

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0172
<b>Responsible Officer:</b>	Kent Bull
<b>Land to be developed (Address):</b>	Lot 30 DP 25461, 29 Bilkurra Avenue BILGOLA PLATEAU NSW 2107
<b>Proposed Development:</b>	Construction of a carport and associated works
<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>	Joanne Lee Nicol Gregory William Nicol
<b>Applicant:</b>	Joanne Lee Nicol Gregory William Nicol
<b>Application Lodged:</b>	26/02/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	06/03/2020 to 20/03/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 45,300.00

### PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the construction of a carport and associated works. In particular the working include:

- Construction of a single vehicle carport with a new driveway crossing;
- Attached storeroom and bin enclosure to the southern side of the carport;
- Demolition of existing driveway and associated brick wall, reinstate road guttering, install turf/landscaping, low brick retaining wall (max. 600mm height), new gravel pedestrian pathway and new steps leading to carport; and
- Removal of one (1) Sydney Red Gum (T3 on Site Plan) and a native Burrawang cycad (not recorded on the Site 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 Local Environmental Plan 2014 - 5.10 Heritage conservation

Pittwater Local Environmental Plan 2014 - 7.3 Flood planning

Pittwater 21 Development Control Plan - C1.1 Landscaping

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - D3.3 Building colours and materials

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

Pittwater 21 Development Control Plan - D3.11 Landscaped Area - Environmentally Sensitive Land

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 30 DP 25461 , 29 Bilkurra Avenue BILGOLA PLATEAU NSW 2107
<b>Detailed Site Description:</b>	<p>The subject site is known as 29 Bilkurra Avenue, Bilgola Plateau and legally referred to as Lot 30 DP 25461. The site consists of one (1) allotment located on the western side of Bilkurra Avenue.</p> <p>The site is regular in shape with a frontage of 18.29m along Bilkurra Avenue and a depth of 36.575m. The site has a surveyed area of 667.4m<sup>2</sup>. Pedestrian and vehicle access is gained via the frontage facing Bilkurra Avenue.</p> <p>The site is located within the R2 Low density residential zone and accommodates a single storey dwelling house located towards the rear of the property.</p>

The site slopes approximately 8.2% from the road frontage to the rear boundary.

The site contains a modified landscape setting, with vegetation consisting of established native canopy trees, shrubs and turfed lawn areas.

The site is mapped within the Pittwater Bush Fire Prone Land Map 2013, Pittwater Biodiversity Map, Northern Beaches Flood Hazard Map (Low Risk) and is also identified as land in the vicinity of Heritage Item.

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

Adjoining and surrounding development is characterised by low-density detached residential dwellings of varying architectural styles within a landscaped/bushland setting.

Map:



#### **SITE HISTORY**

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

#### **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 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	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 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 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 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 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 93 and/or 94</u> of the EP&amp;A Regulation 2000 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 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Australian Bushfire Consulting Services Pty Ltd, dated 20 February 2020) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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



## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application proposes a new carport, new crossover and driveway, and improved landscape works within the front setback.</p> <p>The landscape component of the proposal is acceptable subject to the protection of existing trees and vegetation within the property, to adjoining properties and within the road verge, and the completion of landscaping consisting of shrub planting along the boundary between No. 29 and No.27.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D3 Bilgola Locality</p> <p>The Site Plan numbered 20845 notes that existing trees on the site (T2 &amp; T4) and the street tree (T1) are to remain, and existing tree (T3) is proposed to be removed. This numbering is contrary to the Arboricultural Impact Report submitted by Landscape Matrix, and reference to existing trees shall rely on the numbering noted in the Arboricultural Impact Report; as follows:</p> <ul style="list-style-type: none"> <li>Existing trees to be retained and protected: T1 - Sydney Red Gum (T2 on Site Plan); T3 - Sydney Red Gum street tree (T1 on Site Plan); and T4 - Jacaranda (T4 on Site Plan).</li> <li>Existing trees supported for removal: T2 - Sydney Red Gum (T3 on Site Plan); and T5 - Burrawang (not recorded on Site Plan).</li> </ul> <p>Due to the major intrusions into the tree protection zones of existing trees over the 10% permitted under Australian Standard 4970-2009 Protection of Trees on Development Sites, the driveway alignment and width shall be determined and approved at Construction Certificate stage following arboricultural investigation through a non-destructive root investigation conducted to comply with clause 3.3.4 (TPZ encroachment considerations) of AS 4970-2009. This shall be conducted by an Arborist with a minimum AQF Level 5 qualification in arboriculture/horticulture, to definitely determine the location and depth of existing roots that shall not be impacted upon by excavation /construction works.</p> <p>This may require that the alignment and width of the driveway to be altered from the alignment and width shown on the DA plans. Conditions of Consent shall be applied at Construction Certificate stage to satisfy the requirement to retain and protect the existing trees in the vicinity of the proposed driveway and carport.</p>
NECC (Bushland and Biodiversity)	The proposed development has been assessed against the following controls:

Internal Referral Body	Comments
	<p>- SEPP (Coastal Management) (Littoral Rainforest Proximity Area - Pittwater DCP Clause B4.6 (Wildlife Corridors)</p> <p>Compliance with the relevant controls is dependent upon safe retention of important native canopy trees and appropriate sediment/erosion control. Council's Landscape and Riparian Lands/Creeks referral bodies have recommended appropriate conditions of consent to address these objectives. Subject to these conditions, the proposal is considered to comply with the controls.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b> The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b> As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Proximity to Littoral Rainforest Area' map but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment, the DA satisfies requirements under clause 15 of the CM SEPP. Requirements under Clause 11 will be assessed by other section of the Council</p> <p>As such, it is considered that the application does comply with the requirements of the Clause 15 of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p>

Internal Referral Body	Comments									
	<p>No coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>									
NECC (Development Engineering)	No objection to approval, subject to conditions as recommended.									
NECC (Riparian Lands and Creeks)	No objection to the proposed development subject to the condition that the sediment and erosion control plan is adhered to throughout the life of the project.									
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS									
	Discussion of reason for referral									
	<p>The proposal has been referred to Heritage as the property is within proximity of a heritage item</p> <p><b>Angophora Reserve and Angophora Tree</b> - Palmgrove Road, Avalon Beach</p>									
	Details of heritage items affected									
	<p>Details of the item as contained within the Pittwater heritage inventory is as follows:</p> <p><u>Statement of significance:</u> Angophora Reserve and Angophora costata tree are significant in that the tree is thought to be the biggest of its species and the reserve provides a small taste of the Peninsula similar to what it was like pre-settlement and provides significant samples of vegetation communities and fauna habitats that are under threat. It is one of the most significant reserves in an area that is now dominated by suburbia and true bushland is restricted to mostly small reserves</p> <p><u>Physical description:</u> Angophora Reserve is located in the core of the Barrenjoey Peninsula bordering the suburbs of Avalon, Clareville and Taylors Point. The reserve consists of 18.5 hectares of urban bushland in Avalon on the Barrenjoey Peninsula. It is dominated by remnant forest and woodland vegetation communities.</p>									
	Other relevant heritage listings									
	<table><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr></table>	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No	
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No								
	Australian Heritage Register	No								
	NSW State Heritage Register	No								



Internal Referral Body	Comments		
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	The proposal seeks consent for a new driveway and carport. The heritage item is located to the north of the subject property across 31 Bilkurra Avenue and 30 Bilga Avenue. Given the physical separation and properties in between, the proposal is considered to not impact upon the heritage item or its significance.		
	Therefore Heritage raises no objections and requires no conditions.		
	Consider against the provisions of CL5.10 of PLEP.		
	Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No		
	Further Comments		
	COMPLETED BY: Brendan Gavin, Principal Planner		
DATE: 10 March 2020			

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. A response was received on 27 March 2020, the recommendations of which have been included as a condition of consent.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

## SEPP 55 - Remediation of Land

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

## SEPP (Infrastructure) 2007

### Ausgrid

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

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

### Comment:

The proposal was referred to Ausgrid. A response was received on 27 March 2020, the recommendations of which have been included as a condition of consent.

## SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

### 11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

### Comment:

The subject development application has been assessed against the requirements of this clause by Council's Natural Environment & Climate Change - Bushland and Biodiversity, Riparian Lands and Creeks, as well as the Coast and Catchments divisions. It should be noted, whilst one Sydney Red

Gum and one Burrawang cycad, Council's Landscape Officer has seen that the removal of these trees would be acceptable. Conditions have also been placed in order to protect the retaining Sydney Red Gums to ensure that the proposed works do not impact upon root systems and the like. A condition has also been recommended to ensure landscaping is implemented prior to the issue of a Occupation Certificate. Council's Natural Environment - Riparian Lands and Creeks section has also assessed matters relating to surface and groundwater flows, recommending the application be approved subject to conditions.

## 15 Development in coastal zone generally—development not to increase risk of coastal hazards

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

### Comment:

It is considered that the consent authority can be satisfied that the proposed development is not likely to cause an increased risk of coastal hazards on the subject site or other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

## 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	3m	-	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
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

### Detailed Assessment

## 5.10 Heritage conservation

The subject site is located within a proximity with a heritage item listed in Schedule 5 of the PLEP 2014 known as 'Angophora Reserve and Angophora Tree' - Palmgrove Road, Avalon Beach - SHI No. 2270107

In accordance with clause 5.10(4) of the PLEP 2014, the consent authority must consider the effect of the proposed development of the heritage significance of the item or area concerned prior to granting consent to the proposal. In this regard, the proposal has been considered by Council's Principal Planner who is satisfied that the proposal is acceptable subject to conditions. Detailed commentary from Council's Principal Planner (on behalf of Heritage) is provided in the 'Referrals' section of this report.

## 7.3 Flood planning

The subject site is identified as 'Low-Risk' under the Northern Beaches Council Flood Hazard Map, and therefore does not require a referral to Natural Environment & Climate Change (Stormwater & Floodplain Engineering – Flood Risk ).

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	6m	7.7%	No
Rear building line	6.5m	24.3m	-	Yes
Side building line	2.5m	10.6m	-	Yes
	1m	1m	-	Yes
Building envelope	3.5m	Within envelope	-	Yes
	3.5m	Within envelope	-	Yes
Landscaped area	60%	47.9% (319.5m <sup>2</sup> )	20.2%	No

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.6 Wildlife Corridors	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)	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
B8.2 Construction and Demolition - Erosion and Sediment Management	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	No	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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
D3.1 Character as viewed from a public place	Yes	Yes
D3.2 Scenic protection - General	Yes	Yes
D3.3 Building colours and materials	No	Yes
D3.6 Front building line	No	Yes
D3.9 Building envelope	Yes	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D3.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

## Detailed Assessment

### **C1.1 Landscaping**

The application does not demonstrate that at least one (1) canopy tree is being provided in the rear yard of the site. Despite this technical non-compliance, it is recognised that it is challenging to ensure there is sufficient area to ensure growth is not restricted, due to the positioning of the existing dwelling house, the location of the sewer mains as well as retaining walls within the rear setback. The application does however demonstrate that two (2) canopy trees will be retained within the front setback to ensure the tree canopy of Pittwater is being retained and the built form associated with the proposed development is softened. Council's Landscape Officer has also recommended conditions to see tree



protection measures applied and for the completion of landscaping, in preserve and enhance the biodiversity and amenity of the area.

Based on the above, the variations to the control is supported on merit in this instance, as the proposed development is considered to satisfy the outcomes of this clause.

### **C1.3 View Sharing**

The proposed carport and associated store room and bin area are seen to continue to provide for a acceptable and a reasonable sharing of the primary north and north-west facing views over Angophora Reserve towards Lion Island and Pittwater, for the adjoining property to the south. The application has given particular attention to mitigating view impacts from the north facing balcony area of No. 29 Bilkurra Avenue. This has been demonstrated through the consideration the Reduced levels of the balcony in relation to the roof of the proposed carport structure. It should be noted that the Commissioner of *Tenacity Consulting v Warringah Council [2004] NSW LEC 140* indicates that views obtained over a side boundary are difficult to protect and this is applicable to the proposal in this particular instance.

Based on the above, and accounting for the level of compliance of the proposal, the application is not seen to result in a noncompliance with the provisions of this control.

### **D3.3 Building colours and materials**

The proposed use of Colorbond colour "Dune" as the finish to the timber clad walls of the storeroom and the use of Colourbond colour "Surfmist" to the eaves are technically non-compliant with the control that requires external colours to be of dark and earthy tones. Despite this non-compliance, the application has demonstrated that the colour scheme is to achieve consistency with the existing dwelling house. Further "Dune" is more of a warm, pale grey colour and therefore is not seen to be highly reflective or inconsistent with the colours/finishes of neighbouring developments along Bilkurra Avenue.

Based on the above, the proposed development is considered acceptable on merit and consistent with the outcomes of the clause in this particular instance.

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

The application proposes a 6m front setback to the carport structure, which is inconsistent with the 6.5m minimum front building setback prescribed in relation to Bilkurra Avenue. The variation to the control for the purposes of facilitating car parking partially within the front setback is considered acceptable due to the constraints on the site and when accounting for neighbouring carparking structures within the front setback, such as with the adjoining property to the north at No. 31 Bilkurra Avenue. Council's Development Engineer is also supportive of the proposal, despite the inability for vehicles to enter and exist the site in a forward direction. Furthermore, as demonstrated on the submitted plans, part of the proposed carport structure is below the road level as well as being predominantly open in style to the Bilkurra Avenue frontage, which assists to reduce the overall dominance, built form and visual streetscape impacts. The application also indicates a reasonable amount of vegetation including trees within the front setback area in order to preserve the bushland character and surrounding natural environment.

Based on the above, the proposal in this particular instance, is considered to satisfy the outcomes of this clause and is supported on its merits.

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

The proposed development is technically non-complaint with the control that requires 60% of the total site area to be dedicated towards landscaping. The proposal seeks to vary this control by reducing the overall landscaped area to 47.9% (319.5m<sup>2</sup>). The variations of this clause allow for a revised landscaped area calculation to include imperious areas of less than 1m in width and up to 6% of the total site area if used for outdoor recreational purposes. On this basis, the revised landscaped area is measured at 367.1m<sup>2</sup> or 55%. It should be noted that despite the non-compliance, the application does seek the removal of the existing concrete driveway. While not specifically included in the revised landscaped area calculation, the gravel pedestrian pathway leading to the dwelling house does help facilitate the infiltration of water which is an outcome of this control. The proposal is also considered acceptable with regard to stormwater run-off with Council's Development Engineer and Council's Riparian Lands and Creeks division raising no objection to the application subject to conditions. Consideration has been given that the bushland character of the area will be preserved through conditions to protect the Sydney Red Gum canopy trees that area in relative close proximity to the proposed works. The proposed carport structure will also be predominantly open in style to assist with visually reducing the built form of the development. Further, the proposal will not result in an unreasonable impact on the amenity and solar access provided to neighbouring properties.

Based on the above, the variations to the control are supported on merit in this instance, as the proposed development is considered to satisfy the outcomes of this clause.

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

The proposal will not significantly effect 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 2019**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

conditions contained within the recommendation.

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0172 for Construction of a carport and associated works on land at Lot 30 DP 25461, 29 Bilkurra Avenue, BILGOLA PLATEAU, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
01, Scheme 2 (Site Plan)	December 2019	GWN Drafting
03, Scheme 2 (Proposed Plan)	December 2019	GWN Drafting
04, Scheme 2 (East (Street) Elevation, South Elevation)	December 2019	GWN Drafting
05, Scheme 2 (West Elevation, North Elevation)	December 2019	GWN Drafting
06, Scheme 2 (Section A.A)	December 2019	GWN Drafting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Report	12 August 2019	Landscape Matrix Pty Ltd
Bush Fire Assessment Report, Ref. 19-208	20 February 2020	Australian Bushfire Consulting Services

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>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
E1, Scheme 2 (Environmental Site Management Plan)	December 2019	GWN Drafting
Northern Beaches Council Waste Management Plan	11 February 2020	Greg and Joanne Nicol

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	Response Ausgrid Referral	27/03/20

(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**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the

work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
  - A. the name and licence number of the principal contractor, and
  - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

#### 4. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether



the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall

notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

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

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

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

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2008
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is

located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

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

### 6. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Clause B5.10 of PITTWATER DCP21.

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

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

### 7. **Vehicle Driveway Gradients**

Driveway gradients within the private property are to comply with AS/NZS 2890.1:2004.

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility.

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

Reason: To ensure suitable vehicular access to private property.

### 8. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

### 9. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

10. **Tree Root Investigation, Root Mapping Plan & Driveway Alignment Plan**

A non-destructive root investigation shall be conducted complying with clause 3.3.4 (TPZ encroachment considerations) of AS 4970-2009 Protection of Trees on Development Sites, prior to the issue of a Construction Certificate. This shall be conducted by an Arborist with a minimum AQF Level 5 qualification in arboriculture/horticulture, to existing trees impacted by the proposed driveway and carport, with particular attention to existing trees T1 and T3 (Sydney Red Gums).

The findings of the root investigation shall be documented in a Root Mapping Plan and shall be the basis for determining the driveway alignment and width, and the construction methodology and materials for the driveway. A Driveway Alignment Plan, prepared by the Arborist, shall be issued to the Certifying Authority identifying a suitable layout for the driveway, including identifying the location of the vehicle crossing at kerb and the driveway alignment at the property boundary.

The recommendations from the Arborist shall include the assessment of placing the driveway on a shallow bed of sand over the existing grade with no excavation or compaction within areas of the tree protection zone, as the construction method for the new driveway. If structural roots are encountered (>25mm in diameter), recommendations for root pruning and preferably design change to the driveway alignment and width must be recommended and documented in the Driveway Alignment Plan.

The root investigation shall map existing roots of significance that must not be impacted by construction works.

The Root Mapping Plan shall provide a setback clearance recommendation from the trunks of the existing trees and provide recommended construction techniques to ensure no impact to existing roots. The Root Mapping Plan and the Driveway Alignment Plan shall be issued to the Certifying Authority, and shall be issued to the structural engineer as a basis for structural design.

The Arborist shall provide certification to the Certifying Authority that the Root Mapping Plan and clear distances recommended in the Driveway Alignment Plan will ensure the long term survival of the existing Sydney Red Gums T1 and T3.

The Certifying Authority shall approve Construction Certificate design that satisfies the recommendations of the Root Mapping Plan and Driveway Alignment Plan.

Reason: to ensure protection of existing Sydney Red Gum trees T1 and T3.

11. **Compliance with Standards**

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

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

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

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 Certifying Authority prior to the issue of the Construction Certificate.

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

**13. Sydney Water "Tap In"**

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

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

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

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

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

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

**14. Tree removal within the property**

The following existing tree and accent planting as recommended by the Arboricultural Impact Report prepared by Landscape Matrix:

- T2 - Sydney Red Gum; and
- T5 - Burrawang

**15. Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**16. Maintenance of Road Reserve**

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

Reason: Public Safety.

**17. Vehicle Crossings**

The Applicant is to construct one vehicle crossing 4 metres wide in accordance with Northern



Beaches Council Drawing No A4-3330/3 NL and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. The redundant layback and crossing are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

**18. Tree and vegetation protection - General**

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

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

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites and the recommendations of the Arboricultural Impact Report prepared by Landscape Matrix,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 minimum qualification Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 minimum qualification Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 minimum qualification Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 minimum qualification Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 minimum qualification Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 minimum qualification Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 minimum qualification Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) 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 AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

19. **Project Arborist**

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, requiring site attendance during excavation and construction, in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the as recommended in the Arboricultural Impact report prepared by Landscape Matrix: including works in the vicinity of the following trees:

- Tree 1, T3, and T4.

The following recommendations of the Arboricultural Impact Report shall be specifically undertaken:

- Tree Protection Measures contained in section 5,
- Specific driveway construction recommendations listed under section 6. Conclusion.

Additionally, the recommendations and resolution of the Driveway Alignment Plan shall be inspected and approved by the Project Arborist. Certification shall be provided to the Certifying Authority of arboricultural approval of the works, including photographic documentation during the works and at completion.

Reason: to ensure the protection of the existing landscape amenity.

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

20. **Landscape completion**

Landscaping is to be implemented as indicated in the Proposed Plan 03, inclusive of the following requirements:

- i) removed shrubs as nominated on the plan shall be replaced with screen planting along the south boundary consisting of native shrub planting capable of attaining 2 metres in height at maturity, planted at 300mm container pot size, and installed no more than 900mm apart,
- ii) all demolished existing surfaces shall as the obsolete driveway shall be turfed.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

21. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

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

Reason: to retain and protect significant planting on development sites.

22. **Stormwater Disposal**

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

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

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

23. **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

24. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

25. **Dead or Injured Wildlife**

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

26. **Fencing for Wildlife Passage**

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors

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

**Signed**



**Kent Bull, Planner**

The application is determined on 02/04/2020, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**