

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2023/0652
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<b>Responsible Officer:</b>	Jordan Howard
<b>Land to be developed (Address):</b>	Lot 26 DP 236548, 4 Bellara Avenue NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Construction of a dwelling house
<b>Zoning:</b>	R2 Low Density Residential
<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>	Sydney Water Corporation Ltd
<b>Applicant:</b>	Sydney Water Corporation Ltd

<b>Application Lodged:</b>	09/06/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	19/06/2023 to 03/07/2023
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 589,600.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises of the construction of a dwelling house. Specifically, the proposal comprises of the construction a two storey dwelling containing 4 bedrooms above an excavated double garage.

Additional information was requested in relation to a referral response from Council's Landscape Officer, as well as in relation to Clause D11.10 Landscaped Area – General, Clause D11.7 Side and rear building line and Clause D11.9 Building envelope of the Pittwater 21 DCP. Additional information was provided which did not require re-notification in accordance with the Northern Beaches Council 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

Pittwater 21 Development Control Plan - D11.3 Building colours and materials

Pittwater 21 Development Control Plan - D11.7 Side and rear building line

Pittwater 21 Development Control Plan - D11.9 Building envelope

Pittwater 21 Development Control Plan - D11.10 Landscaped Area - General

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 26 DP 236548 , 4 Bellara Avenue NORTH NARRABEEN NSW 2101
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern side of Bellara Avenue.</p> <p>The site is irregular in shape with a frontage of 16.91m along Bellara Avenue and a maximum depth of 36.98m. The site has a surveyed area of 565.6m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and is currently a vacant lot. The site was previously zoned SP2 Infrastructure and was rezoned to R2 Low Density Residential through Planning Proposal PEX2020/0007.</p> <p>The site slopes from rear (north) down towards the front (south), with an approximate crossfall of 6.7m.</p> <p>The site is currently vacant, covered by grass, trees and vegetation. There are no details of any threatened species on the subject site.</p>

**Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by dwelling houses.

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:

**PEX2020/0007** - to rezone the property at 4 Bellara Ave, North Narrabeen from SP2 Infrastructure to R2 Low Density Residential, and apply a 550sqm minimum lot size to the property under Pittwater Local Environmental Plan 2014. Amendments to Pittwater 21 Development Control Plan (DCP) also accompanied the proposal. The DCP change applies to the Landscape Area Map, to introduce a minimum landscape area requirement of 50% of the property. On Friday 26 November 2021, this Planning Proposal was gazetted and published.

**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	There are no current draft environmental planning instruments.

Section 4.15 Matters for Consideration	Comments
environmental planning instrument	
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><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the 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 a referral response from Council's Landscape Officer, as well as in relation to Clause D11.10 Landscaped Area – General, Clause D11.7 Side and rear building line and Clause D11.9 Building envelope of the Pittwater 21 DCP.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration	Comments
	(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 19/06/2023 to 03/07/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Mr Christopher Gerard Bonser	47 Tatiara Crescent NORTH NARRABEEN NSW 2101

The following issues were raised in the submissions:

- **Re-zoning of subject site from SP2 Infrastructure to R2 Low Density Residential**

The submissions raised concerns related to the re-zoning of the subject site from SP2 Infrastructure to R2 Low Density Residential, noting concerns related to Sydney Water assets at the subject site.

Comment:

The re-zoning of the subject site was the subject of a Planning Proposal (PEX2020/0007) which proposed to re-zone the property at 4 Bellara Ave, North Narrabeen from SP2 Infrastructure to R2 Low Density Residential, and apply a 550sqm minimum lot size to the property under Pittwater Local Environmental Plan 2014. Amendments to Pittwater 21

Development Control Plan (DCP) also accompanied the proposal. The DCP change applied to the Landscape Area Map, to introduce a minimum landscape area requirement of 50% of the property. On Friday 26 November 2021, this Planning Proposal was gazetted and published.

The Planning Proposal has been successful, with the re-zoning now in effect. The owners of the land have submitted a development application, which is assessed against the relevant controls that apply to the land. This assessment report concludes with a redecoration that development consent be granted by Council, subject to conditions.

It should also be noted that Sydney Water Corporation Ltd, as the landowner, has provided owners consent to undertake this process.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Solid Fuel/Oil Heater)	<p><b>General Comments</b></p> <p>This application seeks consent for a two storey dwelling at 4 Bellara Avenue, North Narrabeen. There is a proposed fireplace within the dwelling. An email dated 1 August 2023 from the applicant at Planning Direction Pty Ltd, has confirmed the fireplace is proposed to be gas operated. No further environmental Health considerations required in relation to the fireplace.</p> <p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p><u>Additional Information Comments 28/09/2023</u></p> <p>The new Arborist's report prepared by Treehaven Environments is noted.</p> <p>The Report confirms the opinion of the previous Report by Hugh the Arborist that the proposal as submitted, will require the removal of Tree 4 - <i>Eucalyptus microcorys</i>.</p> <p>The new report also notes that Tree 1 <i>Araucaria</i> sp. (each Report records the tree as a different species) is also recommended for removal due to multiple basal trunk development (atypical of the genus), rendering the tree structurally compromised and potentially hazardous as it continues to grow.</p> <p>It is noted that the land is owned by a state government authority and is Crown Land. As noted with Crown Land DAs, the consent authority does not have the ability to refuse the application without the approval of the NSW Minister for Planning.</p> <p>Therefore, if the proposal is to be pursued by the applicant, the trees as indicated in the Arborist's report prepared by Treehaven</p>

Internal Referral Body	Comments
	<p>Environscapes will be required to be removed.</p> <p>It is noted that 2 additional Category A1 trees, T2 <i>Eucalyptus saligna</i> and T3 <i>Corymbia citriodora</i> are to be retained.</p> <p>Recommended conditions for consideration include replacement tree planting and the appointment of a Project Arborist to over see tree protection works for those trees able to be retained.</p> <p><u>Original Comments</u></p> <p>The application seeks consent for construction of a dwelling house.</p> <p>The site is noted to have been the subject of a planning Proposal to re-zone the land from SP2 Infrastructure to R2 Low Density Residential.</p> <p>The rezoning has been approved following public exhibition and relevant planning approvals.</p> <p>It is noted that the site is burdened by a sewer main and easement, restricting the developable footprint on the site.</p> <p>During the rezoning application process, the proponent indicated via indicative building footprint and Arboricultural assessment that 2 Category A trees would be required to be removed to enable development as indicated on the plans provided, which also accommodated clearances to the sewer easement.</p> <p>Under this application, it is proposed to remove 3 Category A trees. The Arborist's Report prepared by Hugh the Arborist indicates that in addition to Trees 5 and 6 previously indicated to be required to be removed, an additional tree, Tree 4, would be subject to major incursion into the Tree Protection Zone due to retaining walls, and cut and fill proposed.</p> <p>Removal of Trees 5 and 6 were anticipated in the rezoning application which was considered prior to re-zoning approval, however removal of Tree 4 was not contemplated in the rezoning assessment.</p> <p>Removal of Tree 4 is not able to be supported with regard to landscape issues as the tree provides significant canopy, and its proximity to Trees 3 and 2 forms a significant landscape feature in the streetscape, and the tree had previously been indicated to be able to be retained in conjunction with development on the site.</p>
NECC (Development Engineering)	<p><b>14/06/2023:</b></p> <p>Application is for construction of a double storey dwelling house with garage on a vacant lot.</p>

Internal Referral Body	Comments
	<p><b>Access</b> New driveway is proposed, Normal profile will be suitable.</p> <p><b>Stormwater</b> Proposed hardstand area is greater than 50sqm, OSD is proposed under driveway and overflow will be connected to Council pit in street.</p> <p><b>Geotech</b> Site is mapped as Geotechnical Hazard Zone H1. Geotech Report by AscentGeo Geotechnical Consulting, Ref: AG 22455, Dated 20th October 2022 with form 1 and 1a is provided.</p> <p>No objections to approval subject to conditions as recommended.</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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1340833S\_02, 26 May 2023).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	50

A condition has been included in the recommendation of this report requiring compliance with the



commitments indicated in the BASIX Certificate.

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

### Ausgrid

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

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

### Comment:

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

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

### Chapter 4 – Remediation of Land

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

## **Pittwater Local Environmental Plan 2014**

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.8m	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	6.5m	12.7m	-	Yes
Rear building line	6.5m	3m (ground floor) 6m (first floor)	53.8% 7.7%	<b>No</b> <b>No</b>
Side building line	West 2.5m	2.5m	-	Yes
	East 1m	1.5m	-	Yes
Building envelope	West 3.5m	Outside envelope (see <i>Figure 2</i> )	N/A	<b>No</b>
	East 3.5m	Outside envelope (see <i>Figure 3</i> )	N/A	<b>No</b>
Landscaped area	50% (282.8m <sup>2</sup> )	37.4% (211.3m <sup>2</sup> ) + 6% (33.9m <sup>2</sup> ) = 43.4% (245.2m <sup>2</sup> )	With variation: 13.3% (37.6m <sup>2</sup> ) Without variation: 25.3% (71.5m <sup>2</sup> )	<b>No</b>

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.3 Building colours and materials	No	Yes
D11.6 Front building line	Yes	Yes
D11.7 Side and rear building line	No	Yes
D11.9 Building envelope	No	Yes
D11.10 Landscaped Area - General	No	Yes
D11.12 Fences - General	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

#### **D11.3 Building colours and materials**

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

The Materials Schedule submitted with the development application indicates that portions of exterior wall are to be rendered and painted with 'White Dune Quater', with the roof finished in metal sheeting finished in 'Colourbond Shale Gray'.

The control requires external colours and materials to be dark and earthy tones and states that white, light coloured, red or orange roofs and walls are not permitted, however, a variation may be considered for lighter coloured external walls (excluding white) for residential development within Area 3 on the Landscaped Area Map.

Although the subject site is located within Area 3 of the Landscaped Area Map, the proposed external wall colour is white, which cannot be considered as part of the variation, and as such, consideration will be given in accordance to the outcomes of the control rather than the variation.

A condition is included in the recommendation of this report requiring that the external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties and stipulating that any roof with a metallic steel finish is not permitted.

### **Merit consideration**

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

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

Comment:

The proposed development is consistent with the desired future character of the North Narrabeen Locality.

- *The development enhances the visual quality and identity of the streetscape.*

Comment:

The streetscape of Bellara Avenue does not conform to a consistent colour scheme and generally consists of dwelling houses with lighter toned external walls, therefore, the proposed development enhances the visual quality and identity of the streetscape by matching the existing character.

- *To provide attractive building facades which establish identity and contribute to the streetscape.*

Comment:

The proposed development provides an attractive building facade which establishes identity and contributes to the streetscape of Bellara Avenue.

- *To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.*

Comment:

The proposed building colours and materials compliment the visual character of the location within the natural landscapes of Pittwater by matching the lighter colours within the streetscape.

- *The colours and materials of the development harmonise with the natural environment.*

Comment:

Although the proposed colour to the external walls is lighter toned, it is considered that the proposed development is in harmony with the natural environment.

- *The visual prominence of the development is minimised.*

Comment:

The proposed development maintains the lighter toned finish to the external walls of the existing building, which is compatible with the streetscape of Bellara Avenue. The use of lighter tones is also limited. Therefore, the visual prominence of the development is minimised.

- *Damage to existing native vegetation and habitat is minimised.*

Comment:

The development is not considered to unreasonably remove existing native vegetation or habitat

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

### **D11.7 Side and rear building line**

#### **Description of Non-Compliance**

Clause D11.7 Side and rear building line prescribes a side setback of 2.5m to one side boundary and 1.0m to the other, with a rear setback of 6.5m. For this assessment, the 2.5m side building line is applied to the west boundary, the 1.0m side building line applied to the east boundary, with the rear 6.5m setback applied to the north boundary.

The proposed dwelling house is fully compliant with side setback requirements.

The proposal has a non-compliant rear setback of 3m, measured to the ground floor, representing a 53.8% variation to the required 6.5m rear setback. Measured from the first floor, this setback is 6m, representing a 7.7% variation.

It should be noted that the subject site is burdened by a sewerage easement, which cuts diagonally across the front half of the property (see *Figure 1*). This has the effect of limiting the buildable portion of the site to the rear, resulting in a larger than required front setback, and non-compliant rear setback.

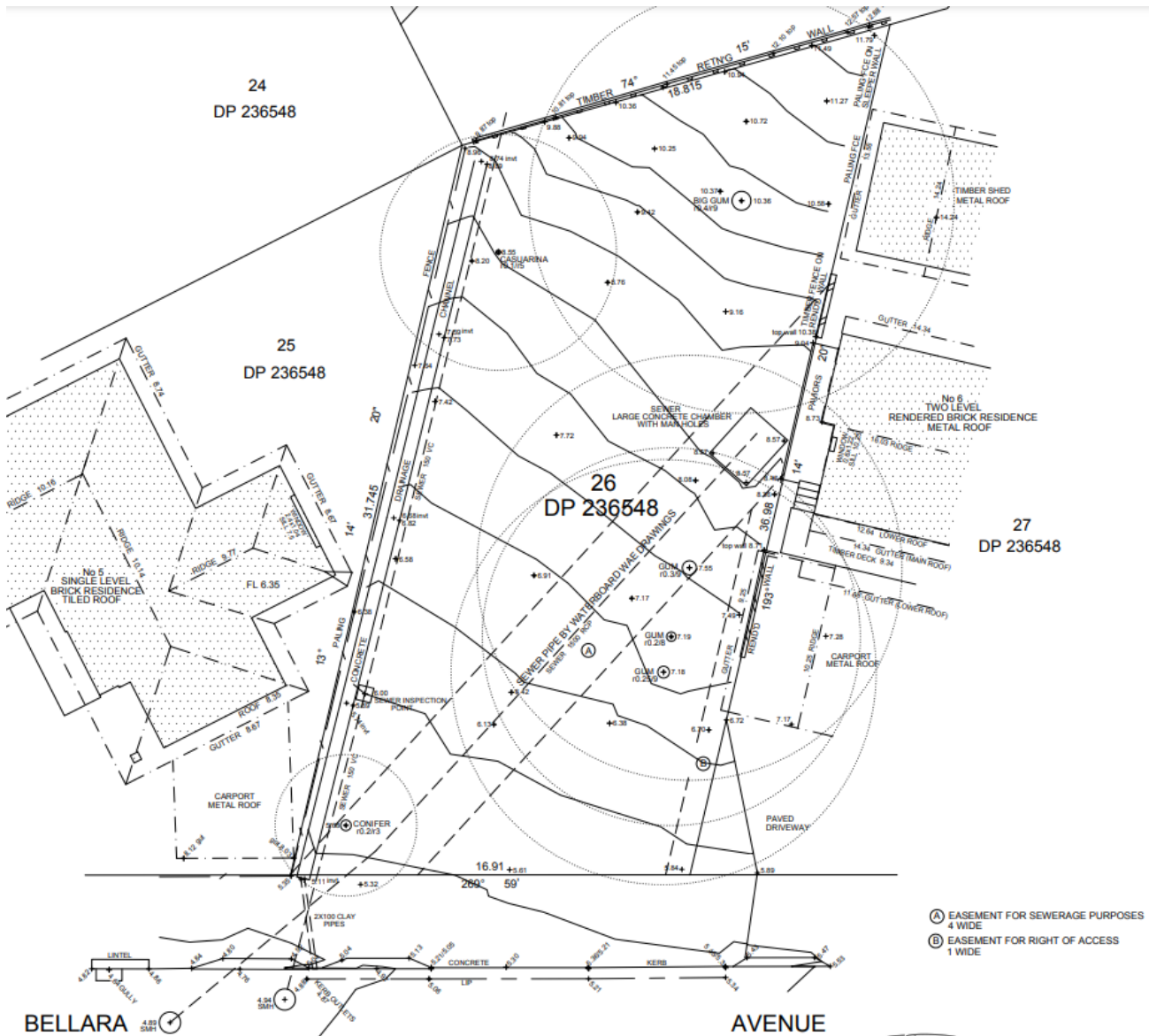


Figure 1 - Extract from Site Survey showing the sewerage easement burdening the property.

### **Merit Consideration**

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

- To achieve the desired future character of the Locality.

#### Comment:

The proposed development is consistent with the desired future character of the North Narrabeen Locality.

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

#### Comment:

The proposed development complies with the development standard for building height and maintains an appropriate size and scale for the subject site. The non-compliance is caused due

to the constraints of the site, namely the sewerage easement at the front of the property.

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

Comment:

The proposal is not anticipated to result in any significant view loss to and from public and private places.

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

Comment:

As above, the works are not anticipated to disrupt existing view sharing.

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

Comment:

Notwithstanding the numerical non-compliance to the rear setback, the proposed development ensures a reasonable level of privacy, amenity and solar access will be maintained. The adjoining property to the rear has a large rear setback, with the dwelling on this adjoining site located higher up a hill and away from the subject site development. The solar impact of the development is considered reasonable to surrounding properties.

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

Comment:

Landscaped area outcomes are discussed under Clause D11.11, noting that whilst numerically non-compliant with landscaped area requirements, the development is considered to meet the outcomes of the Clause and is supported on merit. Existing landscaping is retained and conditions have been recommend to require the planing of new trees to replace trees proposed to be removed.

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

Comment:

Flexibility in the siting of buildings is considered appropriate in this instance given the constraints of the site, namely the sewerage easement at the front of the property.

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

Comment:

The proposed development suitably retains existing vegetation, and will include new vegetation (both proposed and conditioned) which will act to soften and screen the proposed built form.

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

Comment:

The proposed development does not adjoin a commercial zone, therefore this objective is not relevant for this application.

Having regard to the above assessment, it is concluded that the proposed development is consistent

with the relevant outcomes of the PDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## D11.9 Building envelope

### Description of non-compliance

Under Clause D11.9 of the DCP, buildings are required to be sited within the building envelope which is measured from a height of 3.5m above ground level and projected 45 degrees at the side boundaries.

The proposed development breaches the building envelope on the west elevation as depicted in *Figure 2*. The encroachment is 8.9m in horizontal length, and a maximum 1.7m in vertical height.

The proposed development breaches the building envelope on the east elevation as depicted in *Figure 3*. The encroachment is 3.7m in horizontal length, and a maximum 2m in vertical height.



*Figure 2 - Extract from West Elevation with envelope breach in red.*





*Figure 3 - Extract from East Elevation with envelope breach in red.*

### **Merit Consideration**

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

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

#### Comment:

The proposed development is consistent with the desired future character of the North Narrabeen Locality.

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

#### Comment:

The proposal is considered to adequately maintain and enhance the existing streetscape. The height and scale of the proposed development is not dissimilar to surrounding and nearby development. Furthermore, the ample front setback provides greater distance between the proposed development and the street.

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

#### Comment:

Based on the scope of the works, some trees are required to be removed to facilitate the new dwelling. As a whole, the proposed development appropriately responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment, considering the constraints of the site, namely the sewerage easement at the front of the property.

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

Comment:

The proposed development is compliant with the development standard for building height prescribed by the PLEP, as well as compliant with side setbacks, and providing a generous front setback. The bulk and scale of the built form is appropriately minimised.

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

Comment:

The proposal is not anticipated to result in any significant view loss to and from public and private places.

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

Comment:

The building envelope non-compliances are not anticipated to result in any adverse impacts to privacy, overshadowing or loss of amenity to adjoining and surrounding residential properties. The existing levels of amenity enjoyed by neighbouring properties will be preserved.

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

Comment:

As detailed above, and as indicated on the landscape plan provided, the proposed development includes the removal of multiple trees and other vegetation to facilitate construction of the new dwelling. However, substantial replacement planting is proposed throughout the site, as well as is included in recommended conditions of consent. Once all vegetation reaches maturity, the proposed landscaping will contribute to visually reducing the built form.

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

## **D11.10 Landscaped Area - General**

### **Description of Non-Compliance**

This Clause of the Pittwater 21 DCP applies to land in the North Narrabeen Locality within Area 3 of the Landscaped Area Map. The subject site is within Area 3 of the Landscaped Area Map, and therefore requires a minimum of 50% (282.8m<sup>2</sup>) of the site area to be landscaped area.

The proposal presents 37.4% (211.3m<sup>2</sup>) landscaped area, representing a variation to the control of 25.3% (71.5m<sup>2</sup>).

The Clause specifies the following variation:

*For single dwellings on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed*

pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).

In this instance, the rear terrace provides outdoor recreational purposes, and if 6% (33.9m<sup>2</sup>) of the site area within this rear terrace area were to be included this would result in a total landscaped area of 43.4% (245.2m<sup>2</sup>), still non-compliant, representing a variation to the control of 13.3% (37.6m<sup>2</sup>).

### **Merit Consideration**

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

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

Comment:

The proposed development is consistent with the desired future character of the North Narrabeen Locality.

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

Comment:

The proposed development is compliant with the development standard for building height prescribed by the PLEP, as well as compliance with side setbacks, and providing a generous front setback. The bulk and scale of the built form is appropriately minimised.

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

Comment:

The landscaped area non-compliances are not anticipated to result in any adverse overshadowing or loss of amenity to adjoining and surrounding residential properties. The existing levels of amenity enjoyed by neighbouring properties will be preserved.

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

Comment:

The proposed development includes the removal of multiple trees and other vegetation to facilitate construction of the new dwelling. However, substantial replacement planting is proposed throughout the site, as well as is included in recommended conditions of consent. Once all vegetation reaches maturity, the proposed landscaping will contribute to visually reducing the built form.

- *Conservation of natural vegetation and biodiversity.*

Comment:

As detailed above, and as indicated on the landscape plan provided, the proposed development includes the removal of multiple trees and other vegetation to facilitate construction of the new dwelling. However, substantial replacement planting is proposed throughout the site, as well as is included in recommended conditions of consent. The level of vegetation consecration is considered appropriate, given the R2 Low Density Residential zoning of the site. Furthermore, Council's Landscape Officer has reviewed the proposal and is

supportive, subject to conditions.

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

Comment:

Council's Development Engineer has reviewed the proposed development, including proposed stormwater management, and is satisfied with the proposal, subject to conditions.

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

Comment:

The Landscape Plan indicates substantial, and satisfactory, replacement planting throughout the site that contributes to the landscape setting which is indicative of the character of North Narrabeen. Furthermore, the planting of additional vegetation is included as recommended conditions of consent.

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

Comment:

While numerically non-compliant, the proposed development will provide soft surfaces of sufficient dimensions to allow for the infiltration of water into the water table. Additionally, the conditions recommended by Council's Development Engineer relating to stormwater will ensure that the proposed development will minimise stormwater run-off and it will assist with effective stormwater management.

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

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$5,896 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$589,600.

## 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 EPs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2023/0652 for Construction of a dwelling house on land at Lot 26 DP 236548, 4 Bellara Avenue, NORTH NARRABEEN, subject to the conditions printed below:

## Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

##### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
2216_DA02, Issue A, Site Plan	November 2022	RJK Architects
2216_DA03, Issue A, Floor Plans	November 2022	RJK Architects
2216_DA04, Issue A, Floor Plans	November 2022	RJK Architects
2216_DA05, Issue A, Elevations	November 2022	RJK Architects
2216_DA06, Issue A, Elevations	November 2022	RJK Architects
2216_DA07, Issue A, Elevations	November 2022	RJK Architects
2216_DA08, Issue A, Sections	November 2022	RJK Architects
2216_DA09, Issue A, Sections	November 2022	RJK Architects
2216_DA10, Issue A, Material Schedule	November 2022	RJK Architects
2216_DA15, Issue A, Demolition Plan	November 2022	RJK Architects
2216_DA16, Issue A, Excavation and Fill Plan	November 2022	RJK Architects
<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
C-3746-01, Stormwater Drainage Plan for Proposed Development at No. 4 Bellara Avenue, Narrabeen	24 October 2023	Kozarovski & Partners
<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate, No. 1340833S_02	26 May 2023	House Energy Certified

NatHERS Certificate, No. 0008166001	28 October 2022	Architecture Urbaneia
Geotechnical Assessment, Ref: AG 22455	20 October 2022	Ascent Geotechnical Consulting
Arboricultural Impact Statement	22 September 2023	Treehaven Environscapes

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
005, Lower Ground Floor Landscape Plan	November 2022	Julia Mary Landscape Studio
005, Planting Schedule	November 2022	Julia Mary Landscape Studio
<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan - 4 Bellara Avenue, North Narrabeen	-	-

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

## 2. Compliance with Other Department, Authority or Service Requirements

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Ausgrid Referral Response	16/06/2023 (on EDMS)

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

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

## 3. Prescribed Conditions (Crown Land Only)

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason: Legislative Requirement.

**4. General Requirements (Crown Land Only)**

(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) 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.
- (c) 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.
- (d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (e) The applicant shall bear the cost of all works associated with the development that occur on Council's property.
- (f) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (i) 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.



(j) 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.

(k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

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

### **5. Sydney Water "Tap In"**

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

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

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

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

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

### **6. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by AscentGeo Geotechnical Consulting, Ref: AG 22455, Dated 20<sup>th</sup> October 2022 are to be incorporated into the construction plans. Prior to commencement, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to commencement.

Reason: To ensure geotechnical risk is mitigated appropriately.

**7. Vehicle Crossings Application**

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Standard Normal Vehicle Crossing Profile in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

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

A Council approval is to be submitted to the Certifier prior to commencement.

Reason: To facilitate suitable vehicular access to private property.

**8. On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT for DEVELOPMENT POLICY and generally in accordance with the concept drainage plans prepared by Pavel Kozarovski ,drawing number- C-3746-01, dated 24/10/2022, Issue-I. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. OSD to be provided in accordance with Clause 9.0 of Council's Water Management for Development Policy.
- ii. All discharge control devices and pits are to be located externally to all structures and buildings so that 24-hour access to the OSD system is possible and that overflows from the system can be safely directed away.
- iii. Final discharge to Council pit along frontage of site in Bellara Avenue.
- iv. Detailed drainage plans, including engineering certification, are to be submitted to the Principal Certifier for approval prior to commencement.

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

**9. Project Arborist**

a) 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.

b) All tree protection measures specified must:  
i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works

c) The Project Arborist shall provide certification to the Principal Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the

protection of the protected trees 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.

10. **Tree Removal Within the Property**

a) This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment dated 22/9/2023 prepared by Treehaven Environscapes:

Trees numbered 1, 4, 5, 6 b A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

11. **Stormwater Drainage Application**

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include Civil Engineering plans for the design of the connection to existing Council pit along frontage of site in Bellara Avenue which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au) > Council Forms > Stormwater Drainage Application Form.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifier prior to commencement.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

12. **External Finishes to Roof**

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

Details demonstrating compliance are to be submitted to the Certifier prior to commencement.

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

## DURING BUILDING WORK

### 13. Protection of Sites of Significance

- a) Should any Aboriginal Cultural Heritage items be uncovered during earthworks, work should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.
- b) Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

### 14. Protection of Existing Street Trees

- a) All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by the Project Arborist. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.
- b) All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

### 15. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) Trees numbered T2 and T3 in the Arboricultural Impact Assessment dated 22/9/2023 prepared by Treehaven Environments ii) all trees and vegetation located on adjoining properties,
  - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated 22/9/2023 prepared by Treehaven Environments and AS4970-2009 Protection of trees on development sites,
  - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist, iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist, 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 the Project Arborist on site, vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures, vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees, xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

## 16. Condition of Trees

- a) During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from the Project Arborist during the works.
- b) In this regard all protected trees shall not exhibit:
  - i) a general decline in health and vigour, ii) damaged, crushed or dying roots due to poor pruning techniques, iii) more than 10% loss or dieback of roots, branches and foliage, iv) mechanical damage or bruising of bark and timber of roots, trunk and branches, v) yellowing of foliage or a thinning of the canopy untypical of its species, vi) an increase in the amount of deadwood not associated with normal growth, vii) an increase in kino or gum exudation, viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,

- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.
- c) Any mitigating measures and recommendations required by the Arborist are to be implemented.
- d) The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

17. **Road Reserve**

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

Reason: Public safety.

18. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

19. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

20. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO COMPLETION**

21. **Required Tree Planting**

Trees shall be planted in accordance with the following:

- a) A minimum of 3 locally native trees shall be planted within the property to achieve at least 6 metres height at maturity, and in accordance with the following:
  - i) tree planting shall be a minimum pre-ordered planting size of 75 litres; generally selected from Northern Beaches Council's Native Plant Species Guide - Narrabeen Ward; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,
  - b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to completion.

Reason: To maintain environmental amenity.

## 22. **Waste Management Confirmation**

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

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

## 23. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to completion.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

## 24. **Geotechnical Certification Prior to Completion**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to completion.

Reason: To ensure geotechnical risk is mitigated appropriately.

25. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the completion.

Reason: Proper identification of buildings.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

26. **Geotechnical Recommendations**

Any ongoing recommendations (if any) of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.



**In signing this report I declare I do not have a Conflict of Interest**

**Signed**



**Jordan Howard, Planner**

The application is determined on 13/10/2023, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**