

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0420
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 2 DP 1237357, 12 A John Street AVALON BEACH NSW 2107
Proposed Development:	Subdivision of one lot into two lots
Zoning:	C2 Environmental Conservation C4 Environmental Living
Development Permissible:	Yes - Zone C2 Environmental Conservation Yes - Zone C4 Environmental Living
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Palmgrove Investments Pty Ltd
Applicant:	THW Architects

Application Lodged:	20/04/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	27/04/2021 to 11/05/2021
Advertised:	Not Advertised
Submissions Received:	6
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 24,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal involves subdivision of an existing battle-axe shaped allotment into two new lots as follows:

Lot 1: 700m²
Lot 2: 700m²

The proposal also involves an extension of the existing driveway to service both new lots, installation of a stormwater pipe and level spreader installation and riparian revegetation works

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.

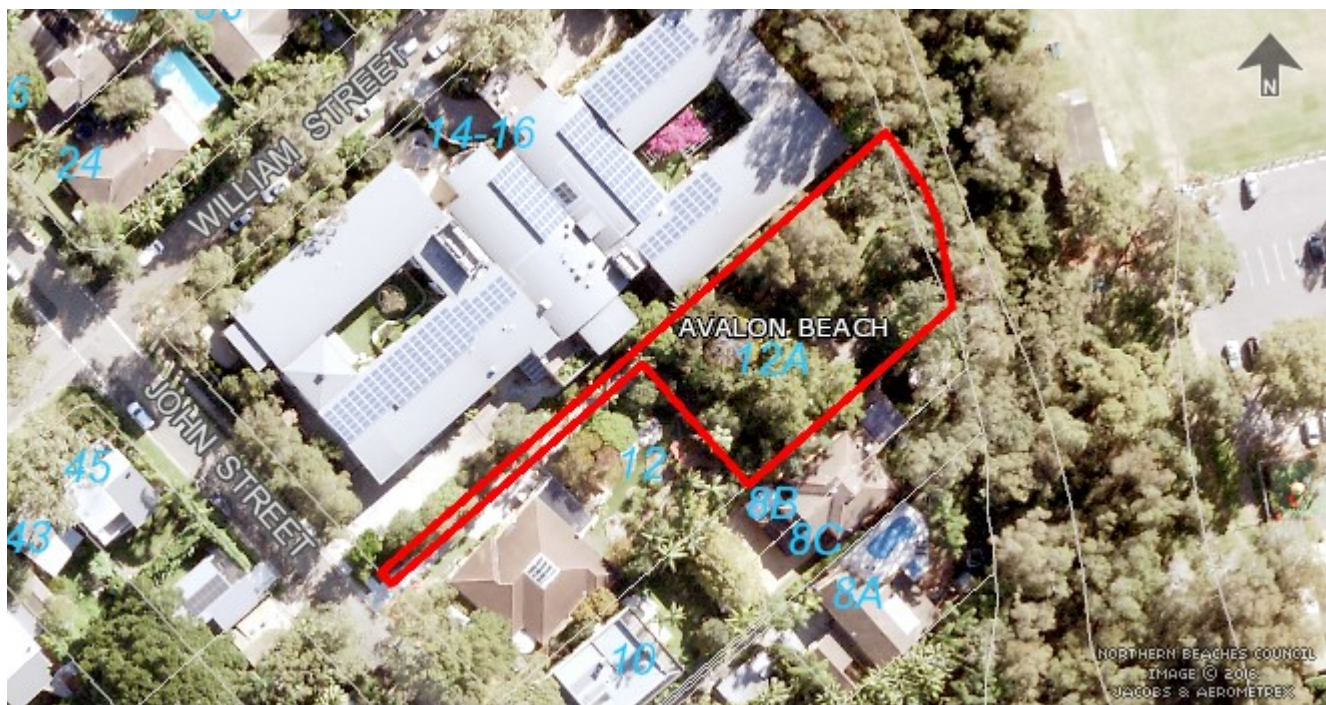
SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B2.2 Subdivision - Low Density Residential Areas

SITE DESCRIPTION

Property Description:	Lot 2 DP 1237357 , 12 A John Street AVALON BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of an allotment located on the northern-eastern side of John Street.</p> <p>The site is a 'battle-axe' style allotment with an access handle to John Street. The site has a surveyed area of 1554m².</p> <p>The site is located within the in the E4 Environmental Living zone and is currently vacant. There is also a small section of the site at the rear that is zoned E2 Environmental Conservation.</p> <p>The site is well vegetated and contains a riparian area, namely Careel Creek toward the rear of the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by varied residential development.</p>

Map:



SITE HISTORY

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

PLM2018/0228 - Subdivision of one lot into two and new dwelling and secondary dwellings

In this meeting, concerns were raised by a number of Council's referral bodies and redesign/further information was recommended. The following concluding comment was provided in the minutes:

"In its current form the proposal is not acceptable and requires redesign prior to submission. Redesign is pre-dominantly required due to the comments provided from council's referral teams, particularly in relation to riparian and water quality requirements. Deletion of the proposed at least one secondary dwelling (on lot B) is recommended."

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 environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 27/04/2021 to 11/05/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Mr John Richard Mazey Mrs Catherine Ivy Mazey	8 B John Street AVALON BEACH NSW 2107
Mrs Hayley Louise Cole Mr Dylan Michael Cole	16 Lewis Street AVALON BEACH NSW 2107
Avalon Preservation Trust Incorporated as Avalon Preservation Association	24 Catalina Crescent AVALON BEACH NSW 2107
Jani Johnson	Address Unknown
Mr Graham John Johnson	12 John Street AVALON BEACH NSW 2107
Mrs Barrie Adrienne Johnson	8 / 85 - 87 Avalon Parade AVALON BEACH NSW 2107

The above issues are addressed as follows:

- **Overdevelopment**

The submissions raised concerns with regard to heat gain/urban heat and impact on natural environment.

Comment:

The proposal involves new lots that comply with the development standards for lot size under the PLEP 2014. As such, the new lots are consistent with what can be expected in terms of the density of development in the area based on the lot size requirements. Furthermore, Council's Natural Environment Officer's and Landscape Officer are satisfied with the impact on the natural environment.

- **Impact on Natural environment and general amenity/character of the area**

The submissions raised concerns with regard to the impact on the creek/riparian area, numerous trees, and biodiversity more generally. Concerns are also raised with tree removal, including trees along the boundary of 14 John Street which assist as a privacy buffer. It is also stated that proposed re-planting is inadequate.

A concern is also raised that the proposal is inconsistent with Council's Urban Tree Canopy

Plan.

Comment:

Council's Landscape officer has assessed the proposal and supports the two lot subdivision on the proviso that all trees are to be retained and protected under this subdivision application. As such, apart from species listed under Council's Policy as exempt from removal, there are to be no trees removed as a part of any approval for land subdivision only.

The subdivision pattern aligns similarly with neighbouring lots, and the lot size complies with the 700sqm minimum requirement for the area. As such, the development is consistent with the character of the area. As there are no building works for dwellings and associated structures as a part of this proposal, there will be not be building bulk issues which could cause unreasonable amenity impact. Further to this, the compliant lot sizes and lot depths will facilitate an appropriate dwelling design that will not cause any unreasonable amenity impact.

- **Safety, traffic and access**

Concern is raised with regard to safety in accessing the garage at 12 John Street. A privacy and light pollution concern is also raised with regard to new vehicles using this access way.

Concern is also raised with regard to lack of safe access for pedestrians along John Street.

A concern is also raised with regard to an increase in traffic as a result of the development.

Comment:

Council's Development Engineer and Traffic Officer are satisfied that the proposed allotments will have suitable access via the battle axe handle. Further, as the access handle is transitional, there will be no unreasonable impact with regard to light pollution or privacy. The future development applications for dwelling construction will address appropriate use of the access way to ensure amenity is maintained for all parties.

The proposal involves an increase in density of one lot and this does not trigger any requirement to upgrade public infrastructure such as footpaths along John Street. Any other suggestions or requests for improvements to traffic, access and safety along John Street generally, should be sent to Council's Traffic team for consideration.

The proposed increase in density will also not result in any unreasonable increase to traffic generation in the area. The proposed lots are capable of accommodating off-street parking that are consistent with the requirements of the Pittwater DCP.

- **Above ground power**

The submissions raised concerns that this will be unsightly and will pose safety issues.

Comment:

The application was referred to AUSGRID. AUSGRID have stated that no decision is required at this stage. Any further application for building works will involve a further referral to AUSGRID and at this stage, the impact of above ground power can be assessed.

- **Lots are less than the minimum width required under the Pittwater DCP**

The submissions raised concern that the minimum width should be achieved (in accordance

with the numerical control).

Comment:

The proposed subdivision will result in lots with similar widths to those established lots in the south-east. Further, the lots have a substantial depth and provide a compliant lot size in accordance with the Pittwater LEP. Conditions have also been provided by Council's referral bodies to ensure sufficient preservation of the natural environment. As such, appropriate development can be achieved on each lot, despite the width which does not strictly meet the numerical requirement.

- **Loss of value**

Comment:

This is not a relevant planning consideration under the Environmental Planning and Assessment Act, 1979.

- **Impact caused by future construction including potential amenity impact; lack of future building designs that would sufficiently mitigate impacts**

Comment:

The proposal provides compliant lots sizes and substantial lot depths to ensure that a dwelling design could be accommodated that sufficiently mitigates amenity impacts is possible on the site. Further to this, the lots are adjacent to existing buildings to both side boundaries, and future construction on the subject site can align with this established building and subdivision pattern. This alignment will assist in ensuring amenity impact is suitably managed and mitigated.

- **Flood zone should not be included as a part of the subdivision**

Comment:

Lots cannot be separately subdivided or separated based on constraints on the site such as flooding. However, it is important to ensure that a future building footprint could be achieved on the site without encroaching on constrained land (such as due to flooding or a riparian area). The dimensions of the proposed lots ensure that there is a sufficient area for a building footprint and this has been also confirmed by Council's Natural Environment Officer's.

- **Inconsistencies in engineering plans**

The submissions raised concerns that the Statement of Environmental Effects states that the existing driveway will be retained yet the plans refer to removal of existing kerb and guttering.

Comment:

Council's Engineer has imposed a condition which allows a Subdivision Works Certificate is to be approved by Certifying Authority for the provision of engineering works. This certificate includes a "Driveway slab design including cross sections for the driveway extension within proposed Lot 1 up to the common boundary with proposed Lot 2."

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The application is understood to be for subdivision of land from one

Internal Referral Body	Comments
	<p>Lot into two Lots. Additional works required for the sub-division include a small extension of an existing driveway, stormwater pipe and level spreader installation and riparian revegetation works.</p> <p>The Arborist's Report and Environmental Consultants Reports submitted with the application are noted.</p> <p>The Arborists Report addresses tree removal that would be required for the indicative dwelling and driveway layouts provided on the plans. However it is understood that these works do not form part of this application.</p> <p>If the sub-division is to be approved, separate applications for dwellings on the created lots would be submitted at a later date. It is recommended that existing trees be retained on site until such time as DAs are received for the dwellings, whereby an assessment of actual impacts could be made. It is therefore recommended that existing non-exempt trees be retained on site at this stage.</p> <p>No objections are raised to the proposed riparian works, however I would defer to the comments from Council's Natural Environment section regarding those works.</p>
NECC (Bushland and Biodiversity)	<p>The proposal seeks to subdivide the existing battle-axe shaped allotment into two allotments, including indicative plans for the building footprint and driveways (THW Architects 2021). Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Biodiversity Conservation Regulation 2017 State Environmental Planning Policy (Coastal Management)</p> <ul style="list-style-type: none"> • Coastal Wetlands & Proximity Area • Coastal Environment Area <p>Pittwater Local Environmental Plan (PLEP)</p> <ul style="list-style-type: none"> • 7.6 Biodiversity Protection <p><u>Natural Environment Unit - Biodiversity - Updated Recommendation 15/12/2021 (DA2021/0420)</u></p> <p>The following information was requested, and is now noted to have been provided by the applicant:</p> <ol style="list-style-type: none"> 1. Updated Arborist Report, taking into account the impacts of the trenching/swale in the east of the site 2. Updated BDAR, amending impact area to encompass all areas of the development, of which it is currently missing the

Internal Referral Body	Comments
	<p>eastern portion of the proposed dwellings and the swales.</p> <p>3. Updated Riparian Plan and Coastal Impacts Assessment, to account for bio-swales, and provide a clear, to-scale map demonstrating that the averaging rule for waterfront land has been met, as well as that proposed planting requirements and densities can be achieved.</p> <p>It is noted that amended Architectural Plans (THW Architects, Issue K, dated 13/12/2021) have been submitted which have deleted the proposed balconies extending into Waterfront Land. No objection is raised by Council's Biodiversity Unit to this amendment, given it will result in reduced impact, and increased capacity for proposed revegetation detailed within the amended Riparian Plan and Coastal Impacts Assessment (Kingfisher 2021b). Additionally, the deletion of the proposed balconies supported in lieu of the requested map that details how the 'averaging rule' meets the 1:1 replacement in accordance with NRAR Guidelines. This concern is withdrawn in light of the amended design.</p> <p>The amended proposal will require the removal of two (2) additional trees (T.3, 38 ; Naturally Trees 2021) in addition to the 30 listed for removal under the previous edition of the Arboricultural Impact Assessment (February 2021):</p> <ul style="list-style-type: none"> • 3 - Archontophoenix alexandrae • 38 - Grevillea robusta <p>Neither tree is locally-native (both exempt species), therefore no objection is raised by Council's Natural Environment Unit - Biodiversity.</p> <p>No changes to the number (9) of locally-indigenous trees (T.4, 8, 13, 14, 17, 18, 19, 20 & 29) proposed for removal have been made. Subject to the retention of high-value trees (T.42, 45) and subject to the complete re-vegetation of all waterfront land as detailed within the amended Riparian Plan and Coastal Impacts Assessment (Kingfisher 2021b), no objection is raised to the removal of these trees.</p> <p>Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p> <p><u>Natural Environment Unit - Biodiversity - Updated Recommendation 18/05/2021 (DA2021/0420)</u></p> <p>The following information is required before Natural Environment Unit - Biodiversity can provide a recommendation on the DA:</p> <p>1. Updated Arborist Report, taking into account the impacts of</p>

Internal Referral Body	Comments
	<p>the trenching/swale in the east of the site</p> <ol style="list-style-type: none"> 2. Updated BDAR, amending impact area to encompass all areas of the development, of which it is currently missing the eastern portion of the proposed dwellings and the swales. 3. Updated Riparian Plan and Coastal Impacts Assessment, to account for bio-swales, and provide a clear, to-scale map demonstrating that the averaging rule for waterfront land has been met, as well as that proposed planting requirements and densities can be achieved. <p>The proposal will require the removal of thirty (30) trees (Naturally Trees 2021), including fourteen (14) trees native to NSW:</p> <ul style="list-style-type: none"> • 4 - Melaleuca quinquenervia • 8 - Eucalyptus robusta • 13 - Casuarina glauca • 14 - Casuarina glauca • 17 - Casuarina glauca • 18 - Casuarina glauca • 19 - Casuarina glauca • 20 - Casuarina glauca • 22 - Syzygium paniculatum • 29 - Glochidion ferdinandi • 32 - Hymenosporum flavum • 33 - Banksia integrifolia • 35 - Macadamia indica (integrifolia*) • 39 - Brachychiton acerifolius <p>Natural Environment Unit - Biodiversity notes submission of the Arboricultural Report (Naturally Trees 2021), the Biodiversity Development Assessment Report (Kingfisher 2021a) and a Riparian Plan and Coastal Impacts Assessment (Kingfisher 2021b).</p> <p>Comments raised by the Biodiversity Officer for DA2019/1332 have still not been addressed in the DA. Specifically, <i>"The Arborist did not assess impacts to trees resulting from the proposed Stormwater Management Plan, including trenching and dispersal trench / bio swale which is proposed close to other high quality trees to be retained."</i> This assessment is required as it will impact the outcome of the Biodiversity Development Assessment Report and the Riparian Plan and Coastal Impacts Assessment.</p> <p>Concerns with Arboricultural Report (Naturally Trees 2021) The Stormwater Assets and Management Plan (Barrenjoey Consulting Engineers 2021) depicts three separate 'dispersion trenches / bio-swales' within the east of the site. The plan notes that these are to be 'located in accordance with arborist and riparian zone reports'. Natural Environment Unit - Biodiversity notes that this plan has not been acknowledged within the Arboricultural Report, nor</p>

Internal Referral Body	Comments
	<p>reference made to the possible excavation into the TPZ of Trees 38, 42, 45 & 46. Assessment of impacts, and feasibility of retention of these trees must be assessed to inform the submitted Biodiversity Development Assessment Report (Kingfisher 2021).</p> <p>Concerns with Biodiversity Development Assessment Report (Kingfisher 2021a) The Stormwater Assets and Management Plan (Barrenjoey Consulting Engineers 2021) depicts three separate 'dispersion trenches / bio-swales' within the east of the site. The plan notes that these are to be 'located in accordance with arborist and riparian zone reports'. Natural Environment Unit - Biodiversity notes that although this plan has been included within the BDAR (Figure 1.4), it has not been included within the impact area that is requiring offset credits (Figure 6). The proposed trenching/bioswales must be considered within the report and offset accordingly. Additionally, the proposed development footprint (TWH Architects 2021) appears to be different from that of the area proposed to be offset, with both the proposed dwelling and associated decking extending east beyond the mapping included in Figure 6 of the BDAR.</p> <p>Concerns with Riparian Plan and Coastal Impacts Assessment (Kingfisher 2021b) The proposal will encroach into waterfront land.</p> <p>The report (Kingfisher 2021b), including Figure 3.2 must be updated to:</p> <ul style="list-style-type: none"> • account for the aforementioned dispersion trenches / bio-swales' proposed within the east of the site (Barrenjoey Consulting Engineers 2021). • recognise the porous steps (mapped in purple ; Figure 3.2) as encroachments into waterfront land, as they will require vegetation removal, and prevent any future vegetation growth. • demonstrate how the 'averaging rule' meets the 1:1 replacement required for the abovementioned encroachments in accordance with NRAR Guidelines. <p>Natural Environment Unit - Biodiversity does not support the use of the averaging rule where re-vegetation of the proposed 'offset areas' can not be demonstrated. NRAR Guidelines specify that the riparian corridor is to be vegetated, not simply permeable ground. On review of the existing proposed offset areas they are located within areas immediately adjoining the houses, and likely to be used as access passageways.</p> <p>The following trees proposed for removal are native to Pittwater, and are characteristic of the threatened ecological community, Swamp Oak Floodplain Forest or Swamp Sclerophyll Forest:</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • 4 - Melaleuca quinquenervia • 8 - Eucalyptus robusta • 13 - Casuarina glauca • 14 - Casuarina glauca • 17 - Casuarina glauca • 18 - Casuarina glauca • 19 - Casuarina glauca • 20 - Casuarina glauca • 29 - Glochidion ferdinandi <p>It has not been demonstrated how the proposal can accommodate 9 suitable replacement trees within the site. Although NEU - Biodiversity supports the proposed species selection and densities, it must be demonstrated through a to-scale plan or map that depicts the exact locations of the proposed replacement plantings, at the recommended densities. Replanting off site will not be considered as there is no legal mechanism for Council to condition offset plantings on land that is not within the property.</p> <p>In summary, the following information is required before NEU-Biodiversity can provide a recommendation on the DA:</p> <ol style="list-style-type: none"> 1. Updated Arborist Report, taking into account the impacts of the trenching/swale in the east of the site 2. Updated BDAR, amending impact area to encompass all areas of the development, of which it is currently missing the eastern portion of the proposed dwellings and the swales. 3. Updated Riparian Plan and Coastal Impacts Assessment, to account for bio-swales, and provide a clear, to-scale map demonstrating that the averaging rule for waterfront land has been met, as well as that proposed planting requirements and densities can be achieved. <p>Concerns raised by Council's Development Engineering Referral Team, specifically relating to easements for drainage and services must be taken into account during the preparation of the previously mentioned updates.</p> <p><u>Natural Environment Unit - Biodiversity - Original Recommendation 18/12/2019 (DA2019/1332)</u></p> <p>Council's Natural Environment - Biodiversity section cannot support the application due to noncompliances with relevant Pittwater LEP / DCP controls and the provisions of the NSW Biodiversity Conservation Act 2016 (BC Act 2016).</p> <p>This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.19 Estuarine Habitat as well as the</p>

Internal Referral Body	Comments
	<p>NSW BC Act 2016 and Coastal Management SEPP 2018 Coastal Wetlands and Proximity Area. The property is also identified as a wildlife corridor.</p> <p>The proposal is for the subdivision of the land into 2 lots which includes the construction of a driveway and an additional two Development Applications (DA2019/1333 and DA2019/1334) have been submitted for the construction a new dwelling, garage and secondary dwelling on each of the proposed lots. Proposed Lot 12A with a 4-bedroom dwelling and 2-bedroom secondary dwelling and proposed Lot 12B with a 5-bedroom dwelling and 2-bedroom secondary dwelling.</p> <p>The land is currently vacant and contains large native canopy trees, some planted exotic / non-local native trees and mown lawn / exotic garden. The property directly adjoins Careel Creek to the east which contains sensitive estuarine habitat and protected mangroves. The native canopy trees clustered within the north-eastern portion of the site are mapped as PCT 1234 Swamp Oak Swamp Forest Fringing Estuaries which is a component of Swamp Oak Floodplain Forest an EEC listed within the NSW BC Act 2016 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).</p> <p>The submitted Arborist Report 'Arboricultural Impact Appraisal and Method Statement' (Naturally Trees, 20/09/2019) assesses 54 trees, 23 of which are prescribed under PDCP. Of the 23 prescribed trees 5 are located on adjoining land and 18 within the property. The proposed subdivision and resulting residential development will remove 12 of the 18 prescribed trees, 11 of these being high category trees.</p> <p>The Arborist did not assess impacts to trees resulting from the proposed Stormwater Management Plan, including trenching and dispersal trench / bio swale which is proposed close to other high quality trees to be retained.</p> <p>Local controls Relevant provisions under local controls include;</p> <ul style="list-style-type: none"> • The development is designed, sited and will be managed to avoid any significant adverse environmental impact. If impact cannot be reasonably avoided by adopting feasible alternatives, the development is to be designed, sited and managed to minimise that impact. • Development shall provide adequate buffering to estuarine habitat. • Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.

Internal Referral Body	Comments
	<p>It is considered that the proposal has not been designed to avoid or minimise impacts to biodiversity given that 12 of the 18 prescribed trees will be removed, and additional impacts are expected from the proposed stormwater management plan impacts which have not been assessed.</p> <p>The submitted Landscape Plan is not consistent with the Flora and Fauna Report recommendations for revegetation to be conducted using species from the Swamp Oak Floodplain Forest species and references a "living retaining wall". The Landscape Plan proposes lawn and landscaped plantings up to the creek.</p> <p>There is no legal mechanism for Council to condition offset plantings on land that is not within the property.</p> <p>The proposal is inconsistent with local provisions.</p> <p>NSW Biodiversity Conservation Act 2016 The vegetation within the north-eastern portion of the site is mapped as "Biodiversity Value" within the Biodiversity Values Map published by DPIE within the Biodiversity Offsets Scheme (BOS). Clause 7.1 (3) of the Biodiversity Conservation Regulation 2017 requires consideration of the likely vegetation clearing resulting from the subdivision, which are presented in the two dwelling DAs. The proposal is removing native trees within the mapped extent which triggers automatic entry into the BOS. As a result impacts to biodiversity must be assessed within a Biodiversity Development Assessment Report (BDAR) prepared by an Accredited Assessor. Alternatively, the proposal could be amended to avoid removing native vegetation within the mapped "Biodiversity Value" extent, which will demonstrate some avoidance of biodiversity impacts.</p> <p>The Arborist Report identified <i>Syzygium paniculatum</i> (T22) which is a threatened species listed in Schedule 1 of the NSW Biodiversity Conservation Act 2016. This species was not identified or assessed with a 5-part test within the Flora and Fauna Report (Ecological Consultants Australia, October 2019).</p> <p>The proposal is inconsistent with the NSW BC Act 2016. Coastal Management SEPP 2018 The Flora and Fauna Report (Ecological Consultants Australia, October 2019) addresses the objectives of the relevant clauses within this SEPP. There are inconsistencies between plans and impacts not yet assessed described above. As such, Council is not currently satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland.</p> <p>Recommendation Council's Natural Environment - Biodiversity section cannot support the application due to noncompliances with relevant Pittwater LEP / DCP controls and the provisions of the NSW BC Act 2016 and</p>

Internal Referral Body	Comments
	<p>Coastal Management SEPP 2018. The applicant is encouraged to consider a design which avoids and minimises impacts to the biodiversity values on the site, i.e. retention of prescribed high quality trees and a wider set-back from Careel Creek.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>This DA is in relation to proposed subdivision of the property.</p> <p>Coastal Management Act 2016</p> <p>The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed subdivision.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018</p> <p>The subject land has been included on the 'Proximity to Coastal Wetland Area', 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11, 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd. dated March 2021 and Riparian Plan and Coastal Assessment prepared by Ecological Consultants Australia Pty. Ltd. dated October 2019 and updated March 2021, the DA satisfies requirements under clauses 11, 13, 14 and 15 of the CM SEPP.</p>

Internal Referral Body	Comments
	<p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater 21 Development Control Plan</p> <p>Estuarine Risk Management & Subdivision</p> <p>The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP), the relevant B3.10 Estuarine Hazard Subdivision and C4.1 Subdivision - Protection from Hazards will apply to any proposed development of the site.</p> <p>In accordance with the Estuarine Risk Management Report prepared by the Cardno (NSW/ACT) Pty. Ltd. dated November 2020, a site specific estuarine planning level (EPL) of RL 2.82m AHD would apply at the subject site.</p> <p>According to B3.10 of the DCP, the subdivision of land requires the area of land contained on the landward side of the Foreshore Building Line for each additional allotment created to be at or above the Estuarine Planning Level.</p> <p>According to 4.1 of the DCP, all subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards. The subdivision must not have any adverse affect or provide a threat on public or private infrastructure, assets and people in the vicinity.</p> <p>As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd. dated March 2021 that the Flood Inundation and Risk Assessment Report prepared by Barrenjoey Consulting Engineers identifies that the Flood Planning Level of 3.05m AHD is higher than the EPL of 2.82m AHD. Compliance with the FPL for future development will also present compliance with the identified EPL. The</p>

Internal Referral Body	Comments
	<p>subject land is not located on the defined foreshores area (land below the foreshore building line)</p> <p>The proposed subdivision is therefore able to satisfy the relevant estuarine hazard protection requirements of P21 DCP.</p>
NECC (Development Engineering)	<p><u>Amended Plans submitted 27/01/2022</u></p> <p>The submitted subdivision plan and civil plan is acceptable.</p> <p>Development Engineering support the proposal, subject to conditions as recommended.</p> <p><u>Previous comments</u></p> <p>Subdivision The submitted subdivision plan is not acceptable as the lot areas do not correspond with the lot area provided by the registered surveyor. Also there are no boundary dimensions, bearings and indication of the required right of way, easements for services and drainage easements that will be needed for the subdivision. In this regard a draft plan of subdivision by a registered surveyor must be provided for assessment.</p> <p>It is noted that the proposed numbering on the plans is not acceptable. The southern lot is to be numbered 12A and the northern lot numbered 12B.</p> <p>Driveway Access The current title has the benefit of a right of way (ROW) within 12 John St which includes the existing driveway formation. The driveway plan submitted does not indicate the existing ROW or location of the existing driveway within 12 John St. The turning templated provided shows the turning path over the landscaping area adjacent to the existing driveway slab which is not acceptable. Once these issues have been resolved, the access handle and ROW will need to be amended to suit on the subdivision plan to ensure the turning paths are located within the proposed ROW.</p> <p>The proposed driveway is to be constructed up to the end of the proposed access handle to the body of the proposed southern lot as part of the subdivision works. The driveway and stormwater plans are to be amended to suit. The subdivision plan is to include any drainage easements to suit these works.</p> <p>Stormwater The stormwater plan must include a stub connection point for each lot into the proposed dispersion trench for the future connection from the</p>

Internal Referral Body	Comments
	<p>dwellings.</p> <p>The existing stormwater pipe and headwall for 12 John Street must be shown on the stormwater plans to ensure there is no conflict with this infrastructure.</p> <p>Development Engineers cannot support the application due to insufficient information to address Clauses B5, B6 and C4 of Pittwater DCP.</p>
NECC (Riparian Lands and Creeks)	<p>While the riparian report incorrectly identifies Careel Creek as a first order creek when it is a second order creek (with reaches to Angophora Reserve along Ruskin Rowe, another along Central Road and another along Old Barrenjoey Road), the plans provided correctly identify a 20 metre riparian zone setback as applies to a second order creek.</p> <p>The proposed building footprints (including the decks and steps) for both subdivided lots will encroach on the outer riparian zone. The encroachment is a significant improvement on that previously proposed in 2019 and the plans provided demonstrate that two houses can be built with minimal impact to the riparian area. A small encroachment is allowable with compensatory planting that will be guided by the Biodiversity team referral.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The subject site is identified as flood affected. The proposed subdivision will create two vacant residential allotments, both of which will be subject to residential flood related development controls. A restriction is proposed to be imposed on both of the created titles to require future floor levels for residential development to be located at or above the Flood Planning Level of 3.05m AHD.</p>
NECC (Water Management)	<p>A stormwater plan has been provided with a suitable solution for treating runoff from the subdivision driveway, which must be completed prior to subdivision certificate. There is no constraint to adequate stormwater treatment being provided on the future subdivided lots.</p>
Parks, reserves, beaches, foreshore	<p>The development application is for the proposed subdivision of one lot into two.</p> <p>Council's Parks Referral is assessed against the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> • C4 Design Criteria for Subdivision • B8.2 Construction and Demolition - Erosion and Sediment Management <p>The site adjoins a Hitchcock Park located upslope of the development site and the subdivision does not impact upon the operation of the reserve. No encroachments are permitted upon public land and all subdivision works shall be confined within the legal boundaries.</p> <p>Parks Referral has no objections to the proposal.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone C2 : Yes Zone C4 : Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone C2 : Yes Zone C4 : Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	700sqm	Lot 1: 700sqm Lot 2: 700sqm	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.6 Subdivision - consent requirements	Yes
4.1 Minimum subdivision lot size	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B2.2 Subdivision - Low Density Residential Areas	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.10 Estuarine Hazard - Subdivision	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.6 On-Street Parking Facilities	Yes	Yes
B6.7 Transport and Traffic 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
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
C1.13 Pollution Control	Yes	Yes
C4.1 Subdivision - Protection from Hazards	Yes	Yes
C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities	Yes	Yes
C4.3 Subdivision - Transport and Traffic Management	Yes	Yes
C4.5 Subdivision - Utility Services	Yes	Yes
C4.6 Service and delivery vehicle access in subdivisions	Yes	Yes
C4.7 Subdivision - Amenity and Design	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.9 Side and rear building line	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes
D1.21 Masterplan - Careel Bay	Yes	Yes
D15.12 Development seaward of mean high water mark	Yes	Yes
D15.22 Masterplan - Careel Bay	Yes	Yes

Detailed Assessment

B2.2 Subdivision - Low Density Residential Areas

Description of numerical controls and non-compliance

Lot 1

Minimum 27m depth requirement: Provided depth: 45.4m

Minimum 16m width requirement: Provided width: 13.1m

Minimum 175m building footprint required: Provided 175m building footprint.

Lot 2

Minimum 27m depth requirement: Provided depth: 43.5m

Minimum 16m width requirement: Provided width: 11.8m

Minimum 175m building footprint required: Provided 175m building footprint.

Merit Assessment

A merit assessment has been carried out against the objectives of the control is carried out below:

Achieve the desired future character of the locality.

Comment:

The proposed subdivision would result in lots with similar widths to established lots at the south-east. Further, the lots have a substantial depth and provide a compliant lot size in accordance with the Pittwater LEP. Conditions have also been provided by Council's referral bodies to ensure sufficient preservation of the natural environment. As such, the desired future character of the locality will be maintained.

Maintenance of the existing environment.

Comment:

Conditions have been imposed by Council's Landscape officer to ensure retention of all trees as a part of the subdivision. Further, the depth and size of the lot, allows for a sufficient area of building footprint to be well integrated in with the existing environment.

Equitable preservation of views and vistas to and/or from public/private places.

Comment:

No physical works are proposed. As such, views and vistas will be maintained.

The built form does not dominate the natural setting.

Comment:

The proposal does not involve any building works in relation to dwellings. Further, the depth and size of the lot, allows for a sufficient area of building footprint to be well integrated in with the existing natural setting.

Population density does not exceed the capacity of local and regional infrastructure and community services.

Population density does not exceed the capacity of local and regional transport facilities.

Comment:

No discernible increase to the population density will result from the addition of one lot.

Applicants Justification for Reduced Lot Widths

The indicative building envelopes note that notwithstanding the minor non-compliance with the minimum lot width control, the future dwellings within Proposed Lot 1 and 2 can be readily accommodated and will retain substantial setbacks to the adjoining neighbours and provide for an appropriate level of residential amenity.

The proposal addresses the objectives of this provision in the following manner:

- The proposal provides for the subdivision of one lot into two, which will generally meet the minimum lot size for the locality and is therefore consistent with the desired future character*
 - The proposal maintains the existing environment through the minimisation of vegetation loss, with the proposed building footprint seeking to minimise the impacts on the more significant trees within the site. The loss of any trees from the future dwelling locations can be compensated with further planting within each lot.*
 - The proposal results in an additional allotment which is not considered to result in any unacceptable demand on local services or transport facilities*
- Whilst the width of the proposed lots does not comply, the proposed lot depth significantly exceeds the minimum requirement provided within this clause.*

Accordingly, the proposed allotments are considered capable of accommodating future dwellings which provide good amenity for the occupants and surrounding properties, and is therefore worthy of support.

Comment: The above justification is concurred with.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, 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 2021

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

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;

- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0420 for Subdivision of one lot into two lots on land at Lot 2 DP 1237357, 12 A John Street, AVALON BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A-200 -K - Joh Street Subdivision	13/12/2021	THW Architects
Plan of Subdivision Lot 2 - Draft	8/11/2021	Warren L Bee
CIV1 - Sediment and Erosion Control Plan	3.03.2021	Barrenjoey Consulting Engineers

Engineering Plans		
Drawing No.	Dated	Prepared By
SW1 - Stormwater Management and Assets Plan	2.11.2021	Barrenjoey Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Appraisal and Method Statement	4 November 2021	Naturally Trees
Biodiversity Development Assessment Report	November 2021	Kingfisher Urban Ecology and Wetlands
Riparian Plan and Coastal Impacts Assessment	December 2021	Kingfisher Urban Ecology and Wetlands
Proposed Subdivision Overland Flows Study	3 March 2021	Barrenjoey Consulting Engineers

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

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	20/11/2020	Applicant

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:

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

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

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

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

Reason: Legislative requirement.

3. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried

out in accordance with WorkCover requirements and the relevant Australian Standards.

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) 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.

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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 Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

5. **Notification of determination to which the Biodiversity Offset Scheme applies**

The applicant or Project Ecologist, on behalf of the applicant, must download and complete the "Biodiversity Offsets Scheme – Notification of Determination" form.

The completed form and attachments, including a copy of the determination and any conditions of approval, must be emailed to the LMBC Service Centre bam.support@environment.nsw.gov.au. The LMBC Service Centre arranges for determination outcomes to be recorded in the Biodiversity Offset and Agreement Management System (BOAMS).

Council's Manager Bushland and Biodiversity and the Certifying Authority must be copied into the notification email to confirm compliance.

Reason: To ensure the NSW Department of Planning, Industry and Environment are notified of determinations where the Biodiversity Offsets Scheme applies and Council are notified for compliance.

6. **Like for like credit retirement conditions - Ecosystem credit retirement conditions**

Prior to issue of the relevant Construction Certificate the class and number of ecosystem credits in Table 1 must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and to the Certifying Authority prior to release of construction certification.

Table 1 Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	TEC	Number of ecosystem credits	Containing HBT	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1234-Estuarine	Swamp Oak	1	No	Pittwater, Cumberland,	Swamp Oak

Swamp Oak forest	Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions			Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 915, 916, 917, 918, 919, 1125, 1230, 1232, 1234, 1235, 1236, 1726, 1727, 1728, 1729, 1731, 1800, 1808
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Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

7. Variation rule credit retirement conditions - Ecosystem credit retirement conditions

Prior to issue of the relevant Construction Certificate the class and number of species credits in Table 2 must be retired to offset the impacts of development.

Evidence of the retirement of credits in satisfaction of Table 2 requirements is to be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifying Authority prior to release of construction certification.

Table 2 Ecosystem credits required to be retired – variation rules

Impacted plant community type	Number of ecosystem credits	Containi

1234-Estuarine Swamp Oak forest	1	No

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

8. **Like for like credit retirement conditions - Species credit retirement conditions**

Prior to issue of the relevant Construction Certificate the class and number of species credits in Table 3 must be retired to offset the impacts of development.

The requirement to retire credits outlined in Table 3 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 3 requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifying Authority prior to release of construction certification.

Table 3 Species credits required to be retired – like for like

Any in NSW

Impacted species credit species	Number of species credits	IBRA sub-region
Chalinolobus dwyeri / Large-eared Pied Bat	1	Any in NSW

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

9. **Variation rule credit retirement conditions - Species credit retirement conditions**

Prior to issue of the relevant Construction Certificate the class and number of species credits in Table 4 must be retired to offset the impacts of development.

Evidence of the retirement of credits in satisfaction of Table 4 requirements is to be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifying Authority prior to release of construction certification.

Table 4 Species credits required to be retired – variation rules

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Impacted species credit species	Number of species credits	IBRA sub-region	Approved variation species credit species that can be used to offset the impacts from development
Chalinolobus dwyeri / Large-eared Pied Bat	1	Any in NSW	Vulnerable (or higher) Fauna, within the following IBRA Region: Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

10. **Compliance with approved BDAR impact mitigation table to minimise impacts – Prior to Construction**

Chapter 10 of the approved BDAR (Kingfisher 2021a) includes mitigation measures, which must to be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented prior to construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to provide details of compliance, including written and photographic evidence, and provide to the Certifying Authority and Council prior to issue of Construction Certificate.

Reason: To - compliance with the approved BDAR.

11. **Design of Stormwater Outlet Structure to Creek**

Stormwater outlet structures to the creek must be designed in accordance with DPI Water's Guidelines for Outlet Structures on Waterfront land. Guidelines can be found on Water NSW website.

No mortar is to be used on the outlet. Rocks must be placed using an interlocking system with varying rock sizes. Rock size should range from 80-300mm and be placed to 300mm deep (with a keystone downslope) according to the following specifications:

Dmin 20mm
=

D10 80mm (i.e. only 10% smaller than 80mm)
=

D50 150mm
=
D90 300mm
=

The surface should be a textured finish to break up and dissipate sheet flows.

This design is to be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: To protect the surrounding creek bank from the effects of localised erosion.

12. Stormwater Treatment Measures – Minor

The applicant must install a filtration device (such as a sediment control pit or absorption trench) as depicted on the plan provided by Barrenjoey Consulting Engineers that captures organic matter and coarse sediments from the subdivision driveway prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

13. Subdivision Works Certificate

A Subdivision Works Certificate is to be approved by Certifying Authority for the provision of engineering works.

Engineering plans for the subdivision works within this development consent are to be submitted to the Certifying Authority for approval under Section 6.13 of the Environmental Planning and Assessment Act 1979. Civil Engineering plans for the subdivision works are to be designed in accordance with the Council's specification for engineering works – AUS-SPEC #1. The plans shall be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering. The design is to be generally in accordance with the Stormwater Management & Assets Plan by Barrenjoey Consulting Engineers P/L, drawing number SW1 Issue DA-E dated 02/11/2021. The plans must include the following information.

1. The provision of a dispersion trench for each proposed lot including a stub pipe connection for the future dwellings.
2. Drainage details and connection to the existing system for the driveway extension within proposed lot 1 up to the common boundary with proposed lot 2.
3. Driveway slab design including cross sections for the driveway extension within proposed lot 1 up to the common boundary with proposed lot 2.
4. Provision of services conduits for proposed lots 1 and 2.

The Subdivision Works Certificate must be supported by engineering plans, calculations, specification or any certification relied upon.

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

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

14. Utilities Services

Prior to the issue of the Subdivision Works Certificate, the Applicant is to obtain the following:

- (a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and
- (b) Evidence that notification has been received from a utility authority that, requirements for the development can be provided.

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

Reason: To ensure that services have been provided as required by this Consent.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Project Arborist

A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.

All tree protection measures specified must:

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

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

- Note:
- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
 - ii) 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.

16. Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction in accordance with Chapter 10 of the approved Biodiversity Development Assessment Report (Kingfisher 2021a), and the Riparian Plan and Coastal Impacts Assessment (Kingfisher 2021b).

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifying Authority.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

17. Dead or Injured Wildlife

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

Reason: To protect native wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

18. Protection of Landscape Features and Sites of Significance

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

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

19. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist,

- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
- 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 the Project Arborist on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with the Project Arborist including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- 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 Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must:
 - i) be in place before work commences on the site, and
 - ii) be maintained in good condition during the construction period, and
 - iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

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

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

20. **Road Reserve**

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

Reason: Public safety.

21. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan, with the addition of controls to protect the creek during removal of trees and revegetation of the riparian area prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

22. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Barrenjoey Consulting Engineers prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

23. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Subdivision Works Certificate approval are supervised by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

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

24. Implementation of Riparian Plan and Coastal Impacts Assessment

All works and measures detailed within the approved Riparian Plan and Coastal Impacts Assessment (Kingfisher 2021b) are to be undertaken.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats.

25. Planting Areas of Native Vegetation

The Vegetated Riparian Zone proposed for revegetation mapped within the approved Riparian Plan and Coastal Impacts Assessment (Kingfisher 2021b) is to be planted with locally native species at the densities provided within 3.1.3 of the report:

- 1 tree per 4m²
- 2 shrubs per 4m²
- 4 groundcovers per m²
- 1 vine per 20m²

The Project Ecologist is to provide written certification of compliance to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect and maintain native vegetation and wildlife habitat.

26. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

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

27. Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

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

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

28. Restriction as to User - Flood Planning Level

A restriction as to user shall be created on the titles in order to:

1. Prohibit future residential floor levels being constructed below the Flood Planning Level of 3.05m AHD.

Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

29. Works as Executed Drawings – Creek Works

Works as Executed Drawings for the stormwater treatment and outlet must be prepared and submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

Reason: Enabling effective asset management.

30. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans prepared by Barrenjoey Consulting Engineers. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

31. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

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

32. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

33. **Replacement of Canopy Trees**

Tree replacement plantings required under this consent 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.

Reason: To replace locally native trees.

34. **Maintenance of Stormwater Treatment Measures - Minor**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

35. **Certification of Civil Works and Works as Executed Data on Council Land**

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Subdivision Works Certificate approval. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

36. **Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

37. **Right of Carriageway**

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and manoeuvring areas. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

38. **Sydney Water Compliance Certification**

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

39. **Easement for Drainage**

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

40. **Easement for Services**

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

41. **Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

42. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of the subdivision certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority assessing the health and impact on all existing trees required to be retained including the following information:

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

Reason: Tree protection.

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

Signed



Thomas Prosser, Planner

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



Steven Findlay, Manager Development Assessments