

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA354/2016/3

Development: Application for a new roof top terrace, new access to rear garden,
new skylight and window modifications

Site: 24 Northland Road, Bellevue Hill NSW 2023

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 22 February 2021

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the Environmental Planning and Assessment Act 1979.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 24 Northland Road, Bellevue Hill NSW 2023

The conditions of consent are as follows:

A. The following conditions are added:

A.3(b) Approved Amended (s4.56) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans to which is affixed a Council stamp "Approved" and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
LEC 000 Issue A	Site Plan	Nicholas Tang Architects	17 August 2020
LEC 100 Issue A	Basement Plan	Nicholas Tang Architects	17 August 2020
LEC 101 Issue A	Ground Floor Plan	Nicholas Tang Architects	17 August 2020
LEC 102 Issue B	Level 1 Floor Plan	Nicholas Tang Architects	16 October 2020
LEC 103 Issue B	Level 2 Floor Plan	Nicholas Tang Architects	16 October 2020
LEC 104 Issue A	Roof Plan	Nicholas Tang Architects	17 August 2020
LEC 200 Issue A	Elevations 1	Nicholas Tang Architects	17 August 2020
LEC 201 Issue A	Elevations 2	Nicholas Tang Architects	17 August 2020
LEC 202 Issue A	Elevations 3	Nicholas Tang Architects	17 August 2020
LEC 400 Issue A	Shadow Elevations 1	Nicholas Tang Architects	17 August 2020
LEC 500 Issue A	Site Separation Plan	Nicholas Tang Architects	17 August 2020
LEC 501 Issue A	Sight Line Section 1	Nicholas Tang Architects	17 August 2020
LEC 502 Issue A	Sight Line Section 2	Nicholas Tang Architects	17 August 2020
LEC 503 Issue A	Sight Line Section 3	Nicholas Tang Architects	17 August 2020
LEC 504 Issue A	Sight Line Section 4	Nicholas Tang Architects	17 August 2020
LEC 505 Issue A	Sight Line Section 5	Nicholas Tang Architects	17 August 2020
20126_200626_Roof Top Terrace_BW_R0	Acoustic Report	White Noise Acoustics	26/06/2020

Roof Top Terrace Acoustic Review	Acoustic Report	White Noise Acoustics	23/11/2020
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Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the Act (refer to conditions which must be satisfied prior to the issue of any Construction Certificate.)

Standard Condition: A6 (Autotext AA6)

C.18 Tree Management Plan

The Construction Certificate plans and specifications shall show the following information:

a) Trees to be numbered in accordance with these conditions:

- shaded green where required to be retained and protected
- shaded red where authorised to be removed
- shaded yellow where required to be transplanted
- shaded blue where required to be pruned

□

b) References to applicable tree management plan, arborists report or transplant method statement.

This plan shall be kept on site until the issue of the final occupation certificate.

E.29 Level changes in the vicinity of trees

No level changes shall occur within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	Jacaranda mimosifolia (Jacaranda)	Rear yard northern side	4
3	Cedrus deodara (Deodar Cedar)	Rear yard northern side	4

The project arborist shall document compliance with the above condition.

E.30 Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	Jacaranda mimosifolia (Jacaranda)	Rear yard northern side	4
3	Cedrus deodara (Deodar Cedar)	Rear yard northern side	4

Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or in excess of 50mm shall not be severed or damaged unless approved in writing by the project arborist.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

All root pruning must be undertaken in accordance with the Australian Standard 4373 "Pruning of Amenity Trees" and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).

The project arborist shall document compliance with the above condition.

E.31 Footings in the vicinity of trees

Footings for any structure within the specified radius from the trunks of the following trees shall be supported using an isolated pier and beam system.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	Jacaranda mimosifolia (Jacaranda)	Rear yard northern side	4
3	Cedrus deodara (Deodar Cedar)	Rear yard northern side	4

Excavations for installation of piers shall be located so that no tree root with a diameter equal to or in excess of 50mm is severed or damaged. The smallest possible area shall be excavated which allows construction of the pier. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.

The project arborist shall document compliance with the above condition.

I.8 Outdoor Lighting – Roof Terraces

Outdoor lighting must comply with AS/NZS 4282:2019: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282:2019.

All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600mm above the finished floor level of the roof terrace.

Note: This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

Note: Council may consider, subject to an appropriate Section 4.55 Application, relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.

Standard Condition: I51

I.9 No fixed or portable speakers/devices permitted on the roof top terrace

No fixed or portable speakers/devices with the ability to play amplified noise will be permitted on the roof top terrace.

AND

- B. Conditions B.5, B6, B7 and E.27 are amended and are to be replaced with the following:

B.5 Establishment of Tree Protection Zone (TPZ) Fence

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970- 2009). Tree protection zones must also comply with the following requirements;

a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
1	Jacaranda mimosifolia (Jacaranda)	Rear yard northern side	4
3	Cedrus deodara (Deodar Cedar)	Rear yard northern side	4

10	Phoenix canariensis (Canary Island Date palm)	Front yard southern side	6
11	Phoenix canariensis (Canary Island Date palm)	Council verge – most eastern specimen in a row of four	4
12	Phoenix canariensis (Canary Island Date palm)	Council verge – second most eastern specimen in a row of four	4
13	Phoenix canariensis (Canary Island Date palm)	Council verge – second most western specimen in a row of four	4
14	Phoenix canariensis (Canary Island Date palm)	Council verge – most western specimen in a row of four	4

Note: Where this condition relates to street trees and the fence cannot be placed at the specified radius, the fencing shall be positioned so that the entire verge (nature strip) area in front of the subject property, excluding existing driveways, footpaths and bus stops is protected.

Note: Where this condition relates to trees on private property the radial distance of fencing shall be positioned only within the subject property.

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.
- e) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.
- f) The site foreman must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to

the site must be made aware of all tree protection requirements by the site foreman.

- g) The project arborist shall provide written certification of compliance with the above condition.

B.6 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Radius from Trunk (metres)	Approved works
1	Jacaranda mimosifolia (Jacaranda)	4	Proposed soft landscaping. Reinstatement of low retaining wall in situ on the eastern side of Tree No.1. Proposed stairs south eastern side of Tree No.1
3	Cedrus deodara (Deodar Cedar)	4	Proposed soft landscaping. Reinstatement of low retaining wall in situ on the western side of Tree No.3. Proposed stairs south western side of Tree No.3
10	Phoenix canariensis (Canary Island Date palm)	6	Proposed soft landscaping. Transplanting.

The project arborist shall provide written certification of compliance with the above condition.

B.7 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with. Documentation for each site visit shall include:

- A record of the condition of trees to be retained prior to and throughout development;
- Recommended actions to improve site conditions and rectification of noncompliance; and
- Recommendations for future works which may impact the trees

All compliance certification documents shall be kept on site by the Site Foreman.

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to the demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none"> The project arborist shall install or supervise the installation of tree protection fencing.
During any development work	<ul style="list-style-type: none"> The project arborist shall supervise all demolition and excavation works within the Tree Protection Zones of nominated trees listed in this consent. The project arborist shall ensure pier holes within the Tree Protection Zones of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter.
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> The project arborist shall supervise the dismantling of tree protection measures

Inspections and compliance documentation shall be made by an arborist with AQF Level 5 qualifications.

Additional site visits shall be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.

E.27 Tree Preservation

All persons must comply with Council's Development Control Plan (DCP) 2015, Chapter E.3 Tree Management other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

General Protection Requirements

- a) The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.

- c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

Note: Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.