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**From:** John Lawson  
**Sent:** 7/01/2025 3:28:06 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** info@formbc.com  
**Subject:** TRIMMED: Submission for SECTION 455 MODIFICATIONS - Mod 2024/0694 MODIFICATION OF DEVELOPMENT APPLICATION DA2023/1023 - 32 LOBLAY CRESCENT BILGOLA PLATEAU  
**Attachments:** Construction Methodology\_CFT-576623.pdf; Engineering\_CFT-576623.pdf; Notice\_of\_Determination\_V1\_CR-2024-77896.pdf; CC2024-146 Plans\_CFT-576623.pdf; DA Assessment\_Report.pdf; 250107 Lawson Submission re Mod2024-0694 to DA2023-1023.pdf;

Good afternoon – please see the attached Submission for the Modification DA referenced above. - ( pdf file -250107 Lawson Submission)

I have attempted to utilize your online submission format on the website, but it will not allow me to make a submission, hence this email.

If you need anything further, please do not hesitate to contact me via the number below or via email.

Kind regards  
**John Lawson**

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## Construction Methodology 32 Loblay Crescent

The proposed retaining wall will be constructed from sandstone blocks 1m x .5m x .5m in size stacked in a brick pattern as shown below.



Because of the weight of each block, approximately 750kg, they can be laid on a bed of slightly compacted road base and the lowest level can be cut as necessary to ensure the wall can be constructed on a level base while following natural undulations of the land, while creating an incredibly stable and visually pleasing retaining structure. This method is what makes the construction of the wall possible without the need for excavated footings, allowing for roots of the retained Gum tree and the neighbouring Viburnum and Lilli Pilli to remain unimpacted by the construction, as confirmed in the AIA report.

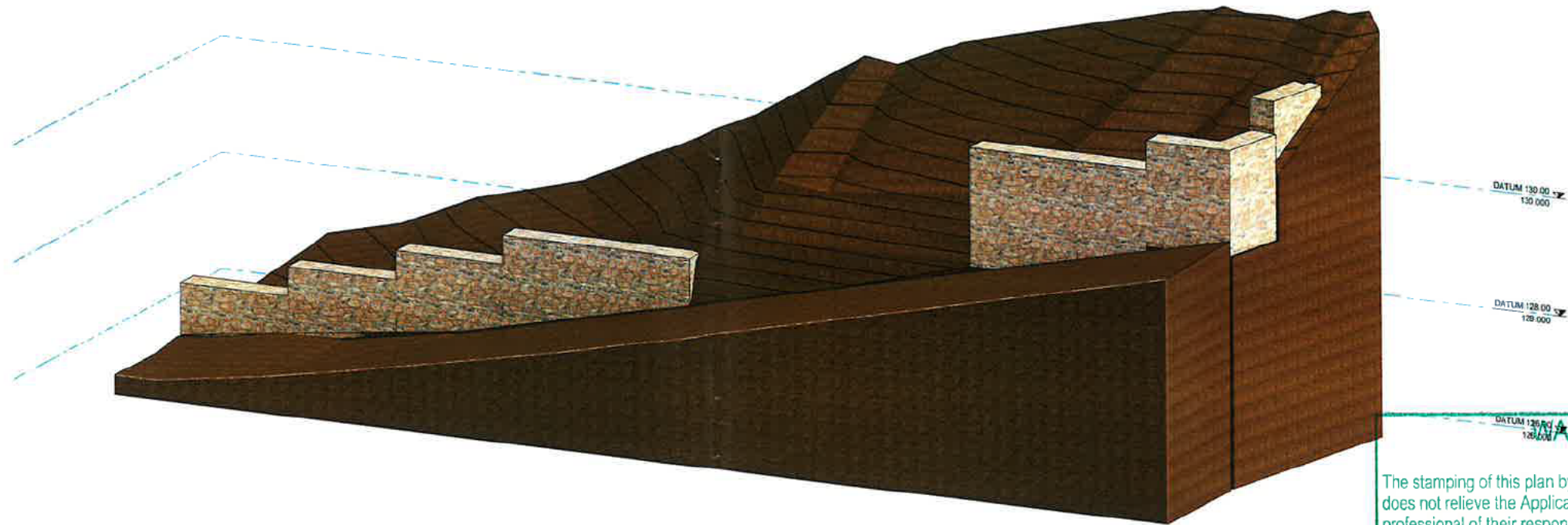
All material and machinery needed for the project will be craned into the rear garden via a 50T Liebherr All Terrain Crane allowing the excavation for and placement of the sandstone blocks to be undertaken wholly within the boundaries of the site.

Work, when necessary, will be overseen by an aborist as recommended in the AIA report.



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FOR DEP CONTROL

| LIST OF DRAWING |                        |
|-----------------|------------------------|
| SHEET NO        | DRAWING NAME           |
| DL1             | SITE PLAN - ELEVATIONS |
| DL2             | SECTIONS               |



**WARNING**

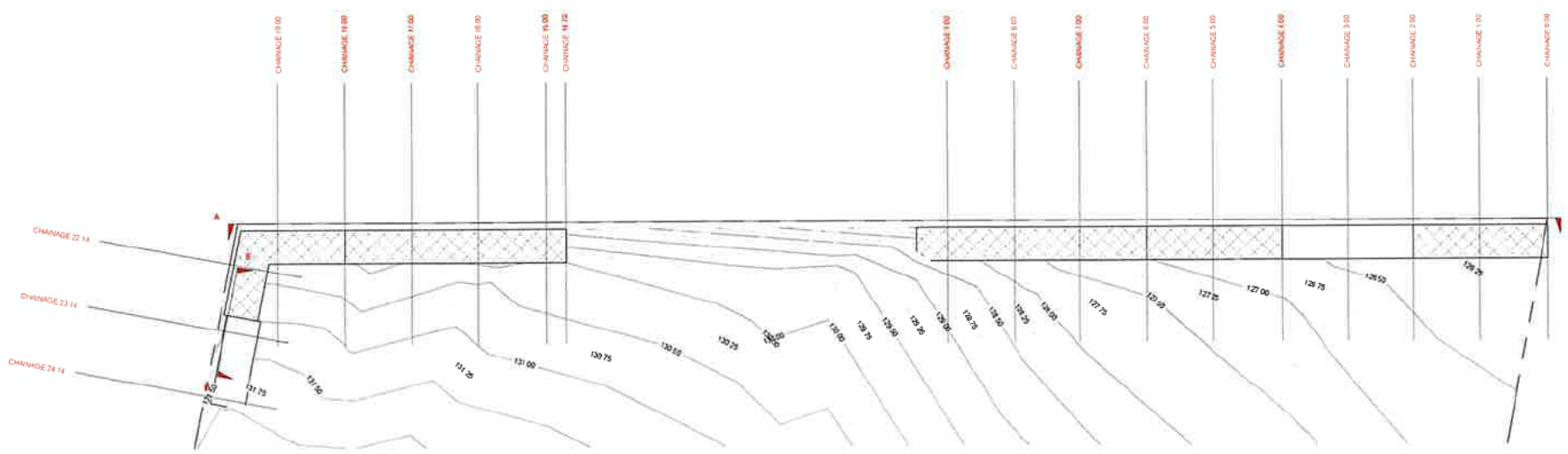
The stamping of this plan by Form Building Certifiers Pty Ltd does not relieve the Applicant, Structural Engineer or other professional of their responsibility to ensure these stamped plans are not only consistent with the Construction/Complying Development documents (including any overmarked plan adjustments) but also the Council issued Development Consent plans & Conditions

**FORM BUILDING CERTIFIERS PTY LTD**

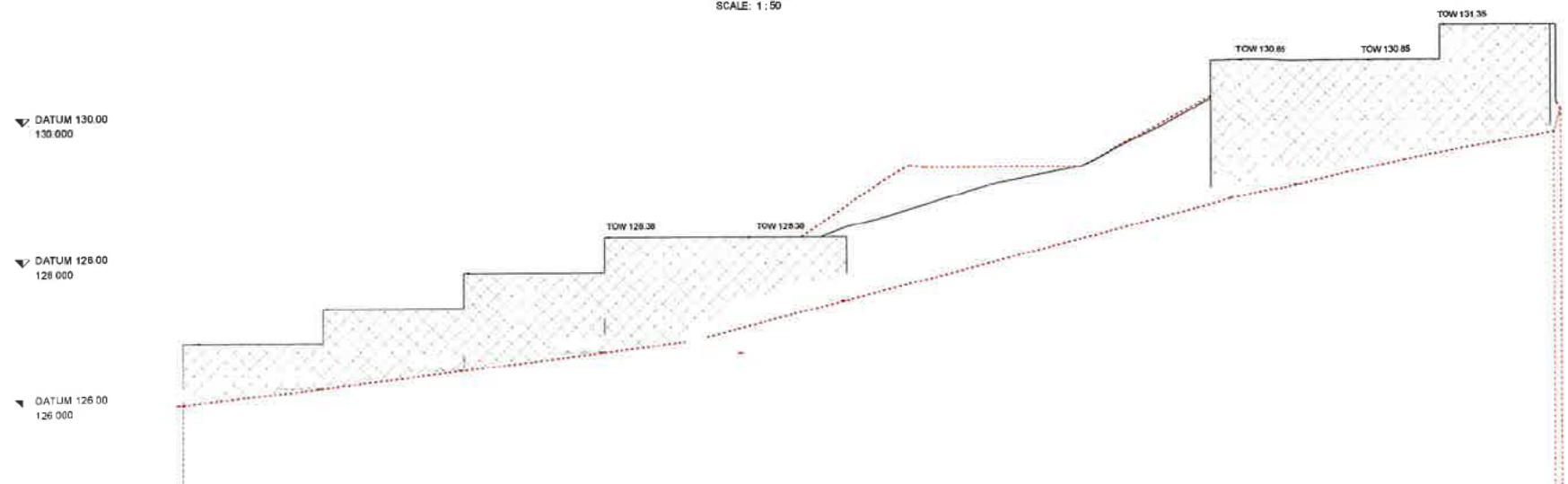
THIS IS THE PLAN REFERRED TO IN CC/CDC

NUMBER: CC2024-146

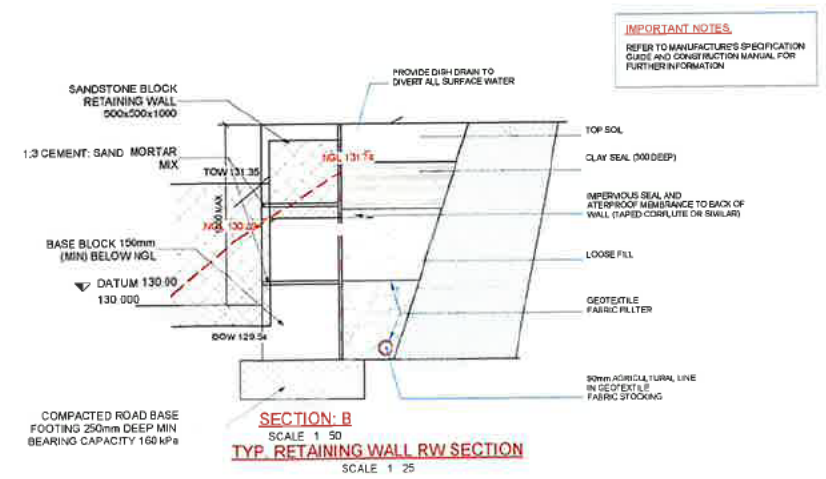
DATE: 02.09.24 CRAIG FORMOSA BDC0124



**SITE PLAN**  
SCALE: 1:50



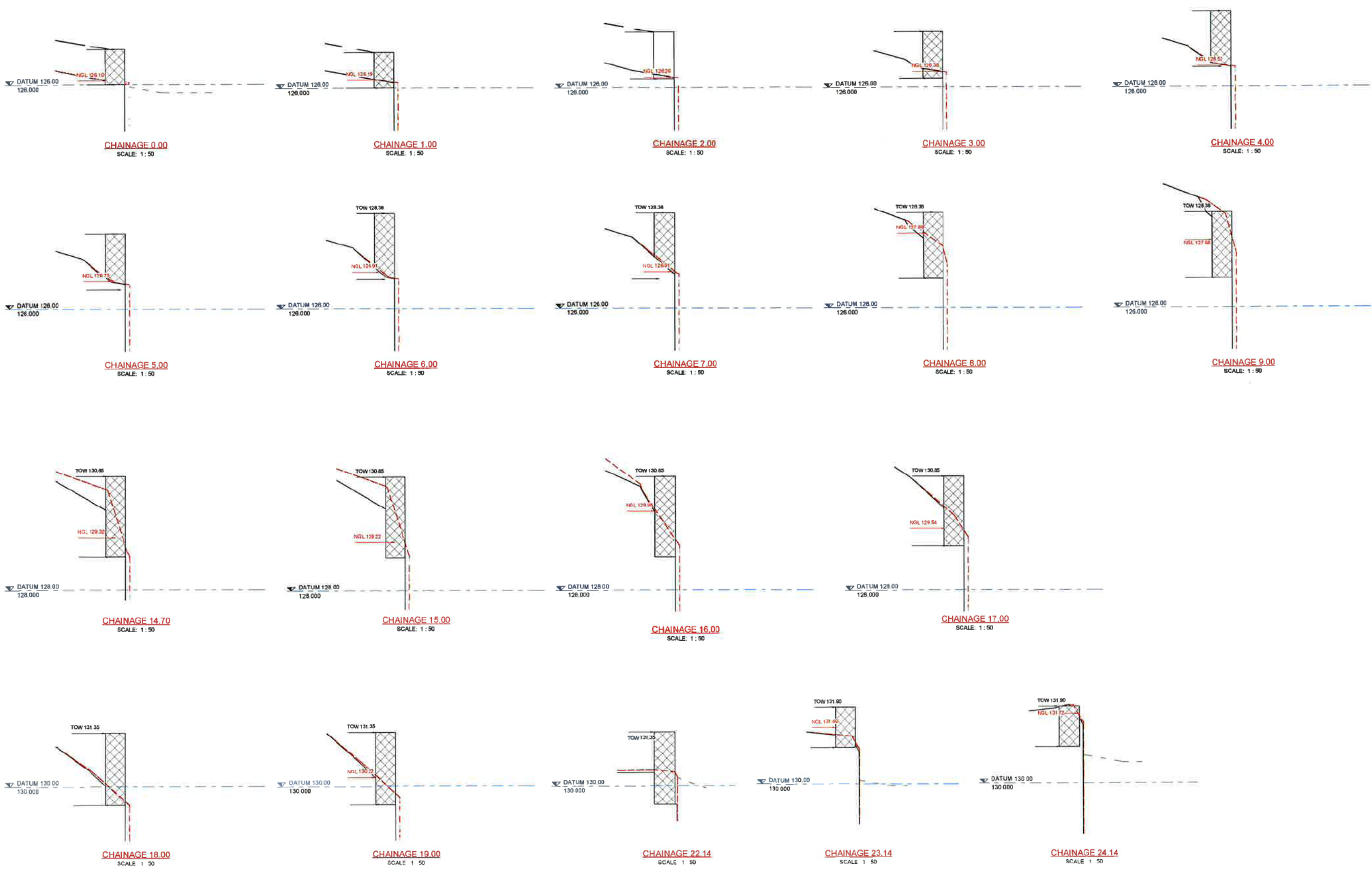
**SECTION: A**  
SCALE 1:50



**IMPORTANT NOTES:**  
REFER TO MANUFACTURER'S SPECIFICATION GUIDE AND CONSTRUCTION MANUAL FOR FURTHER INFORMATION

**SECTION: B**  
SCALE 1:25  
**TYP. RETAINING WALL RW SECTION**

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FOR DEP CONTROL



9 February 2024

Jo Willmore Designs  
11 Hudson Parade  
AVALON BEACH NSW 2107

Dear Sir/Madam

**Application Number:** DA2023/1023  
**Address:** Lot 16 DP 236420 , 32 Loblay Crescent, BILGOLA PLATEAU NSW 2107  
**Proposed Development:** Alterations and additions to a dwelling house including retaining walls

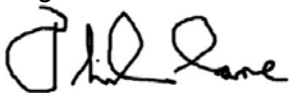
Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Phil Lane  
**Principal Planner**

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

|                                              |                                                                         |
|----------------------------------------------|-------------------------------------------------------------------------|
| <b>Application Number:</b>                   | DA2023/1023<br>PAN-354678                                               |
| <b>Applicant:</b>                            | Jo Willmore Designs<br>11 Hudson Parade<br>AVALON BEACH NSW 2107        |
| <b>Property:</b>                             | Lot 16 DP 236420<br>32 Loblay Crescent BILGOLA PLATEAU NSW 2107         |
| <b>Description of Development:</b>           | Alterations and additions to a dwelling house including retaining walls |
| <b>Determination:</b>                        | Approved<br>Consent Authority: Northern Beaches Council                 |
| <b>Date of Determination:</b>                | 09/02/2024                                                              |
| <b>Date from which the consent operates:</b> | 09/02/2024                                                              |
| <b>Date on which the consent lapses:</b>     | 09/02/2029                                                              |

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

### Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

## Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

## Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

## Objector's right of appeal against the determination

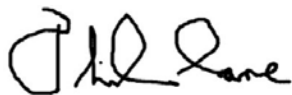
An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

## Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

### Signed

On behalf of the Consent Authority



Name

Phil Lane, Principal Planner

Date

09/02/2024

## Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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 |
| RW DA-01B      | B               | Site Plan           | Jo Willmore Designs | January 2024 |
| RW DA-02B      | B               | Floor Plan          | Jo Willmore Designs | January 2024 |
| RW DA-03B      | B               | Elevation & Section | Jo Willmore Designs | January 2024 |

| Approved Reports and Documentation |                |                                 |                            |
|------------------------------------|----------------|---------------------------------|----------------------------|
| Document Title                     | Version Number | Prepared By                     | Date of Document/Submitted |
| Construction Methodology           | 1              | Brunker Building Services       | 31 January 2024            |
| Arboricultural Impact Assessment   | 3              | Treeism Arboricultural Services | November 2023              |
| Waste Management Plan              | 1              | Jo Willmore                     | 24 July 2023               |

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

In the event of any inconsistency between 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.

#### 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:

| Other Department, Authority or Service | EDMS Reference            |
|----------------------------------------|---------------------------|
| Ausgrid                                | Ausgrid Referral Response |

(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 Certifier 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 Certifier 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 Certifier 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 an 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 following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.

- ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

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

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2018
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred 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.

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **5. No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

### **6. Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

### **7. Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, an erosion and sediment control

plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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 ensure no substance other than rainwater enters the stormwater system and waterways.

#### 8. **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 Certifier prior to the issue of the Construction Certificate.

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

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

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

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

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

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

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

#### 10. **Retaining walls**

The retaining walls works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer including subsoil drainage works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Construction Certificate.

Reason: Public and Private Safety

#### 11. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport

for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team 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.
- [For use only when near a school zone] Specify that, due to the proximity of the site adjacent to ##### School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- 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.

## **12. Construction of footings**

Prior to the issue of any Construction Certificate, detailed engineering drawings / cross sections at 1 metre intervals or chainages is to be provided to the Certifier which details how the sandstone blocks to be used for the construction of the wall are to be integrated into existing ground conditions of the site. These plans shall detail necessary excavation and fill that is required, as well as significant features such as rock and existing improvements. These plans are to clearly detail how the wall will tie in ground levels and conditions on the opposite side of the boundary, clearly demonstrating how existing conditions on the otherwise of the respective boundary will be maintained and unaffected.

No Construction Certificate shall be issued until the Certifier is satisfied that the installation of the sandstone blocks will not have an effect on the adjoining properties.

Reason: To ensure that the development does not impact any adjoining property.

## **13. Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier 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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

## **14. Project Arborist**

a) a Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any

commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

i) tree protection measures and works under section 5 Recommendations.

c) 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.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 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.

#### 15. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, externally between the existing dwelling and the southern side boundary.

Property / Properties: 34 Loblay Crescent, Bilgola Plateau

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

**16. Survey of wall location**

Prior to the commencement of works, a registered surveyor is to accurately peg out the location of the wall relative to the approved plans and the boundary with No. 34 Loblay Crescent. The Surveyor shall then provide certification to the Principal Certifier and Council that the peg out location of the wall is to be wholly within the boundaries of No. 32 Loblay Crescent and is consistent with the detail shown on the approved plans. No works are to commence until the Principal Certifier is satisfied that the works will be undertaken wholly within No. 32 Loblay Crescent and will not encroach over the boundary.

All vegetation and existing structures to be demolished and or removed are to be tagged and certified by the Surveyor to be within No. 32 Loblay Crescent. This certification is to be given to the Certifier. No vegetation from No. 34 Loblay Crescent is to be removed or impacted by the proposed works.

Reason: To ensure the proposed works are within the subject site.

## DURING BUILDING WORK

**17. Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- 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 AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 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,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree

canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,  
xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

**18. Condition of Trees**

a) during the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture 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.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) 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.

**19. Wildlife Protection**

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

Reason: To protect native wildlife.

**20. Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

**21. Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in

accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

**22. Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

**23. Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning and Environment.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning and Environment.

Reason: Aboriginal Heritage Protection.

**24. Implementation of Construction Traffic Management Plan**

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.

## **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**25. Required Screen Planting**

Screen planting (adjacent to the privacy screen) shall be planted in accordance with the following:

- a) the selected planting is to comprise of native species capable of attaining a height of

- two (2) metres at maturity,
- b) plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- c) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

Reason: To maintain environmental amenity.

**26. Condition of Retained Vegetation**

- a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture 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:
- i) compliance to any Arborist recommendations for tree protection generally and during 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: Tree and vegetation protection.

**27. Native Landscaping**

Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

**28. Replacement of Canopy Trees**

At least 1 *Angophora costata* is to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

**29. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

**30. Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

**31. Waste Management Confirmation**

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

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

**32. Certification of retaining wall**

Prior to the issue of an Occupation Certificate or within 3 months of practical completion of the wall (whichever comes first), the registered surveyor who marked out the location of the wall is to certify that the wall, footings and all associated parts of the wall and landscape plantings is wholly within the boundaries of No. 32 Loblay Crescent. Any structure, part of the wall or landscaping encroachment over the boundary is to be immediately removed. Council and the Principal Certifier are to be notified of such an encroachment and its rectification.

Reason: To ensure that the approval is in accordance with the approved plans.

**33. Retaining walls**

The retaining walls works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Public and Private Safety

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

34. **Landscape Maintenance**

a) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

## General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Northern Beaches Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

\* **ANGOPHORA AND  
SCREEN PLANTING  
REQUIRED PRIOR TO  
ISSUE OF OC**

**WARNING**

Prior to site preparation & construction, appropriate TREE PROTECTION MEASURES are to be installed & maintained to satisfy AS45970-2009 "Protection of Trees on Development Sites" & CDC/DA Conditions of Consent.

**IDENTIFIED CRITICAL ROOT ZONES** (normally within 3m radius of tree trunk) NOT to be disturbed.

Advice to be immediately sought from AQF Level 5 Arborist if roots >25mm are encountered.

**NOTE:** Separate Council issued Permit or Dev. Consent may be required BEFORE pruning of roots &/or branches.

**IF THIS ADVICE IS IGNORED  
YOU WILL VOID YOUR APPROVAL**

SEDIMENT & EROSION CONTROL  
MEASURES TO BE INSTALLED  
PRIOR TO COMMENCEMENT

LOT 7  
DP 28117

BRICK  
RESIDENCE  
NO. 182 PLATEAU RD.

LOT 17  
DP 236420

BRICK & TIMBER  
RESIDENCE  
NO. 34

Lot 16, DP 236420  
32 LOBLAY CRESCENT  
Site Area: 716.5sqm

EXISTING HOUSE

EXISTING DECKS

EXISTING DRIVEWAY

THE OVERMARKED NOTATIONS  
ON THESE PLANS ARE FOR  
CERTIFIER REFERENCE TO ENSURE  
BCA DTS COMPLIANCE

**WARNING**

The stamping of this plan by Form Building Certifiers Pty Ltd does not relieve the Applicant, Structural Engineer or other professional of their responsibility to ensure these stamped plans are not only consistent with the Construction/Complying Development documents (including any overmarked plan adjustments) but also the Council issued Development Consent plans & Conditions.

**FORM BUILDING CERTIFIERS PTY LTD**

THIS IS THE PLAN REFERRED TO IN CC/CDC

NUMBER: CL2024-146

DATE: 02.9.2024 CRAIG FORMOSA BDC0124

All works to done in accordance with  
any applicable NCC/BCA requirements

**SITE CALCULATIONS**

Site Area : 716.5 sqm

Existing & proposed Soft Landscaped area - 309sqm = 43.13%

RENDERED  
RESIDENCE  
NO. 30  
LOT 15  
DP 236420

**AMENDMENTS**

'A' - NOVEMBER 2023 - TREE TO SOUTH WEST CORNER TO REMAIN, PROPOSED RETAINING WALL MODIFIED TO SUIT

'B' - JANUARY 2024 - RETAINING WALLS SET 50mm FROM BOUNDARY, LANDSCAPE STEPS REMOVED, LILLI PILLI SCREEN PLANTING AND 1.5m HIGH PRIVACY SCREEN INCLUDED

JO WILLMORE DESIGNS  
11 Hudson Parade  
Clareville NSW 2107  
(02) 9918 2479  
ABN 27 370 370 173

**PROPOSED RETAINING WALL**

for: J. Bruner  
at: LOT 16, DP 236420, 32 Loblay Crescent  
BILGOLA PLATEAU, 2107

drawing title

**SITE PLAN**

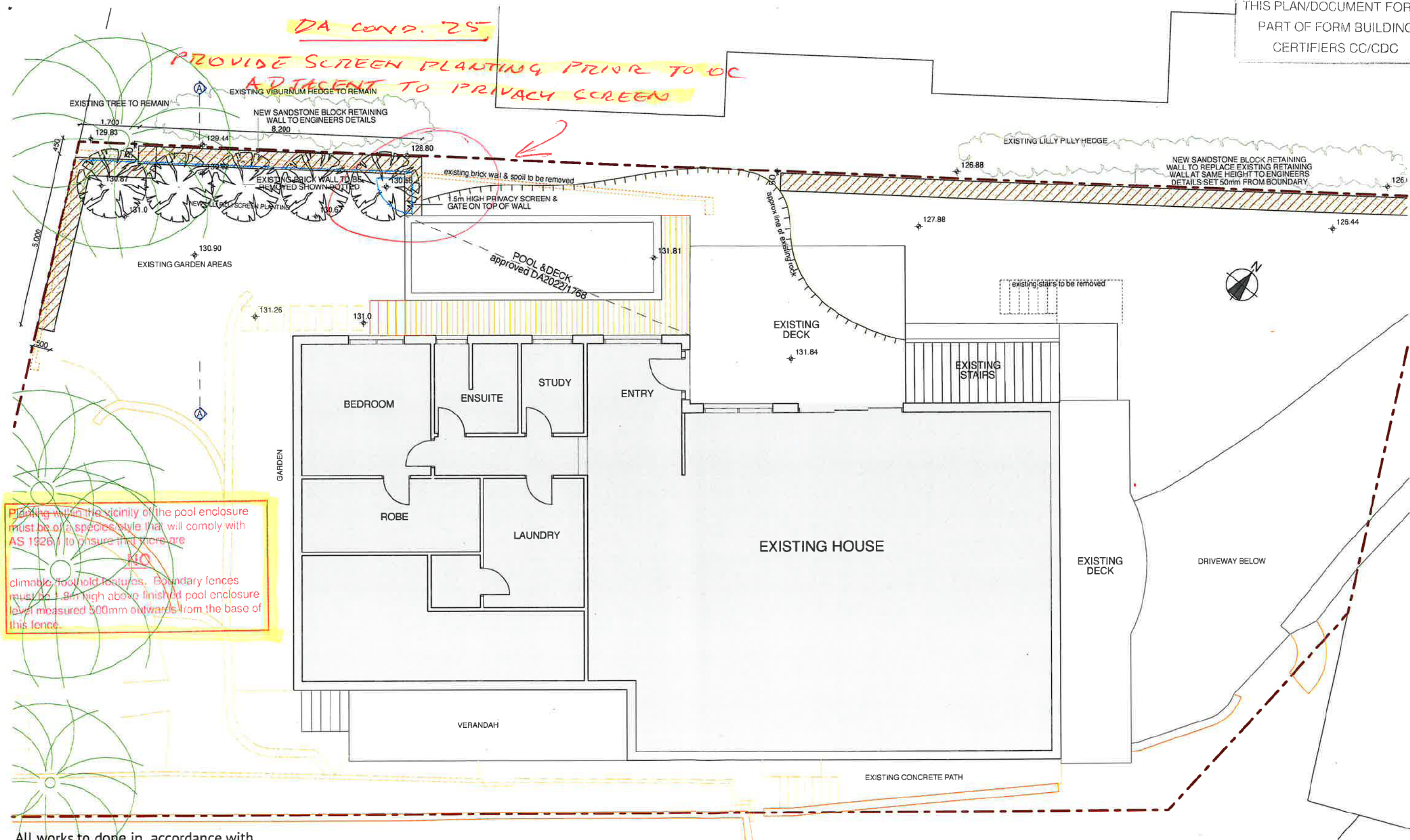
NOTE: Use figured dimension only.  
Do not scale off drawings. All levels and  
dimensions to be verified prior to construction  
of work

date: JUNE 2023

scale: 1:200 (A3)

drawing number

**RW DA-01B**



AMENDMENTS

'A' - NOVEMBER 2023 - TREE TO SOUTH WEST CORNER TO REMAIN, PROPOSED RETAINING WALL MODIFIED TO SUIT

'B' - JANUARY 2024 - RETAINING WALLS SET 50mm FROM BOUNDARY, LANDSCAPE STEPS REMOVED, LILLY PILLI SCREEN PLANTING AND 1.5m HIGH PRIVACY SCREEN INCLUDED

JO WILLMORE DESIGNS  
11 Hudson Parade  
Clareville NSW 2107  
(02) 9918 2479  
ABN 27 370 370 173

PROPOSED RETAINING WALL

for: J. Bruner  
at: LOT 16, DP 236420, 32 Loblay Crescent  
BILGOLA PLATEAU, 2107

drawing title

FLOOR PLAN

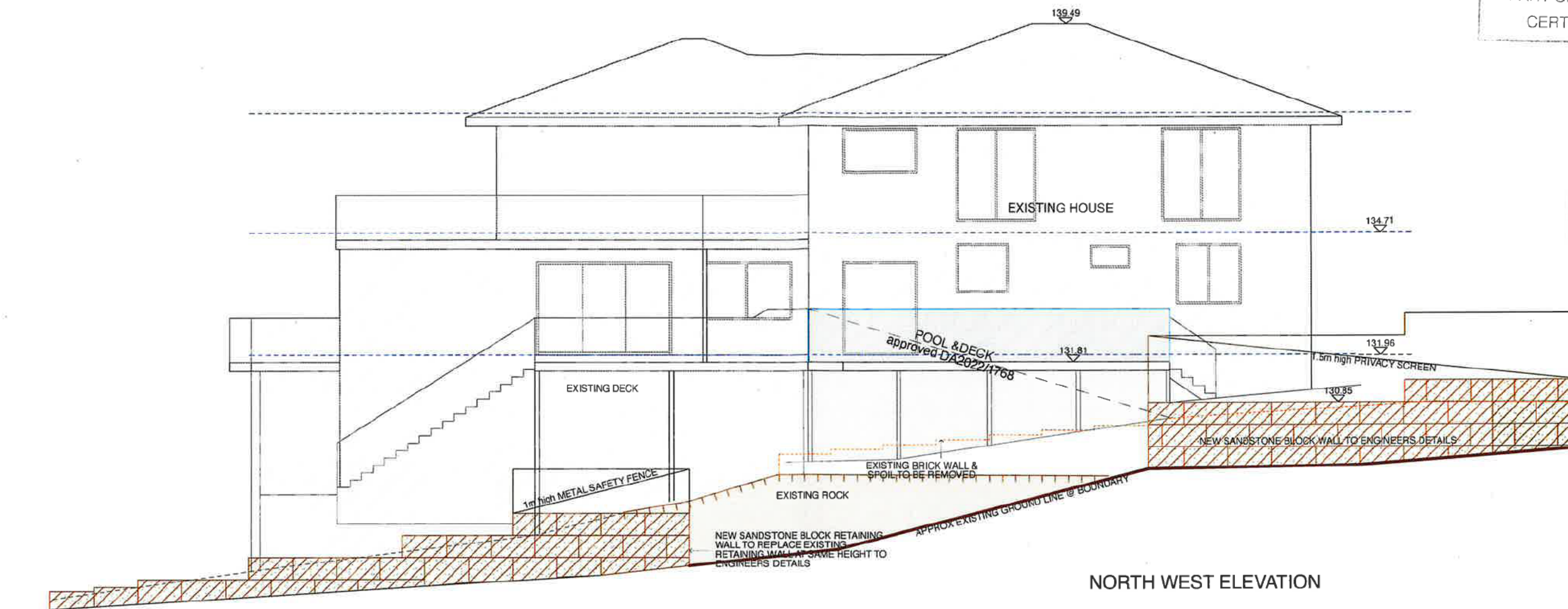
NOTE: Use figured dimension only.  
Do not scale off drawings. All levels and  
dimensions to be verified prior to construction  
of work

date: JUNE 2023

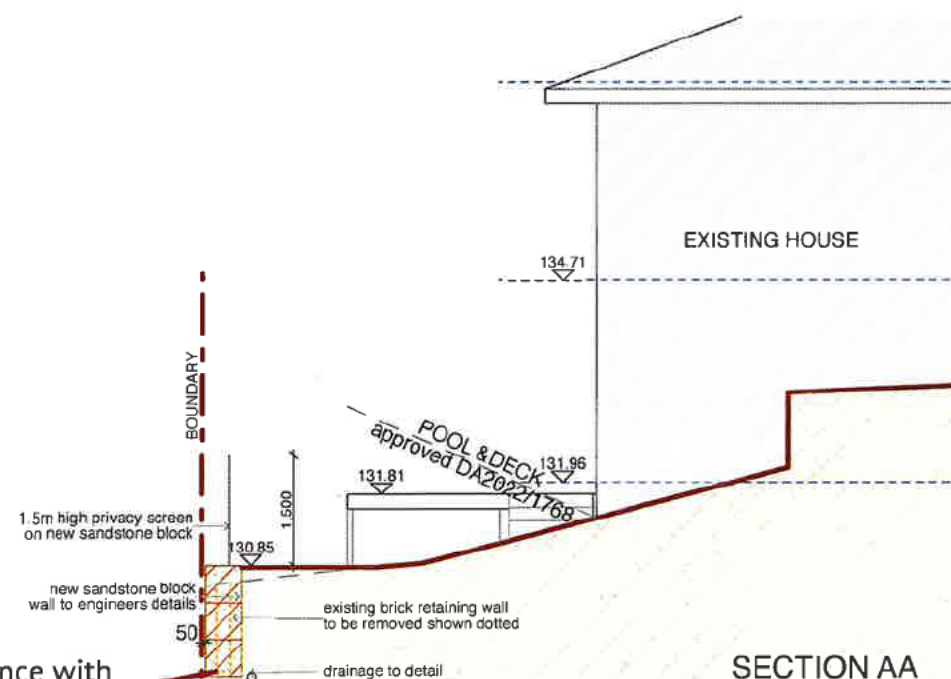
scale: 1:100 (A3)

drawing number

RW DA-02B



NORTH WEST ELEVATION



SECTION AA

All works to done in accordance with  
any applicable NCC/BCA requirements

AMENDMENTS

'A' - NOVEMBER 2023 - TREE TO SOUTH WEST CORNER TO REMAIN, PROPOSED RETAINING WALL MODIFIED TO SUIT

'B' - JANUARY 2024 - RETAINING WALLS SET 50mm FROM BOUNDARY, LANDSCAPE STEPS REMOVED, LILLI PILLI SCREEN PLANTING AND 1.5m HIGH PRIVACY SCREEN INCLUDED

JO WILLMORE DESIGNS  
11 Hudson Parade  
Clareville NSW 2107  
(02) 9918 2479  
ABN 27 370 370 173

PROPOSED RETAINING WALL

for: J. Brunker  
at: LOT 16, DP 236420, 32 Loblay Crescent  
BILGOLA PLATEAU, 2107

drawing title

ELEVATION & SECTION

NOTE: Use figured dimension only.  
Do not scale off drawings. All levels and  
dimensions to be verified prior to construction  
of work

date: JUNE 2023

scale: 1:100 (A3)

drawing number

RW DA-03B

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                                           |                                                                         |
|-------------------------------------------|-------------------------------------------------------------------------|
| <b>Application Number:</b>                | DA2023/1023                                                             |
| <b>Responsible Officer:</b>               | Phil Lane                                                               |
| <b>Land to be developed (Address):</b>    | Lot 16 DP 236420, 32 Loblay Crescent BILGOLA PLATEAU NSW 2107           |
| <b>Proposed Development:</b>              | Alterations and additions to a dwelling house including retaining walls |
| <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>Owner:</b>                             | James Brunner<br>Penelope Clare Sinton<br>Felicity Monica Sinton        |
| <b>Applicant:</b>                         | Jo Willmore Designs                                                     |
| <b>Application Lodged:</b>                | 28/07/2023                                                              |
| <b>Integrated Development:</b>            | No                                                                      |
| <b>Designated Development:</b>            | No                                                                      |
| <b>State Reporting Category:</b>          | Residential - Alterations and additions                                 |
| <b>Notified:</b>                          | 02/08/2023 to 16/08/2023                                                |
| <b>Advertised:</b>                        | Not Advertised                                                          |
| <b>Submissions Received:</b>              | 1                                                                       |
| <b>Clause 4.6 Variation:</b>              | Nil                                                                     |
| <b>Recommendation:</b>                    | Approval                                                                |
| <b>Estimated Cost of Works:</b>           | \$ 25,000.00                                                            |

### PROPOSED DEVELOPMENT IN DETAIL

Sandstone retaining walls, privacy screen, metal safety fence and landscaping.

In detail: *"It is proposed to replace a number of existing dilapidated brick and stone retaining walls which run along the north western boundary of the site. The proposed new walls are to be large sandstone block format and positioned to both the front and rear of the north western boundary."*

### Application History

4 August 2023 - Request for Further Information sent to the applicant seeking the following information:-

- Owner's Consent from 34 Loblay Crescent as the tree seeking removal is located on the common side boundary.

30 August 2023 - Site inspection with owner of 32 Loblay Crescent.

19 October 2013 - Site inspection with Council's Landscape Officer.

26 October 2023 - Request for Further Information sent to the owner following site inspection with Council's Landscape Officer seeking the following information:-

*"The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone."*

*The Arboricultural Impact Assessment (AIA) has conflicting tree numbering throughout the report so for clarity this referral will be referencing the numbers shown in Appendix 3 (page 16) of the AIA. The Survey Plan shows that tree 1 is located within the neighbouring property, and as such written consent for its removal from the trees owner is required. The location of tree 2 is not shown on the Survey Plan; however, impact to this vegetation is not permissible should it be located within the neighbouring property. If located within the neighbouring property written consent is required for its removal, or alternatively written consent outlining that the risk of loss through the construction works is accepted. It is noted that the adjoining property owner does not have any obligation to consent and may choose to not provide an agreement. Should any other vegetation in the neighbouring property be impacted by the works, it shall be outlined in the AIA (i.e. the vegetation in the front setback of number 34). It is suggested that more detail be added to the Survey Plan, along the common boundary between numbers 32 and 34, so the Arborist can make an accurate assessment."*

29 November 2023 - Additional information received by Council from the applicant which included amended plans and arboricultural assessment report.

11 December 2023 - Site inspection with objector at 34 Loblay Crescent.

31 January 2024 - Additional information received by Council from the applicant which included amended plans and a construction methodology.

## **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

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

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

Pittwater 21 Development Control Plan - D3.7 Side and rear building line

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

## SITE DESCRIPTION

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b>      | Lot 16 DP 236420 , 32 Loblay Crescent BILGOLA PLATEAU NSW 2107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the south-western side of Loblay Crescent.</p> <p>The site is generally rectangular in shape with a frontage of 12.19m along Loblay Crescent and a depth of 39.20m. The site has a surveyed area of 716.5m<sup>2</sup>.</p> <p>The site is located within the C4 Environmental Living zone and accommodates a detached dwelling house.</p> <p>The site is constrained by steep topography and the locating of the existing dwelling. The site rises by approximately 10.11m diagonally upward from the street towards the south-eastern rear boundary corner. Notably, the following site levels are evident:</p> <ul style="list-style-type: none"> <li>• Front setback: Rises 1.6m from the front boundary to the front façade of the dwelling).</li> <li>• Northern side setback: Rises 2.66m from the north-western edge of the existing terrace deck to the north-eastern edge of the swimming pool.</li> <li>• Rear setback: Rises 4.17m from the northern side boundary to the southern side boundary.</li> <li>• Southern side setback: Rises 5.82m from the front façade of the dwelling to the south-eastern rear boundary corner.</li> </ul> <p>As a result of the above topography, the site contains levelling via numerous retaining walls.</p> |

The site is largely underlaid with rock outcrop and is devoid of vegetation with exception to surface grass and a stand of trees along the rear boundary.

The north-western side boundary is currently physically truncated from its surveyed location.

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

Adjoining and surrounding development is characterised by detached dwellings of varying age and architectural design with associated outbuildings/structures and landscaped gardens.

Map:



#### **SITE HISTORY**

**DA2022/1768** - Construction of a swimming pool including the use of an existing deck approved 4 January 2023

**BC2023/0008** - Building Information Certificate - Small deck off living room approved 24 August 2023

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

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

| Section 4.15 Matters for Consideration      | Comments                                                               |
|---------------------------------------------|------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any | See discussion on “Environmental Planning Instruments” in this report. |

| Section 4.15 Matters for Consideration                                                                                                                                             | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| environmental planning instrument                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 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 by Council for an updated Arboricultural Assessment Report and Amended Plans which were received by Council on 29 November 2023. Further additional information was received by Council on 31 January 2024 which included Amended Plans and a Construction Methodology.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>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><b>(i) Environmental Impact</b><br/>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><b>(ii) Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b><br/>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 Matters for Consideration                                                 | Comments                                                                                                            |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 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 02/08/2023 to 16/08/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

| Name:                                        | Address:                                    |
|----------------------------------------------|---------------------------------------------|
| Mr John Bruce Lawson<br>Mrs Helen Joy Lawson | 34 Loblay Crescent BILGOLA PLATEAU NSW 2107 |

Amended plans and a construction methodology report were submitted by the applicant on 31 January 2024. It is considered that this amended information has addressed a number of matters raised by the owners of 34 Loblay Crescent and by Council. Notwithstanding this, the amendments to the application were considered that the amended plans result in a lesser environmental impact than originally lodged.

It is considered that these amendments and additional information are of a less environmental impact and therefore re-notification of this development application will not occur in this instance.

The following issues were raised in the submissions:

- Amended plans (retaining wall still on the boundary creating possible damage to tree structure) request 1m setback for retaining wall
- No construction methodology
- Lilli Pilli hedge not Marraya as depicted on the plans
- Angophora tree removed
- Impacts of the fence

- Access to the rear yard via stairs and potential damages and rectification works involved
- View in skylight via sandstone steps (privacy)
- No engineer details or drainage details
- Pruning of vegetation
- Issues with the arborist report and request for an independent arborist
- Request for \$20,000.00 bond for rectification/removal/replanting of trees
- We do not agree to any use of the air space above our property re transference/craneage of tree matter concrete/ sandstone blocks etc. during construction
- If any site workers are required to attend our property, then prior to any works being performed we receive copies of all licenses/ Copies of Workers Compensation and Public Risk Insurances
- Do not give consent for the removal of this tree
- Survey to be undertaken to mark location of the side boundary line
- No details provided on drawings of existing infrastructure/landscaping/access

The above issues are addressed as follows:

- **Amended plans (retaining wall still on the boundary creating possible damage to tree structure) and a request for a 1m setback for the retaining wall**

The submissions raised concerns about potential damage to the gum tree located adjacent to the proposed retaining wall and a request for a 1m setback for the retaining wall

Comment: This issue has been considered during the assessment of this application and requested additional information which included amended plans and an updated arboricultural report, a joint site inspection was undertaken with Council's Landscape Officer. The amended plans have modified the position of the retaining wall and it has been offset from the tree by 0.4m - 0.5m, in accordance with the recommendations of the Consulting Arborist via the updated arboricultural report. Council's Landscape Officer has reviewed this information and supported the proposed amendments and updated arboricultural report subject to conditions, including:-

- 1) Engaging a Project Arborist prior to any commencement of works on the site;
- 2) Tree and Vegetation Protection (including all tree and vegetation located on adjoining properties);
- 3) 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; and
- 4) Prior to issuing of an Occupation Certificate a report prepared by an Arborist/Project Arborist with 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:
  - i) compliance to any Arborist recommendations for tree protection generally and during 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.

Additionally, the most recent amended plans have now offset the rear section of retaining wall 0.05m from the side boundary to ensure works are sited within 32 Loblay Crescent.

Given the above it is considered that these issues have adequately addressed and do not warrant refusal and/or further amendment via condition(s).

- **No construction methodology**

The submissions raised concerns that there was no construction methodology.

Comment: Council received a Construction Methodology Report from the owner/builder on 31 January 2024 as follows:-

*"Because of the weight of each block, approximately 750kg, they can be laid on a bed of slightly compacted road base and the lowest level can be cut as necessary to ensure the wall can be constructed on a level base while following natural undulations of the land, while creating an incredibly stable and visually pleasing retaining structure. This method is what makes the construction of the wall possible without the need for excavated footings, allowing for roots of the retained Gum tree and the neighbouring Viburnum and Lilli Pilli to remain unimpacted by the construction, as confirmed in the AIA report.*

*All material and machinery needed for the project will be craned into the rear garden via a 50T Liebherr All Terrain Crane allowing the excavation for and placement of the sandstone blocks to be undertaken wholly within the boundaries of the site.*

*Work, when necessary, will be overseen by an arborist as recommended in the AIA report."*

It is considered that on the balance of this construction methodology, the impacts are both acceptable and manageable.

- **Lilli Pilli hedge not Murraya as depicted on the plans**

The submissions raised concerns about the hedge within the northeast portion of 34 Loblay Crescent (adjacent to the proposed retaining wall) was incorrectly titled on the amended plans as Murraya's and not Lilli Pilli hedge.

Comment: It is noted that the consultant arborist has stated the trees are Murraya's and hence are therefore depicted on the plans as such. This discrepancy does not alter the scope or conclusions drawn in relation to the assessment.

- **Angophora tree removed**

The submissions raised concerns that about the removal of angophora tree located in the rear yard of the subject property.

Comment: It is noted that a tree investigation has been created (TR2023/05184) and this matter will be investigated separately by Council.

- **Impacts of the fence**

The submissions raised concerns about the location and impacts of fence during construction and post construction.

Comment: Impacts to boundary fencing are matters for the Dividing Fences Act between the

respective parties.

- **Access to the rear yard via stairs and potential damages and rectification works involved**

*"We would request please as a condition of the DA; if you approve same, for the rectification/ replacement of our existing sandstone steps so that we can maintain access into our rear yard area. This should be at the Applicants expense, but we would prefer to obtain Tradesmen ourselves to perform the works."*

Comment: The stairs located on the southern side of the dwelling house at 34 Loblay Crescent extend onto both 32 and 34 Loblay Crescent properties. While the amended plans have reduced the scope of works in this area, the stairs will be partially maintained. However, it's important to note that the stairs have already been partially constructed on the subject property at 32 Loblay Crescent and that the rectification of the encroachment may occur.

Should any future works or issues arise in this area, this will become a civil matter between the respective property owners. This indicates that any responsibilities or disputes regarding the stairs construction or maintenance will need to be addressed and resolved between the owners of 32 and 34 Loblay Crescent.

- **View in skylight via sandstone steps (privacy)**

The submissions raised concerns that issues were raised about privacy into an existing skylight(s) from the proposed sandstone steps.

Comment: The most recent set of amended plans for the project has made significant changes. Specifically, the proposed stairs along the northern side boundary have been deleted, and instead, a 1.5m high privacy screen with native landscaping is now proposed in the rear yard along the northern side boundary.

These amendments are considered to substantially improve privacy for 34 Loblay Crescent, enhancing privacy both for the private open space and the dwelling house, including any skylights. These adjustments are considered to address concerns related to overlooking and privacy issues, resulting in a more satisfactory design for the project and overall better planning outcome.

- **No engineer details or drainage details**

The submissions raised concerns that there were no engineer details or drainage details lodged with this development application.

Comment: The requirement of engineer plans/details and drainage plans are to be submitted with the Construction Certificate. Suitable conditions will be recommended.

- **Pruning of vegetation**

The submissions raised concerns that about pruning vegetation prior to the issuing of consent.

Comment: Pruning of overhanging vegetation is a civil matter between the land owners.

- **Issues with the arborist report and request for an independent arborist**

The submissions raised disputed the recommendations and findings of the arboricultural report and also request an independent arborist be engaged at the cost of the applicant.

Comment: Council's Landscape Officer has reviewed the amended Arboricultural Report prepared by a Consulting Arborist and supported the findings and recommendations subject to conditions. Additionally, the Landscape Officer has required by recommended Condition the requirement of a Project Arborist to be engaged and supervise the proposed works. It is considered that subject to recommended conditions that the proposed development is satisfactory with respect to the impact on trees.

- **No details provided on drawings of existing infrastructure/landscaping/access**

Comment: Where existing structures or infrastructure encroaches over the boundary between 32 and 34 Loblay Crescent, the relocation or rectification of these encroachments is a civil matter between the respective land owners.

- **Request for \$20,000.00 bond for rectification/removal/replanting of trees**

Comment: A request for \$20,000.00 bond for rectification/removal/replanting of trees can not be applied as it is unlawful.

- **We do not agree to any use of the air space above our property re transference/craneage of tree matter concrete/ sandstone blocks etc. during construction**

Comment: Issues over access over a neighbouring property fall under the Access to Neighbouring Land Act 2000 and should the applicant/owner of 32 Loblay Crescent require access over 34 Loblay Crescent then a request for a neighbouring land access order for the purpose of carrying out work on the applicant's own land. The Local Court can grant an order permitting access for the purposes of carrying out work. Section 12 of the Act outlines the type of work and includes constructions, repairs, maintenance, alteration, renewal or demolitions of buildings.

- **If any site workers are required to attend our property, then prior to any works being performed we receive copies of all licenses/ Copies of Workers Compensation and Public Risk Insurances**

Comment: This is a civil matter between the respective land owners.

- **Survey to be undertaken to mark location of the side boundary line**

Comment: A condition will be included for Boundary Identification Survey to be by a Registered Surveyor to mark the location of the side boundary line prior to the commencement of works, which is further supplemented by a condition requiring the position of the constructed wall to be verified at the completion of works.

- **"Do not give consent for the removal of this tree"**

Comment: The applicant originally requested the removal of the *Corymbia gummifera* (Red Bloodwood) which is located on the northern side boundary however, a majority of the tree is located on 34 Loblay Crescent and therefore owners consent could not be obtained for the

removal of this tree. The tree is to be maintained and suitable conditions have been included within the conditions of consent to ensure the protection of this tree. Notably the proposed retaining wall in the amended plans is offset by 0.4m - 0.5m from the tree in accordance with the recommendations of the Consultant Arborist.

## REFERRALS

| Internal Referral Body           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscape Officer                | <p>The proposal is supported with regard to landscape issues.</p> <p><u>Additional Information Comment 20/11/23:</u><br/>The amended reports and plans are noted.</p> <p>The architectural plans have been updated and now show the proposed retaining wall along the northern common boundary, in the rear setback, avoiding the existing tree of concern. The Arboricultural Impact Assessment (AIA) supports the retention of the neighbouring trees and vegetation including tree 1, G2, and G3. As recommended in the AIA a Project Arborist must be engaged to supervise all work in the protection zones of existing trees and vegetation to be retained.</p> <p><u>Original Comment Summary:</u><br/>More information was requested to outlined the impact to any neighbouring vegetation and for the retention of the tree located on the northern common boundary.</p>                                                                                                                                                                                                                                                                                                  |
| NECC (Bushland and Biodiversity) | <p>The proposal seeks approval for alterations and additions to a dwelling house including retaining walls.</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> <li>• Pittwater LE P- Clause 7.6 Biodiversity Protection</li> <li>• Pittwater DCP - Clause B4.6 Wildlife Corridors</li> </ul> <p>The proposal has been submitted with an Arboricultural Impact Assessment that has assessed a total of 3 trees and determined that Tree 1 (<i>Angophora costata</i>) should be removed due to its poor health and the risk it poses as it appears to be relying on the current retaining walls for support.</p> <p>However, this tree has been identified as being found on the neighbouring property and landowner consent will have to be obtained to allow for the removal of this tree. The assessing Planning Officer has requested this consent.</p> <p>Conditions will apply to ensure that a replacement tree is planted on the site.</p> <p>Subject to Council receiving owners consent, the development is designed, sited and will be managed to avoid any significant adverse</p> |

| Internal Referral Body | Comments              |
|------------------------|-----------------------|
|                        | environmental impact. |

| External Referral Body                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Aboriginal Heritage Office                                | <p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p> |

## 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 |

### Principal Development Standards

| Standard            | Requirement | Proposed                                                                                         | % Variation | Complies   |
|---------------------|-------------|--------------------------------------------------------------------------------------------------|-------------|------------|
| Height of Buildings | 8.5m        | 3m - 3.3m* (rear wall with privacy screen)<br>0.5m - 2.5m** (front wall with metal safety fence) | -<br>-      | Yes<br>Yes |

\* Wall at the rear section has height ranging from 1.5m - 1.8m with a 1.5m high privacy screen

\*\* Wall at the front section has height ranging from 0.5m - 1.5m with a 1m high metal safety fence at the rear portion of the front retaining wall

### Compliance Assessment

| Clause                                                   | Compliance with Requirements |
|----------------------------------------------------------|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| 4.3 Height of buildings                                  | Yes                          |
| 5.10 Heritage conservation                               | Yes                          |
| 5.21 Flood planning                                      | Yes                          |
| 7.1 Acid sulfate soils                                   | Yes                          |
| 7.2 Earthworks                                           | Yes                          |
| 7.6 Biodiversity protection                              | Yes                          |
| 7.10 Essential services                                  | Yes                          |

### Detailed Assessment

#### Zone C4 Environmental Living

The subject site is located in Zone C4 Environmental Living of Pittwater Local Environmental Plan 2014.

The proposal has been assessed against the objectives of zone 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 a low-impact residential development in areas with special ecological, scientific, or aesthetic values.

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

Comment:

The residential development will not have any adverse effects on the special ecological, scientific or aesthetic values.

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

Comment:

The proposal will provide a low density and scale that will integrate with the landform, and landscape.

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

Comment:

The development will not impact upon any riparian, foreshore vegetation, or wildlife corridors.

## 7.2 Earthworks

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

*(b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

*(c) the quality of the fill or the soil to be excavated, or both*

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties.

*(e) the source of any fill material and the destination of any excavated material*

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

*(f) the likelihood of disturbing relics*

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area*

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas. Retention of mature trees has been considered in the design of the building.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

*(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **7.6 Biodiversity protection**

Before determining a development application for development on land to which this clause applies, this clause requires the consent authority to consider:

*(a) whether the development is likely to have:*

*(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

*(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

*(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

*(iv) any adverse impact on the habitat elements providing connectivity on the land, and*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it is considered that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. Furthermore, it is considered that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

*(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it is considered that the proposal includes appropriate measures to avoid, minimise, or mitigate the impacts of the development.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

*(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it is considered that the development is designed, sited and will be managed to any significant adverse environmental impact.

## Pittwater 21 Development Control Plan

### Built Form Controls

| Built Form Control  | Requirement                   | Proposed                                                                                                   | % Variation*                   | Complies     |
|---------------------|-------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------|--------------|
| Front building line | 6.5m                          | Nil                                                                                                        | -                              | Yes*         |
| Rear building line  | 6.5m                          | Nil                                                                                                        | -                              | Yes*         |
| Side building line  | 2.5m (south)                  | 14.3m                                                                                                      | -                              | Yes          |
|                     | 1m (north)                    | Nil (front retaining wall)<br>0.05m - 0.45m (rear retaining wall)                                          | -<br>-                         | Yes*<br>Yes* |
| Building envelope   | 3.5m (south)                  | Within                                                                                                     | -                              | Yes          |
|                     | 3.5m (north)                  | Within                                                                                                     | -                              | Yes          |
| Landscaped area     | 60%<br>(429.9m <sup>2</sup> ) | 43.75% (313.4m <sup>2</sup> deep soil landscape)<br>49.75% (356.4m <sup>2</sup> with permitted variations) | 17.1%<br>(73.5m <sup>2</sup> ) | <b>No</b>    |

\* Allowable structures under the applicable controls

#### Compliance Assessment

| Clause                                                        | Compliance with Requirements | Consistency Aims/Objectives |
|---------------------------------------------------------------|------------------------------|-----------------------------|
| Section A Shaping Development in Pittwater                    | Yes                          | Yes                         |
| A1 Introduction                                               | Yes                          | Yes                         |
| A1.7 Considerations before consent is granted                 | Yes                          | Yes                         |
| A4 Localities                                                 | Yes                          | Yes                         |
| A4.3 Bilgola Locality                                         | Yes                          | Yes                         |
| Section B General Controls                                    | Yes                          | Yes                         |
| B1 Heritage Controls                                          | Yes                          | Yes                         |
| B1.3 Heritage Conservation - General                          | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance                         | Yes                          | Yes                         |
| B3 Hazard Controls                                            | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land      | Yes                          | Yes                         |
| B4 Controls Relating to the Natural Environment               | Yes                          | Yes                         |
| B4.6 Wildlife Corridors                                       | Yes                          | Yes                         |
| B8 Site Works Management                                      | Yes                          | Yes                         |
| B8.1 Construction and Demolition - Excavation and Landfill    | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation         | Yes                          | Yes                         |
| B8.4 Construction and Demolition - Site Fencing and Security  | Yes                          | Yes                         |
| B8.5 Construction and Demolition - Works in the Public Domain | Yes                          | Yes                         |
| B8.6 Construction and Demolition - Traffic Management Plan    | Yes                          | Yes                         |
| Section C Development Type Controls                           | Yes                          | Yes                         |
| C1 Design Criteria for Residential Development                | Yes                          | Yes                         |
| C1.1 Landscaping                                              | Yes                          | Yes                         |
| C1.2 Safety and Security                                      | Yes                          | Yes                         |
| C1.3 View Sharing                                             | Yes                          | Yes                         |
| C1.4 Solar Access                                             | Yes                          | Yes                         |
| C1.5 Visual Privacy                                           | Yes                          | Yes                         |
| C1.6 Acoustic Privacy                                         | Yes                          | Yes                         |
| C1.7 Private Open Space                                       | Yes                          | Yes                         |
| C1.13 Pollution Control                                       | Yes                          | Yes                         |
| Section D Locality Specific Development Controls              | Yes                          | Yes                         |
| D3 Bilgola Locality                                           | Yes                          | Yes                         |
| D3.1 Character as viewed from a public place                  | Yes                          | Yes                         |
| D3.3 Building colours and materials                           | Yes                          | Yes                         |
| D3.6 Front building line                                      | Yes                          | Yes                         |
| D3.7 Side and rear building line                              | Yes                          | Yes                         |
| D3.11 Landscaped Area - Environmentally Sensitive Land        | No                           | Yes                         |

| Clause                                     | Compliance with Requirements | Consistency Aims/Objectives |
|--------------------------------------------|------------------------------|-----------------------------|
| D3.12 Fences - General                     | Yes                          | Yes                         |
| D3.15 Scenic Protection Category One Areas | Yes                          | Yes                         |

#### Detailed Assessment

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

*"Built structures other than driveways, fences and retaining walls are not permitted within the front building setback."*

The proposal is for the construction of new sandstone retaining wall.

#### **D3.7 Side and rear building line**

*"The minimum side and rear building line for built structures including pools and parking structures other than driveways, fences and retaining walls"*

The proposal is for the construction of new sandstone retaining wall, fence and sandstone stairs.

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

Clause D3.11 Landscaped Area requires land zoned C4 Environmental Living a minimum of 60% landscaped area, which equates to 429.9m<sup>2</sup>.

The proposal provides a landscaped area of 356.4m<sup>2</sup> (49.75%) this includes 6% variation for impervious areas less than 1m in width and areas used for outdoor recreational purposes of the subject site. This presents a variation of 17.1% or 73.5m<sup>2</sup> to the requirements of the clause. It is important to recognise that the works do not readily impinge on the existing area of landscaping on site and in effect replicate the existing site situation in terms of useable and functional landscape area, as well as the ability to support canopy trees and areas of significant vegetation.

The proposal has been assessed against the outcomes of the control. In this instance, the proposal meets the outcomes of the control, and therefore the variation is supportable.

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

#### Comment:

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

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

#### Comment:

The proposed retaining walls, railing and fence has effectively mitigated any unreasonable bulk and scale given they open nature and generally consistency with similar structures within the vicinity.

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

Comment:

A reasonable and compliant level of amenity and solar access is provided and maintained for the subject site, and adjoining site.

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

Comment:

The proposal includes retained vegetation that will assist to visually reduce the built form.

- ***Conservation of natural vegetation and biodiversity.***

Comment:

Council's Bushland and Biodiversity Officer has reviewed the proposal in relation to biodiversity and conservation, finding the development to be acceptable, subject to recommended conditions.

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

Comment:

Stormwater runoff is not expected result in any unreasonable impacts to soil erosion and siltation of natural drainage channels. Additionally, suitable conditions have been included.

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

Comment:

The subject site is located within, and is surrounded by, environmental living and residential zones, the proposal will preserve the bushland character present in the Bilgola Locality and therefore will not detract from the rural and bushland character of the area.

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

Comment:

Adequate soft landscaping is present on the site, which will provide appropriate infiltration of water that will minimises run-off and assists with stormwater management.

Having regard to the above assessment, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

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

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 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 Development Consent to DA2023/1023 for Alterations and additions to a dwelling house including retaining walls on land at Lot 16 DP 236420, 32 Loblay Crescent, BILGOLA PLATEAU, subject to the conditions printed below:

## Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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 |
| RW DA-01B      | B               | Site Plan           | Jo Willmore Designs | January 2024 |
| RW DA-02B      | B               | Floor Plan          | Jo Willmore Designs | January 2024 |
| RW DA-03B      | B               | Elevation & Section | Jo Willmore Designs | January 2024 |

| Approved Reports and Documentation |                |                                 |                            |
|------------------------------------|----------------|---------------------------------|----------------------------|
| Document Title                     | Version Number | Prepared By                     | Date of Document/Submitted |
| Construction Methodology           | 1              | Brunker Building Services       | 31 January 2024            |
| Arboricultural Impact Assessment   | 3              | Treeism Arboricultural Services | November 2023              |
| Waste Management Plan              | 1              | Jo Willmore                     | 24 July 2023               |

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

In the event of any inconsistency between 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.

#### 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:

| Other Department, Authority or Service | EDMS Reference            |
|----------------------------------------|---------------------------|
| Ausgrid                                | Ausgrid Referral Response |

(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 Certifier 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 Certifier 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 Certifier 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 an 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 following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.

- ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

## BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

### 5. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

### 6. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner

anticipated by the development consent.

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

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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 ensure no substance other than rainwater enters the stormwater system and waterways.

**8. 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 Certifier prior to the issue of the Construction Certificate.

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

**9. Sydney Water "Tap In"**

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

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

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

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

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

**10. Retaining walls**

The retaining walls works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer including subsoil drainage works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Construction Certificate.

Reason: Public and Private Safety

#### 11. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team 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.
- [For use only when near a school zone] Specify that, due to the proximity of the site adjacent to ##### School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- 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.

## 12. **Construction of footings**

Prior to the issue of any Construction Certificate, detailed engineering drawings / cross sections at 1 metre intervals or chainages is to be provided to the Certifier which details how the sandstone blocks to be used for the construction of the wall are to be integrated into existing ground conditions of the site. These plans shall detail necessary excavation and fill that is required, as well as significant features such as rock and existing improvements. These plans are to clearly detail how the wall will tie in ground levels and conditions on the opposite side of the boundary, clearly demonstrating how existing conditions on the otherwise of the respective boundary will be maintained and unaffected.

No Construction Certificate shall be issued until the Certifier is satisfied that the installation of the sandstone blocks will not have an effect on the adjoining properties.

Reason: To ensure that the development does not impact any adjoining property.

## 13. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier 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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 14. **Project Arborist**

a) a Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

i) tree protection measures and works under section 5 Recommendations.

c) 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.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 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.

### 15. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, externally between the existing dwelling and the southern side boundary.

Property / Properties: 34 Loblay Crescent, Bilgola Plateau

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

#### 16. **Survey of wall location**

Prior to the commencement of works, a registered surveyor is to accurately peg out the location of the wall relative to the approved plans and the boundary with No. 34 Loblay Crescent. The Surveyor shall then provide certification to the Principal Certifier and Council that the peg out location of the wall is to be wholly within the boundaries of No. 32 Loblay Crescent and is consistent with the detail shown on the approved plans. No works are to commence until the Principal Certifier is satisfied that the works will be undertaken wholly within No. 32 Loblay Crescent and will not encroach over the boundary.

All vegetation and existing structures to be demolished and or removed are to be tagged and certified by the Surveyor to be within No. 32 Loblay Crescent. This certification is to be given to the Certifier. No vegetation from No. 34 Loblay Crescent is to be removed or impacted by the proposed works.

Reason: To ensure the proposed works are within the subject site.

### **DURING BUILDING WORK**

#### 17. **Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- 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 AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-

2009 Protection of trees on development sites,

ix) the activities listed in section 4.2 of AS 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,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,

xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

#### 18. **Condition of Trees**

a) during the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture 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.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) 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.

#### 19. **Wildlife Protection**

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

Reason: To protect native wildlife.

#### 20. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

**21. Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

**22. Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

**23. Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning and Environment.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning and Environment.

Reason: Aboriginal Heritage Protection.

**24. Implementation of Construction Traffic Management Plan**

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.

**BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**25. Required Screen Planting**

Screen planting (adjacent to the privacy screen) shall be planted in accordance with the following:

- a) the selected planting is to comprise of native species capable of attaining a height of two (2) metres at maturity,
- b) plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- c) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

Reason: To maintain environmental amenity.

**26. Condition of Retained Vegetation**

- a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture 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:
  - i) compliance to any Arborist recommendations for tree protection generally and during 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: Tree and vegetation protection.

**27. Native Landscaping**

Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

**28. Replacement of Canopy Trees**

At least 1 *Angophora costata* is to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

**29. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed

Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

**30. Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

**31. Waste Management Confirmation**

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

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

**32. Certification of retaining wall**

Prior to the issue of an Occupation Certificate or within 3 months of practical completion of the wall (whichever comes first), the registered surveyor who marked out the location of the wall is to certify that the wall, footings and all associated parts of the wall and landscape plantings is wholly within the boundaries of No. 32 Loblay Crescent. Any structure, part of the wall or landscaping encroachment over the boundary is to be immediately removed. Council and the Principal Certifier are to be notified of such an encroachment and its rectification.

Reason: To ensure that the approval is in accordance with the approved plans.

**33. Retaining walls**

The retaining walls works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Public and Private Safety

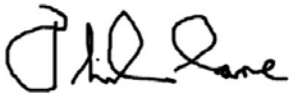
**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****34. Landscape Maintenance**

a) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

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

**Signed**



**Phil Lane, Principal Planner**

The application is determined on 09/02/2024, under the delegated authority of:



**Adam Richardson, Manager Development Assessments**

**SECTION 455 MODIFICATIONS - Mod 2024/0694 (Submitted 02/01/2025)**  
**SUBMISSION IN REGARD TO MODIFICATION OF DEVELOPMENT APPLICATION**  
**DA2023/1023 - 32 LOBLAY CRESCENT BILGOLA PLATEAU**

*Description: Alterations and additions to a dwelling house including retaining walls*

*ATTENTION: The assigned Town Planning Officer*

Please see following our objections/request for further information in regard to the proposed modification ( Mod 2024/0694) to Approved DA2023/1023 for the construction of the Retaining Walls as detailed within the Section 4.55 Submission and attached Drawings RW DA-01D to 03D inclusive as well as The Schedule of Proposed Modifications and the Revised Statement of Environmental Effects Sec 4.55 Submission.

**Objection Summary**

1. **We object to the alteration of the proposed construction of Retaining Walls from Sandstone to Concrete due to the required excavation/ impact on the Viburnum tree root structures that will be involved.**
2. **We object to the retaining wall height modification increasing by approx. 200mm due to the effect re privacy intrusion through viewing into our upper bedroom via the skylight.**
3. **We object to the reduction in to proposed privacy screens from 1.5m to 1.2 m as this will reduce the practical functions of the previously agreed privacy screening issues.**
4. **We object to the request for a condition be included re the height of the Viburnum hedge be reduced to 200mm above the applicant's proposed privacy screen height ( only 1.4m) – easily seen over- privacy issues.**

We have detailed following the reasons for our objection to the modification of the previously approved DA plans and conditions in the relevant sections involved and by way of aiding this we have attached the following files and information for your ease of access.

1. The Applicant's Construction Methodology Statement as per his approved DA submission.
2. Copy of the Approved stamped CC Plans by the Applicants Private Certifier – noting issues re tree root protection etc.
3. Copy of the Applicants Engineering Design and Plans for the then approved Sandstone Wall construction- it is noted that the front (northern section) of this wall has already been constructed.
4. Copy of the Councils Notice of Determination of the DA2023/1023 which also includes obviously the Conditions of Approval.
5. 2 outlook files that reference the protection of Natural Landscape features - (rock outcrops), and that contain a photo of the Applicant ignoring a Condition of the DA approval re the

alteration/ demolition of a rock outcrop to construct steps that are NOT detailed on any approved plans.

6. Development Application Assessment Report from Mr. Phil Lane - Councils Town Planner

It is obvious from reading Councils (Mr. Phil Lanes) DA Assessment Report that considerable weight and thought had gone into the DA Conditions particularly in reference to tree preservations, the effect of any excavations had on the impact on trees and tree roots, and issues of privacy and the impact/ provisions that trees had on the ongoing viability of privacy at our home.

Please see detailed following the expanded reasons for our objections.

POINT 1 – ALTERATION OF RETAINING WALL TO CONCRETE VS. SANDSTONE AS ORIGINALLY

The issue here is that the original approved Sandstone retaining wall had a footing constructed; as stated within the Applicants lodged Construction Methodology of: -

*“Slightly compacted road base footing.... This method is what makes the construction of the wall possible without the need for excavated footings, allowing for roots of the retained Gum tree and the neighbouring Viburnum and Lilli Pilli to remain unimpacted by the construction, as confirmed in the AIA report.”*

Unfortunately, in my experience of over 45 years in the construction industry the proposed concrete retaining wall will require a “keyed in” footing at the front and an L shape at the rear to create a stable retaining wall. This means that greater excavations will now be required, and impacts will occur to the Viburnum tree roots.

I note that NO Engineering Details or a construction methodology has been provided as to how the retaining wall will be constructed. I would request that the Construction Methodology be sourced and a Proforma sketch detailing the footing requirements/ excavations involved be provided by the Applicants Design Engineer BEFORE any decision is made re an approval/non approval of this modification so that a fair and informed decisions can be made.

POINT 2 – HEIGHT MODIFICATION INCREASED BY 200MM – VISUAL PRIVACY ISSUES

Drawing RW DA-903D details a height increase of approx. 200mm towards the northern end of the wall – this means that at this location the soil against the wall can be raised by 200mm as well. This will mean that it will be possible to view our bedroom skylight as previously highlighted and taken into account by your Mr. Phil Lane when he removed the steps from the earlier DA application due to privacy issues. Please see page 9 of the attached Assessment Report for his reasoning.

This reinstatement to a higher level obviates that clause removal and we believe that it will impact our privacy – allowing overlooking into the bedroom.

We would request that the original level / approval height be maintained.

### POINT 3 – REDUCTION IN PRIVACY SCREEN HEIGHT BY 300MM. – VISUAL PRIVACY ISSUES

We object to this proposed reduction as this will impact on our privacy – a screen 1.5m high is certainly more private than a 1.2m high screen. In fact we would request that the privacy screen be extended north from its proposed location so that the gap between its start and the return corner of our house be covered with a privacy screen as the applicant is obviously creating a walk way on the western side of the pool from the front ( north street face ) – please see the attached outlook file that contains a photo of the applicant excavating out the rock shelf to create a pathway from the front to the rear in contravention of the DA conditions Point 20 - re Habitat - “ *Rock outcrops... are to remain undisturbed during construction works except as detailed on approved plans* “

### POINT 4 – VIBURNUM TREES HEIGHT REQUIREMENT -

We object to the creation of this as a Condition as: -

1. The statement that the trees are shared is untrue- of the 5 trees in place 3 of the trunks are solely within our land, 2 of the trees have trunks that at a certain height extend into the Applicants space but that are basically 6-7/8 within our property. These trees were planted 20 years ago on our property solely and have grown obviously.
2. As this is an application for work within #32 Loblay we fail to see how a Notice of Determination Condition can be made in regard to #34 Loblay. We are not applicants- consequently by definition this cannot be applied.
3. The proposed height (taking into account the application for lower 1.2m high privacy screen); would mean that the end height of 1.4m above ground vs. the current approximately 2-2.5m above the applicants ground level would severely impact and reduce our privacy by this extremely severe pruning of the trees.
4. Who would be responsible for the ongoing costs involved – why should we be responsible for our neighbour’s financial cost imposition.
5. These trees were / have been in place for over 20 years with *their* current height and I again highlight as per Point 17 of the DA Assessment Approval - Vegetation Protection that

“Existing trees and vegetation are to be retained and protected”

(ii) All trees and vegetation located on adjoining properties  
& (iii) protection of tree roots

(v) Structures are to bridge tree roots >25mm dia. Re Engineers Plans / design

(vii) The Project Arborist is to provide review / photographic evidence etc. for any impacts on trees/ roots.

6. We do not agree with the Applicants Environmental Report Statement re Visual Privacy is maintained — certainly a reduction in height of the trees is NOT a positive. This will create issues/ a reduction in Visual Privacy

Many thanks for your time in reading our submission. We apologize for the amount of documentation, but this reflects our sincere concerns for the impact on ourselves and our property of this application.

Regards,

Helen Lawson

John Lawson B.E. Civil/ Project & WHS Manager/ Estimator

A handwritten signature in blue ink, appearing to be 'J. Lawson', with a long horizontal flourish extending to the right.

34 Loblay Crescent, Bilgola Plateau