

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2025/0186
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<b>Responsible Officer:</b>	Anaiis Sarkissian
<b>Land to be developed (Address):</b>	Lot 10 DP 27133, 10 Taminga Street BAYVIEW NSW 2104
<b>Proposed Development:</b>	Modification of Development Consent DA2021/0060 granted for Alterations and additions to a dwelling house
<b>Zoning:</b>	C4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Brett Rodney Jeffries

<b>Application Lodged:</b>	24/04/2025
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	06/05/2025 to 20/05/2025
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

This modification application is for alterations to the existing shared driveway running along the southern portion of the site to improve access to the site, including construction of new retaining walls and stormwater drainage infrastructure.

This modification application proposes changes to the driveway levels adjoining the approved garage and entry levels. No changes are proposed to the approved dwelling house on site.

This modification application has been lodged and assessed concurrently with DA2025/0413 pertaining to 9 Taminga Street.

The existing shared right of way is shown at Figures 1-3 below.

**Figure 1:** Site photo facing east



**Figure 2:** Site photo facing west



**Figure 3:** Site photo at garage facing west



## ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 10 DP 27133 , 10 Taminga Street BAYVIEW NSW 2104
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the southern side of Taminga Street.</p> <p>The site is regular in shape with a frontage of 18.9m along</p>



Taminga Street and a depth of 36.53m. The site has a surveyed area of 689.3m<sup>2</sup>.

The site is located within the C4 Environmental Living zone and, at the time of writing this Assessment Report, is under construction with significant alterations and additions to the existing multi-level detached dwelling house.

Off-street parking and vehicular access to the site is via a shared right of way running along the southern portion of the site that is accessed off Ilya Avenue to the east, servicing the properties on the southern side of Taminga Street. The site is not accessible via Taminga Street.

The site has a very steep topography, with a fall of approximately 20m from the southern boundary down towards the northern boundary.

The northern half of the site is heavily vegetated.

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

Adjoining and surrounding development is characterised by detached dwelling houses, vary significantly in architectural style, design and siting. The properties to the immediate south of the site are on very large land parcels, the properties on the northern side of Taminga Street feature irregular lot shapes, sizes and arrangements, while the other properties along the southern side of Taminga Street have regular lot shapes.

Map:



## SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

### **DA2021/0060**

Development Application for alterations and additions to a dwelling house.  
Approved 24 May 2021

### **CC2022/0797**

Construction Certificate issued for alterations and additions to a dwelling house.  
Approved 2 August 2022

### **MOD2023/0507**

Modification of Development Consent DA2021/0060 granted for alterations and additions to a dwelling house.  
Approved 23 October 2023

### **CC2024/0530**

Construction Certificate issued for alterations and additions to a dwelling house.  
Approved 15 May 2024

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

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

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

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2021/0060, in full, with amendments detailed and assessed as follows:

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

Section 4.55 (2) - Other Modifications	Comments
	A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Section 4.55 (2) - Other Modifications	Comments
<p>(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2021/0060 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed modifications will maintain the form and function of the approved development.</li> <li>• The proposed modifications will not alter the external appearance of the building, including its bulk and scale.</li> <li>• The proposed modifications do not change the approved overall roof ridge height of the dwelling.</li> <li>• The proposed modifications will not change the approved building footprint as the works only involve changes to the driveway levels adjoining the approved garage and entry.</li> <li>• Subject to compliance with conditions, the proposed modifications will have no additional impact on the natural environment nor hazards which affect the site.</li> <li>• The proposed modifications will not result in any additional impact on surrounding properties or the public domain.</li> <li>• The proposed modifications do not involve the removal of any additional trees on site.</li> </ul>
<p>(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</p>	<p>Development Application DA2021/0060 did not require concurrence from the relevant Minister, public authority or approval body.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.</p>

Section 4.55 (2) - Other Modifications	Comments
under section 72 that requires the notification or advertising of applications for modification of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

### Section 4.15 Assessment

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

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (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>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested on 22 May 2025 in relation to submission of a Statement of Modification and Updated Entry Plan.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent</p>



Section 4.15 'Matters for Consideration'	Comments
	<p>authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> 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> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 06/05/2025 to 20/05/2025 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:
Mrs Jillian Gay Murray	11 Taminga Street BAYVIEW NSW 2104

The issues raised within the submission are summarised and addressed as follows:

- **Drainage and boundary transition**

*The submission raised concerns in relation to drainage at the easternmost end of the proposed driveway given there is no pit or pipe shown on the plans that would collect stormwater, likely resulting in stormwater running downhill between the two houses at 10 and 11 Taminga Street. A drain along the boundary transition was also requested to channel any stormwater off the driveway and into a drainage system.*

Comment:

In response to amended stormwater management plans submitted on 29 May 2025, the submitter stated that they have "no further concerns as the amended drainage plans now show there will definitely be a grated drain across the right of way along the boundary with number 11, no drainage falling towards the east, and a grated pit at the south east corner of the house."

- **Material**

*The submission expressed preference for the driveway to be constructed of concrete and not bitumen given bitumen is not as stable as concrete, gets excessively hot in the sun, and does not suit the character of the area.*

Comment:

The plans indicate that the driveway will be concrete.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application seeks consent for: Alterations and additions to a driveway and construction of retaining walls.</p> <p>The works are proposed across this property and the adjoining property at No. 9 Taminga St. A separate application has been lodged for the adjoining site.</p> <p>The Arborist's Report prepared by Hugh the Arborist is noted. The Report covers both properties, enabling the total extent of impact on trees to be assessed.</p> <p>The Report indicates that the works can be undertaken with an acceptable level of impact, subject to Arboricultural supervision</p>

Internal Referral Body	Comments
	during works. No trees are proposed to be removed.  No objections are raised regarding landscape issues subject to conditions.
NECC (Bushland and Biodiversity)	The proposed modifications do not require any additional native prescribed tree removal and as such there are no additional impacts on biodiversity. No objections in relation to biodiversity, subject to existing conditions.
NECC (Development Engineering)	Please provide a Statement of Modification.  <b>Engineering Comments 11.06.25</b> A Statement of Modification has been provided. Development engineering raises no further objections to the proposed modification, subject to the retention of the existing engineering conditions of consent and the addition of two conditions.

#### 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 (Resilience and Hazards) 2021

##### Chapter 4 – Remediation of Land

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

##### Pittwater Local Environmental Plan 2014

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

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

### Detailed Assessment

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

The proposed works are located on land zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The proposal has been assessed against the objectives of the C4 zone and in this instance, the proposal satisfies the objectives, as detailed below.

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

#### Comment:

The proposal will continue to provide for low-impact residential development within an area that contains special ecological, scientific or aesthetic values.

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

#### Comment:

The proposal does not involve the removal of any trees or significant vegetation. The proposal has also been supported by Council's Landscape and Biodiversity Officers. It is therefore satisfied that the proposal will not adversely affect those values.

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

#### Comment:

The proposal will continue to provide for residential development of a low density and scale that is integrated with the landform and landscape as the works involve only the upgrade of the existing shared driveway.

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

Comment:

The proposal does not involve the removal of any trees or significant vegetation. The proposed development does not negatively impact riparian and foreshore vegetation and wildlife corridors, and has been supported by Council's Landscape and Biodiversity Officers, subject to conditions.

## Pittwater 21 Development Control Plan

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.4 Church Point and Bayview Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
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
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.2 Scenic protection - General	Yes	Yes

## 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 2024



Section 7.12 contributions were levied on the Development Application.

## CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2025/0186 for Modification of Development Consent DA2021/0060 granted for Alterations and additions to a dwelling house on land at Lot 10 DP 27133, 10 Taminga Street, BAYVIEW, subject to the conditions printed below:

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-528312 MOD2025/0186	The date of this notice of determination	<p>Modification of Development Consent DA2021/0060 granted for alterations and additions to a dwelling house</p> <p>Modify Condition 1A - Modification of Consent - Approved Plans and supporting documentation</p> <p>Add Condition 3A - Extent of Approved Works</p> <p>Add Condition 11A - Additional Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans</p> <p>Add Condition 11B - Stormwater disposal from Right of Way Driveway</p> <p>Add Condition 11C - Construction Traffic Management Plan</p> <p>Add Condition 13A - Project Arborist</p> <p>Modify Condition 15 - Tree and Vegetation Protection</p> <p>Add Condition 18A - Implementation of Construction Traffic Management Plan</p> <p>Add Condition 18B - Condition of Trees</p> <p>Add Condition 25A - Condition of Retained Vegetation</p>
PAN-371341 MOD2023/0507	23 October 2023	<p>Modification of Development Consent DA2021/0060 granted for alterations and additions to a dwelling house</p> <p>Add Condition 1A - Modification of Consent - Approved Plans and supporting documentation</p> <p>Modify Condition 9 - Amendments to the approved plans</p>

### **Modified conditions**

#### **A. Modify Condition 1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
MOD.01	O	Site Analysis Plan	JJ Drafting	18 October 2023
MOD.02	O	Proposed Upper Level Plan	JJ Drafting	18 October 2023
MOD.03	O	Proposed Entry Level Plan	JJ Drafting	18 October 2023
MOD.04	O	Proposed Lower Level Plan	JJ Drafting	18 October 2023
MOD.05	O	Proposed Gym & Mezzanine Level Plan	JJ Drafting	18 October 2023
MOD.06	O	South Elevation	JJ Drafting	18 October 2023

MOD.07	O	West Elevation	JJ Drafting	18 October 2023
MOD.08	O	North Elevation	JJ Drafting	18 October 2023
MOD.09	O	East Elevation	JJ Drafting	18 October 2023
MOD.10	O	Section A-A	JJ Drafting	18 October 2023
MOD03	-	Site Plan	Action Plans	28 May 2025
MOD04	-	Proposed Entry Level Plan (only portion shaded orange)	Action Plans	28 May 2025
D02	C	Site Stormwater Drainage Plan	NB Consulting Engineers	29 May 2025
D10	B	Stormwater Drainage Details and Sections	NB Consulting Engineers	17 February 2025
C02	C	Site Layout Plan	NB Consulting Engineers	17 February 2025
C03	C	Driveway Access Plans	NB Consulting Engineers	17 February 2025
C04	C	Driveway Access Plans - Sheet 2	NB Consulting Engineers	17 February 2025
C10	C	Proposed Contour & Spot Levels Layout Plan (Approximate) - Sheet 1	NB Consulting Engineers	17 February 2025
C11	C	Proposed Contour & Spot Levels Layout Plan (Approximate) - Sheet 2	NB Consulting Engineers	17 February 2025
C12	C	Proposed Contour & Spot Levels Layout Plan (Approximate) - Sheet 3	NB Consulting Engineers	17 February 2025
C20	C	Longitudinal Sections - Sheet 1	NB Consulting Engineers	17 February 2025
C21	C	Longitudinal Sections - Sheet 2	NB Consulting Engineers	17 February 2025
C22	C	Longitudinal Sections - Sheet 3	NB Consulting Engineers	17 February 2025
C23	C	Longitudinal Sections - Sheet 4	NB Consulting Engineers	17 February 2025
C24	C	Longitudinal Sections - Sheet 5	NB Consulting Engineers	17 February 2025
C25	C	Longitudinal Sections - Sheet 6	NB Consulting Engineers	17 February 2025
C26	C	Longitudinal Sections - Sheet 7	NB Consulting Engineers	17 February 2025
S02	B	Retaining Wall and Driveway Plan and Details	NB Consulting Engineers	17 February 2025
S03	B	Retaining Wall and Driveway Detail Sheet	NB Consulting Engineers	17 February 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate A398756_02	N/A	JJ Drafting Australia Pty Ltd	13 September 2023
Geotechnical Statement	SRE/953/BV/23	Soilsrock Engineering	13 September 2023
Arboricultural Impact Assessment	-	Hugh The Arborist	7 March 2025
Addendum to Geotechnical Report	SRE/1375/BV/25	Soilsrock Engineering	25 March 2025
Waste Management Plan	-	Author Unknown	n.d.

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

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

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

**B. Add Condition 3A - Extent of Approved Works, to read as follows:**

This consent applies only to the land at 10 Taminga Street and does not imply approval for works to any other land.

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

**C. Add Condition 11A - Additional Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans, to read as follows:**

The recommendations identified in the additional Geotechnical Report by Soilsrock dated 25.03.2025 referenced in Condition 1 of this consent are to be incorporated into the construction plans. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**D. Add Condition 11B - Stormwater disposal from Right of Way Driveway, to read as follows:**

Stormwater from the right of way driveway development shall be disposed of in accordance with the Stormwater Management plans prepared by NB Consulting Engineers, Job No. 2405100, rev C dated 29.05.2025.

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

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



development.

**E. Add Condition 11C - Construction Traffic Management Plan, to read as follows:**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
  - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
  - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
  - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
  - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.

- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
  - Compare the post-construction report with the pre-construction report,
  - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
  - Should any damage have occurred, identify remediation actions taken.
  - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

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

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

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

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

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

**F. Add Condition 13A - Project Arborist, to read as follows:**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with the Arboricultural Impact Assessment dated 7 March 2025 prepared by Hugh the Arborist and AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

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

All tree protection measures specified must:

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

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

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

Reason: Tree protection.

**G. Modify Condition 15 - Tree and Vegetation Protection, to read as follows:**

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all trees within the site,
  - 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 and AS4970-2009 Protection of trees on development sites, and any recommendations: Assessment,
  - ii) existing ground levels shall be maintained within the tree protection zone of trees to be Arborist,
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consi
  - iv) no excavated material, building material storage, site facilities, nor landscape material 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
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone of any tree on the lot or any tree on an adjoining site, 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 to provide recommendations for tree protection measures. Details including photographic evidence to be provided by the Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a tree on the lot or any tree on an adjoining site during the construction works is to be undertaken using the protection measures specified in the 2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, 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 an approved tree, 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, ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction period.

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

#### **H. Add Condition 18A - Implementation of Construction Traffic Management Plan, to read as follows:**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

#### **I. Add Condition 18B - Condition of Trees, to read as follows:**

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.

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.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

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.

**J. Add Condition 25A - Condition of Retained Vegetation, to read as follows:**

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

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

**Signed**



**Anais Sarkissian, Planner**

The application is determined on 17/06/2025, under the delegated authority of:



**Adam Richardson, Manager Development Assessments**