural works under sections 5.

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.

**P. Modify Condition No.29 - Tree Removal Within the Property to read as follows:**

This consent approves the removal of existing trees on the subject site as identified in the approved Arboricultural Impact Assessment dated May 2024, approved Plans, or as listed below:

- a) trees T3 and T4,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

**Q. Modify Condition No.30 - Tree Removal Within the Road Reserve to read as follows:**

This consent approves the removal of existing trees within the road reserve as identified in the approved Arboricultural Impact Assessment dated May 2024, or as listed below:

- a) trees T8, T9, T10, T11 and T16,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve by the applicant shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Minor crown-raise pruning of existing trees 17 and 18 shall be undertaken by the applicant and by a Council approved tree contractor.

Reason: Public liability.

**R. Modify Condition No.56 - Landscaping adjoining vehicular access to read as follows:**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

**S. Delete Condition No.12 - Stormwater Disposal**

**T. Delete Condition No.13 - Vehicle Crossings Application**

**U. Delete Condition No.44 - Vehicle Crossings**

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

**Signed**



**Dean Pattalis, Planner**

The application is determined on 17/06/2024, under the delegated authority of:



A handwritten signature in blue ink that reads "Steven Findlay".

**Steven Findlay, Manager Development Assessments**