

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0219
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Responsible Officer:	Anaiis Sarkissian
Land to be developed (Address):	Lot B DP 381427, 187 Riverview Road AVALON BEACH NSW 2107 Lot LIC 577827, 187 Riverview Road AVALON BEACH NSW 2107
Proposed Development:	Construction and use of berthing area
Zoning:	W1 Natural Waterways
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Stephen Mark Crosby

Application Lodged:	12/03/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	20/03/2025 to 03/04/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 15,950.00
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PROPOSED DEVELOPMENT IN DETAIL

This development application (DA) is for the construction and use of a berthing area, involving the installation of two piles. This application is also for the use of the existing unauthorised skid ramp, pontoon and associated small ramp, as well as the timber decking within the lateral limits of the property. A separate Building Information Certificate (BIC) has been lodged for the unauthorised structures. It is understood that the existing jetty and piles are lawful and do not form part of this DA or the BIC.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone W1 Natural Waterways

Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area

Pittwater 21 Development Control Plan - D15.12 Development seaward of mean high water mark

Pittwater 21 Development Control Plan - D15.15 Waterfront development

SITE DESCRIPTION

Property Description:	<p>Lot B DP 381427 , 187 Riverview Road AVALON BEACH NSW 2107</p> <p>Lot LIC 577827 , 187 Riverview Road AVALON BEACH NSW 2107</p>
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Riverview Road, with the site facing Pittwater waterway to the west.</p> <p>The site is regular in shape with a frontage of 18.29m along Riverview Road and a depth of up to 59.31m. The site has a surveyed area of 1,012m².</p> <p>The site is located within the C4 Environmental Living zone under the provisions of the Pittwater Local Environmental Plan 2014. The waterfront land adjacent to the site is Crown land and is zoned W1 Natural Waterways. The site accommodates a dwelling house with detached garage, boat shed and an inclinor connecting the dwelling house to the foreshore. Below the mean high water mark, the site accommodates timber decking, skid ramp, jetty and pontoon with small ramp. This application relates to works within the W1 zone only.</p> <p>The site slopes steeply from the east down to the west with</p>

a crossfall of approximately 30m.

The site is densely vegetated towards the rear western half, with lawn and garden areas to the front of the dwelling.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by multi-storey detached dwelling houses, with most including jetties and other waterfront development in the foreshore area.

Map:



SITE HISTORY

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

P0925/96

Development Application for the erection of additions.
Approved 21 April 1997

TA2018/0108

Tree Permit for removal of four trees.
Approved 12 September 2018

DA2021/1910

Development Application for alterations and additions to an existing boat shed.
Approved 14 December 2021

CC2023/0411

Construction Certificate issued for alterations and additions to an existing boat shed.

Approved 19 April 2023

DA2023/1527

Development Application for demolition of an existing dwelling and construction of a new dwelling including a swimming pool and relocation of existing inclinor.

Approved 7 May 2024

BC2025/0058

Building Information Certificate application for unauthorised waterfront decking, boat shed skid ramp, and pontoon with access ramp.

Submitted 26 February 2025

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>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested on 8 May 2025 in relation to clarification of the proposed works and provision of a section plan.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>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	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21</p>

Section 4.15 Matters for Consideration	Comments
impacts on the natural and built environment and social and economic impacts in the locality	<p>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	No submissions were received in relation to this application.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 20/03/2025 to 03/04/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	<p>General Comments</p> <p>The area of intended development is adjacent to acid sulfate soils class 5.</p> <p>In accordance with the proposal documentation, the works will involve the driving of two piles into the sea bed for the purposes of constructing the berthing area.</p> <p>There is no preliminary assessment for the potential presence of acid</p>

Internal Referral Body	Comments
	<p>sulfate soils provided with the proposal documentation however, from the description of the works, it is unlikely that soil will be disturbed to the point that it will be exposed to oxygen.</p> <p>Accordingly, Environmental Health supports the proposal.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP c. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community <p>The majority of the proposed development is located below the mean high water mark, and as such does not impact on terrestrial biodiversity. No terrestrial vegetation is proposed for removal. No objections in relation to terrestrial biodiversity, subject to recommended conditions.</p>
NECC (Coast and Catchments)	<p>Officer comments</p> <p>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 requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>The application has been assessed in support of:</p> <ul style="list-style-type: none"> • Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment dated 12 February 2025 • No navigational Concerns from the Transport for NSW-Maritime Division dated enclosing dated and signed maps 10 August 2023 • No Objection from the DPI-Fisheries under the Department of Primary Industries dated 21 August 2024 (noting that fisheries have specified that a 205 permit to harm marine vegetation may be required depending on the outcome of an updated marine habitat assessment). <p><i>Coastal Management Act 2016</i> The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the</p>

Internal Referral Body	Comments
	<p>proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><i>State Environmental Planning Policy (Resilience & Hazards) 2021</i> The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p><u>Comment:</u> On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Stephen Crosby & Associates Pty Ltd dated 20 February 2025 the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H.</p> <p>As such, it is considered that the application is generally consistent with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p><i>Pittwater LEP 2014 and Pittwater 21 DCP</i></p> <p><u>Estuarine Hazard Management</u> 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 B3.7-B3.10 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>However, development works proposed are located on the seaward side of the foreshore edge on crown lands, below the Mean High Water Mark (MHWM), and Estuarine Hazard Controls do not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.</p> <p>The proposed development is therefore not required to satisfy the relevant estuarine risk management requirements of P21 DCP.</p> <p><u>Development on Foreshore Area</u> A large section of the subject property is within the foreshore building line. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area.</p> <p>However, development works proposed are located on the seaward side of the foreshore edge on crown lands, below the Mean High Water Mark (MHWM).</p> <p>Therefore, the proposed development is not required to satisfy the</p>

Internal Referral Body	Comments
	<p>relevant Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014.</p> <p><u>Development seaward of mean high water mark</u></p> <p>Proposed development works are located on crown land below the Mean High Water Mark. Hence, Section D15.12: Development seaward of mean high water mark of the Pittwater 21 DCP applies to proposed development.</p> <p><u>Comment:</u> On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Stephen Crosby & Associates Pty Ltd, dated 20 February 2025 the DA satisfies requirements under the Section D15.12: Development seaward of mean high water mark of the Pittwater 21 DCP. An analysis of the proposal demonstrated that the proposed development will not adversely impact on water quality hydrodynamics or public access to the foreshore.</p> <p>As such, it is considered that the application is generally consistent with the requirements of the Section D15.12: Development seaward of mean high water mark of the Pittwater 21 DCP as it</p> <p><u>Waterfront Development</u></p> <p>Proposed development of berthing areas are located on crown land below the Mean High Water Mark. Hence, Section D15.15: Waterfront development, sub-section b) Berthing areas of the Pittwater 21 DCP applies to proposed development.</p> <p><u>Comment:</u> On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Stephen Crosby & Associates Pty Ltd, dated 20 February 2025, the DA satisfies the requirements under the Section D15.15: Waterfront development, sub-section a) Jetties ramps and pontoons of the Pittwater 21 DCP. An analysis of the proposal demonstrated that the proposed development will not adversely impact on water quality or public access to the foreshore.</p> <p>As such, it is considered that the application is generally consistent with the requirements of the Section D15.15: Waterfront development, sub-section a) Jettyies ramps and pontoons of the Pittwater 21 DCP</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; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021; and

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Relevant LEP and DCP clauses. <p>The proposal is for addition of four new berthing piles and was lodged concurrently with a BIC application for the ramp and pontoon, skid ramp and waterfront decking.</p> <p>The submitted Marine Habitat Survey was prepared for the lodgment of the BIC application and so does not consider the four new berthing piles proposed. As such, the Marine Habitat Survey must be updated to consider the berthing piles and appropriate environmental protections during construction.</p> <p>No objections provided appropriate environmental protection controls are implemented during construction.</p>
Parks, reserves, beaches, foreshore	<p>Parks Reserves and Foreshores Referral raise no concerns, subject to clarification of information for the determination by the Assessing Planning Officer, as follows:</p> <p>The Transport for NSW Maritime approval letter dated 10 August 2023 identifies "no navigational concerns" as based on the existing Survey Plan prepared by Waterview Surveying attached to their letter that does not indicate the two proposed piles in the water at the northern ends of the berthing area as shown on the Site Plan under this development application.</p>

External Referral Body	Comments		
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.		
Aboriginal Heritage Office	Conclusion / General Comments		
	Recommendation		
		APPROVAL	<p>Subject to Conditions</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area</p>

External Referral Body	Comments		
			and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.
Integrated Development - DPI Fisheries - Fisheries Management Act, s205 - Marine vegetation—regulation of harm	The proposal was referred to NSW Department of Primary Industries and Regional Development Fisheries (DPIRD Fisheries), who provided a response stating that the proposal is acceptable subject to meeting the General Terms of Approval, including obtaining a Part 7 permit for dredging and harm marine vegetation under the <i>Fisheries Management Act</i> , and using environmental safeguards during construction to ensure there is no escape of turbid plumes into the aquatic environment. These terms will be included as a condition of consent.		

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

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

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 site is located on land identified within the 'coastal environment area'. The proposal has been supported by Council's Coastal, Riparian Lands, Acid Sulfate, Biodiversity and Foreshores Officers, subject to conditions. It is therefore satisfied that the proposed development is unlikely to cause an adverse impact on a) to g) above.

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

Comment:

The site is located on land identified within the 'coastal environment area'. The proposal has been supported by Council's Coastal, Riparian Lands, Acid Sulfate, Biodiversity and Foreshores Officers, subject to conditions. It is therefore satisfied that the proposed development achieves the requirements of the above clause.

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
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - 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:

The site is located on land identified within the 'coastal use area'. The proposal has been supported by Council's Coastal, Riparian Lands, Acid Sulfate, Biodiversity and Foreshores Officers, subject to conditions. It is therefore satisfied that the proposed development achieves the requirements of the above clause.

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:

It is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on the land or other 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:

No certified coastal management program applies to the land.

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

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential 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

Compliance Assessment

Clause	Compliance with Requirements
5.7 Development below mean high water mark	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes
23 Use of certain land in the W1 Natural Waterways Zone	Yes

Detailed Assessment

Zone W1 Natural Waterways

The site is located on land zoned W1 Natural Waterways under the Pittwater Local Environmental Plan 2014.

The proposed works are permissible under Clause 23 of Schedule 1 Additional Permitted Uses of Pittwater Local Environmental Plan 2014 relating to the use of certain land in Zone W1 Natural Waterways, which states that development for the purposes of boat sheds, jetties or water recreation structures is permitted with development consent.

The proposal has been assessed against the objectives of the W1 zone and in this instance, the proposal satisfies the objectives, as detailed below.

- ***To protect the ecological and scenic values of natural waterways.***

Comment:

The proposal will continue to protect the ecological and scenic values of the Pittwater Waterway.

- ***To prevent development that would have an adverse effect on the natural values of waterways in this zone.***

Comment:

The proposed berthing area has been sited to avoid having an adverse effect on the natural values of the Pittwater Waterway.

- ***To provide for sustainable fishing industries and recreational fishing.***

Comment:

The proposal is for a berthing area and use of existing ramp, decking and pontoon, and therefore does not concern fishing.

- ***To ensure development does not adversely impact on the natural environment or obstruct the navigation of the waterway.***

Comment:

The proposed berthing area has been sited to not adversely impact on the natural environment or obstruct navigation of the waterway.

- ***To provide opportunities for private access to the waterway where these do not cause unnecessary impact on public access to the foreshore.***

Comment:

The proposed berthing area provides opportunity for private access to the waterway without causing unnecessary impact on public access to the foreshore.

7.8 Limited development on foreshore area

Under Clause 7.8 Limited Development on Foreshore Area, development consent must not be granted for development on land in the foreshore area except for the following purposes:

- *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

Comment:

The proposed works are located on the seaward side of the foreshore edge on Crown land, below the MHW. As such, the requirements of Clause 7.8 are not required to be satisfied.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
Minimum frontage for waterfront development	15m	18.2m	Yes
Lateral limit	2.0m	3.6m	Yes
Max. dimensions berthing area	5m x 9m	5m x 9m	Yes
Max. height berthing pile	2.67m AHD	2.67m AHD	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
A4.15 Waterways 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
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
D15.11 Waterfront lighting	Yes	Yes
D15.12 Development seaward of mean high water mark	Yes	Yes
D15.13 Lateral limits to development seaward of mean high water mark	Yes	Yes
D15.14 Minimum frontage for waterfront development	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D15.15 Waterfront development	Yes	Yes

Detailed Assessment

D15.12 Development seaward of mean high water mark

Section D15.12 of the Pittwater 21 Development Control Plan stipulates that only structures associated either with the accommodation, servicing or provision of access to boats shall be permitted seaward of the mean high water mark.

The proposal is for the construction of a berthing area seaward of the mean high water mark, which is associated with the accommodation of boats. General Terms of Approval were also received from DPIRD Fisheries on 14 April 2025.

D15.15 Waterfront development

This control stipulates the following:

a) Jetties, Ramps and Pontoons

Where provided, jetties, ramps and pontoons shall meet the following criteria:

- i. Handrails are to be located only on one side of the structure.
- ii. Structures shall be located where at a maximum permissible water depth of 2.5 metres at low tide.
- iii. The minimum depth at the end of a jetty/pontoon should be:
 - 600mm at zero tide in the case of a pontoon (as per NSW Department of Primary Industries)
 - 600mm at mean low tide minimum in the case of a fixed jetty end (i.e. no pontoon)
- iv. Structures shall generally be no greater in length than existing structures, and shall not impede general navigation or equitable access or use of the waterway by adjoining landowners. The length of any jetty is to be minimised.
- v. The construction of " L" or " T" ends or other types of elongations or steps at right angles to jetties shall not be permitted.
- vi. The erection of structures above the finished surface of a jetty, ramp or pontoon, including sheds, overhead light fittings, benches and sinks, shall not be favoured, other than a small self contained service modules incorporating low voltage, low level lighting.
- vii. Gates and like devices shall not be permitted across structures where public access around the foreshore is obstructed, or where such devices are visually obtrusive.
- viii. Where considered appropriate, jetties shall be supported on piles. Solid fill structures such as groynes, or similar, shall not be permitted.
- ix. The finished jetty deck height shall be a maximum height of 1 metre above mean high water mark or 1.5 metres AHD.

- x. The materials used for construction should not be deleterious to marine life, for example antifouling paints or treated woods must not be used;
- xi. Structures over Posidonia seagrass or over Zostera, Heterozostera, Halophila and Ruppia species of seagrass beds greater than 5 square metres in area will generally not be permitted unless special circumstances exist. Exemptions may include:
 - i. works that are clearly in the public interest (e.g. safe access points for boating or swimming, State significant development),
 - ii. proposed works that, by virtue of design and location, are unlikely to have a significant impact, and where the proponent is willing to undertake works to compensate for any aquatic habitat liable to be lost or damaged,
 - iii. where property access is only available by water and no other alternative sites exist.
- xii. Where applicable, pontoons are to be positioned beyond the outer edge of the seagrass and the portion of the jetty, ramp or pontoon crossing seagrass is to be meshed or constructed of a similar material that transmits light to the seafloor. There is to be no covering on top of the mesh;
- xiii. Watercraft are not to be moored over or anchored within seagrass beds, and are not to be stored on the jetty, ramp or pontoon.

Comment:

The as-built pontoon is shown to have a minimum depth at zero tide of over 600mm. No structures are erected above the finished surface of the pontoon or adjoining ramp. The pontoon and ramp do not include any gates restricting foreshore access and are not positioned above seagrass. The proposal has been reviewed and supported by Council's Coast and Catchments Team. As such, the proposal is considered to comply with this control and is acceptable.

b) Berthing Areas

Berthing areas shall meet the following criteria:

Vessels shall be berthed at right angles to the mean high water mark to minimise visual impact on the foreshore, where practicable. The maximum dimension for berthing areas perpendicular to shore shall be 5m x 9m.

Where provided, berthing areas shall meet the following criteria:

- i. The proponent must demonstrate that they do not already hold, or cannot obtain, a swing mooring, marina berth or boat shed where they could reasonably store their boat;
- ii. That there is sufficient depth of water below the vessel being 600 mm depth at zero low tide (-1.53 AHD);
- iii. That it does not extend beyond the seaward face of any related pontoon, piles or jetty steps;
- iv. That there is sufficient clearance from prolongation of adjoining boundaries (i.e. a minimum of 2.5 metres)
- v. That it be designed and located to enable efficient and safe manoeuvring without impinging on adjoining neighbours; and
- vi. The size of vessel must be accommodated wholly within the lease area.

Comment:

The proposed berthing area measures 5m x 9m and is positioned perpendicular to the shoreline. While the site already accommodates a boatshed, the majority of the properties to the north and south of the site also include a boatshed in addition to a berthing area. The position of the berthing area does not extend beyond the seaward face of the adjoining existing jetty, and has sufficient clearance of 3.6m from prolongation of adjoining boundaries, thereby enabling efficient and safe manoeuvring without impinging on adjoining neighbours.

d) Slipways and Launching Ramps

Slipways and launching ramps are generally not favoured.

Council may consider slipways and launching ramps where structures are unlikely to detract from the visual character of the foreshore, will not affect marine vegetation and will not restrict public foreshore access.

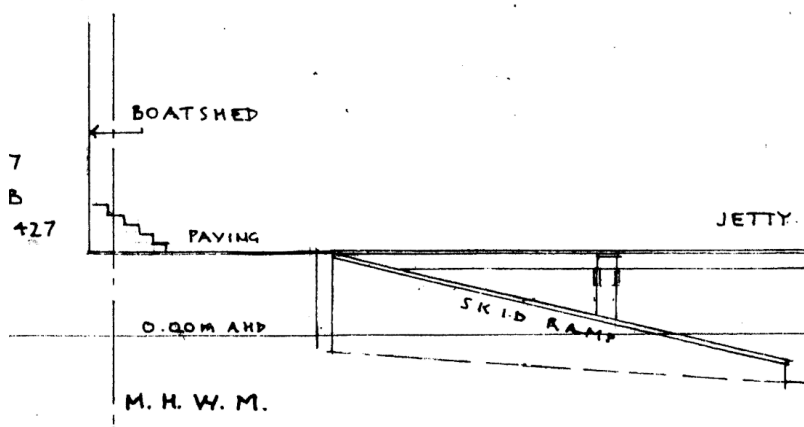
In such instances, the following criteria shall apply:

- i. Innovative design which incorporates slipping facilities with other existing or proposed structures is encouraged.
- ii. Structures, the storage of lightweight boats, and any winch equipment shall be entirely on private freehold land and shall not obstruct public foreshore access.
- iii. Structures shall be at ground level, where possible. Slipways from boatsheds, or reclamation must be recessed into the subject structure or work to minimise the height of the sliprails or boat ramp above the bed of the Pittwater Waterway.
- iv. Sliprails are to be in the form of two parallel rails, no more than 2 metres width apart, with either locking spreaders between the rails or bolted directly to the surface of the concrete without the use of spreaders or embedded in concrete to facilitate free access.
- v. Timber construction is preferred for proposed boat ramps. Concrete ramps may be considered at bed level in certain locations such as at Crystal Bay, Winji Jimmi Bay, Palm Beach and Careel Bay or where it can be shown, to the satisfaction of Council, that the aims of this clause are not compromised. Other materials such as steel with bonded rust proof coating will also be considered.

Comment:

The as-built skid ramp off the existing boatshed and reclamation does not extend above the height of the land, as shown in Figure 1 below, and is constructed from mesh on stone.

Figure 1: Skid ramp section



e) Piles

Freestanding or end piles are generally not favoured.

Council may consider freestanding or end piles where structures are unlikely to have a detrimental visual effect when viewed from the waterway, or in areas subject to heavy wave exposure to stabilise jetties, pontoons and berthed vessels.

In such instances, the piles must be a maximum height of 2.67m AHD to stabilise jetty ends and pontoons, and intermediate jetty piles shall not have a height greater than 1.26m AHD.

Structures shall be of timber or fibre reinforced concrete. Timber piles shall have a minimum diameter of 250mm and be stripped bare of bark above mean high water mark and be bound at the top by a metal ring to prevent splitting and be capped to prevent long term deterioration.

Structures shall be treated in dark, natural colours above mean high water mark. End piles or free standing piles shall be painted white along the top 1 metre of the pile to facilitate visual prominence when viewed from the water at night and minimise any hazard to navigation. The use of alternative measures, such as reflective materials, to facilitate visual prominence may also be supported.

Structures should be positioned at least 2 metres away from any Posidonia seagrass.

Comment:

The proposal includes two new piles to create the new berthing area, at a height of 2.67m AHD. The piles are not considered to have a detrimental visual effect when viewed from the Pittwater Waterway. The submitted Marine Habitat Survey Report dated 1 August 2023 notes that *there was no Posidonia seagrass present at the site.*

Having regard to the above assessments, it is concluded that the proposed development is consistent with the relevant outcomes of the P21DCP and the objectives specified in s1.3 of the *Environmental Planning and Assessment Act, 1979*. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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 2024

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

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within

Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2025/0219 for Construction and use of berthing area on land at Lot B DP 381427, 187 Riverview Road, AVALON BEACH, Lot LIC 577827, 187 Riverview Road, AVALON BEACH, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

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.

DEFERRED COMMENCEMENT CONDITIONS

1. Deferred Commencement - Building Information Certificate for Unauthorised Works

The application for a Building Information Certificate (BC2025/0058) is to be obtained for the unauthorised structures before this consent can become operational.

Reason: To regularise unauthorised development.

Evidence required to satisfy these conditions must be submitted to Council (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to Council via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

GENERAL CONDITIONS

2. 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
2032 - DA/BC 01-C	D	Site Plan	Stephen Crosby & Assoc. Pty. Ltd.	8 May 2025

2032 - DA/BC 02	-	Section	Stephen Crosby & Assoc. Pty. Ltd.	May 2025
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Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Marine Habitat Survey	Job no. 23-061-08	Waterfront Surveys Australia Pty Ltd	1 August 2023
Waste Management Plan	-	Stephen Crosby	28 February 2025
TfNSW Letter	-	Drew Jones, Transport for NSW Greater Sydney Maritime	10 August 2023

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

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

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

3. **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	25 March 2025
Aboriginal Heritage Office	Aboriginal Heritage Office Referral Response	8 April 2025
NSW Department of Primary Industries & Regional Development Fisheries	NSW Department of Primary Industries & Regional Development Fisheries Referral Response	14 April 2025

(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.

4. **Approved Land Use**

Nothing in this consent shall authorise the use of the as-built timber decking beyond the lateral limits of the subject lot, as detailed on the approved plans.

Any variation to the approved land use beyond the scope detailed above will require the

submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

5. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal 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.

6. 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) 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.
- (d) At all times after the submission of 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.
- (e) 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.
- (f) 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.
- (g) 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.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) 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.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. 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 Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

8. Construction Environment Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in the Aquatic Ecology Report/Waterway Impact Statement and must be kept in the site office. The CEMP must identify and appropriately manage invasive species (e.g. *Caulerpa taxifolia*).

An induction plan for site personnel must be prepared and implemented that addresses the CEMP. Induction records must be maintained and available onsite at all times.

The CEMP and site induction plan must be submitted to the Principal Certifier for approval prior to the issue of the Construction Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

9. Boundary Identification Survey

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

10. Amended Marine Habitat Survey

The Marine Habitat Survey, prepared by Waterfront Surveys Australia (dated 01 August 2023), is to be updated to consider construction activities and to include measures to mitigate any potential environmental impacts.

11. 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.

DURING BUILDING WORK

12. 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.

13. Aquatic environment protection

Environmental safeguards are to be used during construction to protect the aquatic environment. Appropriate methods must be installed and secured to ensure damage to the aquatic environment is minimised. Actions and recommendations of the aquatic ecology report must be followed.

Reason: To protect the aquatic environment.

14. Use of equipment and vessels in the vicinity of seagrass

No equipment is to be placed on any seagrass beds.

Inshore infrastructure for mooring vessels and plant must be used where suitable. Where mooring lines or cables are required, they shall be suitably buoyed prior to laying and kept buoyed once laid to prevent cable drag or swing damage (scalping). Where this is impractical, contractors should use a floating rope.

Vessels must have adequate clearance over seagrass beds, including allowance for tidal movement, swell/wind wave heights and vessel propulsion.

Reason: Protection of seagrass.

15. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

16. 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.

17. Pollution Control

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste/debris is to be removed off site and disposed of as frequently as required in accordance to local regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not leave the construction site.

18. Aboriginal Heritage

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

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

Reason: Aboriginal Heritage Protection.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

19. Waste Disposal Verification Statement

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and

- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

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

Signed



Anais Sarkissian, Planner

The application is determined on 16/05/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments