

14 October 2020



Spitfire Control
9 Beatrice Street
CLONTARF NSW 2093

Dear Sir/Madam

Application Number: Mod2020/0335
Address: Lot 69 DP 9517 , 9 Beatrice Street, CLONTARF NSW 2093
Proposed Development: Modification of Development Consent DA 26/2015 granted for construction of a new double carport with storeroom underneath, elevated driveway, new pedestrian access stairs and lift

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Kent Bull
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2020/0335
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Spitfire Control
Land to be developed (Address):	Lot 69 DP 9517 , 9 Beatrice Street CLONTARF NSW 2093
Proposed Development:	Modification of Development Consent DA 26/2015 granted for construction of a new double carport with storeroom underneath, elevated driveway, new pedestrian access stairs and lift

DETERMINATION - APPROVED

Made on (Date)	14/10/2020
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The request to modify the above-mentioned Development Consent has been approved as follows:

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

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A0 (Site Plan)	June 2020	Spitfire Control
A1 (Ground Floor Plan)	June 2020	Spitfire Control
A2 (Store Room Floor Plan)	June 2020	Spitfire Control
A3 (Carport Floor Plan)	June 2020	Spitfire Control
A4 (Roof Plan)	June 2020	Spitfire Control
A5 (External Elevation - North)	June 2020	Spitfire Control
A6 (External Elevation - South)	June 2020	Spitfire Control
A7 (External Elevation - East)	June 2020	Spitfire Control
A8 (External Elevation - West)	June 2020	Spitfire Control
A9 (Sections)	June 2020	Spitfire Control

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By

Geotechnical Investigation Report, Ref. J2554	21 February 2020	White Geotechnical Group
Arborist Report - Tree Management Plan	25 August 2020	Margot Blues Consulting Arborist

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

B. Delete Condition ANS01

Reason: Condition ANS01 related to the protection of 1 x Eucalyptus piperita tree, which following the issuing of Development Consent No. DA 26/2015 had been approved under a separate approval. Council's Landscape Officer has recommended new conditions to address the protection of Trees 1 and 2 that are both *Angophora costata* (Sydney Red Gum).

C. Delete Condition 8 (2DS01)

Reason: Condition 8 (2DS01) related to a detailed stormwater management plan being submitted to Council prior to the issue of a Construction Certificate. Council's Development Engineer has advised that the condition should be deleted in lieu of new conditions reflect the Council's current practices.

D. Delete Condition 14 (2PT02)

Reason: Condition 14 (2PT02) relates to details of all driveways, car parking areas and pedestrian paths being submitted to Council prior to the issue of a Construction Certificate. Council's Development Engineer has advised that the condition should be deleted in lieu of new conditions reflect the Council's current practices.

E. Delete Condition 22 (3FP01)

Reason: Condition 22 (3FP01) relates to a vehicle crossing application being submitted to Council. Council's Development Engineer has advised that the condition should be deleted in lieu of new conditions reflect the Council's current practices.

F. Add Condition 18A (Submission Roads Act Application for Civil Works in the Public Road) under heading "CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE":

Submission Roads Act Application for Civil Works in the Public Road

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

The application is to include four (4) copies of Civil Engineering plans for the design of driveway which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following

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

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

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

G. Add Condition 18B (Deletion of Stair) under heading "CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE":

Deletion of Stair

The applicant shall delete the stair on the southern side of the property. Any proposed structure is to be located clear of the existing Council drainage easement at the southern boundary of the property.

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

Reason: Protection of Council's infrastructure.

H. Add Condition 18C (External treatment to Carport Door) under heading "CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE":

External treatment to Carport Door

The timber battens to the carport door are to be spaced at a minimum of 40mm.

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

Reason: To ensure development does not detract from the visual amenity of the Foreshore Scenic Protection Area.

I. Add Condition 27A (Tree and vegetation protection) under heading "CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT":

Tree and vegetation protection

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

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with the Arborist Report - Tree Management Plan dated 25 August 2020 prepared by Margot Blues and Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist

- iii) 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,
- iv) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
- v) 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- vi) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site
- vii) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.
- viii) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) The Certifying Authority must ensure that the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: Tree and vegetation protection.

J. Add Condition 27B (Project Arborist) under heading "CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT":

Project Arborist

- a) A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with the Arborist Report - Tree Management Plan dated 25 August 2020 prepared by Margot Blues and Australian Standard 4970-2009 Protection of Trees on Development Sites.
- b) The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.
- c) The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Manual excavation is to occur ensuring no tree root is damaged by works, unless approved by the Project Arborist.
- d) The Project Arborist shall be in attendance and supervise all works as nominated in the Arborist Report - Tree Management Plan dated 25 August 2020 prepared by Margot Blues, including:
 - i) Excavation for pier footings

ii) Installation of irrigation below the driveway slab

e) All tree protection measures specified must:

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

f) The Project Arborist shall provide certification to the Certifying Authority that all 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: A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: Tree protection.

K. Add Condition 39A (Protection of landscape features and sites of significance) under heading "CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK":

Protection of landscape features and sites of significance

a) All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed during demolition, excavation and construction works, except where affected by works detailed on approved plans.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: preservation of significant environmental features.

L. Add Condition 42A (Condition of retained vegetation) under heading "CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE":

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and 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: To ensure compliance with the requirement to retain and protect significant planting on development sites.

M. Modify Condition ANS03 to read as follows:

A "Consent for the use of a portion of Road Reserve" application will be required for the elevated driveway and stair structures across Council's Road Reserve. In this regard full structural engineering details in relation to the construction of the elevated driveway and stair structures and on-going

maintenance thereof shall be provided with the application. Please note that this approval must be obtained prior to the issue of the Construction Certificate.

Reason: Management of Councils Road Reserve.

Important Information

This letter should therefore be read in conjunction with DA 26/2015 dated 18 June 2015.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Kent Bull, Planner

Date 14/10/2020