

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| <b>Application Number:</b> | DA2024/0081 |
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|---|---|
| <b>Responsible Officer:</b>               | Jordan Howard   |
| <b>Land to be developed (Address):</b>    | Lot 1 DP 524083, 21 A Warili Road FRENCHS FOREST NSW 2086<br>Lot 1 DP 1298188, 49 Blackbutts Road FRENCHS FOREST NSW 2086 |
| <b>Proposed Development:</b>              | Demolition of all existing structures on site   |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land zoned R2 Low Density Residential   |
| <b>Development Permissible:</b>           | Yes   |
| <b>Existing Use Rights:</b>               | No  |
| <b>Consent Authority:</b>                 | Northern Beaches Council  |
| <b>Delegation Level:</b>                  | DDP   |
| <b>Land and Environment Court Action:</b> | No  |
| <b>Owner:</b>                             | Aruma Services  |
| <b>Applicant:</b>                         | Sekisui House Services (NSW) Pty Limited  |

|                                  |   |
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| <b>Application Lodged:</b>       | 13/02/2024                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 19/02/2024 to 04/03/2024                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 5                                       |
| <b>Clause 4.6 Variation:</b>     | Nil                                     |
| <b>Recommendation:</b>           | Approval                                |

|                                 |               |
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| <b>Estimated Cost of Works:</b> | \$ 800,000.00 |
|---------------------------------|---------------|

### EXECUTIVE SUMMARY

This development application seeks consent for demolition of all existing structures on site.

The application is referred to the Development Determination Panel (DDP) as the application has received submissions from five (5) unique households by way of objection. The DDP is responsible for determining applications with five or more objections.

Concerns raised in the objections predominantly relate to the amenity impacts of demolition works,

tree removal / environmental concerns and future development of the site.

Critical assessment issues included consideration of community submissions, as well as consideration of referral responses from internal Council referral teams. These included issues related to tree removal, which were raised by Council's Landscape team and Bushland and Biodiversity team. Ultimately, as conditioned, this application would only permit the removal of exempt species (which may be removed without Council permission regardless), and the removal of eight (8) prescribed trees (Trees 10, 23, 28, 60, 64, 101, 114 and 137) which are in close proximity to structures to be demolished. Council has imposed conditions requiring other existing prescribed trees, some of which the applicant sought to remove, to be retained and protected by fencing during the demolition of structures. Furthermore, tree replacement planting is conditioned to compensate for the removal of prescribed native trees. As conditioned, Council's Landscape team and Bushland and Biodiversity team are both supportive of the proposal. Any further tree removal proposed in applications for future development or subdivision of the site shall be considered under future Development Applications.

This report concludes with a recommendation that the DDP grant approval to the development application, subject to conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

This Development Application seeks development consent for demolition of all existing structures on site. This constitutes initial steps towards future development of the site for low-density residential use (to be considered under a separate Development Application).

Additional information was requested in relation to referral responses from Council's Landscape team, Bushland and Biodiversity team and Development Engineering team. Additional information was submitted and did not require re-notification, in accordance with the Northern Beaches Community Participation Plan.

## **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**

## SITE DESCRIPTION

|                                   |   |
|-----------------------------------|---|
| <b>Property Description:</b>      | <p>Lot 1 DP 524083 , 21 A Warili Road FRENCHS FOREST NSW 2086</p> <p>Lot 1 DP 1298188 , 49 Blackbutts Road FRENCHS FOREST NSW 2086</p>  |
| <b>Detailed Site Description:</b> | <p>The subject site consists of two (2) allotment located on the southern side of Blackbutts Road and northern side of Warili Road. The lot abutting Blackbutts Road is Lot 1 DP 1298188, known as 49 Blackbutts Road, and is the larger of the two lots. The lot abutting Warili Road is Lot 1 DP 524083, know as 21A Warili Road, and is significantly smaller.</p> <p>49 Blackbutts Road is irregular in shape, with a frontage of 60.637m along Blackbutts Road and a maximum depth of 167.724m. The site has an area of 9970sqm.</p> <p>21A Warili Road is regular in shape, with a frontage of 8.23m along Warili Road and a depth of 25.406m. The site has an area of 208.6sqm.</p> <p>The site is located within the R2 Low Density Residential zone of the WLEP 2011 and accommodate buildings previously associated with a facility operated by Aruma Services, a provider of disability services and support. The 49 Blackbutts Road lot contains buildings and internal driveways associated with the facility, with 21A Warili Road connecting the rear of the larger lot to Warili Road through a rear access driveway.</p> <p>The site slopes from the Blackbutts Road frontage (north) to the Warili Road frontage (south), with a fall across the site of approximately 9m.</p> <p>The site contains lawn areas, trees and widespread vegetation amongst the built form.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by low-density residential development. Across Blackbutts Road to the north is Lionel Watts Reserve and Frenchs Forest Showground. A short distance to the north-west is Glenrose Village Mall.</p> |

Map:



## SITE HISTORY

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

**Pre-Lodgment Meeting No. PLM2023/0120** was held on 5 October 2023 to discuss a 13 lot subdivision of the site.

It is noted that Council has received **Development Application No. DA2024/0492** for "Community title subdivision comprising of 13 lots and new road access", which was lodged following the lodgment of the application for demolition of site structures (this DA), and is separate to this DA. DA2024/0492 is currently under separate assessment (as of the writing of this report).

## 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 | There are no current draft environmental planning instruments.         |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan               | Warringah Development Control Plan applies to this proposal.           |

| Section 4.15 Matters for Consideration   | Comments  |
|--|---|
| Section 4.15 (1) (a)(iia) – Provisions of any planning agreement   | None applicable.  |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)  | <p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to referral responses from Council's Landscape team, Bushland and Biodiversity team and Development Engineering team.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>  |

| Section 4.15 Matters for Consideration   | Comments  |
|--|---|
| Section 4.15 (1) (c) – the suitability of the site for the development                 | The site is considered suitable for the proposed development.   |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report.   |
| Section 4.15 (1) (e) – the public interest   | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 19/02/2024 to 04/03/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 5 submission/s from:

| Name:  | Address:                                   |
|--|--|
| Mr Adam Colin Williams                           | 25 Warili Road FRENCHS FOREST NSW 2086     |
| Graham James Payne<br>Miss Rebecca Sally Gotelee | 9 Malbara Crescent FRENCHS FOREST NSW 2086 |
| Mrs Samantha Jane Gavel                          | 4 Rikara Place FRENCHS FOREST NSW 2086     |
| Mr Robert Charles Scott                          | 7 Malbara Crescent FRENCHS FOREST NSW 2086 |
| Ms Gail Jennifer Phillips                        | 3 Malbara Crescent FRENCHS FOREST NSW 2086 |

The following issues were raised in the submissions:

- Asbestos or other hazardous materials**

The submissions raised concerns that asbestos or other hazardous materials may be present in the buildings to be demolished, raising concerns about contamination, containment and notification of such materials.

Comment:

Conditions of consent are imposed which require the demolition and removal of asbestos to be carried out in accordance with WorkCover requirements, relevant Australian Standards and other regulatory requirements.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

- **Stormwater / drainage**

The submissions raised concerns that the demolition works may result in changed stormwater flows and impact surrounding properties.

Comment:

The proposed demolition works include removal of significant areas of hard surfaces, including buildings, driveways and pathways, which will benefit natural water absorption into the ground and return the site to a more natural state. Conditions of consent are imposed which require the establishment of erosion and sediment control during works. Council's Development Engineer has reviewed this proposal for demolition works, including in regards to stormwater management, and is supportive, subject to conditions. Concerning future potential development of the site, any proposed future stormwater management will be assessed within a future Development Application.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

- **Boundary / dividing fencing**

The submissions raised concerns about boundary fencing between the site and surrounding properties, requesting that replacement fencing be installed.

Comment:

Temporary site fencing will be necessary during demolition works in accordance with relevant worksite safety legislation. Regarding permanent dividing fencing between the subject site and neighbouring properties, this is a civil matter between involved parties (the site owners and surrounding site owners). Council is not party to matters concerning dividing fencing between private properties. This is not a relevant consideration of this assessment, as no dividing fencing is proposed in this application.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

**Traffic / access to Warili Road**

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The submissions raised concerns about the use of the Warili Road, as well as general traffic, amenity and safety impacts relating to traffic management .

Comment:

The application has been reviewed by Council's Traffic Engineer and is supported, subject to conditions. These conditions include the preparation of a Demolition Traffic Management Plan (DTMP) which must be submitted to and approved by the Northern Beaches Council Traffic Team prior to commencement any demolition work. All works and demolition activities are then to be undertaken in accordance with the approved DTMP. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site. This will ensure

ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

- **Tree removal / impact on fauna**

The submissions raised concerns that it was not clear within the application which trees were proposed for removal and raised concerns about the removal of trees and vegetation. Concerns were also raised with the potential of future tree removal to accommodate future development.

Comment:

The application was reviewed by Council's Landscape team and Bushland and Biodiversity team in regards to tree removal and potential environmental impacts. Their referral comments can be found in full in the section of this report on Internal Referrals.

During the assessment it was noted that the provided Statement of Environmental Effects stated that *"no tree removal is proposed as part of this DA", and "any trees on Site that are within 2 metres of the existing buildings to be demolished and that meet the Northern Beaches Council exempt criteria for tree removal without a permit will be removed. Given the proximity of these trees to the buildings proposed to be demolished, the tree removal will be carried out concurrently with the demolition works."* Removal of exempt trees within the property does not require Council consent and Council's Landscape team raised no issue with the removal of exempt trees.

However, the submitted Arboricultural Impact Assessment (AIA) report appeared to be written in response to future works and proposed further trees be removed beyond the Statement of Environmental Effects, including a number of prescribed trees. Further clarification was sought from the applicant. Ultimately, Council's Landscape team considered it appropriate to permit the removal of some prescribed trees within close proximity to structures to be demolished. However, the team did not support the removal of a number of other prescribed trees across the site, and has conditioned the protection of these trees, along with all others indicated in the AIA report for tree fencing protection. These concerns were echoed by Council's Bushland and Biodiversity team, who are also now satisfied by the outcome of the assessment from the Landscape team. Furthermore, the Bushland and Biodiversity team have conditioned tree replacement planting to compensate for the removal of prescribed native trees, as this demolition application stands alone from potential future development of the site.

In summary, the development / demolition, as conditioned, only permits the removal of exempt species (which may be removed without Council permission regardless), and the removal of 8 prescribed trees (Trees 10, 23, 28, 60, 64, 101, 114 and 137) which are in close proximity to structures to be demolished. Council has imposed conditions requiring other existing trees to be retained and protected by fencing during the demolition of structures. Furthermore, Council has conditioned tree replacement planting to compensate for the removal of prescribed native trees. As conditioned, Council's Landscape team and Bushland and Biodiversity team are both supportive of the proposal.

It is also noted that imposed conditions include ones related to ecological inspection for native wildlife and protection of native wildlife.

Regarding future development of the site, any tree removal proposed in applications for future

development or subdivision shall be considered under future Development Applications.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

- **Potential for damage to surrounding properties**

The submissions raised concerns that demolition may damage surrounding properties.

Comment:

- Damage to private property is a matter covered by relevant criminal and civil law, should this situation arise during demolition. General conditions are in place to limit the impacts of demolition works.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

- **Vermin**

The submissions raised concerns that during demolition there may be an exodus of vermin from the subject site.

Comment:

Should unhealthy or unsafe sanitary conditions, such as a vermin infestation, be identified, the matter can be raised by concerned parties with Council. The matter could be inspected in regard to public health and safety, and orders issues, should such a situation arise.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

- **Noise**

The submissions raised concerns that the demolition would create a noise amenity impact on neighbouring properties.

Comment:

General conditions are in place to limit the impacts of demolition works, including the requirement that demolition works are limited to between 8.00am and 5.00pm Monday to Friday only. Some level of noise is ultimately an unavoidable reality of demolition and development, however, conditions are in place to limit the impact of noise on neighbouring amenity.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

- **Future development of the site**

The submissions raised concerns that the application did not reveal detailed future plans for the site. Furthermore, submissions raised concerns with DA2024/0492, a separate application submitted to Council for residential subdivision and development of the site, including contending that the community engagement / notification process was inadequate.

Comment:

Following the submissions of this application (DA2024/0081) for the demolition of site structures, Council has received an application for proposed future development of the site as a Community Title subdivision comprising of 13 lots and new road access under the Development Application No. DA2024/0492. These applications are able to be assessed separately. This application (DA2024/0081) has been adequately notified in accordance with the Northern Beaches Community Participation Plan (NBCPP), and DA2024/0492 is currently in the process of being notified in accordance with the NBCPP (as of the time of the writing of this report). Community engagement / notification has therefore been adequate for this application (DA2024/0081), and the same is expected for DA2024/0492 or any other future application for development at the subject site (with that ultimately determined during the assessment process of future applications).

DA2024/0081 may be assessed and approved concerning the demolition of existing site structures without impacting the assessment of DA2024/0492 or any other future application for development at the subject site. There is no impediment for the approval of this application concerning site demolition. Any future development of the site must be approved by another development application, subject to the full rigor of a separate development assessment. Concerns with proposed future development may be directed in submission to DA2024/0492 or other future applications.

This issue has been adequately considered and is not sufficient to warrant refusal of the application.

## REFERRALS

| Internal Referral Body | Comments   |
|------------------------|--|
| Landscape Officer      | <p><b><i>Supported, subject to conditions.</i></b></p> <p>The proposed application is for demolition works of existing structures upon the property. As noted in the Statement of Environmental Effects (SoEE) the purpose of the demolition is to clear the site for future low density residential development.</p> <p>Further comments 07/05/2024:<br/>Landscape Referral raise no objections to tree removal of species identified as Exempt Species under Warringah Development Control Plan (WDCP), including tree species listed in the Exempt Tree List; trees under 5 metres in height; located within two metres of an existing approved building (not including decks, pergolas, sheds, patios or the like, even if they are attached to a building), with the measurement made from the building to the base of the tree trunk; or is considered a high risk/imminent danger certified by a Level 5 qualified arborist. Additionally there are a limited number of prescribed trees (ie. protected by WDCP) that are in close proximity to structures such as driveways that are proposed for removal and following consideration the following prescribed trees shall also be approved for removal: T10, 23, 28, 60, 64, 101, 114 and 137). However the Arboricultural Impact Assessment (AIA) report recommendations to remove the following prescribed trees: T7, 10, 15, 16, 29, 59, 74, 75, 77, 83, 84, 85, 86, 88, 89, 91, 96, 99, 100 and</p> |

| Internal Referral Body | Comments  |
|------------------------|---|
|                        | <p>121, is not supported and these trees shall be protected during demolition works along with all others indicated in the AIA report for tree fencing protection.</p> <p>The site contains large areas of existing bitumen for demolition storage, pre demolition of buildings or post demolition of building, with or without the bitumen surface, such that the areas supporting existing trees do not need to be disturbed or utilised for site facilities, storage, machinery etc. The areas for demolition works and storage are further increased in area where exempt species are to be removed.</p> <p>Upon review of the Plans it is considered that removal of the above listed exempt species as well as prescribed trees T10, 23, 28, 60, 64, 101, 114 and 137 provides adequate areas for the orderly demolition of structures. Council shall impose conditions on existing trees required to be retained and protected by fencing during the demolition of structures. Should the property be subdivided into separate lots, then any proposed new dwelling(s) and structures that require possible tree removal shall be considered under such separate Lot applications for agreeance to remove, or otherwise consideration of an alternative site planning strategy to preserve trees.</p> <p>Updated comments 16/04/2024:<br/> <i>Landscape Referral shall consider the application for demolition works only and shall not consider future works as information is not provided to allow for any determination beyond the application at hand, and future intentions cannot be determined and may also change.</i></p> <p><i>It is noted that the SoEE writes that "no tree removal is proposed as part of this DA", and furthermore but without concern from Landscape Referral "Any trees on Site that are within 2 metres of the existing buildings to be demolished and that meet the Northern Beaches Council exempt criteria for tree removal without a permit will be removed. Given the proximity of these trees to the buildings proposed to be demolished, the tree removal will be carried out concurrently with the demolition works." Removal of exempt trees within the property does not require Council consent and the exempt species located within the property include: species listed in the Exempt Species List, trees within 2 metres of existing approved buildings, and trees under 5 metres in height.</i></p> <p><i>The submitted Arboricultural Impact Assessment (AIA) report appears to be written in response to future works and proposes further trees be removed beyond the SoEE statement, and references a Earthworks Cut and Fill Plan, which is not part of the submitted documents under this development application, and as indicated applications for future works applications may change. As such Landscape Referral do not accept any of the recommendations</i></p> |

| Internal Referral Body           | Comments   |
|----------------------------------|--|
|                                  | <p><i>for tree removal beyond the Exempt Species.</i></p> <p>Previous comment 26/04/2024:<br/> <i>The proposed application is for demolition works of existing structures upon the property. The Demolition Work Plan provides for perimeter fencing and for stockpiling of demolished material. Concern is raised that the Demolition Work Plan provides no consideration of existing prescribed trees within the property in terms of tree protection measures during the demolition works, and thus there is no protection mechanism in place to prevent damage to such prescribed trees.</i></p> <p><i>To assess the application further, Landscape Referral require a definitive Tree Protection Plan prepared by a qualified Arborist that identifies existing prescribed trees and these shall be protected during demolition. It is expected that all prescribed trees within the site shall be protected by standard chain-wire construction fencing and this shall be documented in the Tree Protection Plan, and all stockpile areas shall be excluded from within the tree fencing zones.</i></p> <p><i>In summary, the Tree Protection Plan, prepared by an Arborist with minimum AQF Level 5 in arboriculture shall document:</i><br/> <i>i) location of all prescribed trees, including extent of canopy; ii) access routes throughout the site for demolition activity; iii) location of tree protection fencing / barriers; iv) root protection in the form of mulching or boards proposed within the tree protection zone; v) trunk and branch protection within the tree protection zone; vi) location of stockpile areas and materials storage; and vii) other general tree protection measures.</i><br/> <i>Reason: Tree protection.</i></p> <p><u>Planner Comment:</u><br/> Changes to conditions recommended by Council's Landscape team have been made to remove references to Construction and Occupation Certificates, as these are not relevant to demolition consents.</p> |
| NECC (Bushland and Biodiversity) | <p><b><i>Supported, subject to conditions.</i></b></p> <p>AMENDED COMMENTS<br/> A Flora and Fauna Assessment has been submitted with the application (Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands, April 2024) and concluded that the proposal will not trigger entry into the Biodiversity Offsets Scheme as the area clearing threshold is not met. No threatened species have been detected on site and no Threatened Ecological Communities or Plant Community Types have been identified on the site. A test of significance (5 part test) has been conducted for the Grey headed flying fox (<i>Pteropus poliocephalus</i>) and concluded that the application will have no significant impacts. No objections are raised with these conclusions.</p>   |

| Internal Referral Body | Comments  |
|------------------------|---|
|                        | <p>As per the Landscape Referral comments, the Statement of Environmental Effects (Willow Tree Planning, February 2024) indicates that only Exempt trees are to be removed for the purpose of demolition of all existing structures on the site: "It is noted that no tree removal is proposed as part of this DA. Any trees on Site that are within 2 metres of the existing buildings to be demolished and that meet the Northern Beaches Council exempt criteria for tree removal without a permit will be removed."</p> <p>However, this information is inconsistent with the proposed removals in the submitted Arboricultural Impact Assessment (The Tree Guardian, April 2024) where additional prescribed trees are being proposed for removal. Therefore, tree removal will be conditioned to exempt removals based on species/height as well as proximity to existing structures as conditioned in the landscape referral.</p> <p>Tree replacement planting will be conditioned to compensate for the removal of prescribed native trees 10, 23, 28, 64, 101 and 114 as per WDCP 2011 Clause E2 where objectives state among others:</p> <ul style="list-style-type: none"> <li>• "To retain and enhance native vegetation communities and the ecological functions of wildlife corridors."</li> <li>• "Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term."</li> </ul> <p>The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> <p><b>ORIGINAL COMMENTS</b></p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> <li>• Warringah DCP - Clause E2 Prescribed Vegetation</li> <li>• Warringah DCP - Clause E6 Retaining unique environmental features</li> </ul> <p>It is noted that the Statement of Environmental Effects confirms that no tree removal will take place unless trees to be removed are considered exempt under Council's current tree management regulations. The proposal has been submitted without an arboricultural impact assessment. Impacts to prescribed trees from the proposed demolition works need to be assessed as indicated during the PLM meeting.</p> <p>Additionally, if more than 4 prescribed trees are to be removed due to impacts stemming from the impact of works, a Flora and Fauna assessment will have to be prepared by an appropriately qualified</p> |

| Internal Referral Body         | Comments  |
|--------------------------------|---|
|                                | <p>ecologist as per Council's Biodiversity requirements for Development Applications available on Council's website: <a href="chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/documents/general-information/environmental-and-community-protections/biodiversity-requirements-development-applications.pdf">chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/documents/general-information/environmental-and-community-protections/biodiversity-requirements-development-applications.pdf</a></p> <p>The biodiversity referral will recommence upon reception of an arboricultural impact assessment.</p> <p><u>Planner Comment:</u><br/>Changes to conditions recommended by Council's Bushland and Biodiversity team have been made to remove references to Construction and Occupation Certificates, as these are not relevant to demolition consents.</p>  |
| NECC (Development Engineering) | <p><b><i>Supported, subject to conditions.</i></b></p> <p><b>12/04/2024:</b><br/>Council pipe survey is provided, pipe is located within neighbouring property No 19 Warili Road and 11 Malbara Crescent FRENCHS FOREST.<br/>No objections to approval subject to conditions as recommended.</p> <p><b>12/03/2024:</b><br/>Development Application is for demolition works of existing structures upon the property.<br/>Council maps shows there is Council's stormwater pipe running parallel along Northwest boundary of the subject site. Demolition works can have detrimental impact on Council drainage infrastructure, hence applicant is advised to accurately locate, confirm dimensions including depth, and plot to scale Council's stormwater pipeline and associated infrastructure on the survey and master plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor (evidence of methodology used for locating stormwater system should be provided).</p> <p><b>For planner:</b><br/>Site has dual frontages, at front to Blackbutt Road and at rear to Warili Road. Please seek comments from Council's traffic team for the construction vehicle movements.</p> |
| Traffic Engineer               | <p><b><i>Supported, subject to conditions.</i></b></p> <p>No objection to the proposed demolition of structures on this land subject to conditions</p>  |

| External Referral Body                                    | Comments   |
|---|--|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | <p><b><i>Supported, subject to conditions.</i></b></p> <p>The proposal was referred to Ausgrid who provided a response</p> |

| External Referral Body | Comments  |
|------------------------|---|
|                        | stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards, SafeWork NSW Codes of Practice and conditions provided by Ausgrid. Compliance with this referral will be included as a condition of consent. |

## **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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

### **SEPP (Resilience and Hazards) 2021**

#### **Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential and commercial purposes (as a disability services and support facility, including residential accommodation) for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the proposed demolition. The suitability of future uses would be assessed within future development applications.

### **Warringah Local Environmental Plan 2011**

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

#### **Principal Development Standards**

This Development Application does not seek consent for the construction of new buildings or subdivision, just demolition of existing site structures. Therefore, there are no applicable numerical WLEP 2011 Principal Development Standards.

#### **Compliance Assessment**

| Clause                          | Compliance with Requirements |
|---------------------------------|------------------------------|
| 2.7 Demolition requires consent | Yes                          |
| 6.2 Earthworks                  | Yes                          |
| 6.4 Development on sloping land | Yes                          |

#### Detailed Assessment

#### **6.4 Development on sloping land**

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

#### Comment:

The subject site is mapped within both Landslip Risk Map Area A and B. A preliminary geotechnical assessment is not required as this application is only for the demolition of existing site structures, in preparation for future development of the site. No building works are proposed. Future development of the site may require further geotechnical investigation, to be assessed with a separate DA.

This application has been assessed by Council's Development Engineers, who raise no geotechnical or stormwater issues with the proposed demolition, subject to conditions. Therefore, Council is satisfied that the development will not result in adverse impacts on the above.

#### **Warringah Development Control Plan**

#### Built Form Controls

This Development Application does not seek consent for the construction of new buildings or subdivision, just demolition of existing site structures. Therefore, there are no applicable numerical WDCP Built Form Controls.

#### Compliance Assessment

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A.5 Objectives                                  | Yes                          | Yes                         |
| C7 Excavation and Landfill                      | Yes                          | Yes                         |
| C8 Demolition and Construction                  | Yes                          | Yes                         |
| C9 Waste Management                             | Yes                          | Yes                         |
| D3 Noise  | Yes                          | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation | Yes                          | Yes                         |
| E2 Prescribed Vegetation                        | Yes                          | Yes                         |
| E6 Retaining unique environmental features      | Yes                          | Yes                         |

| Clause            | Compliance with Requirements | Consistency Aims/Objectives |
|-------------------|------------------------------|-----------------------------|
| E10 Landslip Risk | Yes                          | Yes                         |

#### Detailed Assessment

### **E10 Landslip Risk**

The subject site is mapped within both Landslip Risk Map Area A and B. A preliminary geotechnical assessment is not required as this application is only for the demolition of existing site structures, in preparation for future development of the site. No building works are proposed. Future development of the site may require further geotechnical investigation, to be assessed with a separate DA.

This application has been assessed by Council's Development Engineers, who raise no geotechnical or stormwater issues with the proposed demolition, subject to conditions. Therefore, Council is satisfied that the development will not result in adverse geotechnical impacts.

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

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

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

### **POLICY CONTROLS**

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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$8,000 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$800,000.

### **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah 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

## **PLANNING CONCLUSION**

This proposal, for demolition of all existing structures on site, has been referred to the Development Determination Panel (DDP) as the application has received submissions from five (5) unique households by way of objection.

Concerns raised in the objections predominantly relate to the amenity impacts of demolition works, tree removal / environmental concerns and future development of the site. These concerns have been adequately considered and are not sufficient to warrant refusal of the application.

Critical assessment issues included consideration of community submissions, as well as consideration of referral responses from internal Council referral teams. These included issues related to tree removal, which were raised by Council's Landscape team and Bushland and Biodiversity team. Ultimately, as conditioned, this application would only permit the removal of exempt species (which may be removed without Council permission regardless), and the removal of eight (8) prescribed trees (Trees 10, 23, 28, 60, 64, 101, 114 and 137) which are in close proximity to structures to be demolished. Council has imposed conditions requiring other existing prescribed trees, some of which the applicant sought to remove, to be retained and protected by fencing during the demolition of structures. Furthermore, tree replacement planting is conditioned to compensate for the removal of prescribed native trees. As conditioned, Council's Landscape team and Bushland and Biodiversity team are both supportive of the proposal. Any further tree removal proposed in applications for future development or subdivision of the site shall be considered under future Development Applications.

The proposal is recommended for approval, subject to conditions.

## **REASON FOR DETERMINATION**

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2024/0081 for Demolition of all existing structures on site on land at Lot 1 DP 524083, 21 A Warili Road, FRENCHS FOREST, Lot 1 DP 1298188, 49 Blackbutts Road, FRENCHS FOREST, subject to the conditions printed below:

## **Terms and Reasons for Conditions**

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

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans |                 |                         |               |                 |
|----------------|-----------------|-------------------------|---------------|-----------------|
| Plan Number    | Revision Number | Plan Title              | Drawn By      | Date of Plan    |
| 24076<br>2/4   | D               | Overall Demolition Plan | Sekisui House | 16 January 2024 |
| 24076<br>3/4   | D               | Demolition Plan (1:200) | Sekisui House | 16 January 2024 |
| 24076<br>4/4   | D               | Demolition Plan (1:200) | Sekisui House | 16 January 2024 |

| Approved Reports and Documentation      |                |                                       |                  |
|---|----------------|---------------------------------------|------------------|
| Document Title                          | Version Number | Prepared By                           | Date of Document |
| Arboricultural Impact Assessment Report | 2              | The Tree Guardian                     | 17 March 2024    |
| Flora and Fauna Assessment for Demo DA  | Final          | Kingfisher Urban Ecology and Wetlands | April 2024       |
| Demolition Work Plan                    | -              | ACE Civil                             | 22 August 2023   |
| Demolition Waste Management Plan        | -              | Atlas Demolition Group.               | 30 January 2024  |

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

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

### 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference            | Dated  |
|--|---------------------------|--|
| Ausgrid                                | Ausgrid Referral Response | 08/03/2024 (on EDMS)<br>7 March 2024 (on document) |

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

**3. Prescribed conditions (Demolition):**

(a) 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 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
- (ii) 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.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

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

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

(c) 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.

Reason: Legislative Requirement.

**4. General requirements (Demolition):**

(a) Unless authorised by Council:

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 a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. 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) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )

(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.

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

## **FEES / CHARGES / CONTRIBUTIONS**

**5. Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$8,000.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning &

Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$800,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

## **6. Security Bond**

A bond (determined from cost of works) of \$5,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

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

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **7. Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Tree Protection Plan.

The Project Arborist shall be in attendance and supervise all works as nominated in the Tree Protection Plan. All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been

satisfied, and the works under the approved Tree Protection Plan listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

**8. Tree Removal Within the Property**

This consent approves the removal of existing prescribed trees on the subject site as listed below:

- a) tree numbers 10, 23, 28, 60, 64, 101, 114 and 137,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

**9. Tree Protection Plan**

a) a Tree Protection Plan shall be submitted to the Certifier for approval prior to any commencement of works on site, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, to protect the following trees:

- i) tree numbers 1 to 5, 7 to 22, 25, 27, 29 to 31, 34 to 39, 41 to 43, 44, 46 to 50, 52 to 55, 57, 59, 67, 71, 74, 75, 77, 79, 81 to 86, 88, 89, 91, 96, 99, 100, 120, 121, 140, 141, 143, 145 to 149.

b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) location of all trees identified for retention,
- ii) access routes throughout the site for construction activity,
- iii) location of tree protection fencing / barriers,
- iv) root protection in the form of mulching or boards proposed within the tree protection zone,
- v) trunk and branch protection within the tree protection zone,
- vi) location of stockpile areas and materials storage,
- vii) other general tree protection measures.

Reason: Tree protection.

**10. Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.

- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

#### 11. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to commencement of works on the site.

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

Reason: To protect native vegetation.

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

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

1. Council’s relevant development control plan,

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

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

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

**13. Compliance with standards (Demolition):**

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 Council prior to the commencement of demolition works.

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

## DURING BUILDING WORK

**14. Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Tree Protection Plan or Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a

protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,

ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,

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

The Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Tree Protection Plan or Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

**15. Pre-clearance Survey - Certified by Project Ecologist**

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier.

Reason: To protect native wildlife.

**16. Wildlife Protection**

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

Reason: To protect native wildlife.

**17. Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

**18. Replacement of Canopy Trees**

At least 6 locally native canopy trees are to be planted and will include at least 2 (two) *Corymbia gummifera* and 1 (one) *Eucalyptus botryoides* on the site to replace native protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

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

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

Reason: To establish appropriate native landscaping.

**19. Road Reserve**

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

Reason: Public safety.

**20. Implementation of Demolition Traffic Management Plan**

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

**21. Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

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

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

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

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

**23. Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

25. **Priority Weed Removal and Management**

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier.

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