

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0718
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Responsible Officer:	Nick Keeler
Land to be developed (Address):	<p>Lot 1 DP 662920, 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 1 DP 19161, 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 6 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> <p>Lot 300 DP 1139238, 1825 Pittwater Road BAYVIEW NSW 2104</p>
Proposed Development:	Renovation of eleven (11) of the existing golf course greens, construction of one (1) new green and removal of trees
Zoning:	RE2 Private Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Bayview Golf Club Ltd
Applicant:	Vaughan Patrick Milligan

Application Lodged:	13/06/2023
Integrated Development:	Yes
Designated Development:	No

State Reporting Category:	Commercial/Retail/Office
Notified:	01/08/2023 to 29/08/2023
Advertised:	01/08/2023
Submissions Received:	84
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 891,000.00
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EXECUTIVE SUMMARY

This development application seeks consent for renovation of eleven (11) of the existing golf course greens, construction of one (1) new green and removal of trees.

The application is referred to the Development Determination Panel (DDP) due to the receipt of five (5) submissions by way of objection. A total of 84 submissions were received with the remainder in support of the proposal.

Concerns raised in the objections predominantly relate to removal of trees and the development's impact on local biodiversity, floodplain and coastal wetlands and potential soil contamination on the site.

Critical assessment issues included ensuring the development will not unreasonably impact upon the flood characteristics of the land or disturb potential contaminated soils.

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

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the renovation of eleven (11) of the existing golf course greens complexes and construction of one (1) new green complex including removal of 23 trees at Bayview Golf Club.

The proposal does not involve any major building works and does not involve any change to membership numbers or current operation of Bayview Golf Club and other facilities on the site.

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;

- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

SITE DESCRIPTION

<p>Property Description:</p>	<p>Lot 1 DP 662920 , 52 Cabbage Tree Road BAYVIEW NSW 2104 Lot 1 DP 19161 , 52 Cabbage Tree Road BAYVIEW NSW 2104 Lot 5 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104 Lot 7 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104 Lot 6 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104 Lot A DP 339874 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 1 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 2 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 3 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 150 DP 1003518 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 191 DP 1039481 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 300 DP 1139238 , 1825 Pittwater Road BAYVIEW NSW 2104</p>
<p>Detailed Site Description:</p>	<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>

The overall site comprises an area of approximately 367,725m² (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 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:

Application **N0460/06** for Construction of a new Club House was approved on 07/12/2006 by Council staff.

Application **N0751/10** for Alterations and additions to existing maintenance facility to golf club was

approved on 04/05/2011 by Council staff.

Application **DA2017/1274** for Construction of Seniors Housing consisting of 95 units including golf course upgrades and infrastructure works was refused on 08/08/2018 by the Sydney North Planning Panel.

Application **DA2021/1338** for Construction of water harvesting and sub-surface drainage of golf course fairways was approved on 07/06/2022 by Council staff.

APPLICATION HISTORY

The application was originally notified and advertised between 21 June 2023 to 19 July 2023. Due to an error identified in the original notification and advertisement, the application was notified and advertised for a second period between 1 August 2023 to 29 August 2023.

On 26 July 2023, Council issues a Request for Further Information regarding issues relating to flooding and contaminated lands including the requirement to provide a revised flood report and a soil contamination investigation report. These reports were submitted by the applicant in September 2023.

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. Additional information was requested in relation to a revised flood report and soil contamination report.</p>

Section 4.15 Matters for Consideration	Comments
	<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 matter has been addressed via a condition of consent.</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 matter has been addressed via a condition of consent.</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 and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is 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 proposed development does not involve the construction of any structure or building. As such, Council is satisfied that the provisions of section 4.14 are adequately addressed.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 01/08/2023 to 29/08/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 84 submission/s from:

Name:	Address:
Mr John Graham Peterson	21 Annam Road BAYVIEW NSW 2104
Ian Brian Penfold	9 Robert Street FRESHWATER NSW 2096
Ian Mcdonald	Address Unknown
Mr William Anderson	25 Kirkpatrick Street NORTH TURRAMURRA NSW 2074
Mr David Anthony Edward Ley	34 Eastview Road CHURCH POINT NSW 2105
Jack Verberne	Address Unknown
Wei Guo Shi	20 / 48 Lovett Street MANLY VALE NSW 2093
Mr Simon Geoffrey Clark	270 Hudson Parade CLAREVILLE NSW 2107
Anthony Joseph Carter	58 Irrubel Road NEWPORT NSW 2106
Mr Mark Eamon Osborn	157 Rickard Road NORTH NARRABEEN NSW 2101
Mr Allen James Telling	210 / 102 Darley Street West MONA VALE NSW 2103
Dean Millar	7 McCarrs Creek Road CHURCH POINT NSW 2105
Mr James Ewan McLean	18 Elaine Avenue AVALON BEACH NSW 2107
Angela Hayne	Address Unknown
Sharon Lee Angel	20 Lentara Road BAYVIEW NSW 2104
Mr Elemer Csaba Hunfalvay	3 / 147 - 149 Darley Street West MONA VALE NSW 2103
Peter Chapman	20 Lentara Road BAYVIEW NSW 2104
Mr Kent Gordon Heazlett	82 Prince Alfred Parade NEWPORT NSW 2106
Mr Adam Gaukrodger	747 Barrenjoey Road AVALON BEACH NSW 2107
Mr Damian John Westhoff	13 Patrick Street AVALON BEACH NSW 2107
Mr Lawrence Charles Davidson	15 Eastview Road CHURCH POINT NSW 2105
Geoffrey Charles Jacobs	8 Terrigal Road TERREY HILLS NSW 2084
Mrs Deborah Leone Couldwell	15 Eastview Road CHURCH POINT NSW 2105
Mr Darrell Robert Freeman	41 Elimatta Road MONA VALE NSW 2103
Mrs Elizabeth Mary Kelly	29 Collins Street NORTH NARRABEEN NSW 2101
Chadwick Warriner Barlow	320 / 168 Queenscliff Road QUEENSCLIFF NSW 2096
Mr Phillip Parry Fontaine	14 Ocean Avenue NEWPORT NSW 2106

Name:	Address:
Mr Richard John David	204 / 102 Darley Street West MONA VALE NSW 2103
Mr Robert Cadden	21 Barooka Road CHURCH POINT NSW 2105
Ms Paula Maree Tocquer	17 / 125 Darley Street West MONA VALE NSW 2103
Wayne Hercules Broun	112 Narrabeen Park Parade WARRIEWOOD NSW 2102
Mr Gary Burton Gietz	90 Edgecliffe Boulevardde COLLAROY PLATEAU NSW 2097
Mr Mark Christian Bernardo	6 Binnowee Place BAYVIEW NSW 2104
Mr Mark John Welch	29 Utingu Place BAYVIEW NSW 2104
Mr Colin Euers	21 Eastview Road CHURCH POINT NSW 2105
Mr Nicholas James Smith	2 / 71 Park Street MONA VALE NSW 2103
Mr Steven James Green	1 Seaview Parade BELROSE NSW 2085
Mrs Patricia Jessie Imrie Gillett	27 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Mr Christopher John Gillett	27 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Mr Stephen James Matthews	15 A Carlton Street FRESHWATER NSW 2096
Mrs Raylee Ann Moylan	10 / 155 Fisher Road North CROMER NSW 2099
Mrs Jacqueline Stone	301 / 102 Darley Street West MONA VALE NSW 2103
Mr Graham Richard Drinkwater	19 Lower Beach Street BALGOWLAH NSW 2093
Jane Anne George	208 / 102 Darley Street West MONA VALE NSW 2103
Paul Millar	306 / 102 Darley Street West MONA VALE NSW 2103
Robyn Maree Pitt	212 / 102 Darley Street West MONA VALE NSW 2103
Mr Gregory Allan Attwood	14 / 125 Darley Street West MONA VALE NSW 2103
Mr David Edward Ineson	133 Powderworks Road ELANORA HEIGHTS NSW 2101
Mr Rupert John Townsend	269 Lower Plateau Road BILGOLA PLATEAU NSW 2107
Mr Niclas Wessblad	7 / 22 Malvern Avenue MANLY NSW 2095
Mrs Anne Hinton	14 Cambage Court DAVIDSON NSW 2085
Mr Adrian Keith Van Gogh	33 Powderworks Road NORTH NARRABEEN NSW 2101
Graham Easy	Address Unknown
Brian Robert Gilbert	9 / 147 - 149 Darley Street West MONA VALE NSW 2103
Mr Glenn Allen Vade	22 Darius Avenue NORTH NARRABEEN NSW 2101
Mr David Maxwell Stewart-Hunter	1 / 30 - 32 Bardo Road NEWPORT NSW 2106
Mrs Joan Hicks	313 / 102 Darley Street West MONA VALE NSW 2103
Mr Christopher Anthony Stephenson	1 / 129 - 131 Darley Street West MONA VALE NSW 2103
Mr Kenneth Walter Fitzpatrick	15 Darius Avenue NORTH NARRABEEN NSW 2101
Mr Craig William Pocklington	41 Grandview Drive NEWPORT NSW 2106
Tonis Normet	23 Sybil Street NEWPORT NSW 2106
Christopher Alfonso	Po Box 320 MONA VALE NSW 1660
Mr Gordon Alden Smith	17 Bassett Street MONA VALE NSW 2103

Name:	Address:
Martin Touw	36 Watkins Road AVALON BEACH NSW 2107
Mr Martin Ian Alfonso	Po Box 320 MONA VALE NSW 1660
Mrs Susanne Claire Davies	2 / 1 Seaview Avenue NEWPORT NSW 2106
Mr Grahame Leo Tate	8 Sybil Street NEWPORT NSW 2106
Adam Gaebel	25 Wollstonecraft Avenue AVALON BEACH NSW 2107
Mr Sean Patrick Connolly	7 Cecil Road NEWPORT NSW 2106
Ms Irene Newport	21 Bilgola Avenue BILGOLA BEACH NSW 2107
Mr Harry Pitkanen	63 Cheryl Crescent NEWPORT NSW 2106
Steven Jordan	Address Unknown
Mr David Keith Baker	6 / 45 - 53 Ocean Avenue NEWPORT NSW 2106
Mr Graham Maxwell Jones	192 Central Road AVALON BEACH NSW 2107
Mrs Dianne Maree Hoschke	6 Canungra Place ELANORA HEIGHTS NSW 2101
Mr Stephen Wykeham Balme	209 / 102 Darley Street West MONA VALE NSW 2103
Mr Tristan Rajah	13 / 1026 - 1028 Pittwater Road COLLAROY NSW 2097
Mr Wayne Jeffrey Charles	42 Queens Parade NEWPORT NSW 2106
Mr Robert James Jackson Stewart	22 Elvina Avenue NEWPORT NSW 2106
Mrs Joanna Edwina Green	205 / 102 Darley Street West MONA VALE NSW 2103
Ms Sandra Virginia Murdock	1 / 19 Annam Road BAYVIEW NSW 2104
Ms Marcia Anne Rackham	122 Elimatta Road MONA VALE NSW 2103
Mrs Virginia McClland	5 / 2085 Pittwater Road CHURCH POINT NSW 2105
Bayview Residents	Address Unknown

Of the 84 submissions received, 79 are in support of the proposal and five (5) raise objection to the proposal.

The following issues were raised in the objection submissions:

- Tree removal and biodiversity impact
- Impact on floodplain and wetlands
- Soil contamination

The above issues are addressed as follows:

- **Tree removal and biodiversity impact**

The submissions raised concerns that the application proposes the removal of several mature native trees which will result in unacceptable impact to the biodiversity of the locality. Concerns are raised on how Council will monitor the planting and maintenance of replacement trees.

Comment:

To offset the proposed removal of trees, a condition is recommended to require the planting of 40 new native trees on the site. The condition requires the replacement trees to be planted prior to the issue of an occupation certificate and that the trees must be maintained for the life of the development. Where a tree fails, it must be replaced with similar species to maintain the landscape theme and be generally in accordance with the conditions of consent. Non-compliance with the ongoing conditions may result in compliance action being undertaken by Council.

- **Impact on floodplain and wetlands**

The submissions raised concerns that the development will unreasonably impact upon the floodplain and nearby coastal wetlands.

Comment:

The application has been reviewed by Council's Flooding and Coast & Catchments teams who have not raised any objection to the proposal, subject to conditions. As such, it is considered that the proposed development will not cause unreasonable impact upon the floodplain and nearby coastal wetlands.

- **Soil contamination**

The submissions raised concerns that the development is unsuitable due to the potential for disturbance of contaminated soils and the resultant environmental impact.

Comment:

The applicant has submitted a Combined Preliminary and Detailed Site Investigation report to investigate the presence of potentially contaminated soils on the site and whether the proposed development is suitable for the site. The investigation concludes that contamination risk from the proposed development is low and that the site is suitable for the development. The recommendations of the report are included as conditions of consent.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.
Environmental Health (Acid Sulfate)	<p>General Comments</p> <p>Acid Sulfate Soil Assessment Summary (Martens & Associates Pty Ltd P2309440R03V01 – April 2023)</p> <p>A recent ASS assessment was conducted in conjunction with a geotechnical assessment by MA in 2023 (MA, 2023). We note that prior to the most recent assessment, MA completed ASS assessments in 2017 and 2021 for the site to inform proposed site earthworks associated with</p>

Internal Referral Body	Comments
	<p>flood mitigation measure and drainage work. Results from these previous assessments were reviewed and considered (where relevant) in the MA (2023) assessment.</p> <p>Key findings of the MA (2023) assessments are:</p> <ol style="list-style-type: none"> 1. Laboratory analysis indicated 9 of the 13 samples tested are PASS and 6 of the 12 samples have TPA, TSA or Spos above the Acid Sulfate Soil Manual Advisory Committee (ASSMAC, 1998) action criteria for samples located within Bayview Golf Club. 2. Laboratory results indicated that little to no acid neutralising capacity remained in the soil profile. 3. Suggested liming rates are highly variable ranging from 0.75 to 65 kg / tonne of disturbed soil. 4. Due to the variability of the site, elevations, proposed works and excavation depths, and the variability of laboratory testing results, ASS risk at each green was evaluated individually. 5. It was determined that proposed works at the third green will required a management plan (ASSMP) to address potential ASS risk. 6. Other greens are unlikely to intercept PASS at proposed depth of excavation, and / or have been assessed to have a negligible acid generation risk and low liming rate. If proposed excavation depths are changed, MA should be consulted to confirm new excavation depths to not required further ASS management. <p>An Acid Soils Management Plan has been prepared by Martens & Associates Pty Ltd P2309440R03V01 – April 2023</p>
<p>Environmental Health (Contaminated Lands)</p>	<p>General Comments</p> <p>This application is seeking consent for renovation works to 12 greens at 52 Cabbage Tree Road and 1825 Pittwater Road, Bayview, N</p> <p>The proposed maximum excavation depth is 1.75m below ground level.</p> <p>A combined preliminary and detailed site investigation report has been submitted for this development. The report dated 1 September 2023, prepared by Martens & Associates Pty Ltd has determined the following:</p> <p><i>The investigation area to be suitable for green redevelopment works and no further contamination investigations are required.</i></p> <p>Environmental Health recommends approval subject to conditions.</p>
<p>Environmental Health (Industrial)</p>	<p>General Comments</p> <p>Works proposed in the application include renovation of eleven (11) of the existing golf course greens complexes and construction of one (1) new green complex. Removal of 23 trees and their suitable replacement.</p>

Internal Referral Body	Comments
	<p>Environmental Health considers that normal construction hours conditions-applied by Planning conditions- are appropriate and therefore supports the proposal without additional conditions,</p>
Landscape Officer	<p>The proposal is supported with regard to landscape issues.</p> <p>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):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C5.1 Landscaping • D9 Mona Vale Locality <p>The Arboricultural Impact Assessment (AIA) identified 23 trees for removal, of which trees 21, 22, and 23 are exempt by height thus can be removed or managed at the discretion of the applicant without consent. The remaining 20 trees can be supported for removal, and Landscape Referral supports the comments by Council's Bushland and Biodiversity Referral team regarding replacement tree planting. Replacement tree planting locations shall be included on the plans prior to issuing a Construction Certificate, subject to the imposed conditions. A Project Arborist must be engaged to supervise all work in the tree protection zone of trees to be retained. All trees to be retained shall be protected in accordance with the recommendations outlined in the AIA, and the conditions of consent.</p>
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"> • Biodiversity Conservation Act 2016 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 cl. 4.9 Development assessment process —no approved koala plan of management for land • SEPP (Resilience and Hazards) 2021 cl. 2.8 Development on land in proximity to coastal wetlands or littoral rainforest • SEPP (Resilience and Hazards) 2021 cl. 2.10 Development on land within the coastal environment area. • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.13 Freshwater Wetlands (non Endangered Ecological Communities) • Pittwater 21 DCP cl. B4.14 Development in the Vicinity of Wetlands <p>The Development Application seeks consent for the renovation of eleven (11) of the existing golf course green complexes and the construction of one (1) new green complex to the existing Bayview Golf Club. The Statement of Environmental Effects (Vaughan Milligan Development Consulting Pty Ltd May 2023), Arboricultural Impact Assessment (Bellevue Tree Consultants, 21 April 2023), and Proposed Course Improvements (Craig Parry Designs 2022) have</p>

Internal Referral Body	Comments
	<p>been reviewed.</p> <p>The Arboricultural Impact Assessment submitted with the application, recommends the removal of 23 trees, 20 of which are prescribed trees, due to their location within proximity to the proposed works. Trees proposed for removal includes six (6) <i>Eucalyptus robusta</i> (Swamp Mahogany) and 13 <i>Casuarina glauca</i> (Swamp Oak) trees. The Arborist has identified that these trees have a range of retention values, including low, medium and high. 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>It is noted that works will not occur within the mapped SEPP Coastal Wetland area, however portions of the works are within the land in proximity to coastal wetlands and land within the coastal environment area. The work sites are not within the Biodiversity Values Map area which is used as a trigger for entry into the NSW Biodiversity Offset Scheme. The threatened species test of significance is also used to determine if a development is likely to significantly affect threatened species or ecological communities, or their habitats.</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 completed a 5-part test to assess the impacts of the development on the local environment including Swamp Oak Floodplain Forest EEC and Swamp Sclerophyll Forest EEC. This assessment concluded that there would be no significant impact on either EEC as a result of the removal of thirteen (13) <i>Casuarina glauca</i> trees and six (6) <i>Eucalyptus robusta</i> from within the subject site. In relation to the Koala Habitat Protection 2021, the development is not likely to have any impact on koalas or koala habitat, therefore a Koala Assessment Report is not required to be prepared by the applicant. Based on the above the Biodiversity Offset Scheme (BOS) is not triggered by the development, and a Biodiversity Development Assessment Report (BDAR) is not required to be submitted</p> <p>In order to mitigate and manage the impacts, replacement planting within the subject site is to be undertaken at a ratio of 2:1 (replaced to lost), and is to be comprised of <i>Casuarina glauca</i>, <i>Eucalyptus robusta</i> or <i>Meleleuca quinquenervia</i> (paperbark) individuals to ensure consistency with existing vegetation within the site.</p> <p>Subject to the recommended conditions of consent, Council's Biodiversity referrals team are satisfied that the proposed development is unlikely to significantly effect the local environment</p>

Internal Referral Body	Comments
	including the coastal wetland, and complies with the above listed legislation and controls.
NECC (Coast and Catchments)	<p>The DA proposes renovation of 11 of the existing golf course greens, construction of one new green and removal of trees at Bayview Golf Club. The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience & Hazards) 2021 and has also been assessed against the coastal relevant requirements of Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 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>State Environmental Planning Policy (Resilience & Hazards) 2021 The subject land has been included on the 'Proximity to Coastal Wetlands Area', 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.9, 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p>Comment: On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty Ltd. dated May 2023 and also as assessed in the submitted Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd dated 27 April 2023, the DA satisfies requirements under clauses 2.9, 2.10, 2.11 and 2.12 of the SEPP R&H.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Estuarine Hazard Management 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.</p> <p>An estuarine risk management report prepared by Horton Coastal</p>

Internal Referral Body	Comments
	<p>Engineering Pty Ltd dated 27 April 2023, defines an independently derived estuarine planning level (EPL) for the site of RL 1.71m 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. 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 the proposed new green and existing green reconfigurations . No conditions are required.</p>
NECC (Flooding)	<p>The proposed development seeks consent for the renovation of eleven of the existing golf course greens and construction of one new golf course green.</p> <p>The site is affected by the low, medium and high flood risk precincts. Seven of the proposed greens (1,2,3,8,10,12,13) are affected by the 1% AEP flood extent.</p> <p>The Flood Risk Management Report prepared by Pittwater Data Services Pty Ltd (Dated 11/09/2023) and associated flood impact assessment prepared by BMT commercial Australia Pty Ltd has adequately demonstrated that the proposal is not expected to adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.</p> <p>Subject to the following conditions, council is satisfied that the proposal is generally compliant with Section B3.11 and B3.12 of the Pittwater 21 DCP 2021 and Clause 5.21(2)(a-e) of the Pittwater LEP 2014, with consideration of Clause 5.21(3)(a-d) of the Pittwater LEP 2014</p>
NECC (Riparian Lands and Creeks)	<p>Supported.</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • State Environmental Planning Policy (Resilience and Hazards) 2021; • Relevant LEP and DCP clauses; • Northern Beaches Water Management for Development Policy. <p>The application has been assessed in consideration of the above noting that consent also has to be gained from NSW Department of Planning, Industry and Environment – Water under a controlled activity permit (approval is required under the provisions of the Water Management Act 2000).</p> <p>The proposal seeks consent for the renovation of golf course greens, construction of a new green, and removal and replacement of trees.</p>

Internal Referral Body	Comments
	<p>The site is in a floodplain area that drains to Pittwater estuary, and so must not significantly impact on the biophysical, hydrological or ecological integrity of the floodplain or Pittwater estuary, or on the quantity and quality of surface and ground water flows that these areas receive.</p> <p>The documentation submitted for the project is considered satisfactory and the project impacts acceptable.</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>
NECC (Water Management)	<p>Supported</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Northern Beaches Water Management for Development Policy (WM Policy), and; • Relevant LEP and DCP clauses; <p>The development application seeks consent for the renovation of golf course greens, construction of one new green, and removal and replacement of trees.</p> <p>The application has been assessed in consideration of the above, noting that consent must also be gained from NSW Department of Planning and Environment – Water under a controlled activity permit (approval is required under the provisions of the Water Management Act 2000).</p> <p>The proposal in its current form does not raise any water management concerns provided that appropriate environmental protections including sediment controls are in place during construction.</p> <p>The proposal includes excavation, and the geotechnical report provided indicates the presence of groundwater.</p> <p>A dewatering permit application must be made to Council for expected multiple instances or continuous dewatering.</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 re-established.</p> <p>Please also refer to the Riparian referral.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>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.</p>

External Referral Body	Comments
Nominated Integrated Development - Department of Planning and Environment - Water - Water Management Act 2000, s91 - Controlled Activity Approval for works within 40m of watercourse	The Department of Planning and Environment - Water has reviewed the development application and have issued General Terms of Approval for part of the proposed development requiring a Controlled Activity approval under the Water Management Act 2000.

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.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

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:

Council is satisfied the proposed development is appropriately designed and sited in a manner that avoids adverse impact upon the integrity and water flows of nearby coastal wetlands.

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.

Comment:

The proposed development is not expected to cause adverse impact to the coastal environment area.

- 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:

Council is satisfied that the proposed development is appropriately designed and sited to ensure adverse impact to the items referred to in subsection (1) is avoided.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

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

Comment:

Council is satisfied the proposed development is appropriately designed and sited in a manner that avoids adverse impact to the coastal use area.

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:

Council is satisfied the proposed development will not cause an increased risk of coastal hazards on the site or surrounding land.

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:

All relevant provisions of applicable certified coastal management programs have been considered as part of the assessment of the application.

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.

In response to the above requirements of Chapter 4, the applicant has submitted a Combined Preliminary and Detailed Site Investigation dated 01/09/2023 and prepared by Martens & Associates. In its conclusion, the investigation states:

For the purposes of the proposed renovation works to 12 greens, this combined PSI [preliminary site investigation] and DSI [detailed site investigation] has been completed by MA to evaluate potential land contamination associated with historical and current land use that may pose a potential risk to on and off site receptors.

Available site history information indicated that the land was used as under construction as a golf course prior to 1941 and most of the existing greens were constructed prior to 1961. The IA [investigation area] has remained its use as Bayview Golf Course to present day.

IA walkover did not identify any surficial forms (i.e. soil staining or odour) of contamination. Council records indicate that Bayview Golf Course underwent earthworks during the 90s which are considered potential sources of contamination.

A conceptual site model was developed for the site following the completion of the MA PSI desktop review and visual site inspection, which identified the following AECs [areas of environmental concern]:

- *Existing golf course use.*
- *Potential filled areas for the entire golf course.*

In consideration of the identified AECs, there is a potential for the exposure pathway between contaminant and receptor to be complete, indicating there to be a risk of contamination within the IA. A soil sampling programme was therefore undertaken to further investigate these AECs via intrusive methods (surface sampling and borehole excavation) for visual assessment of asbestos and soil laboratory analysis of identified COPCs [contaminants of potential concern].

24 surface soil samples were collected to a maximum depth of 0.2 mBGL within the areas of proposed renovation works for the 12 greens (24 surface samples double composited - forming 12 composite samples). 12 boreholes were excavated via an electric auger to a maximum target depth of 1.2 mBGL at areas of potential fill. Soils at sampling locations were described fill material consisting of clayey and

/ or silty sands up to 1.0 mbgl, and alluvium and or residual soil material consisting of sandy and / or silty clays up to 1.2 mBGL. No visual evidence of potential contamination (i.e., PACM, odours or staining) was observed within subsurface soils.

Laboratory results of primary and composite samples were compared to human health and ecological assessment criteria based on residential (with accessible soil) land use. Laboratory analytical results for asbestos and all other COPCs were found at concentrations less than adopted SAC, indicating that contamination risk to human health and ecological receptors are considered low from potential exposure pathways via soil.

In light of the above, MA consider the IA to be suitable for green redevelopment works and no further contamination investigations are required.

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 recreational 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

The proposed development involved landscaping works only. No structures or buildings are proposed. Therefore, no principal development standards apply to this application.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	N/A
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

The proposed development involved landscaping works only. No structures or buildings are proposed. Therefore, the built form controls do not apply to this application.

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
B1.3 Heritage Conservation - General	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
B3.9 Estuarine Hazard - Business, Light Industrial and Other Development	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.13 Freshwater Wetlands (non Endangered Ecological Communities)	Yes	Yes
B4.14 Development in the Vicinity of Wetlands	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	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
C5.17 Pollution control	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

A monetary contribution of \$8,910 is required for the provision of new and augmented public

infrastructure. The contribution is calculated as 1% of the total development cost of \$891,000.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- 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

PLANNING CONCLUSION

This proposal, for renovation of eleven (11) of the existing golf course greens, construction of one (1) new green and removal of trees has been referred to the Development Determination Panel (DDP) due to the receipt of five (5) submissions by way of objection.

The concerns raised in the objections and critical assessment issues have been addressed and resolved by the requirement to offset the removed trees with 40 replacement trees throughout the site and the preparation of a detailed soil contamination investigation and revised flood report.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has therefore been recommended for approval.

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 DA2023/0718 for Renovation of eleven (11) of the existing golf course greens, construction of one (1) new green and removal of trees

on land at Lot 1 DP 662920, 52 Cabbage Tree Road, BAYVIEW, Lot 1 DP 19161, 52 Cabbage Tree Road, BAYVIEW, Lot 5 DP 45114, 52 Cabbage Tree Road, BAYVIEW, Lot 7 DP 45114, 52 Cabbage Tree Road, BAYVIEW, Lot 6 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, Lot 300 DP 1139238, 1825 Pittwater Road, BAYVIEW, subject to the conditions printed below:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
-	-	Site Plan	Craig Parry Design	21/08/2019
-	-	1st Green	Craig Parry Design	10/01/2022
-	-	2nd Green	Craig Parry Design	10/01/2022
-	-	3rd Green	Craig Parry Design	10/01/2022
-	-	4th Hole	Craig Parry Design	10/01/2022
-	-	5th Green	Craig Parry Design	10/01/2022
-	-	6th Green	Craig Parry Design	10/01/2022
-	-	7th Green	Craig Parry Design	10/01/2022
-	-	8th Green	Craig Parry Design	10/01/2022
-	-	10th Green	Craig Parry Design	10/01/2022
-	-	11th Green	Craig Parry Design	10/01/2022
-	-	12th Green	Craig Parry Design	10/01/2022
-	-	13th Green	Craig Parry Design	10/01/2022

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Acid Sulfate Soil Assessment (Ref: P2309440JR02V01)	1	Martens & Associates	27/04/2023

Acid Sulfate Soil Management Plan (Ref: P2309440JR03V01)	1	Martens & Associates	27/04/2023
Arboricultural Impact Assessment (Ref: BVG2023)	-	Bellevue Tree Consultants	21/04/2023
Combined Preliminary and Detailed Site Investigation (Ref: P2309440JR04V01)	1	Martens & Associates	01/09/2023
Estuarine Risk Management Report	-	Horton Coastal Engineering	27/04/2023
Flood Report (Ref: PDS24042023:825PITTWATERRD:BAYVIEW)	-	Pittwater Data Services	28/04/2023
Revised Flood Report (Ref: PDS10092023:825PITTWATERRD:BAYVIEW)	-	Pittwater Data Services	11/09/2023
Geotechnical Assessment (Ref: P2309440JR01V01)	1	Martens & Associates	27/04/2023
Waste Management Plan	-	Bayview Golf Club	Undated
23003 C110 - Sediment & Erosion Control Details	B	Chrisp Consulting	06/03/2023
23003 C111 - 1st Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C112 - 2nd Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C113 - 3rd Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C114 - 4th Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C115 - 5th Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C116 - 6th Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C117 - 7th Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C118 - 8th Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C119 - 10th Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C120 - 11th Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C121 - 12th Green Detail Plan	C	Chrisp Consulting	06/03/2023
23003 C122 - 13th Green Detail Plan	C	Chrisp Consulting	06/03/2023

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

In the event of any inconsistency with the approved plans and a condition of this consent, the

condition prevails.

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	19/06/2023
NSW Department of Planning and Environment - Water	Department of Planning and Environment - Water - Referral Response (Ref: IDAS-2023-10412)	19/10/2023

(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) 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 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.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,

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

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

- (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.

4. **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 an 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 following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$8,910.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$891,000.00.

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

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

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

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

6. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. **Landscape Plan**

A landscape plan shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

- a) locations of the 40 replacement trees to be installed within the property boundaries,
- b) the replacement trees shall be made up of *Casuarina glauca*, *Eucalyptus robusta* and/or *Melaleuca quinquenervia*.

Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

8. **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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

9. 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 Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

10. Dewatering for construction

The removal of the groundwater and the taking/using of groundwater (even if the take and use is for disposal) may require approval under the Water Management Act 2000 (WMA). A certificate is required from a senior geotechnical engineer to confirm that adequate consideration of the WaterNSW dewatering for construction requirements has been made. If the need for approval under the WMA only becomes apparent after development consent then applicants must consult directly with WaterNSW.

The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: Protecting the water resource

11. Construction Environmental Management Plan

A construction environmental management plan is to be prepared and implemented for the construction phase of the project. The plan is to include protocols to address any unexpected contamination finds which may be encountered during targeted excavation works for footings and other potential targeted minor excavation as part of the proposed development.

Reason: To ensure any contamination is managed effectively.

12. 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 risks associated with coastal hazards for development in an estuarine environment.

13. Estuarine Planning Level Requirements

A higher Estuarine Planning Level (EPL) of 1.92m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

1. All structural elements below 1.92m AHD shall be of flood compatible materials;
2. All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 1.92m AHD or waterproofed to this level; and
3. The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 1.92m AHD.

Reason: To ensure vulnerable components of the development are built at the appropriate level.

14. 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 27 April 2023 and these recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development.

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

15. Structural Engineering for Estuarine Risk

Structural engineering design for the development shall be prepared to ensure that for its design life (taken to be 25 years as justified and accepted by Council) the development is able to withstand the wave impact forces and loadings identified in the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 27 April 2023.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional

16. Compliance with Standards

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

17. 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 Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved 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 requirements and works under sections 6.9.1, 6.10, 6.11, and section 7.

b) 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 Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the 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:

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.

19. **Tree Removal Within the Property**

This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment, approved Plans, or as listed below:

a) trees 5 and 6 - *Eucalyptus robusta*, trees 8 to 10 - *Eucalyptus robusta*, tree 12 - *Acacia* sp., trees 24 and 25 - *Casuarina glauca*, tree 27 - *Eucalyptus robusta*, trees 30 to 40 - *Casuarina glauca*,

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

Reason: To enable authorised development works.

DURING BUILDING WORK

20. **Acid Sulfate Soils**

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan - Martens & Associates Pty Ltd P2309440R03V01 – April 2023

Reason: To ensure management of potential acid sulfate soils.

21. Off-site Disposal of Contaminated Material

Any contaminated material 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 Protection of the Environment Operations Act 1997 (NSW); and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

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.

Reason: To protect environment and public health.

22. Requirement to notify about new Acid Sulfate Soils evidence

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

23. Tree and Vegetation Protection

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

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,

- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

24. **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 an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

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

Any mitigating measures and recommendations required by the Arborist/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.

25. **Wildlife Protection**

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

Reason: To protect native wildlife.

26. **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.

27. 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.

28. Removing, Handling and Disposing of Asbestos

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

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

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

29. Geotechnical Requirements

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

30. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

31. Acid Sulfate Soil Management Confirmation

Details demonstrating compliance with the approved Acid Sulfate Soil Management Plan - Martens & Associates Pty Ltd P2309440R03V01 – April 2023 is to be submitted to the satisfaction of the principle certifier prior to the issue of the occupation certificate.

Reason: To ensure management of potential acid sulfate soils.

32. Landscape Completion

Landscape works are to be implemented in accordance with the following conditions:

- a) all tree planting shall be a minimum pre-ordered planting size of 75 litres; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established,
- b) where the property is certified Bush Fire Prone Land, any new planting may be managed in accordance with Planning for Bushfire Protection 2019.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

33. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, 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 and vegetation protection.

34. 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 Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

35. Replacement of Canopy Trees

At least 40 locally native canopy trees are to be planted on the site to replace protected trees approved for removal and enhance the habitat of the endangered ecological communities. Species are to have a minimum mature height of 8.5m and be consistent with the existing vegetation within the site, and include species such as *Casuarina glauca*, *Eucalyptus robusta* or *Meleleuca quinquenervia* (paperbark) individuals.

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

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

Reason: To establish appropriate native landscaping.

36. No Weeds Imported On To The Site

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

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

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

37. Priority Weed Removal and Management

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

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

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

38. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier 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.

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

39. Landscape Maintenance

Trees required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree 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 any conditions of consent.

Reason: To maintain local environmental amenity.

40. 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.

41. 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.

