

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/1259
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 12 DP 1119562, 10 Namona Street NORTH NARRABEEN NSW 2101 Lot 3 DP 1018621, 6 Namona Street NORTH NARRABEEN NSW 2101
Proposed Development:	Tree removal and replacement planting of trees at Narrabeen North Public School (NNPS) and Narrabeen Sports High School (NSHS)
Zoning:	SP2 Infrastructure
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	NSW Government - Minister For Education
Applicant:	NSW Department of Education

Application Lodged:	03/08/2022
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Infrastructure
Notified:	19/08/2022 to 16/09/2022
Advertised:	19/08/2022
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 75,055.55
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for tree removal and tree replacement planting at North Narrabeen Public School (NNPS) and Narrabeen Sports High School (NSHS). The proposed tree removal and replacement works are being proposed as early works to facilitate the upgrades and refurbishment of NNPS and NSHS. These upgrade works are being proposed under separate planning pathways including:

- Exempt development;
- Development without Consent (Part 5); and

- Development with Consent (Part 4 Development Application).

Key components of the proposal are as follows:

- Removal of a total of 39 trees (2,673m² tree canopy) comprising the removal of 30 trees at NNPS and nine (9) trees at NSHS.
- Planting of a total of 53 trees (3,314m² tree canopy) comprising the planting of 13 trees at NNPS and 40 trees at NSHS.

The proposed works will increase the total tree canopy on site by 641m².

Figure 1 below depicts the location of the trees to be retained (green), removed (red) and the proposed location of the new trees (blue).

Figure 1: Tree Reclamation Plan



ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

Pittwater 21 Development Control Plan - B4.22 Preservation of Trees and Bushland Vegetation

SITE DESCRIPTION

Property Description:	Lot 12 DP 1119562 , 10 Namona Street NORTH NARRABEEN NSW 2101 Lot 3 DP 1018621 , 6 Namona Street NORTH NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site consists of two (2) allotments, being Lot 3 of DP 1018621 (6 Namona Street) and Lot 12 DP 1119562 (10 Namona Street), located on the western end of Namona Street, North Narrabeen.</p> <p>6 Namona Street accommodates North Narrabeen Public School (NNPS) and 10 Namona Street accommodates Narrabeen Sports High School (NSHS).</p> <p>The characteristics of each allotment is described below as follows:</p> <p><u>6 Namona Street</u></p> <p>NNPS has a total site area of 23,750m². The site is irregularly shaped with a street frontage to Namona Street of 92m. The site topography rises in the centre of the site, with the majority of buildings situated at RL4.3. There are a</p>

number of buildings situated at NNPS, including the local and state heritage listed structures known as the 'Binishells'.

Other structures include the amphitheatre located on the western part of the site and 19 demountable buildings. The main open play space is at the northern end of the site, along with a multi-purpose sports court.

Vegetation on the site includes a mixture of native and exotic species. Vegetation along the southern boundary of the site has been identified as the vegetation community 'South-Coast Sands Bangalay Forest' (PCT 4027).

10 Namona Street

NSHS has a total site area of 74,710m². The site is irregularly shaped with a street frontage to Namona Street of approximately 250m and a street frontage to Pittwater Road of 266m. The site topography is relatively flat with most of the school buildings located at RL2.3. There are a number of buildings located at NSHS.

The site includes two large sports fields along with multi-purpose sports courts.

Vegetation on the site is characterised by scattered trees. Vegetation along Mullet Creek (to the west of the school) is characterised as 'Swamp Oak Swamp Forest fringing estuaries, Sydney Basin Bioregion & South East Corner Bioregion (PCT 3638)'.

Description of Surrounding Area

Existing development within the immediate vicinity of the site includes the Northern Beaches Indoor Sports Centre (NBISC) located to the west of NNPS and Warriewood Valley Sports Ground located to the north-west. Immediately adjoining the eastern boundary of NNPS are low density residential properties which are located on Oak Street. South of NSHS is the Pittwater Sports Centre (PSC). To the west of the site is Mullet Creek which flows into the Narrabeen Lagoon. East of the site is Pittwater Road, Narrabeen Lagoon and public reserves as well as commercial buildings.

Map:



SITE HISTORY

Both properties have been used for the purposes of education establishments for an extended period of time. A search of Council's records has revealed the following relevant history:

6 Namona Street

- **Development Application N0213/05** for new building containing new canteen, covered learning area and toilets approved by Council on 4 July 2005.
- **Development Application N0509/15** for installation of two demountable classrooms approved by Council on 30 March 2016.
- **Development Application DA2020/0395** for the installation of a demountable building withdrawn by the applicant.

10 Namona Street

- **Complying Development Certificate CDC0016/12** for construction of a building trade centre including refurbishment of existing workshop & construction of new outdoor work area approved by a Private Certifier on 10 February 2012.

APPLICATION HISTORY

Council's Planning Assessment Officer, Biodiversity Officer and Landscape Officer undertook a site inspection on 12 October 2022.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are</p>

Section 4.15 Matters for Consideration	Comments
and economic impacts in the locality	addressed under the Pittwater 21 Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions were received.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 19/08/2022 to 16/09/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The development application is for tree removal and replacement planting of trees at Narrabeen North Public School and Narrabeen Sports High School, and associated works, as described and illustrated in the reports and plans. Council's Landscape Referral section have assessed the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls (but not limited to): <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping

Internal Referral Body	Comments
	<p>• D14 Warriewood Locality</p> <p>An Arboricultural Impact Assessment (AIA) is included in the application and will be assessed as part of the Landscape Referral. The Statement of Environmental Effects notes that the plans are indicative only, therefore it shall be noted that the Landscape Referral is assessing the impact of the provided information only, and any future tree removal shall be completed through the appropriate application process.</p> <p><u>Narrabeen North Public School</u></p> <p>The AIA identifies 30 trees proposed for removal. Of these 30 trees, 15 are of high retention value (including 3 exempt species; trees 63, 73 and 74), 9 are of medium retention value (including 3 exempt species; trees 77, 79 and 159), and 6 are of low retention value (including 4 exempt species; trees 66, 85, 137 and 164). Landscape Referral can support the removal of these 30 aforementioned trees. All other trees shown to be retained shall be protected as outlined in the AIA and the conditions of consent. Exempt species do not require consent for removal.</p> <p>A further 21 trees have been identified as being able to be retained subject to the recommendations of the Project Arborist and final detailed design. During detailed design these trees should be used as a design constraint prioritising their retention, and in particular those trees of a high retention value. It should be noted that of these 21 trees 5 are of medium retention value (trees 46, 52, 53, 158 and 162) and 3 are of high retention value although exempt species (trees 57, 59 and 60), and should further trees require removal the design should consider these lower importance trees. None of these trees are approved for removal as part of this application.</p> <p>The area of trees and vegetation labelled as "not part of this assessment" shall be considered in the offset strategy as trees are likely to be impacted, and to ensure there is no net loss of canopy at the completion of the works.</p> <p><u>Narrabeen Sports High School</u></p> <p>The AIA identifies 9 trees for removal of which all are of high retention value. Trees 221, 222, 224, 234 and 235 are all located within 2 metres of an approved dwelling, thus are exempt and do not require consent for removal. Tree 223 is approximately 2.08 metres from Building K. Trees 45 and 46 are of high retention value but are located in the footprint of the future amenities building, and tree 99 is a group of trees of high retention value. The AIA states tree 99 will be potentially impacted by the footprint of the future amenities building and further assessment is required. Tree 99 shall be retained until that further information is provided, therefore their removal is not supported. Landscape Referral can support the removal of trees 45-46, 221-224 and 234-235. All other trees shown to be retained shall be protected as outlined in the AIA and the conditions of consent.</p>

Internal Referral Body	Comments
	<p><u>General Comments</u></p> <p>The Statement of Environmental Effects outlines that some replacement tree planting will occur as early works and the remaining tree planting is to be completed within 2 years of the commencement of works. The indicative plant schedule shows all pot sizes at 100L, which is supported; however, the tree stock that won't be installed as early works shall be pre-ordered to ensure stock is available at the time of planting.</p> <p>A Project Arborist shall be engaged for the duration of the works to supervise all work within tree protection zones of trees to be retained, subject to the imposed conditions. Landscape Referral supports the recommendations in the AIA regarding the involvement of the Project Arborist throughout the detailed design process.</p> <p>The indicative plant list includes <i>Ficus microcarpa</i> which is identified on the Northern Beaches Council Exempt Species list thus it shall be substituted with a suitable native or indigenous alternative.</p>
NECC (Bushland and Biodiversity)	<p>The proposal has been assessed against the following applicable biodiversity-related provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • SEPP (Koala Habitat Protection) 2021 • SEPP (Resilience and Hazards) - Coastal Wetlands and Coastal Wetlands Proximity Area • SEPP (Resilience and Hazards) - Coastal Environment Area • Pittwater LEP Clause 7.6 - Biodiversity Protection • Pittwater DCP Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor <p>The application is for removal of 30 trees from the North Narrabeen Public School (NNPS) site and 9 trees from the Narrabeen Sports High School (NSHS) site. Of the trees proposed for removal, 17 at NNPS and all 9 at NSHS are native. The submitted flora and fauna report confirms that "no native hollow bearing trees will be impacted by the proposed school upgrade". In addition, the submitted arboricultural reports identify a number of trees either to be assessed under an alternative assessment pathway or as able to be retained subject to review of the finalised building works design. These trees are not approved for removal under the current DA.</p> <p>The landscape plans identify 53 new tree plantings to replace the 30 proposed for removal. The species proposed to be planted are considered appropriate, apart from <i>Ficus microcarpa</i> which is to be replaced by a locally native fig species (e.g. <i>Ficus rubiginosa</i> or <i>Ficus coronata</i>).</p> <p>The flora and fauna report confirms that no evidence of koala occupation was found on the site and that none of the threatened</p>

Internal Referral Body	Comments
	<p>ecological communities (TECs) which occur on the site will be impacted by this application. In addition, the report includes tests of significance for the following threatened species in accordance with Section 7.3 of the Biodiversity Conservation Act 2016:</p> <ul style="list-style-type: none"> • Southern Myotis (<i>Myotis macropus</i>) • Fork-tailed Swift (<i>Apus pacificus</i>) • Eastern Freetail Bat (<i>Micronomus norfolkensis</i>) • Eastern Long-eared Bat (<i>Nyctophilus bifax</i>) • Grey-headed Flying Fox (<i>Pteropus poliocephalis</i>) • Powerful Owl (<i>Ninox strenua</i>) <p>The tests of significance conclude that the trees proposed for removal represent a minor proportion of the overall habitat available within the surrounding area and as such, the development will not result in a significant impact to the assessed species. Whilst this conclusion is concurred with, mitigation measures will be required to ensure that wildlife and retained habitat are not harmed during tree clearing works. As the submitted flora and fauna report does not address these measures, a Tree Removal Protocol is to be prepared by the project ecologist to ensure that any wildlife utilising trees to be removed are safely relocated, and important habitat such as hollows are retained. This will be conditioned.</p>
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021 (sections 2.7, 2.8, 2.10, 2.11 & 2.12); and • Relevant LEP and DCP clauses. <p>The application meets the requirements of the relevant Environmental Planning Instruments and policies.</p> <p>It is noted within the Statement of Environmental Effects that no trees are proposed to be removed within the 'coastal wetland area' as mapped under the SEPP (R&H). The SEE also states that the removal of trees within the mapped 'proximity to wetlands area' are not of high biodiversity value, are located within disturbed areas and that removal will not impact on ecological integrity of the surrounding coastal wetlands. This is supported by the Ecological Assessment report prepared by ADE Consulting Group (dated 17 July 202), which advises that measures will be in place to protect the wetland community during works. It is also recognised that additional trees will be planted to offset the removal of existing trees and provide increased amenity.</p> <p>The application is supported subject to conditions:</p> <ul style="list-style-type: none"> • Installation and maintenance of erosion and sediment controls (prior to commencement)
NECC (Riparian Lands and Creeks)	Supported subject to conditions

Internal Referral Body	Comments
	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Relevant LEP and DCP clauses <p>The site is close to land mapped as waterways and riparian. Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The work proposed for the tree removal and replacement planting of trees at Narrabeen North Public School (NNPS) and Narrabeen Sports High School (NSHS). NECC has no objection to the proposal.</p>
NECC (Water Management)	<p>NECC Water Management has no objection to the proposal. Refer to Parks referral for sediment management during construction.</p>
Parks, reserves, beaches, foreshore	<p>The development application is for tree removal and replacement planting of trees at Narrabeen North Public School and Narrabeen Sports High School, and associated works, as described and illustrated in the reports and plans.</p> <p>Narrabeen North Public School adjoins Warriewood Valley Sportsground Reserve and Narrabeen Sports High School adjoins Progress Park Reserve. All development works must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries and prevented from travelling across the boundary and into the aforementioned reserves. No physical encroachments over the site boundaries are permitted.</p> <p>Parks, Reserves and Foreshores raise no concerns with the development proposal subject to imposed conditions.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as 6 Namona Street contains the heritage items known as the 'Binishells'. The double shell known as Building B is on the State Heritage Register while the single shell known as Building A is only a local heritage item under the Pittwater Local Environmental Plan 2014.</p>
	<p>State Heritage Register N0.02037 - Binishell Collection (North Narrabeen Public School, Ashbury Public School, Ku-ring-gai High School)</p> <p>Concrete Geodesic Domes (North Narrabeen Public School)</p>
	Details of heritage items affected
<p>SHR No.2037 - Binishell Collection The Binishell Collection (Department of Education) is of state heritage significance for its historic values as part of the innovative NSW Public Works Binishell Program which successfully and quickly responded to the sudden growth in public schools in NSW</p>	

Internal Referral Body	Comments		
	<p>at the end of the 1960s and through the 1970s.</p> <p>Concrete Geodesic Domes (North Narrabeen Public School) <u>Statement of Significance</u> The concrete geodesic domes are one of a very limited number of Binishells in Australia and one of the few remaining constructed as part of the NSW Department of Public Works building program for schools in the 1970s. This program sought to construct 10 binishells across the state to provide large open floor spaces for schools, using the new construction method invented by Italian architect, Dr Dante Bini. This method of construction has been used around the world, mainly to build houses. These buildings are aesthetically and technically significant as they represent a new method of public building construction in the 1970s. The North Narrabeen Binishells were the first 18 metre domes built in NSW and were one of the first such buildings in NSW public schools.</p> <p><u>Physical Description</u> The project consisted of 2 interconnected domes, which were designed to be used as a library, while a third binishell served as an administration office for the school.</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	Yes	The double shell known as Building B is on the register.
	National Trust of Aust (NSW) Register	Yes	The Binishells are on the Trust's register.
	RAIA Register of 20th Century Buildings of Significance		No
	Other		Both domes are on the Department of Education's S170 Conservation Register
	Consideration of Application		
	<p>The proposal seeks consent for tree removal and replacement plantings at 6 Namona Street (North Narrabeen Public School) and 10 Namona Street (Narrabeen Sports High). These works are to enable future development on both sites including new facilities and classrooms. A Heritage Impact Statement has been supplied with the proposal which has assessed the tree removal works on the public school site and determines them to be supportable. The heritage items are only on the public school site and thus Heritage makes no comment on the works proposed for the high school site.</p>		

Internal Referral Body	Comments
	<p>The proposal indicates that 39 trees are proposed for removal at the public school site, with 13 trees proposed as replacement plantings. The bulk of the trees proposed for removal are located along the western edge of the site and are to enable future buildings including the new hall and administration block, as well the new learning support and GLS building. The removal of these trees allows for the creation of the courtyard around the heritage items with greater setbacks to the new buildings. It also allows for the opening up of views through to the shells from Namona Street. Given this basis, Heritage does not object to the removal of the trees. Heritage does not object to the removal of the tree from the northern boundary either.</p> <p>There is some discrepancy regarding the future of tree 47, located immediately to the south of Building A. The landscape plans and heritage report indicate it is to be removed while the arborist report indicates it is to be retained. Heritage does not object to the removal of tree 47 as it is considered to not be a heritage significant tree. However this matter should be clarified by the applicants.</p> <p>Therefore Heritage raises no objections to the proposal and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? Not for this application. Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Nominated Integrated Development - Heritage NSW - Heritage Act 1977	<p>Heritage NSW have reviewed the application and provided the following comments:</p> <p><i>"HNSW have reviewed the application and supporting documents and note: no trees within the SHR curtilage are included in the proposed works or impacted by the proposed works. Therefore, approval of the proposed tree removal is not required under the Heritage Act 1977, and this referral has been rejected".</i></p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The trees proposed for removal and replacement are located within 'land in proximity to coastal wetlands' and 'the coastal environment area' pursuant to Chapter 2 of this SEPP. Therefore, an assessment against the relevant provisions within Chapter 2 is provided below.

Division 1 Coastal Wetlands and littoral rainforest area

2.8 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 application has been accompanied by an Ecological Assessment report prepared by AED Consulting, which stipulates that the proposed tree removal will not significantly impact on the ecological integrity of the adjacent coastal wetlands and that the works do not involve the removal of endangered ecological communities. Appropriate tree protection measures will be established on site to protect this vegetation during the tree removal works. In addition, the planting of new trees to offset the tree removal will enhance the environmental values of the site.

Council's Natural Environment Officers (Biodiversity Officer, Coastal Officer and Riparian Officer) have reviewed the application and raised no objections in this regard, subject to recommended conditions.

Therefore, the proposal is reasonably sited, designed and will be managed to avoid an adverse impact upon the adjacent coastal wetland.

Division 3 Coastal environment area

2.10 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.*
- 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 subsection (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 proposed tree removal and replacement within the Narrabeen Education Precinct will not adversely

impact on the biophysical, hydrological, and ecological environment or native flora and fauna, noting that Council's Natural Environment Officers are supportive of the proposal, subject to recommended conditions.

Suitable erosion and sediment control measures will be implemented prior to the commencement of works to ensure that there are no impacts on the water quality of the marine estate. No marine vegetation is proposed to be removed.

The proposed tree removal does not impact upon any existing public open space or access to any public open space, nor will the works preclude the use of the surf zone. Furthermore, the works do not impact upon Aboriginal cultural heritage, practices or places, noting that the site is not mapped within an Aboriginal Heritage precinct.

For these reasons, it is concluded that the works are reasonably located and will be managed to mitigate impacts upon the coastal environment.

Division 5 General

2.12 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:

Having regard to the assessment provided above, it is concluded that the development is not likely to cause increased risk of coastal hazards within the locality.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The works are not inconsistent with coastal management programs.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for educational 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the educational land use.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

There are no Principal Development Standards relevant to this application for tree removal.

Compliance Assessment

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes

Detailed Assessment

7.6 Biodiversity protection

Council's Biodiversity Officer concluded that the proposal can be undertaken without significant or serious and irreversible impacts to threatened entities, subject to recommended conditions of consent.

Pittwater 21 Development Control Plan

Built Form Controls

There are no Built Form Controls relevant to this application for tree removal.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.2 Safety and Security	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.10 Protection of Residential Amenity	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	

Detailed Assessment

B4.22 Preservation of Trees and Bushland Vegetation

This application seeks to remove approximately 2,673m² of canopy coverage and replace it with numerous additional trees and plantings throughout the site which will, upon maturity, provide a canopy coverage of 3,314m² (an increase of more than 500m²). This increased canopy, spread across the site, will be beneficial to the streetscape and North Narrabeen wider locale. The difference in age of these trees commensurate to the existing vegetation on site will also ensure that the site has a bushland character in longevity.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- 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 DA2022/1259 for Tree removal and replacement planting of trees at Narrabeen North Public School (NNPS) and Narrabeen Sports High School (NSHS) on land at Lot 12 DP 1119562, 10 Namona Street, NORTH NARRABEEN, Lot 3 DP 1018621, 6 Namona Street, NORTH NARRABEEN, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
LA-0101 (Revision C)	19 July 2022	DesignInc Sydney Pty Limited
LA-0102 (Revision C)	19 July 2022	DesignInc Sydney Pty Limited
LA-0103 (Revision C)	19 July 2022	DesignInc Sydney Pty Limited

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By

Narrabeen Education Precinct - Ecological Assessment Ref. A403021.1595.00	18 July 2022	ADE Consulting Group Pty Ltd.
Assessment of Potential Heritage Impacts (Tree Removal) Ref. H-22027	20 July 2022	City Plan Heritage P/L
Arboricultural Impact Assessment (Narrabeen North Public School)	20 July 2022	Independent Arboricultural Services
Arboricultural Impact Assessment (Narrabeen Sports High School)	18 July 2022	Independent Arboricultural Services

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

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:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	N/A

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

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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 Crown Certifier 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.
- (c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and

- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **General Requirements**

At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Crown Certificate is to remain onsite at all times until the issue of a BCA Crown Completion Certificate. The consent shall be available for perusal of any Authorised Officer.

(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)
- (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 Crown 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.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

7. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment.

- a) The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:
 - i) tree protection measures and works under Narrabeen North Public School and Narrabeen Sports High School Tree Management Plan's,
 - ii) additionally, the Project Arborist shall be in attendance and supervise any landscaping works within the TPZ of all existing trees to be retained.

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

c) All tree protection measures specified must:

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

The Project Arborist shall provide certification to the Crown Certifier 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.

d) 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.

8. **Tree Removal Within the Property**

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

i) Narrabeen North Public School

tree 61 - Lophostemon confertus, tree 62 - Eucalyptus sp., tree 64 - Eucalyptus robusta, tree 65, 67 & 70 - Glochidion ferdinandi, tree 71 - Acacia elata, tree 72 - Eucalyptus saligna, tree 75 - Glochidion ferdinandi, tree 76 - Elaeocarpus sp., tree 78 - Syzygium sp., tree 80 - Angophora costata, tree 81 - Eucalyptus punctata, tree 82 & 83 - Glochidion ferdinandi, tree 84 - Eucalyptus sideroxylon, tree 86 - Glochidion ferdinandi, tree 107 - Melaleuca quinquenervia, tree 161 & 163 - Glochidion ferdinandi,

ii) Narrabeen Sports High School

i) tree 45 - Melaleuca styphelioides, tree 46 - Casuarina glauca, tree 223 - Eucalyptus botryoides,

iii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

9. **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

10. Preparation of a Tree Removal Protocol

The Project Ecologist is to prepare a Tree Removal Protocol which includes the provision of (at a minimum):

- a pre-clearance survey.
- direct supervision of tree removal.
- protocol for rescue of fauna and relocation of log hollow sections onsite to provide fauna habitat.

The Tree Removal Protocol must also include procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance survey.

The Tree Removal Protocol is to be submitted to Council prior to the commencement of tree removal works.

Reason: To protect native wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

All street trees within the road verge 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.

No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

12. Tree and Vegetation Protection

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

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be

retained, unless authorised by 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) or vi) 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 Crown Certifier,
viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
ix) 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, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

The Crown Certifier must ensure that:

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

Reason: Tree and vegetation protection.

13. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from the Project Arborist during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Project Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the

purpose of this clause.

Reason: Protection of trees.

14. **Impacts to Protected Native Wildlife**

Trees approved for removal are to be inspected for native wildlife by the Project Ecologist prior to their removal. If native wildlife is found within habitat to be removed, the wildlife is to be safely relocated by the Project Ecologist or a licensed wildlife rehabilitator.

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

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to Council prior to the conclusion of works.

Reason: To protect native wildlife.

15. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

16. **Relocation of Hollows**

Any hollows in trees approved for removal are to be salvaged and relocated to an area/s of retained native vegetation on the site.

Written certification of compliance is to be prepared by the Project Ecologist and provided to Council.

Reason: To maintain wildlife habitat.

17. **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.

18. **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.

19. **Protection of Council's Public Assets**

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately contact Council's Tree Services section and resolve the matter to Council's satisfaction.

Reason: To protect and/or restore any damaged public asset.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO COMPLETION

20. **Landscape Completion**

Landscaping shall be installed in accordance with:

i) any trees not installed as part of early works shall be pre-ordered at 100L pot size to ensure stock is available at the time of planting.

Reason: Environmental amenity.

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

Prior to the conclusion of works, a report prepared by the Project Arborist shall be submitted to the Crown Certifier, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

22. **Tree Removal Protocol to be Certified as Completed**

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Tree Removal Protocol to Council.

Reason: To protect native wildlife.

23. **Nest Box Installation**

A minimum of 10 nest boxes suitable for the following species are to be installed in retained trees on the site/s:

- o Forest owls x 2
- o Small native birds x 4
- o Microbats x 4

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods). Written certification of compliance is to be prepared by the Project Ecologist and submitted to Council prior to the conclusion of works.

Reason: To replace wildlife habitat approved for removal.

24. **Certification of Landscaping**

New tree plantings are to be completed in accordance with the approved Landscape Plans (DesignInc, 8 June 2022) and Landscape Report (DesignInc, 20 July 2022) and these conditions of consent.

Evidence of compliance is to be prepared by the Landscape Architect and submitted to Council.

Reason: Replacement of trees approved for removal.

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

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

Details demonstrating compliance are to be submitted to Council.

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

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

Signed



Thomas Burns, Planner

The application is determined on 25/11/2022, under the delegated authority of:



Steven Findlay, Manager Development Assessments