

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/1338
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<b>Responsible Officer:</b>	Gareth David
<b>Land to be developed (Address):</b>	<p>Lot 1 DP 662920, 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 5 DP 45114, 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 7 DP 45114, 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot A DP 339874, 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 1 DP 986894, 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 2 DP 986894, 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 3 DP 986894, 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 150 DP 1003518, 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 191 DP 1039481, 1825 Pittwater Road BAYVIEW NSW 2104</p>
<b>Proposed Development:</b>	Construction of water harvesting and sub-surface drainage of golf course fairways
<b>Zoning:</b>	RE2 Private Recreation
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Bayview Golf Club Ltd
<b>Applicant:</b>	Bayview Golf Club Ltd

<b>Application Lodged:</b>	09/08/2021
<b>Integrated Development:</b>	Yes
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	10/11/2021 to 10/12/2021
<b>Advertised:</b>	05/11/2021
<b>Submissions Received:</b>	54
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

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<b>Estimated Cost of Works:</b>	\$ 181,500.00
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## PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for stormwater harvesting and irrigation works to the existing Bayview Golf Club. The works will collect, divert, store, filter and distribute water into the golf course landscape. This will require trenching for installation of power and drainage and pressured pipework, which will connect into existing in-ground services and storage ponds.

The proposal is divided into 10 zones which includes subsurface drainage methods to existing ponds and creeks. The proposal includes underground pump stations and a underground 10,500L holding tank.

The proposal would include associated excavation and tree removal to accommodate the proposed works.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone RE2 Private Recreation

Pittwater Local Environmental Plan 2014 - 5.10 Heritage conservation

Pittwater Local Environmental Plan 2014 - 5.21 Flood planning

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.3 Flood planning

Pittwater Local Environmental Plan 2014 - 7.4 Floodplain risk management

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater Local Environmental Plan 2014 - Schedule 5 Environmental heritage

Pittwater 21 Development Control Plan - B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014

- Pittwater 21 Development Control Plan - B1.4 Aboriginal Heritage Significance
- Pittwater 21 Development Control Plan - B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- Pittwater 21 Development Control Plan - B4.13 Freshwater Wetlands (non Endangered Ecological Communities)
- Pittwater 21 Development Control Plan - B4.14 Development in the Vicinity of Wetlands
- Pittwater 21 Development Control Plan - B4.15 Saltmarsh Endangered Ecological Community
- Pittwater 21 Development Control Plan - B4.19 Estuarine Habitat
- Pittwater 21 Development Control Plan - B4.22 Preservation of Trees and Bushland Vegetation
- Pittwater 21 Development Control Plan - B5.13 Development on Waterfront Land
- Pittwater 21 Development Control Plan - B5.15 Stormwater
- Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill
- Pittwater 21 Development Control Plan - C5.1 Landscaping
- Pittwater 21 Development Control Plan - C5.10 Protection of Residential Amenity
- Pittwater 21 Development Control Plan - C5.17 Pollution control
- Pittwater 21 Development Control Plan - C5.21 Plant, Equipment Boxes and Lift Over-Run

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 1 DP 662920 , 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 5 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 7 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot A DP 339874 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 1 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 2 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 3 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 150 DP 1003518 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 191 DP 1039481 , 1825 Pittwater Road BAYVIEW NSW 2104</p>
<b>Detailed Site Description:</b>	<p>The subject site consists of twelve (12) allotments collectively known as 1825 Pittwater Road, Bayview and 52 Cabbage Tree Road, Bayview.</p> <p>The site is currently occupied by Bayview Golf Course ('the site') is located at the southern end of Pittwater Waterway. The site is split into two portions divided by Cabbage Tree Road, bordered by Cabbage Tree Road, Pittwater Road, Darley Street West, and Parkland Road. A large watercourse is located on the north-eastern corner of the site.</p> <p>The overall site comprises an area of approximately 367,725m<sup>2</sup> (36.8ha). It is irregular in shape, and is predominantly used for the purposes of fairways and greens associated with the golf club building. The clubhouse is</p>

located on Lot 300 in DP1139238, directly adjoining and accessed from Pittwater Road. The site is located within the RE2 Private Recreation zone.

There is a principal water course running through the course known in Council records as Cahill Creek, which discharges into Winnererremy Bay. The site contains a large number of canopy trees and vegetation. The site contains Swamp Oak Floodplain Forest EEC and Swamp Sclerophyll Forest EEC.

### Detailed Description of Adjoining/Surrounding Development

The site (beyond the golf course boundary) is characterised by predominantly single and two storey dwelling houses, as well as a number of seniors housing sites that are located in proximity to the site.

Map:



### SITE HISTORY

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

- **PLM2020/0254** - Prelodgement for construction of a stormwater harvesting and irrigation
- **DA2017/1274** - Construction of Seniors Housing consisting of 95 units including golf course upgrades and infrastructure works - Refused 2019
- **N0062/12** - Alterations and additions to the existing clubhouse including a new gaming area. - Approved July 2021
- **N0402/06** - Realignment and reconfiguration of Bayview Golf Course including alterations and additions of buildings, construction of a pond, landscaping works, cut and fill and construction of infrastructure and roads - Approved November 2007
- **N0460/06** - Construction of a new Club House - Approved December 2006

## APPLICATION HISTORY

31/08/2021

Council wrote to the applicant, raising concerns primarily in relation to:

- Acid Sulfate soils and the requirement of a Acid Sulfate Soils Management Plan
- Geotechnical Report requirement

18/10/2021

A Geotechnical report and Acid Sulfate Soils Assessment and Management Plan was submitted to address Council's Concerns

05/11/2021

The application was re-notified and Advertised as 'Nominated Integrated Development' as a Controlled Activity Approval is required from the Natural Resources Access Regulator under s91 of the Water Management Act 2000 and an Aquifer Interference Approval is required from WaterNSW under s91 of the Water Management Act 2000. The application was also referred to these bodies.

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for recreational purposes for an extended period of time. The proposed development retains the recreational use of the site, and is not considered a contamination risk.
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 have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 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>

Section 4.15 Matters for Consideration	Comments
	<p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to a Geotechnical Report and Acid Sulfate Report.</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 has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 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 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 has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<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>	<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 considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

A portion of the site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

The application is for only for stormwater infrastructure and does not propose built or habitable structures. As such no bushfire report was required in this instance. Nevertheless, the proposal was referred to NSW Rural Fire Service for comment. NSW RFS raised no concerns or issues in relation to bush fire

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 10/11/2021 to 10/12/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 54 submission/s from:

Name:	Address:
Mr Steven Liles	18 Parkland Road MONA VALE NSW 2103
Mr Edward Jon Humphrey	20 Parkland Road MONA VALE NSW 2103
Mr Gary James Thomson	1 / 9 Narabang Way BELROSE NSW 2085
Jane Anne George	208 / 102 Darley Street West MONA VALE NSW 2103
Mr Brian Frederick Cranch	106 / 102 Darley Street West MONA VALE NSW 2103
Mr Gary James O'Brien	316 / 102 Darley Street West MONA VALE NSW 2103
Mr Richard John David	204 / 102 Darley Street West MONA VALE NSW 2103
Mr Nicholas Patrick Durrant	101 / 102 Darley Street West MONA VALE NSW 2103
Mr Christopher John Gillett	27 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Mr Marten Touw	3 Plateau Road AVALON BEACH NSW 2107
Terrence Joseph Stone	301 / 102 Darley Street West MONA VALE NSW 2103
Jack O'Mahony	Address Unknown
Robyn Maree Pitt	212 / 102 Darley Street West MONA VALE NSW 2103
Alan Reid	103 / 102 Darley Street West MONA VALE NSW 2103
Mr Stuart De Jong	201 / 102 Darley Street MONA VALE NSW 2103
Mr Peter William Byrne	80 Narrabeen Park Parade MONA VALE NSW 2103
Robert Charles Cook	Po Box 184 MONA VALE NSW 1660
Mrs Gillian Elizabeth Wood	20 Hastings Street WARRIEWOOD NSW 2102
Ms Irene Newport	21 Bilgola Avenue BILGOLA BEACH NSW 2107
Mr Jonny Baird Morgan	309 / 102 Darley Street West MONA VALE NSW 2103
Mrs Patricia Jessie Imrie	27 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100

<b>Name:</b>	<b>Address:</b>
Gillett	
Mr Glenn Allen Wade	22 Darius Avenue NORTH NARRABEEN NSW 2101
Mrs Karen Elizabeth Dipper	C/- Vaughan Milligan Development Consulting Pty Ltd Po Box 49 NEWPORT NSW 2106
Mr Roger Ernest Gordon Smith	304 / 102 Darley Street West MONA VALE NSW 2103
Mr David Bertram Davison	202 / 102 Darley Street West MONA VALE NSW 2103
Paul Millar	306 / 102 Darley Street West MONA VALE NSW 2103
Mr Stephen Wykeham Balme	209 / 102 Darley Street West MONA VALE NSW 2103
Ian Mcdonald	Address Unknown
Chris Green	302 / 102 Darley Street West MONA VALE NSW 2103
Brian Robert Gilbert	9 / 147 - 149 Darley Street West MONA VALE NSW 2103
Mrs Catherine Susan Whiddon	12 / 50 Parkland Road MONA VALE NSW 2103
Mrs Annette Lorraine Williams	110 / 102 Darley Street West MONA VALE NSW 2103
Phillip Andrew Pitt	212 / 102 Darley Street West MONA VALE NSW 2103
Mr Julian Gordon Owens	32 Couatts Crescent COLLAROY NSW 2097
Mrs Beverley Therese Jenkinson	5 / 55 - 57 Darley Street East MONA VALE NSW 2103
Mrs Sandra Margaret Cook	104 / 102 Darley Street West MONA VALE NSW 2103
Mr Kenneth Campbell Pardey	27 Wollombi Road BILGOLA PLATEAU NSW 2107
Mark Everingham	15 Alexandra Crescent BAYVIEW NSW 2104
Mr Mark Andrew Corbett-Jones	7 Vesper Street MONA VALE NSW 2103
Mr Martin Ian Alfonso	Po Box 320 MONA VALE NSW 1660
Mrs Jennifer Margaret O'Brien	37 Alexandra Crescent BAYVIEW NSW 2104
Mr Christopher Anthony Stephenson	1 / 129 - 131 Darley Street West MONA VALE NSW 2103
Mr Patrick Albert Purchase	2 Carramar Grove TERREY HILLS NSW 2084
Mr Dieter Friedrich Kammerl	33 Alexandra Crescent BAYVIEW NSW 2104
Mr David Edward Ineson	133 Powderworks Road ELANORA HEIGHTS NSW 2101
Mrs Dianne Maree Hoschke	6 Canungra Place ELANORA HEIGHTS NSW 2101
Mr Stephen Bourke Whitfield	7 Thomas Street NORTH MANLY NSW 2100
Mr Grahame Leo Tate	C/- Vaughan Milligan Development Consulting Pty Ltd 47 Beaconsfield Street NEWPORT NSW 2106
Robert Lang	Address Unknown
Mrs Joanna Edwina Green	205 / 102 Darley Street West MONA VALE NSW 2103
Mary Lynne De Jong	201 / 102 Darley Street West MONA VALE NSW 2103
Mr Christopher John Green	205 / 102 Darley Street West MONA VALE NSW 2103
Mr Stephen James Matthews	15 A Carlton Street FRESHWATER NSW 2096



Name:	Address:
Ms Miranda Maragret Korzy	80 Wandeen Road CLAREVILLE NSW 2107

A total of 54 submissions were received by Council (not including multiple submissions from the same people). Out of the 54 submissions, 47 submissions were in support of the proposal and 7 objected to the proposal.

The following issues were raised in the submissions:

- Potential impacts of flooding to adjoining residential properties**

The submissions raised concerns that the proposed works would move surface water away from the golf course closer to adjacent housing which would result in increased flooding impacts. The submission also raised concern that the proposal would alter the flood regime of the site and water flow. Further concern was also raised that the proposed pump system will transfer floodwater in the direction towards housing and away from the fairways without failsafes.

Comment:

The proposal has been reviewed by Council's Floodplain Team and Coasts and Catchments Team, who have raised no objections to the proposal. Council's Flood Engineers have specified that the proposed stormwater harvesting and irrigation system at Bayview Golf Course is located largely below ground and is not expected to have any impact on the flood regime for the site and that the proposed works will not change the existing drainage regime of the golf course or the flood behaviour in the catchment during flood events. The golf course is in a floodplain at the bottom of a large upstream catchment and that the proposed works (that are mainly underground) will not change the upstream flows arriving at the golf course. The applicant has informed Council's Floodplain Team that the proposal will include sensors at the spill way of the silt pond and irrigation dam to ensure that the primary pump stops transferring water when full. Overall, Council's Floodplain Team are satisfied that the proposal would not result adverse flooding impacts to adjoining properties.

The application is also supported by a Estuarine Risk and Water Management report prepared by Horton Coastal Engineering which specifies that *"the proposal is simply transferring shallow depths of ponding water after rainfall via subsurface agricultural drainage in selected areas of the course to ponds and Cahill Creek. It will not significantly alter the water table level averaged over the entire course, noting that irrigation of the course will continue to be undertaken and that all ponds on the course are unlined (and hence are linked to the groundwater system). The proposal will not change the physical features (geomorphology) of Cahill Creek as it will not significantly alter the water level or water velocity in the creek."*

- Coastal Hazard risk**

The submissions raised concerns that the proposal would result in increased coastal hazard risk.

Comment:

This matter has been addressed within SEPP (Coastal Management) 2018 of this report.

In summary, the proposal has been reviewed by Council's Coastal Officer who is satisfied that the proposed works would cause increased risk of coastal hazards on the subject site or other surrounding land. The application is also supported by a Estuarine Risk and Water Management

report prepared by Horton Coastal Engineering which specifies that the proposal would comply with the requirements of this clause and that *"The golf course is located landward (upstream) of tidal gates and hence would not generally interact with estuarine (coastal) processes."*

- **Acid Sulfate Soils and potential impacts**

The submissions raised concerns with potential impacts of Acid Sulfate soils and its impacts to surrounding biodiversity and natural environment. Concern was also raised with measures to insure that the submitted Acid Sulfate Soil Management Plan was complied with.

Comment:

The application is supported by a Acid Sulfate Soil Management Plan (ASSMP) which provides recommendations to control, treat and mitigate impacts of Acid Sulfate soils during the development. The report specifies that provided the ASSMP is implemented, acidic soil conditions should not restrict the proposed development. The ASSMP has been reviewed by Council's Environmental Health Officer who has raised no objection subject to conditions and compliance with the ASSMP.

Multiple conditions have also been imposed to ensure the requirements of the ASSMP are complied with including written certification from a suitably qualified person and required record keeping which is to be made available upon Council request.

- **Noise impacts and acoustic privacy**

The submissions raised concerns with potential noise impacts associated with the water pumps

Comment:

The submitted Statement of Environmental Effects indicates that the only source of noise associated with the development would be from the electric water pumps. The pumping stations are proposed to be underground, in concrete enclosures and have been positioned centrally on the golf course, away from any residential receivers.

Nevertheless, to mitigate potential noise impacts, if approved conditions are to be imposed on any consent to ensure that prior to the issuing of an occupation certificate, the water pumps, pumping stations and any other sound producing plant, equipment and/or machinery is to be acoustically treated and housed in a soundproof enclosures so that it does not emit any noise louder than 5dB (A) above background noise at the nearest residential receiver. A ongoing condition is also recommended to ensure that all sound producing plant, equipment, machinery or fittings and the use of the water harvesting and drainage system, including the pumps and pumping stations, must be installed and operated at times so as to not cause 'offensive noise' as defined by the Protection of the Environments Operation Act 1997.

- **Concern with unauthorised building of toilet block**

The submissions raised concerns that:

*"the golf club built toilets near the pond with the increased pump noise earlier this year but we received no notice of that proposed development (& I do not see the building on the current maps & views of the golf course) "*

Comment:

The subject development application does not approve or authorise any existing works onsite, including any toilets. No approval is granted under this consent for additional toilets. Concerns regarding unauthorised works should be directed to Council's Compliance Department for further investigation and action if required.

If approved, a condition of consent is to be imposed to ensure that this consent does not approve or authorise any existing works on the subject site. This consent is for future drainage works only. Any existing unauthorised works on the site may be liable to compliance action.

- **Concern the golf course will not comply with conditions of consent**

The submissions raised concerns that the golf club would not adhere to recommended conditions of consent of an approval, given alleged failures to comply with previous consents.

Comment:

Principle Certifying Authorities are governing bodies which are responsible for ensuring any conditions of consent have been met. If there are concerns that certain conditions have not been adhered to, a complaint with Council's Compliance department can be made for further investigation and enforcement action if required.

- **Concern dwelling will be built on the subject site**

The submissions raised concerns that the proposal is for residential dwellings

Comment:

The proposal is for drainage works only and does not propose the development of dwellings.

- **Does not comply with provisions of State Environmental Planning Policy (Coastal Management) 2018**

The submissions raised concerns that the proposal does not comply with the provisions of State Environmental Planning Policy (Coastal Management) 2018

Comment:

This matter has been addressed within SEPP (Coastal Management) 2018 of this report. In summary, the proposal is considered to meet the provisions of this SEPP subject to conditions of consent requiring all the "zone 4" works to be deleted from the plans and that no works are to occur within the areas mapped as a coastal wetland.

The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management Officer, Environmental Health and Bushland & Biodiversity Officer who have raised no objection to the works and associated impacts to the surrounding Coastal environment and wetlands. The application is also supported by a Estuarine Risk and Water Management report prepared by Horton Coastal Engineering which specifies that the proposal would comply with the provisions of State Environmental Planning Policy (Coastal Management) 2018 and that the proposed works would "*not adversely affect the biophysical, hydrological (surface and groundwater) and ecological environments*".

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management Plan and Arborist report and appropriate protection of trees.

- **Impacts to wetlands and biodiversity**

Comment:

The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management Officer, Environmental Health and Bushland & Biodiversity Officer who have raised no objection to the works and associated impacts to the surrounding wetland environment and associated biodiversity (subject to conditions). The application is also supported by a Estuarine Risk Management and Water Management Report prepared by Horton Coastal Engineering which specifies that "*the water levels in Cahill Creek and the watercourse to the north of Zone 4, which are the main drivers of surface water and*

*groundwater levels in the “coastal wetlands” areas, would not be altered as a result of the proposed works. Furthermore, no vegetation is to be removed in these areas. Therefore, the proposed works would not be expected to adversely impact on the biophysical, hydrological nor ecological integrity of the coastal wetlands”*

This report also specifies that:

*"The quantity of surface and ground water flows to and from the adjacent coastal wetlands would not be significantly altered. The agricultural drains are to be wrapped in drainage material and geofabric, so sediment is unlikely to be conveyed along these drains, and the quality of surface and ground water flows to and from the adjacent coastal wetland is unlikely to be altered."*

As discussed within, *SEPP (Coastal Management) 2018* of this report, no works are permitted within the Coastal wetland under this consent. As such, a condition of consent is to be included which requires the deletion of “Zone 4” works. The deletion of these works would ensure no works will occur within a area designated as a coastal wetland.

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management and Arborist reports and appropriate protection of trees.

- **Notification**

The submissions raised concerns that residents who live to adjacent to Winnererremy Bay, Bayview and Southern Pittwater should be notified of the development.

Comment:

The proposal has been notified to adjoining properties in line with Northern Beaches Community Participation Plan. The Application was also exhibited as Advertised Development.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p><b>General Comments</b></p> <p>Acid Sulfate Soil analysis and management plan (ASSMP) provided and reviewed. We support the application on the grounds that the ASSMP will be followed where and when excavation works are required.</p>
Environmental Health (Contaminated Lands)	<p><b>General Comments</b></p> <p>Environmental Health considered the impacts of the proposed drainage system on public and environmental health outcomes with regard to exposure of contaminants. We are satisfied with the conclusions in the Estuarine Risk Management and Water Management reports, that the works will not adversely impact water quality discharged into the environment or as a public health risk on the golf course. Of the re-used water, 'surface fairway puddling will be pumped to a silt collection pond to be treated'.</p>

Internal Referral Body	Comments
	<p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p>This application is for the construction of new stormwater harvesting and irrigation system for the existing Bayview Golf Club.</p> <p>Councils Landscape Referral section has considered the application against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:</p> <ul style="list-style-type: none"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C5.1 Landscaping</li> </ul> <p>The Statement of Environmental Effects provided with the application notes that the proposal will require the removal of a number of trees, and for this reason an Arboricultural Impact Assessment has been provided.</p> <p>The Arboricultural Impact Assessment has identified and assessed a total for forty five trees, of which only four have been proposed for removal. These trees proposed for removal include Tree No. 1, 24, 25 and 44, all of which are native canopy trees. Tree No. 1 has been identified as a non-habitat dead tree, with a low retention value. Both Trees No. 24 and 25 have been identified as suppressed with poor structural condition, fair vigour as well as a very low safe useful life expectancy. For this reason, Trees No. 24 and 25 have a low retention value. Finally, Tree No. 44 has also been identified as being in poor structural condition, fair vigour, however has a medium safe useful life expectancy. Despite this, a low retention value has been given. Considering the low value and overall poor condition of these trees, Landscape Referral supports the removal of these trees subject to them being replaced as per recommendations made in the Arboricultural Impact Assessment. Other recommendations made by the Arboricultural Impact Assessment that must be adhered to include: the supervision of all works by a Project Arborist, tree protective fencing, as well as ground and trunk protection. These recommendations are to ensure proposed works do not have any negative impacts to both the short-term and long-term health of these trees. The retention of the remaining trees is vital to satisfy control B4.22, as key objectives of this control include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".</p> <p>The landscape component of the proposal is therefore supported subject to the protection of existing trees, as well as the planting of an additional four trees to replace those removed.</p>

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related controls:</p> <ul style="list-style-type: none"> <li>• Biodiversity Conservation Act 2016</li> <li>• Koala Habitat Protection SEPP (2021)</li> <li>• Pittwater LEP cl. 7.6 Biodiversity Protection</li> <li>• Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</li> <li>• Pittwater 21 DCP cl. B4.13 Freshwater Wetlands (non Endangered Ecological Communities)</li> <li>• Pittwater 21 DCP cl. B4.14 Development in the Vicinity of Wetlands</li> <li>• Coastal Management SEPP 2018 cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest</li> <li>• Coastal Management SEPP 2018 cl. 13 Development on land within the coastal environment area</li> </ul> <p>The Development Application seeks consent for the installation of a new stormwater harvesting and irrigation system to the existing Bayview Golf Club.</p> <p>The Arboricultural Impact Assessment (Bellevue Tree Consultants, March 2021) submitted with the application, recommends the removal of four (4) <i>Casuarina glauca</i> trees (Trees 1, 24, 25, 44) due to their location which is partially within the excavated area for proposed service trenching. The Arborist has identified that these trees have a low retention value and are generally in poor condition.</p> <p>Native vegetation has been mapped within the subject site, and the trees proposed for removal are either remnant or planted species that are consistent with Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest, both of which are Endangered Ecological Communities listed under the Biodiversity Conservation Act 2016 (BC Act). Swamp Oak Floodplain Forest is also listed as Endangered under the Environment Protection and Biodiversity Conservation Act 1999 (APBC Act).</p> <p>A Biodiversity (Flora and Fauna) Report was not submitted with the application, however Council's biodiversity referrals team have reviewed the documentation submitted, and confirm that the Biodiversity Offset Scheme (BOS) is not triggered by the development and a Biodiversity Development Assessment Report (BDAR) is not required to be submitted with the application. A 5-part test has been prepared for Swamp Oak Floodplain Forest EEC and Swamp Sclerophyll Forest EEC which concluded that there would be no significant impact on either EEC as a result of the removal of four (4) <i>Casuarina glauca</i> trees from within the subject site. In relation to the Koala Habitat Protection SEPP (2021), the development is not likely to have any impact on koalas or koala habitat, therefore a Koala</p>

Internal Referral Body	Comments
	<p>Assessment Report is not required to be prepared by the applicant.</p> <p>Replacement planting within the subject site is to be undertaken at a ratio of 2:1 (replaced to lost), and is to be comprised entirely with <i>Casuarina glauca</i> individuals to ensure consistency with existing vegetation within the site.</p> <p>Subject to these conditions of consent, Council's Biodiversity referrals team are satisfied that the proposed development complies with the above listed legislation and controls.</p>
NECC (Coast and Catchments)	<p>The DA proposes installation of subsurface drainage and storm water harvesting at Bayview Golf Club. 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 the coastal relevant requirements of Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b> The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to the proposed development. The proposed development is considered to be consistent with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b> The proposed development site has been included on the 'Coastal Environment Area', 'Coastal Use Area' and 'Coastal Wetlands and Littoral Rainforests Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 10, 11, 13, 14 and 15 of the CM SEPP apply for this DA. On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report (prepared by Vaughan Milligan Development Consulting Pty Ltd), the proposed development is considered to satisfy the relevant requirements under clauses 13, 14 and 15 of the CM SEPP. Planner please note that the requirements of the CM SEPP in regard to the Coastal Wetlands and Littoral Rainforests Area have been addressed in the Natural Environment Referral Response - Biodiversity for this DA. As such, it is considered that the DA does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b> <b>Estuarine Hazard Management</b> The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3 Estuarine Hazard Controls will apply to any proposed development of the site. An estuarine risk management report prepared by Horton Coastal</p>

Internal Referral Body	Comments
	<p>Engineering Pty Ltd dated 1 August 2021, defines an independently derived estuarine planning level (EPL) for the site of RL 1.73m AHD over a proposed design life of 25 years. The report concludes that for events more severe than about 2% AEP, catchment flooding produces more elevated water levels than the EPL. As the higher level, the FPL and relevant flood controls will therefore prevail and the conditions applied in the Natural Environment Referral Response - Flood for this DA are supported.</p> <p>As such it is considered that the proposed development satisfies the relevant requirements of the Estuarine Risk Management Policy and Estuarine Hazard Controls subject to conditions herein as well as those applied in the Natural Environment Referral Response - Flood.</p>
NECC (Development Engineering)	<p>No objections to approval. <i>Note to planner: Please refer to Catchment team for comments as ponding area may need treatment.</i></p> <p><b>Additional Information Received on 18/10/2021</b> The geotechnical report has been reviewed. The Geotechnical Report by Martens Consulting Engineers dated 18/10/2021 classifies the risk as low and Form 1 has been provided. No objections to approval. <i>Note to Planner: Please include the Geotechnical Report by Martens Consulting Engineers dated 18/10/2021 as part of the approved documents.</i></p>
NECC (Riparian Lands and Creeks)	<p>The Development Application seeks consent for the installation of a new stormwater harvesting and irrigation system to the existing Bayview Golf Club.</p> <p>The application has been assessed in consideration of Pittwater 21 DCP noting that consent has also to be gained from NSW Department of Planning, Industry and Environment under a controlled activity permit (approval is required under the provisions of the Water Management Act 2000).</p> <p>Pittwater 21 DCP B5.13 Development on Waterfront Land controls The aim of the DCP controls are: -Protection of waterways and improved riparian health -Stormwater and creek flows are safely managed -Appropriate setback between waterways and development</p> <p>This site is within Cahill Creek floodplain and drains to the coastal zone of Pittwater . The development must not significantly impact on the biophysical, hydrological or ecological integrity of these waters, or on the quantity and quality of surface and ground water flows to the ocean and beachfront.</p> <p>Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover reestablished.</p> <p>The documentation submitted for the project is considered satisfactory and the project impacts are acceptable.</p> <p>The development application is subject to conditions, refer to Water</p>



Internal Referral Body	Comments
	Management referral for applicable conditions.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed stormwater harvesting and irrigation system at Bayview Golf Course is located largely below ground and is not expected to have any impact on the flood regime for the site. The scheme is located completely within flood prone land so conditions are included to ensure it does not include filling of the land and that electrical components are appropriately waterproofed.
NECC (Water Management)	<p>The Development Application seeks consent for the installation of a new stormwater harvesting and irrigation system to the existing Bayview Golf Club.</p> <p>The application has been assessed in consideration of Pittwater 21 DCP noting that consent has also to be gained from NSW Department of Planning, Industry and Environment under a controlled activity permit (approval is required under the provisions of the Water Management Act 2000).</p> <p>Pittwater 21 DCP B5.13 Development on Waterfront Land controls The aim of the DCP controls are: -Protection of waterways and improved riparian health -Stormwater and creek flows are safely managed -Appropriate setback between waterways and development</p> <p>This site is within Cahill Creek floodplain and drains to the coastal zone of Pittwater . The development must not significantly impact on the biophysical, hydrological or ecological integrity of these waters, or on the quantity and quality of surface and ground water flows to the ocean and beachfront.</p> <p>Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover reestablished.</p> <p>The documentation submitted for the project is considered satisfactory and the project impacts are acceptable.</p> <p>The development application is subject to conditions.</p>
Strategic and Place Planning (Heritage Officer)	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	<p>This application has been referred as it contained a heritage item, being <b>Item 2270484 - Concrete statues at Bayview Golf Course, 1825 Pittwater Road, Bayview</b>, listed as a local heritage item in Schedule 5 of Pittwater LEP 2014. the concrete elephant statues are located near the clubhouse on the 18th green.</p>
	Details of heritage items affected
Details of the heritage item, as contained within the Heritage	

Internal Referral Body	Comments																		
	<p>Inventory, are:  <b>Item 2270484 - Concrete statues at Bayview Golf Course, 1825 Pittwater Road, Bayview</b>  <u>Statement of Significance</u>            This group of three concrete elephant statues are the only remnants of the early phase of the Bayview Golf Course, when the land was owned by the Orr family. They are aesthetically and historically significant as representative of creative endeavour in the early development of Bayview and are associated with the sculptors Harold and Mabel Squires. Listing includes only the concrete statues. The Bayview Golf Course is not part of the listing.</p> <p><b>Other relevant heritage listings</b></p> <table border="1" data-bbox="520 775 1431 1317"> <thead> <tr> <th data-bbox="520 775 842 808">Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</th> <th data-bbox="842 775 930 808">No</th> <th data-bbox="930 775 1431 808">Comment if applicable</th> </tr> </thead> <tbody> <tr> <td data-bbox="520 920 842 987">Australian Heritage Register</td> <td data-bbox="842 920 930 987">No</td> <td data-bbox="930 920 1431 987"></td> </tr> <tr> <td data-bbox="520 987 842 1055">NSW State Heritage Register</td> <td data-bbox="842 987 930 1055">No</td> <td data-bbox="930 987 1431 1055"></td> </tr> <tr> <td data-bbox="520 1055 842 1122">National Trust of Aust (NSW) Register</td> <td data-bbox="842 1055 930 1122">No</td> <td data-bbox="930 1055 1431 1122"></td> </tr> <tr> <td data-bbox="520 1122 842 1234">RAIA Register of 20th Century Buildings of Significance</td> <td data-bbox="842 1122 930 1234">No</td> <td data-bbox="930 1122 1431 1234"></td> </tr> <tr> <td data-bbox="520 1234 842 1301">Other</td> <td data-bbox="842 1234 930 1301">No</td> <td data-bbox="930 1234 1431 1301"></td> </tr> </tbody> </table> <p><b>Consideration of Application</b></p> <p>This application is for water harvesting and sub-surface drainage works to improve the golf course fairways in times of heavy rain. Details of the proposed works are provided on plans by Chrisp Consulting (dated 17/03/2021) and specifically Sheet C124 shows proposed drainage works in the vicinity of the heritage item. This plan shows that the works will not affect the heritage item and therefore there will be no direct impact from these works. However, the concrete elephant statues must be protected at all times during construction, to ensure they are not damaged.</p> <p><b><i>Therefore, no objections are raised on heritage grounds, subject to a condition requiring protection of the statues during construction.</i></b></p> <p><u>Consider against the provisions of CL5.10 of PLEP 2014:</u>            Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A            Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N/A</p> <p><b>Further Comments</b></p> <p>COMPLETED BY: Janine Formica, Heritage Planner</p>	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Comment if applicable	Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	No	
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Other	No																		

Internal Referral Body	Comments
	DATE: 20 April 2022

External Referral Body	Comments
Nominated Integrated Development – WaterNSW - Water Management Act 2000 (s91 Permit for Temporary Construction Dewatering)	Water NSW has provided General Terms of Approval which have been included in the conditions of consent.
Nominated Integrated Development – Natural Resources Access Regulator - Water Management Act 2000 (s91 Controlled Activity Approval for works within 40m of watercourse)	As the proposed works are within 40m of a creek line, the proposal was referred NSW Natural Resources Access Regulator who have raised no objection to the proposed works subject to conditions and the requirement for Controlled Activity approval to be issued prior to any works. This will be conditioned within any consent.

### **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 recreational purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the recreational land use.

#### **SEPP (Infrastructure) 2007**

##### Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who raised no objections.

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

The site is classified as land within the coastal wetlands and littoral rainforests area / land in proximity to coastal wetlands or littoral rainforest / land within the coastal environment area / land within the coastal use area under the State Environmental Planning Policy (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

#### **10 Development on certain land within coastal wetlands and littoral rainforests area**

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
  - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
  - (c) *the carrying out of any of the following:*
    - (i) *earthworks (including the depositing of material on land),*
    - (ii) *constructing a levee,*
    - (iii) *draining the land,*
    - (iv) *environmental protection works,*
  - (d) *any other development.*

Comment:

Based on Clause 10(1)(iii) of SEPP Coastal, “draining the land” may be carried out on land identified as “coastal wetlands” with development consent.

However, Clause 10(2) of SEPP Coastal specifies that *“Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.”*

Two sections of the subject site is mapped as Coastal Wetlands. These Coastal Wetland areas are located adjacent the proposed “Zone 4” works. The submitted plans indicate that the proposed drainage works would encroach into this Coastal Wetland mapped area. As specified above, Clause 10 (subclause 2) of the Coastal SEPP requires that works within wetlands area to be classified as designated development. The application has not been submitted as designated development and insufficient information has submitted to assess these works within the coastal wetlands as designated development. As such, the proposed works within “Zone 4” cannot be approved under this application. Hence, if approved, a condition of consent is to be imposed requiring all the “zone 4” works to be deleted from the plans and that no works are to occur within the areas mapped as a coastal wetland.

Subject to these recommended conditions, no development will be permitted within the Coastal Wetland mapped area.

## **11 Development on land in proximity to coastal wetlands or littoral rainforest**

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

### Comment:

The “proximity area for coastal wetlands” areas at Bayview Golf Club extend over Zones 3, 4, 8, 9 and 10.

The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management Officer, Environmental Health and Bushland & Biodiversity Officer who have raised no objection to the works and associated impacts to the surrounding wetland environment (subject to conditions). The application is also supported by a Estuarine Risk Management and Water Management Report prepared by Horton Coastal Engineering which states that the proposed works would meet the requirements of this clause and would not "*would not adversely impact on the biophysical, hydrological nor ecological integrity of the coastal wetlands*". This report specifies that "*the water levels in Cahill Creek and the watercourse to the north of Zone 4, which are the main drivers of surface water and groundwater levels in the “coastal wetlands” areas, would not be altered as a result of the proposed works. Furthermore, no vegetation is to be removed in these areas. Therefore, the proposed works would not be expected to adversely impact on the biophysical, hydrological nor ecological integrity of the coastal wetlands*"

*This report also specifies that:*

*"The quantity of surface and ground water flows to and from the adjacent coastal wetlands would not be significantly altered. The agricultural drains are to be wrapped in drainage material and geofabric, so sediment is unlikely to be conveyed along these drains, and the quality of surface and ground water flows to and from the adjacent coastal wetland is unlikely to be altered."*

As above, a condition of consent is to be imposed on any consent requiring all the "zone 4" works to be deleted from the plans and that no works are to occur within the areas mapped as a coastal wetland.

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management Plan and Arborist report and appropriate protection of trees.

## **12 Development on land within the coastal vulnerability area**

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of*

- the building or works, and*
- (b) *the proposed development:*
- (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

Comment:

N/A

**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 reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management Officer, Environmental Health and Bushland & Biodiversity Officer who have raised no objection to the works and associated impacts to the surrounding Coastal environment (subject to conditions). The application is also supported by a Estuarine Risk and Water Management report prepared by Horton Coastal Engineering which specifies that the proposal would comply with the requirements of this clause and would "*not adversely affect the biophysical, hydrological (surface and groundwater) and ecological environments*".

The proposal was also referred to NSW Officer of Water and NSW Natural Resources Access Regulator who have raised no objection to the proposed works subject to conditions and the requirement for Controlled Activity approval to be issued prior to any works.

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management Plan and Arborist report and appropriate protection of trees. The Arboricultural Impact Assessment (Bellevue Tree Consultants, March 2021) submitted with the application, recommends the removal of four (4) *Casuarina glauca* trees (Trees 1, 24, 25, 44) due to their location which is partially within the excavated area for proposed service trenching. The Arborist has identified that these trees have a low retention value and are generally in poor condition.

The proposed works would not impact on public open space and access to and along the foreshore, being entirely within private property.

The proposed works are unlikely to result in impacts to Aboriginal Heritage. The location of proposed works are not located upon aboriginal mapped areas. The landscape has also been heavily modified to facilitate the existing golf course. If approved a condition is to be imposed to ensure that should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds.

- (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 reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management Officer, Environmental Health and Bushland & Biodiversity Officer who have raised no objection to the works and associated impacts to the surrounding Coastal environment (subject to conditions).

As such, it is considered the proposed development has been designed and sited to avoid the adverse impacts referred to in Clause 13(1).

As above, a condition of consent is to be imposed on any consent requiring all the "zone 4" works to be

deleted from the plans and that no works are to occur within the areas mapped as a coastal wetland.

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management Plan and Arborist report and appropriate protection of trees.

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

- (1) (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 consists of underground drainage works and is not considered to have a adverse impact on the matters identified within this clause.

**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:

The proposal has been reviewed by Council's Coastal Officer who is satisfied that the proposed works would cause increased risk of coastal hazards on that land or other land. The application is also supported by a Estuarine Risk and Water Management report prepared by Horton Coastal Engineering which specifies that the proposal would comply with the requirements of this clause and that "*The golf course is located landward (upstream) of tidal gates and hence would not generally interact with estuarine (coastal) processes.*"

As such, subject to conditions, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

**Pittwater Local Environmental Plan 2014**

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

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Less than 8.5m (works would be at and below ground level)	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.4 Floodplain risk management	Yes
7.6 Biodiversity protection	
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes
Schedule 5 Environmental heritage	

#### Detailed Assessment

##### **Zone RE2 Private Recreation**

The proposed drainage works are considered ancillary to the Recreation facilities (outdoor) use (golf course) of the site. As such the works are permitted with consent.

##### **5.10 Heritage conservation**

The subject site contains a heritage item, being **Item 2270484 - Concrete statues at Bayview Golf Course, 1825 Pittwater Road, Bayview**, listed as a local heritage item in Schedule 5 of Pittwater LEP 2014. the concrete elephant statues are located near the clubhouse on the 18th green. As such, the proposal has been referred to Council's Heritage Officer.

Please refer to Council Strategic and Place Planning (Heritage Officer) referral comments in this report for further details. In summary, Council's Heritage Officer has recommended approval as the proposal would not result in impact to the heritage item. Conditions have been imposed to ensure the concrete elephant statues are protected at all times during construction, to ensure they are not damaged. As the proposal will have no direct and/or adverse impacts on the heritage item, the objectives of the control will be satisfied and the proposal is therefore considered to be satisfactory and supportable.

## 5.21 Flood planning

The development has been assessed by Council's Flood Engineers and Coastal Engineers. The Engineers have raised no objections to approval, subject to conditions.

## 7.1 Acid sulfate soils

Clause 7.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 2, 3 and 5, as indicated on Council's Acid Sulfate Soils Planning Map.

Works below the natural ground surface and/or works by which the watertable is likely to be lowered within a Class 2 acid sulfate soil area are required to be assessed to determine if any impact will occur.

Works at depths beyond 1.0m below the natural ground surface and/or works by which the watertable is likely to be lowered more than 1.0 metre below the natural ground surface within a Class 3 acid sulfate soil area are required to be assessed to determine if any impact will occur.

The development proposes to excavate the site to approximately 3m below the natural ground level. As such, a Preliminary Acid Sulfate Soil Assessment has been undertaken by Martens & Associates Pty Ltd dated 17/10/2021. In the assessment, Martens & Associates Pty Ltd found that A Acid Sulfate Soil Management Plan (ASSMP) is required to address risks associated with PASS and potential acid generation during site works.

In this regard, Martens & Associates Pty Ltd advise that an Acid Sulfate Soil Management Plan (ASSMP) is considered to be necessary for the development of the site. A Acid Sulfate Soil Management Plan was provided with the application and reviewed by Council's Environmental Health Officer who support the application on the grounds that the ASSMP will be followed. This is to be conditioned within any consent. Multiple conditions are also to be imposed to ensure the requirements of the ASSMP are complied with including written certification from a suitably qualified person and required record keeping which is to be made available upon Council request.

## 7.2 Earthworks

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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

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

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

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

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

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

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

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

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

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

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(f) the likelihood of disturbing relics*

Comment: The site is not mapped as being a potential location of Aboriginal or other relics. A condition is imposed to ensure that should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds.

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

Comment: The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management, Environmental Health, Development Engineer and Bushland & Biodiversity Officer who have raised no objection to the works and their impacts to the surrounding natural environment.

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

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

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

Comment:

The proposed earth works will not result in an adverse impact on adjoining heritage items (Concrete statues at Bayview Golf Course)

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

### 7.3 Flood planning

The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions.

#### **7.4 Floodplain risk management**

The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from the subject site.

#### **7.6 Biodiversity protection**

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

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

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

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

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

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

Comment:

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

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

Comment:

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

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

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

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

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

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the development is designed, sited and will be

managed to any significant adverse environmental impact.

## 7.7 Geotechnical hazards

Under Clause 7.7 Geotechnical Hazards, 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:

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

### Comment:

The proposed development is supported by a geotechnical risk assessment, architectural plans, an excavation plan, and stormwater management plans that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:

- (a) 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*

### Comment:

The proposed development is supported by a geotechnical risk assessment and stormwater management plans that demonstrate waste water, stormwater and drainage are suitably managed on site. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

*(b) the consent authority is satisfied that:*

- (i) 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*
- (ii) 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*
- (iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.*

### Comment:

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. As such, Council can be satisfied that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

## Schedule 5 Environmental heritage

The subject site contains a heritage item, being **Item 2270484 - Concrete statutes at Bayview Golf Course, 1825 Pittwater Road, Bayview**, listed as a local heritage item in Schedule 5 of Pittwater LEP 2014, the concrete elephant statutes are located near the clubhouse on the 18th green. As such, the proposal has been referred to Council's Heritage Officer.

Please refer to Council Strategic and Place Planning (Heritage Officer) referral comments in this report for further details. In summary, Council's Heritage Officer has recommended approval as the proposal would not result in impact to the heritage item. Conditions have been imposed to ensure the concrete elephant statues are protected at all times during construction, to ensure they are not damaged. As the proposal will have no direct and/or adverse impacts on the heritage item, the objectives of the control will be satisfied and the proposal is therefore considered to be satisfactory and supportable.

## Pittwater 21 Development Control Plan

### Built Form Controls

The proposal provides for stormwater infrastructure only. The works would be predominantly below ground. As such Pittwater DCP controls are not applicable in this instance.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	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
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B4.13 Freshwater Wetlands (non Endangered Ecological Communities)	Yes	Yes
B4.14 Development in the Vicinity of Wetlands	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.5 Rainwater Tanks - Business, Light Industrial and Other Development	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.2 Safety and Security	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.5 Accessibility	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C5.7 Energy and Water Conservation	Yes	Yes
C5.10 Protection of Residential Amenity	Yes	Yes
C5.15 Undergrounding of Utility Services	Yes	Yes
C5.17 Pollution control	Yes	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C5.21 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes

#### Detailed Assessment

#### **B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014**

The subject site contains a heritage item, being **Item 2270484 - Concrete statutes at Bayview Golf Course, 1825 Pittwater Road, Bayview**, listed as a local heritage item in Schedule 5 of Pittwater LEP 2014. the concrete elephant statutes are located near the clubhouse on the 18th green. As such, the proposal has been referred to Council's Heritage Officer.

Please refer to Council Strategic and Place Planning (Heritage Officer) referral comments in this report for further details. In summary, Council's Heritage Officer has recommended approval as the proposal would not result in impact to the heritage item. Conditions have been imposed to ensure the concrete elephant statues are protected at all times during construction, to ensure they are not damaged. As the proposal will have no direct and/or adverse impacts on the heritage item, the objectives of the control will be satisfied and the proposal is therefore considered to be satisfactory and supportable.

#### **B1.4 Aboriginal Heritage Significance**

The proposed works are unlikely to result in impacts to Aboriginal Heritage. The location of proposed works are not located upon aboriginal mapped areas. The landscape has also been heavily modified to facilitate the existing golf course. If approved a condition is to be imposed to ensure that should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds.

#### **B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor**

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval subject to conditions. Therefore, Council can be satisfied that the development will not result in unreasonable impact to wildlife or biodiversity. Please refer to NECC Bushland and Biodiversity division comments under the 'Referral' section of this report for further discussion.

#### **B4.13 Freshwater Wetlands (non Endangered Ecological Communities)**

The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management Officer and Bushland & Biodiversity Officer who have raised no objection to the works and

associated impacts to the surrounding wetland environment (subject to conditions).

As discussed within SEPP (Coastal Management) 2018 of this report, no works are permitted within the Coastal wetland under this consent. As such, a condition of consent is to be included which requires the deletion of "Zone 4" works. The deletion of these works would ensure no works will occur within a area designated as a coastal wetland.

#### **B4.14 Development in the Vicinity of Wetlands**

The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management Officer and Bushland & Biodiversity Officer who have raised no objection to the works and associated impacts to the surrounding wetland environment (subject to conditions). The application is also supported by a Estuarine Risk Management and Water Management Report prepared by Horton Coastal Engineering which specifies that *"the water levels in Cahill Creek and the watercourse to the north of Zone 4, which are the main drivers of surface water and groundwater levels in the "coastal wetlands" areas, would not be altered as a result of the proposed works. Furthermore, no vegetation is to be removed in these areas. Therefore, the proposed works would be not be expected to adversely impact on the biophysical, hydrological nor ecological integrity of the coastal wetlands"*

This report also specifies that:

*"The quantity of surface and ground water flows to and from the adjacent coastal wetlands would not be significantly altered. The agricultural drains are to be wrapped in drainage material and geofabric, so sediment is unlikely to be conveyed along these drains, and the quality of surface and ground water flows to and from the adjacent coastal wetland is unlikely to be altered."*

As discussed within, SEPP (Coastal Management) 2018 of this report, no works are permitted within the Coastal wetland under this consent. As such, a condition of consent is to be included which requires the deletion of "Zone 4" works. The deletion of these works would ensure no works will occur within a area designated as a coastal wetland.

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management Plan and Arborist report and appropriate protection of trees in order to protect adjoining wetland environments.

#### **B4.15 Saltmarsh Endangered Ecological Community**

The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Water Management Officer and Bushland & Biodiversity Officer who have raised no objection to the works and associated impacts to the surrounding Saltmarsh environment (subject to conditions). The application is also supported by a Estuarine Risk Management report and Acid Sulfate Soil Management Plan. The recommendations of this report are to be included within any consent.

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management Plan and Arborist report and appropriate protection of trees in order to protect adjoining wetland environments.

#### **B4.19 Estuarine Habitat**

The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Environmental Health, Water Management Officer and Bushland & Biodiversity Officer who have raised no objection to the works and associated impacts to the surrounding Estuarine environment (subject to conditions).



The application is also supported by a Estuarine Risk and Water Management report and Acid Sulfate Soil Management Plan. The recommendations of this report are to be included within any consent.

The Estuarine Risk Management and Water Management Report prepared by Horton Coastal Engineering also specifies that *"proposal is simply transferring shallow depths of ponding water after rainfall via subsurface agricultural drainage in selected areas of the course to ponds and Cahill Creek. The proposal will not change the physical features (geomorphology) of Cahill Creek as it will not significantly alter the water level or water velocity in the creek."*

The report also specifies that:

*"The broader works away from the wetlands would also not significantly alter the water table level averaged over the entire course, and hence would not adversely affect the biophysical, hydrological (surface and groundwater) and ecological environments. The proposed works would not be a source of pollution as long as appropriate construction environmental controls are applied."*

The proposal was also referred to NSW Officer of Water and NSW Natural Resources Access Regulator who have raised no objection to the proposed works subject to conditions and the requirement for Controlled Activity approval to be issued prior to any works.

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management and Arborist reports and appropriate protection of trees.

#### **B4.22 Preservation of Trees and Bushland Vegetation**

The application is accompanied by an Aboricultural Impact Assessment Report to address the proposed tree removal. This report has been reviewed by Council's Landscape Officer and Biodiversity Team, with each referral team satisfied the proposal will not have an unacceptable impact, subject to conditions and adherence to each report as required by the recommended conditions of consent. Refer to Council's Landscape Officer and NECC Bushland and Biodiversity division comments under the 'Referral' section of this report for further discussion.

Subject to compliance with recommended conditions, the application is seen to meet the outcomes of this clause and is supported on merit

#### **B5.13 Development on Waterfront Land**

The proposal has been reviewed by Council's Coastal Officer, Riparian Lands Officer, Environmental Health, Water Management Officer, Development Engineer and Bushland & Biodiversity Officer who have raised no objection to the proposed works and associated impacts to adjoining waterways (subject to conditions). The application is also supported by a Estuarine Risk Management and Water Management Report prepared by Horton Coastal Engineering which specifies that *"The proposal will not change the physical features (geomorphology) of Cahill Creek as it will not significantly alter the water level or water velocity in the creek."*

The proposal was also referred to NSW Officer of Water and NSW Natural Resources Access Regulator who have raised no objection to the proposed works subject to conditions and the requirement for Controlled Activity approval to be issued prior to any works.

Appropriate conditions have been imposed to mitigate impacts during construction including erosion and sediment control, compliance with the Acid Sulfate Soil Management and Arborist reports and appropriate protection of trees.

### **B5.15 Stormwater**

The application has been reviewed by Council's Development Engineer, Coastal Officer, Riparian Lands Officer, Water Management Officer, who is supportive of the proposal, subject to conditions of consent. As such, Council can be satisfied that the proposed development has been designed, sited, and will be managed to meet the requirements of this control.

### **B8.1 Construction and Demolition - Excavation and Landfill**

The proposed development and associated excavation works is supported by a geotechnical risk assessment that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

### **C5.1 Landscaping**

The application is accompanied by an Aboricultural Impact Assessment Report to address the proposed tree removal. This report has been reviewed by Council's Landscape Officer and Biodiversity Team, with each referral team satisfied the proposal will not have an unacceptable impact, subject to conditions and adherence to each report as required by the recommended conditions of consent. Refer to Council's Landscape Officer and NECC Bushland and Biodiversity division comments under the 'Referral' section of this report for further discussion.

Subject to compliance with recommended conditions, the application is seen to meet the outcomes of this clause and is supported on merit

### **C5.10 Protection of Residential Amenity**

The proposed stormwater and drainage infrastructure is not anticipated to result in any impact upon adjoining residential amenity. The electric pumps, the only source of noise, are proposed to be underground, in concrete enclosures and have been positioned centrally on the golf course, away from any residential receivers.

Nevertheless, to mitigate potential noise impacts, if approved conditions are to be imposed on any consent to ensure that prior to the issuing of an occupation certificate, the water pumps, pumping stations and any other sound producing plant, equipment and/or machinery is to be acoustically treated and housed in a soundproof enclosures so that it does not emit any noise louder than 5dB (A) above background noise at the nearest residential receiver. A ongoing condition is also recommended to ensure that all sound producing plant, equipment, machinery or fittings and the use of the water harvesting and drainage system, including the pumps and pumping stations, must be installed and operated at times so as to not cause 'offensive noise' as defined by the Protection of the Environments Operation Act 1997.

### **C5.17 Pollution control**

The proposal has been reviewed by Council's Environmental Health Officer who has raised no objection to the proposal in regards to pollution subject to recommended conditions.

### **C5.21 Plant, Equipment Boxes and Lift Over-Run**

The electric pumps, the only source of noise, are contained in concrete tanks. The tanks are not in close proximity to any residential dwellings and are therefore not anticipated any acoustic privacy impacts. Conditions of consent are to be imposed to ensure that no acoustic impacts occur form

adjoining residential receivers.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2021**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$ 908 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 181,500.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2021/1338 for Construction of water harvesting and sub-surface drainage of golf course fairways on land at Lot 1 DP 662920, 52 Cabbage Tree Road, BAYVIEW, Lot 5 DP 45114, 52 Cabbage Tree Road, BAYVIEW, Lot 7 DP 45114, 52 Cabbage Tree Road, BAYVIEW, Lot A DP 339874, 1825 Pittwater Road, BAYVIEW, Lot 1 DP 986894, 1825 Pittwater Road, BAYVIEW, Lot 2 DP 986894, 1825 Pittwater Road, BAYVIEW, Lot 3 DP 986894, 1825 Pittwater Road, BAYVIEW, Lot 150 DP 1003518, 1825 Pittwater Road, BAYVIEW, Lot 191 DP 1039481, 1825 Pittwater Road, BAYVIEW, 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>
C110 Rev.F - ZONE MAP AREAS & GENERAL WORKS	17/03/2021	Chrisp Consulting
C111 Rev.F - ZONE 1 DETAIL PLAN	17/03/2021	Chrisp Consulting
C112 Rev.F - ZONE 2 DETAIL PLAN	17/03/2021	Chrisp Consulting
C113 Rev.F - ZONE 3 DETAIL PLAN	17/03/2021	Chrisp Consulting
C115 Rev.D - ZONE 5 DETAIL PLAN	17/03/2021	Chrisp Consulting
C116 Rev.D - ZONE 6 DETAIL PLAN	17/03/2021	Chrisp Consulting
C117 Rev.D - ZONE 7 DETAIL PLAN	17/03/2021	Chrisp Consulting
C118 Rev.D - ZONE 8 DETAIL PLAN - SHEET 1 OF 2	17/03/2021	Chrisp Consulting
C119 Rev.D - ZONE 8 DETAIL PLAN - SHEET 2 OF 2	17/03/2021	Chrisp Consulting
C120 Rev.D - ZONE 9 DETAIL PLAN - SHEET 1 OF 3	17/03/2021	Chrisp Consulting
C121 Rev.D - ZONE 9 DETAIL PLAN - SHEET 2 OF 3	17/03/2021	Chrisp Consulting
C122 Rev.D - ZONE 9 DETAIL PLAN - SHEET 3 OF 3	17/03/2021	Chrisp Consulting
C123 Rev.D - ZONE 10 DETAIL PLAN - SHEET 1 OF 2	17/03/2021	Chrisp Consulting
C124 Rev.D - ZONE 10 DETAIL PLAN - SHEET 2 OF 2	17/03/2021	Chrisp Consulting
C200 Rev.B - PUMP STATION AND GENERAL WORKS DETAILS	23/02/2021	Chrisp Consulting

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>

C130 Rev.C - TYPICAL SEDIMENT & EROSION CONTROL PLAN & DETAILS	17/03/2021	Chrisp Consulting
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<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>
Arboricultural Impact Assessment Report (BGC9221)	19/03/2021	Bellevue Tree Consultants
Estuarine Risk Management and Water Management Report	01/08/2021	Horton Coastal Engineering Pty Ltd
Acid Sulfate Soil Assessment Report (P2108485JR02V01)	17/10/2021	Martens & Associates Pty Ltd
Acid Sulfate Soil Management Plan (P2108485JR03V01)	17/10/2021	Martens & Associates Pty Ltd
Geotechnical Assessment Report (P2108485JR01V01)	18/10/2021	Martens & Associates Pty Ltd

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Excavation & Fill Plan	-	-
Waste Management Plan	02/08/2021	Vaughan Milligan

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 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:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Natural Resources Access Regulator (NRAR)	NRAR Referral Response - General Terms of Approval (IDAS-2021 10364)	17 March 2022
Water NSW	Water NSW General Terms of Approval (IDAS1143400)	30 May 2022

(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. No Approval for works within Zone 4**

No approval is granted under this Development Consent for any works within the area identified as "zone 4" within the approved plans.

Reason: To ensure compliance with the relevant legislation and environmental protection.

**4. No approval for existing works**

This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries.

Reason: To ensure that this consent grants approval only for future works.

**5. 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.

#### 6. **No approval for works within Coastal Wetlands**

No works are permitted to be carried out on land identified as "coastal wetlands" as identified by State Environmental Planning Policy (Coastal Management) 2018 and its associated mapping and as identified within Estuarine Risk Management and Water Management Report dated 01 August 2021 prepared by Horton Coastal Engineering Pty Ltd.

Reason: Biodiversity and wetland protection

#### 7. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area

affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including



but not limited) to:

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 8. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$907.50 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 2021. The monetary contribution is based on a development cost of \$181,500.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating

compliance are to be submitted to the Principal Certifying Authority.

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

#### 9. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

#### 10. **Flooding**

In order to protect property and occupants from flood risk the following is required:

##### Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 1.92m AHD.

##### Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 2.42m AHD.

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

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

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

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

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

Reason: To protect native vegetation.

12. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

13. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- All works within the area identified as "Zone 4" shall be deleted from the plans.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

14. **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 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.

15. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

16. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

17. **Estuarine Hazard Design Requirements**

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

18. **Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd, dated 1 August 2021 and these recommendations are to be incorporated into construction plans.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

19. **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.

20. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works

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

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

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

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

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

## 21. **Construction site management plan**

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council’s DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

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

## 22. **Project Arborist**

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

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

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

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

i) all demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained.

All tree protection measures specified must:

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

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

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

### 23. **Tree Removal Within the Property**

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) *Casuarina glauca*, located within proposed works Zone 1, Tree No. 1,
- ii) *Casuarina glauca*, located within proposed works Zone 8, Tree No. 24,
- iii) *Casuarina glauca*, located within proposed works Zone 8, Tree No. 25,
- iv) *Casuarina glauca*, located within proposed works Zone 10, Tree No. 44.

Note:

- i) Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.
- ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building works.

### 24. **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.

**25. Temporary Protection Fencing – Exclusion Zones**

Prior to the commencement of any works onsite, temporary mesh construction fencing is to be erected surrounding areas of retained native vegetation on the site.

Details demonstrating compliance must be submitted to the Principal Certifying Authority prior to any commencement.

Reason: To protect native vegetation.

**26. 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

**27. Natural Resources Access Regulator Approval**

Prior to the commencement of any works, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.

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

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

**28. Protection of Landscape Features and Sites of Significance**

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

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

**29. Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 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 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 with minimum AQF Level 5 in arboriculture including advice on root protection measures,
  - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an 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 to the Certifying Authority,
  - viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
  - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
  - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
  - xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.
- c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:
- i) Section 4 - Observations and Discussion,
  - ii) Section 5 - Conclusion,
  - iii) Section 6 - Recommendations,
  - iv) Section 7 - Arboricultural Method Statement.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection

### 30. **Aquatic sediment management**

Environmental safeguards (e.g. silt curtains) are to be used during construction to prevent the



escape of turbid plumes into the aquatic environment. The silt curtains must be carefully placed and secured to ensure they do not drag over any nearby seagrass beds.

The safeguards must be regularly maintained and removed once the works are completed.

Reason: Protection of seagrass.

31. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

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

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

32. **Dewatering Management**

Tailwater (surface water and rainwater): Please contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for more information about permits.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources.

33. **Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

Prior to any works commencing on site, including demolition, 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.

35. **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 Certifying Authority.

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

36. **No Fill in Native Vegetation Areas**

No fill is to be introduced in the area of native vegetation or habitat remaining on the site.

Reason: To ensure the protection of the natural environment.

37. **Site filling - Virgin Excavated Natural Material (VENM)**

Where site fill material is necessary, fill materials must:

1. Be Virgin Excavated Natural Material (VENM) only, as defined in: The Protection of the Environment Operations Act 1997
2. Be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
3. The Applicant shall provide certification by a N.A.T.A. approved laboratory to the Principal Certifying Authority for approval prior to importation of material.

Reason: To ensure protection of the natural environment.

38. **Protection of Concrete Elephant Statues**

The heritage listed concrete elephant statues, located on the 18th green, are to be protected at all times during any construction works.

Reason: To ensure that the heritage listed concrete elephant statues are not damaged.

39. **Acid Sulfate Soils**

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan titled "Stormwater Harvesting and Irrigation Works" dated October 2021 ref. no. P2108485JR03V01.

Reason: To ensure management of potential acid sulfate soils.

40. **Site Contamination Controls – Acid Sulfate Soils**

All stockpiles of potentially contaminated soil must be stored in a secure area in a way that is not likely to cause pollution or be a public health risk.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines.

Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997;
- ii) Environment Protection Authority, *Waste Classification Guidelines* (2014);
- iii) Water Quality Australia, *National Acid Sulfate Soils Guidance* (2018); and
- iv) Acid Sulfate Soil Advisory Committee, *Acid Sulfate Soil Manual* (1998).

Reason: to protect environment and public health.

41. **Stockpiling materials**

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All waste material is to be removed off site and disposed of according to local regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

42. **Aboriginal Heritage**

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

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

Reason: Aboriginal Heritage Protection.

43. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

44. **Storage of Materials on Land Owned or Managed by Council Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

45. **No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

46. **Stockpiling of Topsoil**

During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and are to not to be located in close proximity to waterways or wetland areas. Stockpiles shall not be located within the dripline of existing trees which are to be retained.

Reason: To ensure protection and retention of the Urban Forest/Natural Environment.

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

47. **Required Tree Planting**

Trees shall be planted in accordance with the following:

i) at minimum, 4x *Casuarina glauca* are required to be planted within the site in order to compensate the removal of existing trees. Minimum 75L pot size.

Tree planting shall be located within a 9m<sup>2</sup> deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

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

Reason: To maintain environmental amenity.

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

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

a) compliance to any Arborist recommendations for tree protection generally and during excavation works,

b) extent of damage sustained by vegetation as a result of the construction works,

c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

49. **Protection of Habitat Features**

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

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

Reason: To protect wildlife habitat.

50. **Replacement of Canopy Trees**

At least eight (8) *Casuarina glauca* trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m.

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 Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

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

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2021 – 2026) are to be imported on to the site prior to or during construction works.

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

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

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

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

53. **Waste Management Confirmation**

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

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

54. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management.

55. **Acoustic Treatment**

The water pumps, pumping stations and any other sound producing plant, equipment and/or machinery is to be acoustically treated and housed in a soundproof enclosure so that it does not emit any noise louder than 5dB (A) above background noise at the nearest residential receiver. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure the acoustic amenity of the neighbouring residents.

56. **Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

(a) Arboricultural Impact Assessment Report (BGC9221), dated 19/03/2021, prepared by Bellevue Tree Consultants.

(b) Estuarine Risk Management and Water Management Report, dated 01/08/2021, prepared by Horton Coastal Engineering Pty Ltd.

(c) Acid Sulfate Soil Management Plan (P2108485JR03V01), dated 17/10/2021, prepared by Martens & Associates Pty Ltd.

(d) Geotechnical Assessment Report (P2108485JR01V01), dated 18/10/2021, prepared by Martens & Associates Pty Ltd

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

Reason: To ensure compliance with standards.

57. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

58. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted 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 and any conditions of consent.

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

Reason: To maintain local environmental amenity.

59. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

60. **Replacement of Canopy Trees**

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.

61. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

62. **Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd, dated 1 August 2021 and these recommendations are to be maintained over the life of the development.

Reason: To ensure preservation of the development and the estuarine environment

63. **Water Pollution**

No water pollution shall result from the operation of any plant or equipment or activity carried out.

Reason: Protection of the surrounding environment.

64. **No works within Coastal Wetland mapped areas**

No works are permitted to be carried out on land identified as "coastal wetlands" as identified by State Environmental Planning Policy (Coastal Management) 2018 and its associated mapping and as identified within Estuarine Risk Management and Water Management Report dated 01

August 2021 prepared by Horton Coastal Engineering Pty Ltd.

Reason: Biodiversity and wetland protection

65. **No approval for existing works**

This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries.

This consent does not approve or regularise any existing works or use associated with any completed drainage works, sanitary/toilet facilities, earthworks, golf course reconfiguration or storage tanks.

Reason: To ensure that this consent grants approval only for future works.

66. **Noise**

All sound producing plant, equipment, machinery or fittings and the use of the water harvesting and drainage system, including the pumps and pumping stations, must be installed and operated at times so as to not cause 'offensive noise' as defined by the Protection of the Environments Operation Act 1997. Noise levels from the system and and pumping stations must not exceed 5dBA above background noise when measured from any property boundary and/or the nearest residential receiver.

Reason: To ensure compliance with legislation and to protect the acoustic amenity of neighbouring properties.

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

**Signed**



**Gareth David, Planner**

The application is determined on 07/06/2022, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**