

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0965
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot Y DP 106688, 13 Bellevue Street FAIRLIGHT NSW 2094 Lot X DP 106688, 11 Bellevue Street FAIRLIGHT NSW 2094
Proposed Development:	Alterations and additions to existing semi-detached dwellings.
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Richard Michael Linstead Francesca Louise Linstead
Applicant:	Richard Michael Linstead Francesca Louise Linstead

Application Lodged:	02/07/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	08/07/2021 to 22/07/2021
Advertised:	08/07/2021
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 15,400.00
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This report has been submitted to the Northern Beaches Local Planning Panel (NBLPP) for consideration of Development Application DA2021/0965 for alterations and additions to existing semi-detached dwellings, specifically to include a shared vehicle crossover, driveway and two separate hardstand parking spaces at 11 and 13 Bellevue Street, Fairlight.

The proposal involves the removal of a brush box street tree, which forms part of Heritage Item No. 15 'Street trees' located between Sydney Road to Griffiths Street. The nature of the works constitute 'sensitive development', which is required to be determined by the NBLPP as the application seeks the

demolition of a heritage item, or in this case the removal of a tree which forms part of a heritage item. A condition has been included with this consent to ensure the brushbox tree proposed for removal is replaced with the same species, with the replacement tree to be planted to the south of the proposed vehicle crossing and driveway.

The location of the proposed hardstand parking platforms are consistent with surrounding parking structures along Bellevue Hill. Whilst the works require the removal of a significant street tree, the proposed development will result in an improved planning outcome through the provision of off-street parking for the two existing semi-detached dwellings, noting the limited available on-street parking within the vicinity of the site. It is also noted that Council's Landscape Officer has advised that the condition of the tree proposed to be removed is in poor condition and retention of the tree is not viable.

The application was advertised for 14 days and received no submissions.

When assessed on its merits, the proposal is found to be acceptable and suitable in the context of the site. Therefore, it is recommended that the NBLPP approve the application, subject to the conditions attached to this report.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to two existing semi-detached dwellings located at 11 and 13 Bellevue Street, Fairlight. Specifically, the proposal consists of a common vehicle crossover, driveway and hard stand parking spaces on each allotment, with associated tree removal.

The tree proposal for removal is brushbox tree located in Council's road reserve. To offset the tree removal, a condition has been included with this consent requiring a replacement brushbox tree to be planted within the road reserve to the south of the proposed driveway. It is noted that a similar brushbox street tree located to the north of the proposed driveway will be retained, with tree protection measures conditioned to ensure this.

AMENDED PLANS

Council requested that the applicant submit a site plan for each property to allow Council to calculate the total open space and landscaped area for each site. The additional plans were subsequently submitted to Council's satisfaction. The additional site plans did not result in design amendments to the proposed scope of works. Therefore, the application was not required to be re-advertised, in accordance with the Northern Beaches Community Participation Plan.

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

Manly Local Environmental Plan 2013 - 5.10 Heritage conservation

Manly Development Control Plan - 3.1.1 Streetscape (Residential areas)

Manly Development Control Plan - 4.1.5 Open Space and Landscaping

Manly Development Control Plan - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

SITE DESCRIPTION

Property Description:	<p>Lot Y DP 106688 , 13 Bellevue Street FAIRLIGHT NSW 2094</p> <p>Lot X DP 106688 , 11 Bellevue Street FAIRLIGHT NSW 2094</p>
Detailed Site Description:	<p>The sites consists of two allotments, legally described as Lots X and Y of D.P. 106688, located on the western side of Bellevue Street, Fairlight. Both sites are rectangular in shape with respective areas of 231.4sqm and 232.9sqm for No. 11 and No. 13.</p> <p>The sites are located within the R1 General Residential zone pursuant to Manly LEP 2013 and accommodate single storey semi-detached dwellings on each allotment. Both sites are devoid of vehicular access and off-street parking. Access to the sites is provided via pedestrian gates at the front boundaries.</p> <p>Both properties are devoid of canopy trees and contain small landscaped areas (i.e. garden beds) within the front and rear yards.</p> <p>The natural topography falls away from the south-east towards the north-west, representing an approximate slope of 6 degrees.</p> <p>Description of Surrounding Development</p> <p>Development in this area of Bellevue Street consists of a mix of one and two storey detached and semi-detached dwellings, and two and three storey residential flat buildings.</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:

11 Bellevue Street

- Development Application No. 120/08 for alterations and additions to rear of existing dwelling including reconfiguring of internal walls, highlight windows, timber deck and new raised metal roof approved by Council on 30 June 2008.

13 Bellevue Street

- Development Application No. DA93/03 for a carport and landscape works refused by Council on 9 July 2003.
- Development Application No. 236/2016 for alterations and additions to an existing semi-detached dwelling house including first floor addition and ground floor internal reconfiguration with rear deck approved by Council on 15 December 2016. It is noted that the consent has not been activated at the time this application was made.

Both Properties

- Pre-lodgement Meeting PLM2021/0076 to discuss the proposed development subject to this application.

APPLICATION HISTORY

The Assessment Officer examined the two properties and the surrounding built environment on 19 July 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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan 2013 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan 2013 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	The application was advertised for 14 days and received no submissions.
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 08/07/2021 to 22/07/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposed development is for alterations and additions to the existing semi-detached dwelling to provide for the construction of a crossover, driveway and hard stand parking area within the frontage of properties No. 11 and No. 13.</p> <p>Council's Landscape Referral has considered the application against the Manly Local Environment Plan, and the following Manly DCP 2013 controls:</p> <ul style="list-style-type: none"> • 3.3.1 Landscaping Design • 3.3.2 Preservation of Trees or Bushland Vegetation • 4.1.5 Open Space and Landscaping <p>No Landscape Plan is provided with the application, whilst an Arboricultural Impact Assessment is provided. Two existing Brushbox street trees identified as tree 1 and tree 2 are located in close proximity to the proposed driveway.</p> <p>The proposal requires the removal of one existing Brushbox street tree as identified on the Site Plans and the Arboricultural Impact Assessment. Tree root investigations have been undertaken to assess the impact to the street trees and existing tree 2 is not impacted by the proposed driveway works with one minor and non-critical root to be removed, and as such the driveway alignment is able to be supported. Tree 1 investigations reveal that five critical tree roots will be impacted upon, and in consideration of the poor condition</p>

Internal Referral Body	Comments		
	<p>of the tree, retention is not viable and removal is unavoidable due to the extent of impact from the proposed driveway works.</p> <p>The existing street trees along Bellevue Street are a prominent streetscape element and a replacement street tree is required. The proposed works within the front setback reduce the landscape area capable of supporting planting to soften development in accordance with clauses 3.3.1 and 4.1.5, and therefore to each lot one small native tree shall be provided to satisfy the landscape controls.</p>		
NECC (Development Engineering)	<p>The applicant proposed to amend the existing footpath to accommodate the proposed driveway crossing.</p> <p>The existing footpath will be lowered about 300mm at the left hand side of the crossing.</p> <p>It means the longitudinal gradient of the footpath will exceed the maximum allowable gradient in 1V: 6 H.</p> <p>The footpath shall be at least RL 34.77 on the left hand side of the proposed driveway crossing to ensure the gradient of the footpath is less than 1V: 6H.</p> <p>A condition has been placed to ensure the level of the footpath in the suggested consent.</p> <p>As such, Development Engineering has no objection to the application subject to the following conditions of consent.</p>		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	<p>The proposal has been referred to Heritage as the subject property is within proximity to a heritage item:</p> <p>Item I5 - Street Trees - Bellevue Street (from Sydney Road to Griffiths St)</p>		
	Details of heritage items affected		
	<p>Details of the heritage item as contained within the Manly inventory is as follows:</p> <p>Item I5 - Street Trees</p> <p><u>Statement of significance:</u> Listed for its aesthetic importance to the streetscape. Principal street of Bellevue Estate</p> <p><u>Physical description:</u> Mixed planting mainly Brush Box trees (<i>Lophostemon confertus</i>)</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	

Internal Referral Body	Comments		
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	<p>The proposal seeks consent for two parking spaces for the semi detached dwellings at 11 and 13 Bellevue Street and the construction of a shared vehicle crossover. The proposal also seeks the removal of the southern brushbox tree (T1) outside number 11 . Another brushbox tree (T2) located outside number 13 is proposed to be retained. Both trees form part of the heritage listing on Bellevue Street.</p>		
	<p>An arborist report has been submitted with the proposal (Hugh The Arborist, 28 May 2021). This report has assessed the impact of the proposal on the street trees and considered that T1 will be required to be removed due to the impact of the vehicle crossover. The arborist report has also identified some signs of deterioration in T1's health. It has considered that T2 can be safely retained with a number of protection measures. The report goes on to recommend a replacement brushbox in the road reserve outside number 11 to offset the removal of T1.</p>		
	<p>On balance, Heritage can support the proposal. While it will see the removal of heritage listed street T1, this tree is noted as showing signs of decline and would likely require a replacement planting anyway due to the severance of a number of roots by the crossover. Its removal tied to a replacement street tree planting of the same species is considered an appropriate way to ameliorate the impact of the proposal on the heritage item. Heritage notes the conditions recommended by Landscape to ensure the replacement street tree planting happens, as well as the protection of T2 during works, and considered them appropriate. Heritage raises no concerns with the parking spaces.</p>		
	<p>Therefore Heritage raises no objections, and requires no further conditions beyond those recommended by Landscape.</p>		
	<p>Consider against the provisions of CL5.10 of Manly LEP 2013.</p>		
	<p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No</p>		
	<p>Is a Heritage Impact Statement required? No - The arborist report is considered sufficient in this case.</p>		

Internal Referral Body	Comments
	Has a Heritage Impact Statement been provided? No
	Further Comments
	COMPLETED BY: Brendan Gavin, Principal Planner
	DATE: 20 July 2021

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	Ausgrid have reviewed the proposed development and raised no objections, with no conditions of approval recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

Ausgrid have reviewed the proposed development and raised no objections, with no conditions of approval recommended.

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	2.06m (boundary wall)	-	Yes
Floor Space Ratio	FSR: 0.6:1	FSR: no change to FSR	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Detailed Assessment

5.10 Heritage conservation

The proposal involves the removal of a brush box street tree, which forms part of Heritage Item No. 15 'Street trees' located between Sydney Road to Griffiths Street. Therefore, the provisions of this clause must be considered.

Council's Heritage Officer has assessed the proposed development in accordance with Clause 5.10 of Manly LEP 2013 and concluded as follows:

"On balance, Heritage can support the proposal. While it will see the removal of heritage listed street T1, this tree is noted as showing signs of decline and would likely require a replacement planting anyway due to the severance of a number of roots by the crossover. Its removal tied to a replacement street tree planting of the same species is considered an appropriate way to ameliorate the impact of the proposal on the heritage item. Heritage notes the conditions recommended by Landscape to ensure the replacement street tree planting happens, as well as the protection of T2 during works, and considered them appropriate. Heritage raises no concerns with the parking spaces".

Given the above comments, Council is satisfied that the proposed development is consistent with the objectives and requirements set out within Clause 5.10 of Manly LEP 2013.

Manly Development Control Plan

Built Form Controls

Built Form Controls	Requirement	Proposed	% Variation*	Complies
4.1.4.1 Street Front Setbacks	prevailing building line or 6m	nil setback, consistent with established streetscape pattern	-	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	North (No. 13): 0.9m (for structures/walls less than 3m in height)	3.44m (hardstand)	-	Yes
	South (No. 11): 0.9m (for structures/walls less than 3m in height)	3.35m (hardstand)	-	Yes
4.1.4.4 Rear Setbacks	8m	no change and over 8m from rear boundary	-	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	No. 11: Open space 55% (127.27sqm) of site area No. 13: Open space 55% (128.1sqm) of site area	No. 11: 27.74% (64.2sqm) No. 13: 35.85% (83.5sqm)	50.44% 34.81%	No No
	No. 11: Open space above ground 25% (16.05sqm) of total open space No. 13: Open space above ground 25% (20.88sqm) of total open space	No. 11: 13.4% (8.6sqm) No. 13: 18.32% (15.3sqm)	- -	Yes Yes
4.1.5.2 Landscaped Area	No. 11: Landscaped area 35% (22.47sqm) of proposed open space No. 13: Landscaped area 35% (29.23sqm) of proposed open space	No. 11: 21.34% (13.7sqm) No. 13: 23.1% (19.29sqm)	39.03% 34%	No No
	1 native tree per allotment	1 native tree on each lot has been conditioned	-	Yes
4.1.5.3 Private Open Space	18sqm per dwelling	> 18sqm on each allotment	-	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	No. 11: 3.03m (50% of frontage) No. 13: 3.07m (50% of frontage)	No. 11: 2.7m No. 13: 2.7m	-	Yes
Schedule 3 Parking and Access	2 spaces per allotment	1 space on each allotment	50%	No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide

the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	No	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

Detailed Assessment

3.1.1 Streetscape (Residential areas)

The Manly DCP 2013 streetscape provisions contain the following requirements for parking structures:

3.1.1.4 Garages, Carports and Hardstand Areas

a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:

- i) its roof form, material choice, and detailing by being subservient to the associated dwelling; and*
- ii) being compatible with the streetscape and the location in relation to the front setback criteria.*

b) Exceptions to the setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.

Comment:

Whilst located forward of the semi-detached dwellings, the proposed hardstand areas maintain consistency with the established building line along Bellevue Street, noting there are numerous examples of parking structures (i.e. garages, carports and hardstands) with nil front setbacks. Furthermore, the hardstand areas are open structures and will not be visually imposing within the streetscape. For these reasons, it is considered that the proposal satisfies the Manly DCP 2013 streetscape requirements.

4.1.5 Open Space and Landscaping

Description of non-compliance

The control requires at least 55% of the site to comprise total open space (TOS). The proposed TOS for No's 11 and 13 are as follows:

- 11 Bellevue Street: 27.74% (64.2sqm). The existing TOS equates to 35.48% (82.1sqm) of the site and therefore, the proposal results in a 7.74% (17.9sqm) reduction of TOS.
- 13 Bellevue Street: 35.85% (83.5sqm). The existing TOS equates to 43.84% (102.1sqm) of the site and therefore, the proposal results in a 7.99% (18.6sqm) reduction in TOS.

Furthermore, the policy requires at least 35% of the nominated total open space for each allotment to consist of landscaping. The proposed landscaped area for No's 11 and 13 are as follows:

- 11 Bellevue Street: 21.34% (13.7sqm) of proposed total open space. The proposal results in a 6.9sqm reduction in landscaping.
- 13 Bellevue Street: 23.1% (19.29sqm) of proposed total open space. The proposal results in a 9.2sqm reduction in landscaping.

Merit consideration:

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

Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Comment:

The brushbox street tree proposed for removal will be offset by a suitable replacement street tree. Furthermore, suitable conditions have been imposed requiring one small native tree to be planted within the front yard of each allotment, which will result in an improved landscaping outcome for each site.

Objective 2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.

Comment:

Whilst numerically non-compliant with the landscaped area requirement, the provision of additional planting within the front setback area, as required by conditions, will maximise planting on each

allotment and result in an acceptable landscaping outcome for the sites.

Objective 3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

Comment:

The proposed hardstand spaces and associated works are located in close proximity to ground level and will not compromise any significant view lines from adjoining properties or the public domain. Furthermore, the parking structures are adequately setback from the side boundaries and are not located in close proximity to noise sensitive rooms on adjacent dwellings, thereby minimising potential privacy impacts. It is further noted that the works will not result significant shadowing of windows and private open space on adjoining sites.

The proposed hardstand areas maintain consistency with the established building line along Bellevue Street, noting there are numerous examples of parking structures (i.e. garages, carports and hardstands) with nil front setbacks. Furthermore, the hardstand areas are open structures and will not be visually imposing within the streetscape.

Objective 4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.

Comment:

Suitable conditions have been included with this consent to ensure that stormwater is appropriately managed on the site.

Objective 5) To minimise the spread of weeds and the degradation of private and public open space.

Comment:

The proposal will not lead to a significant spread of weeds.

Objective 6) To maximise wildlife habitat and the potential for wildlife corridors.

Comment:

The provision of additional canopy trees on each allotment will increase potential wildlife habitat.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

Description of non-compliance

The control requires at least 2 off-street parking spaces to be provided on each allotment. The proposal provides 1 off-street parking space for each allotment, which fails to satisfy the prerequisite. It is important to note that both No. 11 and 13 do not currently benefit from off-street parking.

Merit consideration:

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

Objective 1) To provide accessible and adequate parking on site relative to the type of development and the locality for all users (residents, visitors or employees).

Comment:

The proposed hardstand spaces will be directly accessible from the street via the proposed vehicle crossover. Council's Development Engineers have reviewed the proposal in relation to vehicular access and off-street parking and raised no objections, subject to conditions. In this regard, Council is satisfied that the proposal will provide accessible and adequate parking to serve both semi-detached dwellings.

Objective 2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.

Comment:

Both allotments are devoid of off-street parking. Therefore, the provision of 1 off-street parking space on each site will reduce the demand for on-street parking.

Objective 3) To ensure that the location and design of driveways, parking spaces and other vehicular access areas are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact in the streetscape.

Comment:

The proposed parking spaces comprise open hardstand areas, which will not be visually imposing within the streetscape. As noted above, Council's Development Engineers have found the proposal to be acceptable in regards to off-street parking and vehicular access.

Objective 4) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.

Comment:

The proposal involves minimal excavation and no significant fill is proposed.

Objective 5) To ensure the width and number of footpath crossings is minimised.

Comment:

The proposal utilises one vehicle crossover to service each allotment. Council's Development Engineers have imposed a condition limiting the width of the vehicle crossover to 5.4m.

Objective 6) To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.

Comment:

Council's Landscape Officer has included conditions requiring one canopy tree to be planted within the

front yard of each allotment, which will ensure adequate landscape treatment is integrated with the parking structures.

Objective 7) To encourage the use of public transport by limiting onsite parking provision in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.

Comment:

The site is not located within a local centre and as such, this objective is not of relevance.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly 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

The proposed development involves alterations and additions to existing semi-detached dwellings, specifically to include vehicular access and off-street parking for both allotments.

The proposed hardstand spaces maintain consistency with the prevailing building line along Bellevue Street and the provision of off-street parking on each allotment will decrease the demand for on-street parking.

The proposal involves the removal of a brush box street tree, which forms part of Heritage Item No. 15 'Street trees'. Council's Heritage Officer has reviewed the proposal and considers the impact upon the heritage item to be acceptable, subject to a condition requiring the street tree to be replaced with a similar species.

Accordingly, it is recommended that the NBLPP approve the application, subject to the conditions attached to this report.

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/0965 for Alterations and additions to existing semi-detached dwellings. on land at Lot Y DP 106688, 13 Bellevue Street, FAIRLIGHT, Lot X DP 106688, 11 Bellevue Street, FAIRLIGHT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A1 - Proposed Driveway and Hardstand Plan	25/05/2021	Sally Gardner Design and Draft
A2 - Proposed Driveway Profiles	25/05/2021	Sally Gardner Design and Draft
A3 - Sections	27/01/2021	Sally Gardner Design and Draft
S2 - Site Plan & Calculations	19/07/2021	Sally Gardner Design and Draft

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary Geotechnical Assessment Ref. J3524	25/06/2021	White Geotechnical Group
Arboricultural Impact Assessment	29/05/2021	Hugh the Arborist

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	15/06/2021	Vaughan Milligan Development Consulting

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. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

Reason: Legislative requirement.

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths,

roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

(m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

A bond (determined from cost of works) of \$1,000 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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

5. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY.

Details demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

6. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The proposed footpath level shall be RL34.77 on the left hand (southern) side of the proposed driveway crossing.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

7. **Compliance with Standards**

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

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

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

8. **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 Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website 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

9. **Tree Removal Within the Road Reserve**

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- i) tree 1 - Brushbox, located south of the proposed driveway, subject to replacement.

Removal of the approved tree/s in the road reserve 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 Section prior to removal.

Reason: Public liability.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **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 trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum, the tree protection fencing for street tree(s) fronting the development site, identified as tree 2 - Brushbox, located north of the proposed driveway, shall consist of standard 2.4m panel length to four sides 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.

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

Reason: Tree protection.

11. **Tree and Vegetation Protection**

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

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

12. **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.

13. **Survey Certificate**

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

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

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

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

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

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

15. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5.4 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the driveway levels application approval. The footpath level shall not be lower than RL 34.77 on the left hand side of the proposed crossing.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

16. **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 Certifying Authority.

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

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

17. **Required Tree Planting**

Trees shall be planted in accordance with the following:

- i) one small native tree to each lot shall be installed within the front setback, and installed at a minimum 75 litre pot size and capable of attaining a mature height of 6 metres minimum, and selected from Northern Beaches Council's Native Plant Species Guide - Manly Ward,
- ii) tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings.

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

Reason: To maintain environmental amenity.

18. **Street Tree Planting**

Street trees shall be planted in accordance with the following:

- i) one *Lophostemon confertus* (Brushbox) street tree shall be located south of the proposed driveway, installed at a pre-ordered minimum 200 litre container size, and shall meet the requirements of Natspec - Specifying Trees,
- ii) the street tree shall be 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 to achieve establishment, and shall be located at least 2 metres from the driveway edge and shall be centrally located between the footpath and road kerb,
- iii) tree protection shall be a timber guard consisting of four 50 x 50 x 1800 posts, top and mid rails, and hessian ties to the tree.

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

Reason: To maintain environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

19. **Stormwater Disposal**

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

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