

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0712
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<b>Responsible Officer:</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	Lot 1 DP 166328, 1 A Currawong Beach CURRAWONG BEACH NSW 2108 Lot 1 DP 337208, 1 A Currawong Beach CURRAWONG BEACH NSW 2108 Lot 4 DP 978424, 1 A Currawong Beach CURRAWONG BEACH NSW 2108 Lot 10 DP 1092275, 1 A Currawong Beach CURRAWONG BEACH NSW 2108
<b>Proposed Development:</b>	Alterations and additions to six (6) cabins
<b>Zoning:</b>	E2 Environmental Conservation SP1 Special Activities
<b>Development Permissible:</b>	Yes - Zone SP1 Special Activities Yes - Zone E2 Environmental Conservation
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	NSW Government - Minister Administering the Crown Lands ACT 1989
<b>Applicant:</b>	Northern Beaches Council - Property Leases

<b>Application Lodged:</b>	04/07/2019
<b>Integrated Development:</b>	Yes
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	27/07/2019 to 26/08/2019
<b>Advertised:</b>	27/07/2019
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 1,886,555.00
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### EXECUTIVE SUMMARY

The proposal seeks consent for alterations and additions to Currawong, an existing eco-tourist facility at Currawong Beach on the Upper Western Foreshores of the Pittwater Waterway. As both the Reserve

Trust Manager of Currawong and the Applicant, Northern Beaches Council has a conflict of interest in determining this application. As such, the application is referred to the Northern Beaches Local Planning Panel for determination.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application seeks consent for alterations and additions to six (6) of the nine (9) existing cabins, specifically:

- Demolition of the existing outhouses associated with Cabin 4 'Magpie', Cabin 5 'Lorikeet', Cabin 6 'Wallaby', Cabin 7 'Possum', and Cabin 8 'Echidna',
- Construction of a new bathroom addition to the rear of each cabin, access via the existing internal bathroom,
- Removal of roof and guttering of each cabin and replacement with new,
- Installation of new water tanks associated with each cabin,
- Installation of bushfire mesh to gutters, windows, doors and undercroft areas of each cabin,
- Replacement and extension of the front deck of each cabin,
- New kitchen fit-out to each cabin, including the installation of new servery windows opposite the front door,
- Removal of wardrobes in Cabin 4 'Magpie', Cabin 5 'Lorikeet', Cabin 6 'Wallaby', Cabin 7 'Possum', and Cabin 8 'Echidna',
- Installation of wall-mounted external clotheslines to each cabin,
- Repairs to existing sandstone flagging,
- Repairs and extension to all BBQ areas,
- Retaining walls (where required),
- Installation of paving around proposed rear additions, and
- Tubestock plantings to rear of cabins.

## **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

Pittwater Local Environmental Plan 2014 - 5.10 Heritage conservation  
 Pittwater Local Environmental Plan 2014 - 5.13 Eco-tourist facilities  
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks  
 Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection  
 Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards  
 Pittwater Local Environmental Plan 2014 - 7.10 Essential services  
 Pittwater 21 Development Control Plan - D13.3 Building colours and materials  
 Pittwater 21 Development Control Plan - D13.5 Front building line  
 Pittwater 21 Development Control Plan - D13.14 Currawong

**SITE DESCRIPTION**

<p><b>Property Description:</b></p>	<p>Lot 1 DP 166328 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108          Lot 1 DP 337208 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108          Lot 4 DP 978424 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108          Lot 10 DP 1092275 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108</p>
<p><b>Detailed Site Description:</b></p>	<p>The site comprises four separate allotments, with a combined area of approximately 18.9 Hectares. The site is bound by Kuringai Chase National Park to the south and west, Great Mackerel Beach Reserve to the north, and the Pittwater Waterway to the east. The site currently contains an eco-tourist facility, known as Currawong or Currawong Workers' Holiday Camp, which comprises:</p> <ul style="list-style-type: none"> <li>• "Midholme", a farmhouse of local heritage significance,</li> <li>• Nine holiday cabins,</li> <li>• Conference centre,</li> <li>• Caretakers residence,</li> <li>• Games room,</li> <li>• Tennis court,</li> <li>• Volley ball court,</li> <li>• 9 hole golf course,</li> <li>• Associated infrastructure, and</li> <li>• A public wharf that extends below MHWL to enable access to/from the Pittwater Waterway.</li> </ul> <p>With the exception of clearing near the foreshore, that associated with the golf course and that immediately surrounding the development, the site is heavily vegetated, with significant established canopy trees. The site experiences a considerable slope upwards to the west (away from the waterway), and features rock outcrops and formations. A watercourse dissects the northern portion of the site, discharging into the Pittwater Waterway.</p>

Currawong Workers' Holiday Camp is an item of State Heritage Significance, and the site is identified as being a heritage conservation area and containing an item of heritage significance under PLEP 2014. The site is also mapped as being bushfire prone, landslip prone, and subject to wave and tidal inundation.

Map:



## SITE HISTORY

In February 2015, a Conservation Management Plan was prepared for Currawong by Graham Brooks and Associated Pty Ltd.

On 6 February 2018, Development Consent N0281/17 was issued in relation to the renovation of three of the existing cabins, the games room and the construction of new pathways and retaining walls at the subject site.

On 25 May 2019, the Heritage Council issued a Section 60 Approval for the works approved pursuant to Development Consent N0281/17.

## APPLICATION HISTORY

On 4 July 2019, the subject Development Application was lodged with Council.

On 17 July 2019, the subject Development Application was referred to internal and external referral bodies, including the NSW Rural Fire Service ('NSW RFS') and the Heritage Division of the NSW Department of Environment, Energy and Science ('NSW Heritage').

On 28 August 2019, Council advised the NSW RFS and the NSW Heritage that the notification period had concluded and that no submissions had been received. In accordance with clause 70(1) of the EP&A Regulation, the 21 day GTA assessment period commenced on this day.

On 20 September 2019, NSW RFS provided general terms of approval.

On 5 November 2019, NSW Heritage provided informal commentary in regards to the proposal.

On 18 November 2019, Council met with NSW Heritage to discuss the concerns raised in their informal correspondence.

On 29 November 2019, NSW Heritage provided general terms of approval.

## 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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters can be addressed via conditions of consent.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter can be addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter can be 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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality</p>

Section 4.15 Matters for Consideration'	Comments
	considering the nature of the existing and proposed land use.
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	No submissions were received.
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 application involves alterations to an existing eco-tourist facility (tourist accommodation), being a 'special fire protection purpose' on bushfire prone land. In accordance with s100B of the Rural Fires Act and s4.47 of the EP&A Act, general terms of approval and a bushfire safety authority are required from the NSW RFS.

The application was referred to the NSW RFS as integrated development. The NSW RFS issued general terms of approval and a bush fire safety authority, subject to conditions. See further discussion below.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Approval, without conditions.</b></p> <p><i>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to consideration of the notes below.</i></p> <p><i>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Environmental Health (Solid Fuel/Oil Heater)	<b>Approval, with conditions.</b>
Environmental Health	<b>Approval, with conditions.</b>

Internal Referral Body	Comments
<p>(unsewered lands)</p> <p>Landscape Officer</p>	<p><b>Approval, with conditions.</b></p> <p><i>There is no impact to significant vegetation from the proposed works. Selected vegetation removal in the vicinity of the works shall be granted to provide a asset protection zone to satisfy bushfire protection regulations.</i></p> <p><i>Landscape works including surface treatments, retaining walling, and planting is proposed that are minor in nature, and address the heritage value of the site. The landscape design and choice of materials reflect the bushland setting of the site.</i></p> <p><i>Council's Landscape section have assessed the application against the following Pittwater 21 Development Control Plan guidelines:</i></p> <ul style="list-style-type: none"> <li>• <i>B4.22 Preservation of Trees and Bushland Vegetation</i></li> <li>• <i>C1.1 Landscaping</i></li> <li>• <i>D13.14 Currawong</i></li> </ul>
<p>NECC (Bushland and Biodiversity)</p>	<p><b>Approval, with conditions.</b></p> <p><i>This application was assessed against Pittwater LEP Clause 7.6 Biodiversity. The property also contains mapped EECs within the SMCMA V3 mapping project (OEH 2016) and several threatened species records, including White-bellied Sea-eagle, Powerful Owl, Red-crowned Toadlet, and threatened microbats, the Greater Broad-nosed Bat and Southern Myotis.</i></p> <p><i>The proposal is for the restoration of six cabins at Currawong State Park, including construction of a new bathroom for 5 cabins, removal and replacement of roofing and new watertanks for each cabin, bushfire mitigation upgrades i.e. meshing etc., and extending the formalised APZ by 0.18 ha around Possum and Echidna cabins. No EECs are in the vicinity of the works.</i></p> <p><i>The submitted <b>Environmental Impact Assessment for APZ modification</b> report (Kleinfelder, 29/09/2019) identified an additional threatened species, being the Glossy Black-cockatoo (GBC) through evidence of cone chews underneath Allocasurina torulosa trees (T125, T127, T145). The impacts of the 0.18 ha APZ modification is stated as being "removal of a small number of regrowth trees".</i></p> <p><i>The EIA author also states that;</i></p> <ul style="list-style-type: none"> <li>• <i>"All trees can be retained within 5m of the development. A full list of tree species and their habitat value is provided in Table 3 Appendix 3. <b>Tree species will require management to separate canopy connections and lift canopy to greater than 4m from ground layer (pruning) to meet NSW</b></i></li> </ul>

Internal Referral Body	Comments
	<p><b>bushfire standards.</b> Up to 10% shrub cover in isolated parcels will be retained as long as there is no link between unmanaged bushland and the cottages."</p> <ul style="list-style-type: none"> <li>• "Feed trees will be retained for Glossy-black Cockatoo"</li> <li>• "Eleven (11) threatened fauna species, including six bird species (Glossy-black Cockatoo, Little Lorikeet, Swift Parrot, Barking Owl, Powerful Owl and Masked Owl) and five mammal species (Little Bent-wing Bat, Eastern Bentwing-bat, Eastern Freetail-bat, Grey-headed Flying-fox and Greater Broad-nosed Bat) were assessed as having potential habitat within the study area. Assessments of Significance concluded that the modification of 0.18 ha of potential breeding and foraging habitat for these species is unlikely to have a significant impact on locally occurring populations due to the large area of suitable vegetation to remain adjacent to the site. The preparation of a Species Impact Statement for the proposed renovation and APZ is not required."</li> </ul> <p><b>The Bush Fire Assessment Report</b> (Kleinfelder, 3/10/2018) states that, "APZ should retain all trees (mature trees greater than 100mm diameter at breast height), but provide management to separate canopy connections and lift canopy to greater than 4m from ground layer (pruning)", which results in all surveyed trees being retained, including all GBC feed trees.</p> <p>During the site inspection, multiple Glossy Black-cockatoo individuals were observed foraging within <i>Allocasurina torulosa</i> trees west of the cabins, between cabin "Magpie" to the south and "Echidna" to the north. The cockatoos were also observed to forage in <i>A. torulosa</i> trees to the north, extending north of the existing conference centre. Threatened Grey-headed Flying-foxes were observed foraging in the <i>Ficus</i> sp. near the foreshore. An additional seventeen (17) surveyed trees were confirmed to be feed trees during the inspection, these trees are numbered and mapped as T130, T131, T132, T133, T134, T135, T136, T143, T146, T147, T148, T149, T152, T163, T164, T165, T172.</p> <p>The threatened Glossy Black-cockatoo feeds almost exclusively on the seeds of particular <i>Allocasuarina</i> and <i>Casuarina</i> species. Matt Cameron studies the foraging ecology of the GBC and in his 2005 study he found that, "Their specialised diet and low rates of food intake may make Glossy Black- Cockatoos susceptible to even small changes in their food supply." and that "There was no evidence to suggest that Glossy Black-Cockatoos were able to compensate for a reduction in food supply by increasing the rate at which they processed food."</p> <p>The 0.18 ha of vegetation to be formalised as an APZ is already being managed as an APZ. The Project Ecologist will be required to undertake direct supervision of any pruning of <i>Allocasurina torulosa</i> trees to ensure no cones-producing branches are lopped</p>

Internal Referral Body	Comments
	<p><i>(T163 and T164 are overhanging Echidna cabin and are within the proposed "5m managed vegetation buffer").</i></p> <p><i>Council's Natural Environment - Biodiversity section raises no objections to the proposal, subject to conditions.</i></p>
<p>NECC (Coast and Catchments)</p>	<p><b>Approval, without conditions.</b></p> <p><i>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 PLEP 2014 and P21 DCP.</i></p> <p><u><i>Estuarine Risk Management</i></u>  <i>The land at 1A Currawong Beach has 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) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</i></p> <p><i>In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.78m AHD would apply at the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.08m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.</i></p> <p><i>The floor levels for the proposed additions and alterations and is above the applicable EPL for the site. The proposed development is therefore able to satisfy the relevant estuarine risk management requirements of P21 DCP subject to conditions.</i></p> <p><u><i>State Environmental Planning Policy (Coastal Management) 2018 ("CM SEPP")</i></u>  <i>The subject land has been included in both 'Coastal Use Area' and 'Coastal Environment Area' maps but not been included on the Coastal Vulnerability Area Map under the CM SEPP and in regard to clause 15 of the CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land</i></p> <p><i>As such, it is considered that the application does comply with the requirements of the CM SEPP.</i></p>
<p>NECC (Development Engineering)</p>	<p><b>Approval, with conditions.</b></p> <p><i>No objection to approval, subject to conditions as recommended.</i></p>
<p>NECC (Riparian Lands and Creeks)</p>	<p><b>Approval, with conditions.</b></p> <p><i>This application has been assessed under:</i></p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• <i>Pittwater 21 DCP B4.16 Seagrass Conservation</i></li> <li>• <i>Pittwater 21 DCP B4.19 Estuarine Habitat</i></li> <li>• <i>Pittwater 21 DCP B4.20 Estuarine Water Quality</i></li> <li>• <i>Pittwater 21 DCP B5.9 Water Quality</i></li> <li>• <i>SEPP (Coastal Management) 2018 - Coastal Environment Area (Platypus Cabin only)</i></li> </ul> <p><i>The above controls requirements in terms of stormwater can be addressed together. The applicant must ensure that the development does not adversely impact water quality through pollution including turbidity, siltation or increased nutrients. It should also minimise changes to local surface and groundwater flow regimes. Fine sediments must be captured.</i></p> <p><i>The Stormwater Plan prepared by NB Consulting Engineers addresses the above requirements by directing stormwater runoff to infiltration trenches. While gravel trenches will be adequate given the distance of the trenches from the waterway, vegetated swales are preferable as they increase nutrient uptake and will further slow runoff velocities.</i></p> <p><i>Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established.</i></p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p><b>Approval, without conditions.</b></p> <p><i>The property is not tagged as flood affected, however Council does not have a formal flood study covering this area so the flood behaviour in the area is not fully known. Runoff issues will be addressed within the Development Engineering referral.</i></p>
Strategic and Place Planning (Heritage Officer)	<p><b>Approval, with conditions.</b></p> <p><u><i>Discussion of reason for referral</i></u>  <i>The proposal has been referred to Heritage as the subject property contains a number of heritage listings</i></p> <ul style="list-style-type: none"> <li>• <i>Currawong Worker's Holiday Camp - State Heritage Item</i></li> <li>• <i>Currawong Worker's Holiday Camp Heritage Conservation Area - Local Heritage Item</i></li> <li>• <i>Midholme - Local heritage item</i></li> </ul> <p><u><i>Details of heritage items affected</i></u></p> <ul style="list-style-type: none"> <li>• <i>Currawong Worker's Holiday Camp - State Heritage Item</i></li> </ul> <p><i>Statement of Significance: Currawong is of State historical significance as an intact remaining example of a mid-twentieth century, union-organised workers' holiday camp in NSW,</i></p>

Internal Referral Body	Comments
	<p><i>designed for workers 'to get away from crowded industrial areas and enjoy places normally frequented by richer people'. The establishment of the holiday camp was a response to the social and work place reforms taking place in NSW in the post World War II period, following the introduction of annual leave in 1944 and the 40-hour week in 1947.</i></p> <p><i>Physical Description: The majority of the 19.7 ha site is natural bushland, on steeper slopes and escarpment areas. However there is approximately 4 ha of developed, flatter land adjoining the beach, which contains holiday cottages and other buildings which form the Unions NSW holiday camp facility.</i></p> <ul style="list-style-type: none"> <li>• <i>Currawong Worker's Holiday Camp Heritage Conservation Area - Local Heritage Item</i></li> </ul> <p><i>Statement of Significance: The Currawong Heritage Conservation Area is an important cultural landscape for the people of Australia, and is part of the social history of NSW and the region.</i></p> <p><i>Physical Description: The majority of the 19.7 ha site is natural bushland, on steeper slopes and escarpment areas. However there is approximately 4 ha of developed, flatter land adjoining the beach, which contains holiday cottages and other buildings which form the Unions NSW holiday camp facility.</i></p> <ul style="list-style-type: none"> <li>• <i>Midholme - Local heritage item</i></li> </ul> <p><i>Statement of Significance: Midholme, 1a Currawong Beach, built c1910 as a remote farm house, has historic and aesthetic significance as a good example of vernacular cottage house typical of the early Pittwater development.</i></p> <p><i>Physical Description: Midholme is a single storey, timber framed bungalow with weatherboard cladding and wide veranda to three sides. The broken back roof is of slate with terracotta ridge and hip cladding.</i></p> <p><u>Other relevant heritage listings</u></p> <ul style="list-style-type: none"> <li>• <i>NSW State Heritage Register - Currawong is on the state register. Midholme is not listed in its own right as an item of state heritage, only as a local item.</i></li> </ul> <p><u>Consideration of Application</u>  <i>The proposal seeks consent for alterations and additions to cottages 3</i></p>

Internal Referral Body	Comments
	<p><i>through 8 at Currawong. Given the sensitive nature of the site and the scale of works proposed, the proposal was referred to an external heritage advisor.</i></p> <p><i>The Heritage Impact Statement (HIS) provided with the application has recommended the engagement of a specialist heritage architect to oversee the physical works. This recommendation is supported by Heritage. A photographic archival recording of cottages 3-8 , both internally and externally, should also be undertaken before works begin, to preserve a record of their existing condition and character. A condition to ensure this happens is also recommended by Heritage.</i></p> <p><i>With regards to a colour scheme, Heritage agrees with the HIS that a recessive scheme should be implemented to help preserve an aspect of modesty with the cottages.</i></p> <p><i>No works are proposed to Midholme, and the physical separation of the nearest cottage will minimise impacts upon it. No concerns are raised with regards to this item.</i></p> <p><i>Therefore Heritage recommends approval of the development application with two conditions.</i></p> <p><i>Considered against the provisions of CL5.10 of PLEP 2014. Is a Conservation Management Plan (CMP) Required? Yes Has a CMP been provided? A CMP for the site was prepared by Graham Brooks and Associates in 2015 for the former Pittwater Council. Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</i></p> <p><u>Planner Comment:</u> It is noted that the general terms of approval issued by NSW Heritage also require the engagement of a heritage consultant and an archival record of the site.</p>
Waste Officer (Council Land)	<p><b>Approval, without conditions.</b></p> <p><i>Waste Services has no objection to the Development Application</i></p>

External Referral Body	Comments
Integrated Development – NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	<p><b>General terms of approval issued.</b></p> <p>The application involves alterations to an existing eco-tourist facility (tourist accommodation), being a 'special fire protection purpose' on bushfire prone land. In accordance with s100B of the Rural Fires Act and s4.47 of the EP&amp;A Act, general terms of approval and a bush fire safety authority are required from the NSW RFS.</p> <p>The application was referred to the NSW RFS as integrated development. The NSW RFS issued general terms of approval and a bush fire safety authority, subject to conditions. These conditions have been included in the draft determination, attached.</p>

External Referral Body	Comments
<p>Nominated Integrated Development – NSW Office of Environment and Heritage</p>	<p><b>General terms of approval issued.</b></p> <p>Currawong Workers' Holiday Camp is identified as a State Heritage Item and heritage approval is required from NSW Heritage under s58 of the Heritage Act 1977. As such, the application constitutes integrated development and the application was referred to NSW Heritage seeking general terms of approval.</p> <p>Informal advice was sent through from NSW Heritage on 5 November 2019 identifying a series of concerns with regard to the extent of works proposed, as follows:</p> <ol style="list-style-type: none"> <li>1. <i>The proposed alterations and additions will require the demolition of a large proportion of original fabric including five outhouses, the removal of external cladding of Cabins 4-8 and the external and internal cladding, identified for the significance of it's technical innovation, of the remaining intact Sectionit cabin (Cabin 3, Platypus). Use of alternative site-specific design solutions, such as asbestos encapsulation, have not been considered in the heritage impact assessment.</i></li> <li>2. <i>The cumulative loss of the original external fabric and layout of all nine cabins, including the two Sectionit cabins, should be considered. The previous heritage approval of alterations and additions to Cabins 1, 2 and 9 (8) acknowledged the retention of the remaining intact cabins. The pre DA notes that are on file make reference to the proposed works to Cabins 1,2 and 9 (8) only.</i></li> <li>3. <i>The scale and variation of the bathroom addition to cabins 5,6,7 and 8 is not considered 'modest' and conflicts with the policy to retain the 'unified architectural presentation' (CMP2015, p165). The proposed bathroom layout to Cabins 5,6 and 7 will have an adverse impact on views from and solar access to the kitchens.</i></li> <li>4. <i>The appended roof line of the addition detracts from the appreciation of the original form of the cabin roof.</i></li> <li>5. <i>Loss of interpretation of rear wall through removal of nibs to rear opening to bathroom additions.</i></li> <li>6. <i>Heritage Impact Assessment has not addressed the proposed removal of existing glazed front door or the impact on views from front door of the proposed kitchen servery.</i></li> <li>7. <i>Insufficient information in regards to proposed reconstruction of cabins including methodology of removal of cladding, windows, doors, roofing and services including removal, storage and reinstatement of existing fabric, and details of excavation required for services including sewer for new bathrooms.</i></li> </ol> <p>Council, including representatives from both Development Assessment and Property, met with NSW Heritage on 18 November</p>

External Referral Body	Comments
	<p>2019 to discuss the concerns raised.</p> <p>The primary refinement sought by NSW Heritage is in relation to the works proposed to Cabin 3 'Platypus', which is the only cabin of the six cabins involved to be individually rated of high significance. NSW Heritage expressed a preference for Cabin 3 to be retained as is, with only minor works to the internal fit-out of the bathroom and kitchen, any essential maintenance and works to ensure compliance with bushfire requirements. If Cabin 3 was to be generally retained in its current form, NSW Heritage confirmed that they would be more accepting of the changes proposed in relation to the remainder of the cabins. The Applicant has confirmed that they are willing to retain Cabin 3 in its current state, subject to the ability to undertake the minor works outlined above.</p> <p>During the meeting with NSW Heritage, further concerns were expressed in relation to a newly proposed windows. The Applicant confirmed that they are willing to remove these windows from the proposal.</p> <p>General terms of approval were issued by NSW Heritage on 29 November 2019, and have been included in the draft determination, attached.</p>

## **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 holiday accommodation & as an eco-tourist facility 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 continued use of the land as an eco-tourist facility.

## **SEPP (Coastal Management) 2018**

The site is identified as being within the Coastal Use Area and Coastal Environment Area on the Coastal Use Area Map and Coastal Environment Area Map of SEPP (Coastal Management) 2018, and the proposal is subject to the provisions of clauses 13, 14 and 15 of this policy. In this regard, an assessment under the relevant provisions of the SEPP has been carried out as follows:

- **13 Development on land within the coastal environment area**

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*

Comment: The proposal has been considered by Council's Coast and Catchments Team who have confirmed that the proposal is consistent with the relevant provisions of P21 DCP, and that the proposal is not likely to cause an adverse impact upon the matters listed above. and that the proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 13(1), above.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The proposal has been considered by Council's Coast and Catchments Team who have confirmed that the proposal is consistent with the relevant provisions of P21 DCP, and that the proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 13(1), above. As such, the consent authority can be satisfied in this regard.

- **14 Development on land within the coastal use area**

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
  - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
    - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
    - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
    - (iv) *Aboriginal cultural heritage, practices and places,*
    - (v) *cultural and built environment heritage, and*
  - (b) *is satisfied that:*
    - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
    - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
    - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
  - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The proposal has been considered by Council's Coast and Catchments Team who have confirmed that the proposal is consistent with the relevant provisions of P21 DCP, and that the proposal is not likely to cause an adverse impact upon the matters listed in clause 14(1)(a), above. Furthermore, Council's Coast and Catchments Team that the proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 14 (1)(a), above. The bulk and scale and size of the proposed development has also considered in line with relevant LEP and DCP controls, and as such, the consent authority can be satisfied in this regard.

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

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

Comment: Council's Coast and Catchment team have reviewed the proposed development with regard to the provisions of this policy, in addition to the relevant provisions of PLEP 2014 and P21 DCP, and have confirmed that the proposed development is not likely to cause increased risk of coastal hazard on the site or other land. As such, the consent authority can be satisfied in this regard.

	Zone E2 : 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 SP1: Yes Zone E2 : Yes

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5.3m	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.13 Eco-tourist facilities	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

#### Detailed Assessment

##### 5.10 Heritage conservation

Clause 5.10 of PLEP 2014 requires consideration of the potential impacts upon those local heritage items listed in Schedule 5 of PLEP 2014. The entirety of the site is identified as 'Currawong Conservation Area' pursuant to Schedule 5 of PLEP 2014 and the site contains 'Midholme', an individual building of local heritage significance also listed in Schedule 5 of PLEP 2014.

In accordance with clause 5.10(4) of PLEP 2014, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned prior to granting consent to the proposal. In this regard, the proposal has been considered by Council's Heritage Officer and an external heritage consultant, who are both satisfied that the proposal is an appropriate design response for the site, subject to the imposition of two conditions requiring the production of an archival record and the engagement of a heritage consultant to monitor construction works. Detailed commentary from Council's Heritage Officer can be seen earlier in this report.

It is noted that the site is also identified as an item of State heritage significance on the State Heritage Register, and the application has been referred to NSW Heritage in this regard. Further commentary in relation to the State heritage listing is provided in the 'Referrals' section of this report.

##### 5.13 Eco-tourist facilities

In accordance with clause 5.13 of PLEP 2014, consent must not be granted unless the consent authority is satisfied of the following:

- *there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*

Comment: The site is an item of both State and Local heritage significance due to its historic use as a holiday/camp for those affiliated with the Labor Council of NSW and the Worker's Union. The cabins themselves have aesthetic significance as an example of standardised prefabricated housing of the 1950's, and the site's relation to the water and surrounding bushland is also identified for its aesthetic significance. The proposal, which largely involves upgrades to existing cabins to comply with current standards and improve amenity, seeks to ensure the retention of the heritage/cultural significance of the site for generations to come.

- *the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*

Comment: The minor additions have been sited to minimise impacts upon the natural environment. Furthermore, the application was supported by detailed consideration of the implications of necessary bushfire requirements in order to minimise the impact on surrounding bushland, specifically existing canopy trees of high landscape or ecological significance.

- *the development will enhance an appreciation of the environmental and cultural values of the site or area, and*

Comment: The proposal seeks to improve the current facilities at the site to preserve the heritage significance of the site, and to ensure the viability of the site for the long term.

- *the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and*

Comment: As above, the proposal predominantly seeks consent for necessary upgrades to ensure the long term retention of the facility. Furthermore, as specifically considered with respect to other relevant LEP and DCP controls, the proposal has been designed to ensure that any impacts of the works have been appropriately minimised.

- *the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*

Comment: Should the application be approved, conditions of consent are recommended to require the on-going maintenance of the site in accordance with necessary bushfire requirements and for the landscaped treatment to remain consistent with the approved landscaped plans. Further conditions are also recommended to ensure the appropriate treatment of wastewater and stormwater.

- *waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*

Comment: The application was supported by a waste management plan, and should the application be approved, a condition is recommended to require consistency with the waste management plan both during construction and over the life of the development.

- *the development will be located to avoid visibility above ridgelines and against escarpments and*

*from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and*

Comment: The works in question are limited to 6 existing cabins, which are secondary to existing waterfront development and will be screened from view by vegetation.

- *any infrastructure services to the site will be provided without significant modification to the environment, and*

Comment: The application proposes alterations and additions to existing cabins, which are already connected to existing services. However, the application proposes to upgrade the development to provide improved stormwater management provisions, which have been sited to minimise the impact upon the surrounding environment.

- *any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*

Comment: The application proposes to install water tanks adjacent to each of the existing cabins to improve water efficiency at the site.

- *the development will not adversely affect the agricultural productivity of adjoining land, and*

Comment: Not applicable - the site does not adjoin agricultural land.

- *the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:*
  - *measures to remove any threat of serious or irreversible environmental damage,*
  - *the maintenance (or regeneration where necessary) of habitats,*
  - *efficient and minimal energy and water use and waste output,*
  - *mechanisms for monitoring and reviewing the effect of the development on the natural environment,*
  - *maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.*

Comment: The use of the site as an eco-tourist facility is managed by Northern Beaches Council. Should this application be approved, Council will be required to maintain the site in accordance any conditions imposed, in addition to those imposed in relation to previous applications. The site is also subject to the provisions of a Conservation Management Plan, to ensure that the site is managed to ensure/protect the heritage significance of the site.

As such, Council can be satisfied that the development is consistent with the provisions of clause 5.13 of PLEP 2014.

## 7.2 Earthworks

In accordance with clause 7.2 of PLEP 2014, in deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- *the effect of the development on the likely future use or redevelopment of the land,*

- *the quality of the fill or the soil to be excavated, or both,*
- *the effect of the development on the existing and likely amenity of adjoining properties,*
- *the source of any fill material and the destination of any excavated material,*
- *the likelihood of disturbing relics,*
- *the proximity to, and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,*
- *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
- *the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.*

The consent authority can be satisfied that all relevant matters listed above have been considered in the assessment of this application, by virtue of consideration of specific LEP and DCP controls and referrals to relevant internal and external referral bodies.

## 7.6 Biodiversity protection

In accordance with clause 7.6(3) of PLEP 2014, before determining a development application for development on land to which this clause applies, the consent authority must consider:

- *whether the development is likely to have:*
  - *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
  - *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
  - *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
  - *any adverse impact on the habitat elements providing connectivity on the land, and*
- *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: Council can be satisfied that the matters identified above have been considered by Council's Natural Environment referral officers, who are satisfied that the proposal will not result in any adverse impacts upon the biodiversity values of the site.

In accordance with clause 7.6(4) of PLEP 2014, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

Comment: The proposed works have been sensitively designed and sited to avoid any significant adverse impacts upon the natural environment. Whilst a certain level of impact is anticipated in relation to clearing associated with bushfire, the application has demonstrated that this has been strategically considered in order to minimise impacts to vegetation of high ecological and landscape significance.

## 7.7 Geotechnical hazards

In accordance with clause 7.7(3) of PLEP 2014, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- *site layout, including access,*
- *the development's design and construction methods,*
- *the amount of cut and fill that will be required for the development,*
- *waste water management, stormwater and drainage across the land,*
- *the geotechnical constraints of the site,*
- *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: Access to the site is comparably constrained, and as such, the proposal has been designed to balance the extent of excavation with areas of fill, to limit the amount of materials to be transported to/from the site. However, the extent of site disturbance proposed is comparably minor, with excavation/fill limited to a maximum height of approximately 800mm. The application was supported by a geotechnical risk management report, which certifies that the proposed development has been designed and can be constructed to minimise risk and impacts to the surrounding environment. The proposal has also been reviewed by Council's Development and Stormwater Engineers, who are supportive of the application.

Pursuant to clause 7.7(4) of PLEP 2014, development consent must not be granted to development on land to which this clause applies unless:

- *the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
- *the consent authority is satisfied that:*
  - *the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or*
  - *if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or*
  - *if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact*

Comment: The proposed new bathrooms are to be connected to the existing waste water management system, however no changes are proposed to the system itself. Conditions of consent have been recommended to require certification of the operation of the system. The proposal seeks consent to upgrade stormwater management facilities on the site, and Council's Stormwater Engineers have confirmed that these systems have been designed in accordance with the relevant DCP controls. Furthermore, the application has been supported by a geotechnical risk management report to certify that the proposal has been designed to minimise risk associated with the landslip prone nature of the site.

As such, the consent authority can be satisfied that the provisions of this clause have been satisfactorily addressed.

## 7.10 Essential services

In accordance with clause 7.10 of PLEP 2014, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- *the supply of water,*
- *the supply of electricity,*
- *the disposal and management of sewage,*
- *stormwater drainage or on-site conservation,*
- *suitable vehicular access.*

Council can be satisfied that the site has access to all services essential to the development, as follows:

- The site currently contains a number of water tanks, for use as both potable water and for firefighting purposes. Furthermore, additional rainwater tanks are proposed to harvest rain water from the roofs of the six relevant cabins.
- Mains electricity is available to each of the six cabins.
- The site is serviced by an existing on-site waste water treatment system.
- Stormwater drainage is proposed on the site as part of the application.
- Whilst the site is inaccessible by road, the site has suitable access via the waterway.

## Pittwater 21 Development Control Plan

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.13 Upper Western Foreshores Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.9 Estuarine Hazard - Business, Light Industrial and Other Development	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B5.3 Greywater Reuse	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5.4 Stormwater Harvesting	Yes	Yes
B5.5 Rainwater Tanks - Business, Light Industrial and Other Development	Yes	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.2 Safety and Security	Yes	Yes
C5.7 Energy and Water Conservation	Yes	Yes
C5.8 Waste and Recycling Facilities	Yes	Yes
C5.16 Building Facades	Yes	Yes
C5.17 Pollution control	Yes	Yes
D13.1 Character as viewed from a public place	Yes	Yes
D13.2 Scenic protection - General	Yes	Yes
D13.3 Building colours and materials	No	Yes
D13.5 Front building line	Yes	Yes
D13.14 Currawong	No	Yes
D13.16 Stormwater overflow	Yes	Yes
D13.18 Site disturbance	Yes	Yes

### Detailed Assessment

#### **D13.3 Building colours and materials**

The application seeks consent to repaint the cabins in a light green tone, inconsistent with the provisions of this control which prescribes the use of dark and earthy tones. However, the control provides a variation in relation to heritage items, where colours appropriate to the heritage of the building are used. In this respect, the proposed colours and finishes are supported by both Council's internal heritage adviser and NSW Heritage. As such, the application of this variation is considered to be warranted.

#### **D13.5 Front building line**

The site does not have a defined minimum front building line, with the suitability of the proposal in relation to the front setback subject to merit assessment. The proposed works are associated with existing cottages, the closest of which is located approximately 66m from the front boundary (MHWMM) and behind other existing structures. The proposed works do not detract from consistency with the outcomes of the front building line control, and the setback of the proposed works in relation to the front

boundary is considered to be acceptable on merit.

#### **D13.14 Currawong**

Clause D13.14 of P21 DCP comprises a series of requirements that are specific to any development at Currawong. These individual requirements are considered, as follows:

- *Development must not exceed the existing building footprints.*

Comment: The proposed development seeks to increase the footprint of each of the six of the existing cabins, with extensions to decks and bathrooms, contrary to this development control. However, the footprints of the proposed additions are appropriately minimised, and have been designed to improve the usability and amenity of the individual cabins. Furthermore, the additions have been individually designed and sited to minimise site disturbance and avoid impact upon existing canopy trees and rock outcrops.

- *Development must be located in an area that is not subject to hazard or is designed, located and constructed so as to be safe from the impact of any hazard. (See Part B Hazards).*

Comment: The entire site is subject to multiple hazards. However, the consent authority can be satisfied that the proposed additions have been sited and designed to be safe from the impact of any hazards.

- *The appearance of Currawong from Pittwater must be maintained, with no additional buildings visible from the waterway.*

Comment: The six cabins in question are located upslope from the foreshore and are generally screened from the view as seen from the waterway. The proposal will not result in any additional buildings that are visible from Pittwater.

- *Development must be secondary to the existing vegetation and screened by vegetation.*

Comment: The six cabins in question are secondary to existing foreshore/waterfront development and will be screened by existing vegetation as seen from the waterway.

- *Adequate servicing provision is to be made for water, sewerage, drainage, transport, traffic, and parking.*

Comment: The existing site is supported by adequate infrastructure to service the development. However, it is noted that the provision of water is to be improved by virtue of the proposed new water tanks adjacent to each of the six relevant cabins.

- *Adequate provision is to be made for access, rescue and evacuation in the event of an emergency.*

Comment: Access to the site is limited to water access only, and no change is proposed in this regard. The retention of existing access arrangements is considered to be reasonable in the circumstances where the capacity and intensity of the site is not increasing. The previous consent issued in 2018 required the preparation of a Bush Fire Emergency Management and Evacuation Plan, which remains relevant in relation to the site as a whole.

- *Stormwater quality and quantity discharged from the site shall be no worse than the existing pre-development condition and improvements are provided by implementation of best practice*

*water sensitive urban design principles.*

Comment: The proposed development incorporates the installation of new water tanks associated with each of the relevant six cabins in order to capture and reuse rainwater at the subject site. Council's Development Engineers are satisfied in this regard.

- *No fences are to be erected on the site.*

Comment: The application does not involve the erection of any fences.

- *A proponent for future development of Currawong should have regard for the proponent's report and the Minister's Part 3A decision.*

Comment: Not applicable.

Despite minor non-compliance with the requirements of this Control which seek to prevent any increase to the footprint of development on the site, the proposal is considered to be an appropriate design solution for the site, that achieves consistency with the Outcomes of this Control, as follows:

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

Comment: The proposed works maintain consistency with the desired future character of the Upper Western Foreshores Locality.

- *Development respects, conserves and maintains the heritage significance, architectural qualities, character, visual characteristics and environment of the area.*

Comment: The proposed development is considered to be a sensitive design solution which appropriately balances the need to respect, maintain and conserve the heritage significance of the site, whilst also providing for improved amenity to attract visitors to the site.

- *The balance between the built form and its setting is maintained.*

Comment: The application seeks consent for minor additions to the existing cabins, however the dominance of landscaping across the site is maintained and is not impacted by the proposal.

- *The safety and health of occupants is ensured.*

Comment: A number of works proposed are required to upgrade the cabins in line with current standards and bushfire requirements, to maximise the safety of the visitors to the site.

- *Development is screened by vegetation when viewed from any public place.*

Comment: The cabins in question are setback from the beachfront, behind existing foreshore development and vegetation. As such, the proposed works will be appropriately screened as seen from the Pittwater Waterway.

- *Wildlife is permitted unhindered access through Currawong.*

Comment: With the exception of screening to the undercroft of the cabins for bushfire purposes, the proposed development will not impact upon the movement of wildlife through the site.

- *Adverse traffic effects from development are mitigated against.*

Comment: The proposed development does not seek to intensify the capacity of the existing facility, and as such, is unlikely to result in any adverse impacts upon water traffic or traffic at surrounding public wharves (ie: Palm Beach).

- *Development incorporates the principles of ecologically sustainable development.*

Comment: The application proposes the inclusion of water tanks to maximise water reuse on the site. Furthermore, the proposal includes new roof sheeting and insulation to maximise thermal efficiency within each of the relevant cabins.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$18,866 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,886,555.

## **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

In light of commentary from NSW Heritage, conditions are recommended to ensure the maintenance of a greater proportion of the existing fabric of Cabin 3, being the most intact representation of the original condition of the cabins and the cabin of highest heritage significance. Subject to conditions, the proposed development is considered to achieve an appropriate balance between the maintenance/protection of the heritage significance of the site and necessary upgrades to provide appropriate levels of amenity for visitors to the site.

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2019/0712 for Alterations and additions to six (6) cabins on land at Lot 1 DP 166328, 1 A Currawong Beach, CURRAWONG BEACH, Lot 1 DP 337208, 1 A Currawong Beach, CURRAWONG BEACH, Lot 4 DP 978424, 1 A Currawong Beach, CURRAWONG BEACH, Lot 10 DP 1092275, 1 A Currawong Beach, CURRAWONG 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Cover Page DA00, Issue B	July 2019	Northern Beaches Council
Site Plan, Construction Sediment Control Plan DAS01, Issue B	July 2019	Northern Beaches Council
Platypus Cabin 3 DAPL01, Issue B	July 2019	Northern Beaches Council
Platypus Cabin 3 DAPL02, Issue B	July 2019	Northern Beaches Council
Magpie Cabin 4 DAM01, Issue B	July 2019	Northern Beaches Council

Magpie Cabin 4 DAM02, Issue B	July 2019	Northern Beaches Council
Lorikeet Cabin 5 DAL01, Issue B	July 2019	Northern Beaches Council
Lorikeet Cabin 5 DAW01, Issue B	July 2019	Northern Beaches Council
Wallaby Cabin 6 DAW02, Issue B	July 2019	Northern Beaches Council
Possum Cabin 7 DAPS01, Issue B	July 2019	Northern Beaches Council
Possum Cabin 7 DAPS02, Issue B	July 2019	Northern Beaches Council
Echidna Cabin 8 DAE01, Issue B	July 2019	Northern Beaches Council
Echidna Cabin 8 DAE02, Issue B	July 2019	Northern Beaches Council
Materials and Finishes Schedule DAMF01, Issue B	July 2019	Northern Beaches Council

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Site Extend Plan D01, Issue A	14 May 2019	NB Consulting Engineers
Site Drainage Plan & Drainage Details D02, Issue A	14 May 2019	NB Consulting Engineers
Site Drainage Plan Platypus D03, Issue A	14 May 2019	NB Consulting Engineers
Site Drainage Plan Magpie D04, Issue A	14 May 2019	NB Consulting Engineers
Site Drainage Plan Lorikeet D05, Issue A	14 May 2019	NB Consulting Engineers
Site Drainage Plan Wallaby D06, Issue A	14 May 2019	NB Consulting Engineers
Site Drainage Plan Possum D07, Issue A	14 May 2019	NB Consulting Engineers
Site Drainage Plan Echidna D08, Issue A	14 May 2019	NB Consulting Engineers
Drainage Details D09, Issue A	14 May 2019	NB Consulting Engineers

b) Approved Reports

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Risk Management Report 2017-084.3	November 2018	Crozier Geotechnical Consultants
Environmental Impact Assessment for APZ Modification	29 September 2018	Kleinfelder Australia Pty Ltd
Bushfire Risk Management Report	3 October 2018	Kleinfelder Australia Pty Ltd

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Cover Sheet CB-S2-00, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Context Plan CB-S2-01, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Cabin 3 - Platypus Landscape Plan CB-S2-02A, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Cabin 4 - Magpie Landscape Plan CB-S2-02B, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Cabin 5 - Lorikeet Landscape Plan CB-S2-02C, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Cabin 6 - Wallaby Landscape Plan CB-S2-02D, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Cabin 7 - Possum Landscape Plan CB-S2-02E, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Cabin 8 - Echidna Landscape Plan CB-S2-02F, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Typical Details - Walls, Paving and Planting CB-S2-03A, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L
Hard Landscape Finishes and Planting Species CB-S2-03B, Revision D3	11 June 2019	Thompson Berrill Landscape Design P/L

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	3 July 2019	Northern Beaches Council

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

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

## 2. **Compliance with NSW Rural Fire Service Requirements**

The development must be carried out in compliance with the general terms of approval and the bush fire safety authority issued by the NSW Rural Fire Service on 20 September 2019, as follows:

1. In addition to the previous general terms of approval contained within the Bush Fire Safety Authority dated 8 November 2017 issued for the site, the following conditions apply.
2. Each of the proposed non-combustible tanks shall be fitted with a 65mm metal Storz fitting with a ball or gate valve. The gate or ball valve, pipes and tank penetration shall be metal and have a 50mm inner diameter. A portable 3kW (5fp) minimum petrol or diesel powered pump, together with a 19mm (internal diameter) fire hose, shall be provided on site for connection to the tanks.

3. The proposed new works to Cabins 3, 4, 5, 6, 7 and 8 shall comply with section 2 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006.

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of the NSW RFS.

### 3. **Compliance with NSW Heritage Requirements**

The development must be carried out in compliance with the general terms of approval issued by NSW Heritage on 29 November 2019, as follows:

#### 1. **Works Not Approved**

The following works are not approved unless as amended under the following conditions of approval:

- a. Demolition of existing external and internal cladding, the bathroom addition including opening of the western wall, creation of the kitchen servery, the enlarged deck and the installation of a fireplace to Cabin 3.
- b. New window on eastern elevation of Cabin 4.
- c. Removal of the multi paned front doors.
- d. Rear highlight window to the existing bedroom of Cabins 5, 6 and 7.
- e. Revised plans, that indicate the above amendments, are to be submitted for assessment and approval by the Heritage Council of NSW (or delegate) with the s.60 application.

Reason: To ensure that the proposal will not impact the significance of the original fabric of Currawong Workers' Holiday Camp.

#### 2. **Amendments to Approved Plans**

The approved plans are to be amended, as follows:

- a. Cabin 3 is to be maintained in its original layout and with original fabric as a 'retention in sample'. All asbestos cladding on Cabin 3 must be retained insitu in accordance with the recommended method to 'encapsulate exposed sections and maintain in a good condition' (Asbestos Buildings Materials Assessment, Various Buildings, 1a Currawong Beach, Prensa, June 2014, Appendix C).
- b. The proposed BAL29 deck to Cabin 3 is to be constructed to match the existing configuration. Access to the lawn area or a small sandstone paved area at the south of the cabin can be provided. A freestanding clothesline is to be provided at the rear of the cabin.
- c. The layout of the bathroom additions to Cabins 5, 6, 7 and 8 is to replicate the proposed bathroom addition layout of Cabin 4 Magpie. The perimeter paths to the additions is to be to maximum 1000mm width and the drying area is to be relocated to the rear western wall of the addition or else be a freestanding structure.
- d. Proposed retaining wall to the rear of Cabin 3 is to be sandstone/sandstone faced concrete block to match similar wall at Cabin 1 Kookaburra.

- e. Revised plans, that indicate the above amendments, are to be submitted for assessment and approval by the Heritage Council of NSW (or delegate) with the s.60 application.

Reason: To ensure that the proposal will not impact the significance of the original fabric of Currawong Workers' Holiday Camp.

3. **Additional Information**

To enable a thorough heritage impact assessment of some aspects of the proposal, the following information is to be provided with the s60 application for assessment and approval by the Heritage Council of NSW (or their delegate):

- a. Detail of the proposed timber retaining wall at the rear of the cabins is to be provided.
- b. Details of the any excavation required for required additional water and sewer lines is to be provided.
- c. A detailed methodology of the proposed removal of asbestos cladding, wall lining, windows, doors, roofing and services and reconstruction of the cabins including the removal, secure storage, repair and reinstatement of existing fabric should be provided with the s60 application.
- d. Details of the rear doors have not been provided. Proposed details of external doors and lighting to cabins is to be provided.
- e. Details of proposed materials and finishes to bathrooms and kitchens are to be provided.

Reason: No information or impact assessment has been provided for this work, nor are they identified in the scope of works.

4. **Cabin 4, 5, 6, 7 and 8 Reconstruction**

- a. The recladding of the cabins must be completed within 12 months of the removal of the asbestos perimeter sheeting from the first cabin.
- b. The reroofing of the cabins including flashing, capping, gutters and downpipes must be completed within 12 months of the removal of the existing metal roof sheeting from the first cabin.

Reason: The character of the structures contributes to an understanding of the use and occupancy of the whole of the Currawong Workers' Holiday Camp.

5. **Specialist Tradespersons**

All work to, or affecting, significant fabric at Currawong Workers' Holiday Camp shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

6. **Heritage Consultant**

A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site

inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

7. **Heritage Interpretation Plan**

The Heritage Interpretation Strategy and Implementation Plan for Currawong Workers' Holiday Camp prepared by Urbis dated 25 February 2019 submitted with the previous application must be amended to include the remaining six cabins in accordance with the Heritage publication 'Interpreting Heritage Places and Items Guidelines' (2005), and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.

The approved interpretation must be in place on site prior to the issue of an occupation certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

8. **Site Protection**

Significant built and landscape elements are to be protected during site preparation and the works from potential damage. The nominated heritage consultant is to be involved in the determination of appropriate protection systems. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

9. **Photographic Archival Recording**

A photographic archival recording of Currawong Workers' Holiday Camp must be prepared prior to the commencement of works. The recording is capture the setting of the site but focus on these elements that will be modified by the proposal. This recording must be in accordance with the NSW Heritage Division publications 'How to prepare archival records of heritage items' and 'Photographic Recording of Heritage Items using Film or Digital Capture'. The original copy of the archival record must be deposited with the Heritage Division, Office of Environment and Heritage, and an additional copy provided to Northern Beaches Council.

Reason: To capture the condition and appearance of the place prior to, and during, modification.

10. **Historical Archaeology**

The applicant shall submit a baseline archaeological assessment prepared by a suitably qualified and experienced historical archaeologist. This assessment should identify whether relics of local or state significance may be harmed by this activity and whether appropriate mitigation measures or alteration of the design should occur based on the

significance of the relics which may be present. This assessment shall be submitted prior to works commencing on site.

Following the receipt of the Archaeological Assessment, the Heritage Council of NSW or its delegate reserves the right to issue additional archaeological conditions to manage the archaeology. Matters such as (but not limited to) preparation of an archaeological excavation methodology and research design, fieldwork methodology, artefact analysis and final reporting may be included as part of these archaeological conditions.

Reason: To appropriately manage archaeological resources.

11. **Aboriginal Objects**

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Premier and Cabinet has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

12. **Compliance**

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

13. **Section 60 Application**

An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

4. **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.

## 5. 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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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 demolishedThe 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.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

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

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

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

### 7. Stormwater Disposal

Engineering Plans in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2:1998 - Stormwater Drainage – Acceptable solutions are to be submitted and certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. The stormwater disposal system must comply with the recommendations of the Geotechnical Report prepared by Crozier Geotechnical Consultants dated 16 November 2018.

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

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

### 8. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the approved Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans. Prior to issue of the construction certificate, Form 2 of

the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. **Amendments to the Approved Plans**

Amended plans demonstrating compliance with the general terms of approval issued by NSW Heritage, as replicated in Condition 3 of this consent, are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises the impact upon the heritage significance of the site.

10. **Wastewater Certified Engineering Details**

The applicant shall submit to Council certified engineering details for the existing on-site wastewater treatment system and all new proposed connections. The drawings shall be drawn to scale, dimensioned and accompanied by a listing of all components with name, model, size, description, function, material of manufacture and location of the wastewater system. All components are to be shown including electric motor(s), gearbox, compressor, pump(s), valves, diffusers, venturi, media, media fixings, chlorinator, pipework, scum collection and sludge pumping equipment, baffles, partitions, brackets, fastenings, electrodes, float switches, control panel and the arrangement of alarms.

Reason: Compliance with Australian Standards and NSW Health Guidelines.

11. **Engagement of a Project Arborist**

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and direct supervision all works within 5m of significant trees.

Evidence demonstrating Project Arborist engagement is to be provided to the Principal Certifying Authority prior to the issue of construction certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls.

12. **Amendment of Landscape Plans**

The Approved Landscape Plans referenced in Condition 1 of this Consent are to be amended in accordance with the following:

- Deletion of *Imperata cylindrica*, *Lomandra longifolia* var. *longifolia*, *Gahnia grandis* (due to being highly flammable species and non-local natives)
- Replacement with *Hibbertia scandens*, *Correa reflexa*, *Hardenbergia violacea*

The amended Landscape Plan is to be certified by a qualified landscape architect, arborist or ecologist prior to issue of the construction certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

13. **Preparation of Environmental Management Checklist**

A Construction Environmental Management Checklist is to be prepared by the Project Ecologist and is to incorporate all measures for the protection of native vegetation, wildlife and habitats during the construction phase. Measures specified in the checklist must include all requirements

of conditions of this consent addressing construction-related impacts on biodiversity, including but not limited to:

- Preparation of a site Induction which addresses the sites' biodiversity values, particularly the threatened Glossy Black-cockatoo and its habitats and any mitigation measures, such as noise reduction and work hours, to minimise impacts to this species throughout construction.
- Direct supervision of pruning of any *Allocasurina torulosa* trees to ensure no loss of cone-producing branches
- Supervision of any vegetation removal, including the dead tree if it is required to be removed to comply with bushfire mitigation measures
- Relocate Coarse Woody Debris

The Checklist is to be provided to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

14. **Preparation of a Tree Protection Plan**

No trees within the proposed APZ with a DBH greater than 100mm are approved for removal.

Prior to the issuance of the construction certificate, a Tree Protection Plan, prepared by a minimum AQF level 5 Arborist, shall be issued to the Certifying Authority documenting the extent and alignment of tree protection fencing for all existing prescribed trees within 5 metres of the proposed works. All tree protection measures is to be in accordance with AS4970-2009.

Reason: To protect existing trees not impacted by the development.

15. **Engagement of a Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the following approved reports:

- Environmental Impact Assessment for APZ modification report (Kleinfelder, 29/09/2019)
- Bush Fire Assessment Report (Kleinfelder, 3/10/2018)

The Project Ecologist must have one of the following memberships/accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016 (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Employment of a project ecologist is to be certified by the Principal Certifying Authority Prior to issue of construction certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

16. **Compliance with Standards**

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to

the Certifying Authority prior to the issue of the Construction Certificate.

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

17. **Certification of Adherence with Approved Reports**

Written certification from suitably qualified persons shall be submitted to the Principal Certifying Authority, stating that all the works/methods/procedures/control measures/recommendations endorsed by Council in the Approved Reports referenced in Condition 1 have been adopted in the construction certificate detail.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure compliance with the recommendations endorsed by Council.

18. **Consistency with NSW Heritage Requirements**

Evidence of compliance with the general terms of approval issued by NSW Heritage (excluding those to be satisfied prior to the issue of an occupation certificate), as replicated in Condition 3 of this consent, is to be provided to the Certifying Authority prior to the issuance of the construction certificate.

Reason: To ensure consistency with the requirements of NSW Heritage.

19. **Consistency with NSW RFS Requirements**

A suitably qualified professional is to provide certification that the general terms of approval issued by NSW RFS, as replicated in Condition 2 of this Consent, have been incorporated into the construction certificate application and plans.

Evidence demonstrating satisfaction of this requirement is to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure consistency with the requirements of NSW RFS.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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

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

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

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

21. **Construction Environmental Management Checklist Inductions**

All workers, including site inspectors and sub-contractors, are to be briefed on measures specified in the Construction Environmental Management Checklist through a site induction prior to workers commencing their works. Evidence of the site induction is to be documented and provided to the Principal Certifying Authority prior to issue of the occupation certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

**22. Implementation of the Tree Protection Plan - Certified by Project Arborist**

All trees that are specifically nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during any vegetation clearing, demolition, excavation and construction on the site in accordance with the approved Tree Protection Plan. All tree protection measures are to be in accordance with Australian Standards AS 4970—2009 'Protection of Trees on Development Sites'.

A certificate demonstrating compliance must be prepared by the project arborist and submitted to the Principal Certifying Authority prior to commencement of any works on the site.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

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

**23. Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

**24. Tree and Vegetation Protection**

Existing trees and vegetation shall be retained as follows:

- a. all trees and vegetation within the site, nominated for retention, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,
- b. all other trees and vegetation located on adjoining properties,

Tree protection shall be generally undertaken as follows:

- a. all tree protection shall be in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular attention to section 4, and AS4373-2007 Pruning of amenity trees,

- b. any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by a AQF Level 5 Arborist,
- c. to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- d. no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by a AQF Level 5 Arborist on site,
- e. all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- f. should either or both d) and e) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations and shall report on the tree protection action undertaken, including photographic evidence,
- g. 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, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009.

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

25. **Dead or Injured Wildlife**

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

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

26. **No Material Storage within 5m/calculated Tree Protection Zone (TPZ)**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m or the notional TPZ of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

Reason: To protect and retain trees proposed for retention.

27. **Tree Protection during work - No Works within 5m/calculated Tree Protection Zone (TPZ)**

The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks or the calculated TPZ of trees to be retained are not permitted, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk or the calculated TPZ of a tree to be retained, is not permitted.

Reason: To protect and retain trees/the natural environment proposed for retention.

28. **Relocation of Logs and Coarse Woody Debris**

All logs and branches are to be salvaged from trees prior to any vegetation clearing and reused as fauna habitat within the bushland areas outside of the APZ.

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the occupation certificate.

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

29. **Implementation of Construction Environmental Management Checklist**

Evidence that all works were undertaken in accordance with the Construction Environmental Management Checklist is to be provided to the Principal Certifying Authority prior to issue of the occupation certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

30. **Installation of Solid/Fuel Burning Heaters**

Installation work must be carried out by an appropriately experienced and qualified person and in accordance with the relevant provisions of AS2918:2001 – Domestic Solid Fuel Burning Appliances – Installation.

Reason: To ensure the installation is completed in a legislatively compliant manner.

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

31. **Certification of Landscaping**

Prior to the issue of the occupation certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the the Approved Landscape Plans referenced in Condition 1 of this Consent, as amended by any other conditions of this Consent.

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

32. **Stormwater Disposal**

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

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

33. **Consistency with NSW Heritage Requirements**

Evidence of compliance with the general terms of approval issued by NSW Heritage, as replicated in Condition 3 of this consent, is to be provided to the Certifying Authority prior to the issuance of the construction certificate.

Reason: To ensure consistency with the requirements of NSW Heritage.

34. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the occupation certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

35. **Certification of Adherence with Approved Reports**

Written certification from suitably qualified persons shall be submitted to the Principal Certifying Authority, stating that all the works/methods/procedures/control measures/recommendations endorsed by Council in the Approved Reports referenced in Condition 1 have been adhered to.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure compliance with the recommendations endorsed by Council.

36. **Certification of Fireplace Installation**

Prior to the issuance of the occupation certificate, a certificate from an appropriately qualified person is to be provided to the the Principal Certifying Authority and Council confirming that all fireplaces have been installed in accordance with all relevant legislation, Building Code of Australia, Australian Standards, specifications and manufacturer requirements.

Reason: To ensure the system operates in a legislatively compliant manner.

37. **Waste Water System**

Prior to the issue of the occupation certificate, the waste water system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority, and a copy of a s68 (Local Government Act 1993) approval to operate the Waste Water System is to be provided to the Certifying Authority

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

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity.

38. **Certification of Tree Protection – Certified By Project Arborist**

All tree protection measures to be implemented, as specified in the Tree Protection Plan and these conditions of consent are to be implemented at the appropriate stage of development.

Completion of arborist requirements and satisfactory establishment/initiation of post-construction measures is to be certified by the consulting arborist and details submitted to the Principal Certifying Authority prior to issue of the occupation certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

39. **Implementation of Construction Environmental Management Checklist**

Construction is to be undertaken in accordance with the Constructional Environmental Management Checklist. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the occupation certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

40. **Protection of Habitat Features – Certified by Ecologist**

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

There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt

marshes or mangroves.

Details demonstrating compliance are to be certified by the project ecologist and provided to the Principal Certifying Authority prior to issue of the occupation certificate.

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

41. **Consistency with NSW Rural Fire Service Requirements**

A suitably qualified bush fire consultant is to provide certification that the requirements of the NSW Rural Fire Service, as specified in the bush fire safety authority issued on 20 September 2019, and as replicated in Condition 2 of this Consent, have been adhered to.

Evidence of compliance is to be provided to the Principal Certifying Authority prior to the issuance of the occupation certificate.

Reason: To ensure consistency with the requirements of the NSW Rural Fire Service.

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

42. **Landscape Maintenance**

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

Landscape establishment maintenance works shall be undertaken for a minimum period of 12 months following practical completion. Landscape materials shall be maintained in good order. If any planting under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the Approved Landscape Plan referenced in Condition 1 of this Consent, as amended by any other condition.

Reason: To maintain local environmental amenity and ensure landscaping continues to integrate into the bushland setting.

43. **Environmental and Priority Weed Control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: Preservation of environmental amenity.

44. **Maintenance of Solid Fuel Heaters**

The owner/occupier shall ensure servicing of the heater is maintained according to the manufacturer's specifications.

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

45. **Operation of Solid Fuel Burning Heaters**

You are requested to take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures should include:

- Using dry seasoned hardwood
- Storing wood in a dry well ventilated place
- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke

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

46. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled.

Reason: Weed management.

47. **Clearance of Structures from Trees**

A minimum of 200mm clearance is to always be maintained from proposed bearers, joists and decking to the tree trunk of any native tree unless prior written approval from Council.

Reason: To protect existing trees.

48. **No Planting Environmental Weeds**

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

Reason: Weed management.

49. **Protection of Trees and Bushland Vegetation**

All existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

50. **Works to Cease if Item Found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

51. **Dead or Injured Wildlife**

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

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

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

**Signed**

*R. Englund.*

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

**Rebecca Englund, Acting Development Assessment Manager**

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**Peter Robinson, Executive Manager Development Assessment**