

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0136
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Responsible Officer:	Anaiis Sarkissian
Land to be developed (Address):	Lot 56 DP 7794, 60 Hudson Parade CLAREVILLE NSW 2107
Proposed Development:	Construction of a boat shed, waterway access stairs and landscaping
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Oliver Hartley

Application Lodged:	20/02/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	28/02/2025 to 14/03/2025
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 145,597.76
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PROPOSED DEVELOPMENT IN DETAIL

This development application seeks consent for the construction of a boat shed with green roof and waterway access stairs within the foreshore area. No changes are proposed to the approved dwelling house.

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 C4 Environmental Living

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

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

Pittwater 21 Development Control Plan - D1.14 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D15.15 Waterfront development

SITE DESCRIPTION

Property Description:	Lot 56 DP 7794 , 60 Hudson Parade CLAREVILLE NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Hudson Parade.</p> <p>The site is irregular in shape with a frontage of 28.2m along Hudson Parade and a depth of 87.18m along the northern boundary and 74.68 along the southern boundary. The site has an area on survey and title of 1,239m²; however, the measured area of the site is approximately 1,254m².</p> <p>The site is located within the C4 Environmental Living zone and, at the time of writing this Assessment Report, the significant alterations and additions to the existing dwelling house approved under DA2022/1715 are being constructed.</p> <p>The site is relatively steeply sloping from the east down to the west with a crossfall of approximately 12m.</p> <p>The site contains shrubs, lawn and canopy trees throughout the site. The site contains Pittwater Wagstaffe Spotted Gum Forest, including Trees 15, 16 and 17 at the rear of the property, which is an Endangered Ecological Community listed under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>Detailed Description of Adjoining/Surrounding Development</p>

Adjoining and surrounding development is characterised by predominantly two storey dwelling houses, varying in architectural style and design.

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:

N1060/02

Development Application for construction of a new driveway, turning circle and parking bay.
Approved 26 September 2003

N0192/06

Development Application for reconstruction of an existing driveway.
Approved 10 July 2006

CC0409/06

Construction Certificate (2006/1426) issued for reconstruction of an existing driveway.
Approved 27 July 2006

N0071/14

Development Application for construction of a seawall with associated access stairs and decking.
Refused 31 July 2014

N0135/15

Development Application for a stepped sandstone seawall to align with existing embankment beach front and associated landscaping.
Approved 25 August 2015

CC0095/16

Partial Construction Certificate (BP16100) issued for a stepped sandstone seawall to align with existing embankment beach front and associated landscaping - excludes timber deck.
Approved 7 April 2016

T0282/16

Development Application for removal of Spotted Gum Tree.
Approved 28 June 2016

DA2022/1715

Development Application for alterations and additions to a dwelling house including a swimming pool.
Approved 23 November 2023

PLM2024/0038

Pre-lodgement meeting held on 7 May 2024 to discuss the construction of a boat shed, involving the removal of Trees 16 and 17.

The advice provided included the need for a Tree Risk Assessment before Council can support removal of any trees, and that if this information cannot be supplied, then the Applicant should look at relocating the boat shed on the northern side of the site to avoid impacting any trees. Visual impact of the boat shed was not a significant concern.

MOD2024/0422

Modification of Development Consent DA2022/1715 granted for alterations and additions to a dwelling house including a swimming pool.
Approved 12 November 2024

CC2025/0070

Stage 1 Construction Certificate (23/0594/01) issued for alterations and additions to a dwelling house including a swimming pool - excludes landscaping works and vehicular crossing.
Approved 30 January 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 Matters for Consideration	Comments
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 9 April 2025 in relation to tree and biodiversity impacts, retention of natural landscape features and landscaped area.</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 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 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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 28/02/2025 to 14/03/2025 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Maria McCrossin Mr Geoffrey Blair Burton Mr Michael Anthony Still Tony Moody	62 Hudson Parade CLAREVILLE NSW 2107

Submissions were received from a Planner and Arborist on behalf of the neighbour at 62 Hudson Parade. The issues raised within the submissions have been summarised and addressed as follows:

- ***Adverse impact on existing trees and wildlife habitat***

The submissions raised concerns that the location and siting of the proposed boat shed would cause adverse impact on existing trees and wildlife habitat, and that the amended proposal has not resolved the previous issues raised by Council's Officers. It was noted that existing tree 15, 16 and 17 are of a long life evaluation and of high significance in the landscape, and that the new design is still too close to the trunks of this significant stand of endemic and protected trees. It was argued that the trees are growing on environmentally sensitive land and can be seen from afar. The submission stated that over the last 12 years, there has been no change to the good health, vigour and condition of the trees, and that they provide habitat for local birds and wildlife.

Comment:

As a group, existing trees T15, T16 and T17 within the rear of the property are high retention value as they contribute to natural foreshore amenity and to maintain biodiversity value of the surrounding area. It is considered that the most suitable siting for the proposed boat shed would be on the northern end of the property at the rear. However, in choosing to continue locating the boat shed at the southern end of the property, the Applicant has undertaken various investigations and assessments to justify its proposed location. The footprint of the boat shed has reduced significantly and has been positioned closer to the waterway to increase the setback from the existing trees. The external wall of the proposed boat shed is measured at 2.2m from T17 and 2.4m from T16. Tree root investigation along the proposed alignment of excavation for the boat shed has also been undertaken.

The Arborist Statement dated 12 May 2025 includes results of the tree root investigation conducted to the extent of the proposed boat shed excavation footprint. The Statement reads *"The investigatory excavation works demonstrate that construction of the Boatshed should not*

impact Trees T15, T16 and T17, as no woody roots are present in the rear section of the Boatshed footprint and the front section of the Boatshed will be constructed above existing grade on piers (located to avoid significant roots)". Based on this, Council's Landscape Officer expects that existing tree roots are upslope. The upslope natural ground area is proposed for retention as a landscape area and it is considered that the upslope area is adequate in soil volume to preserve the existing trees. Therefore, no objection is raised to the location of the proposed boat shed due to no concerns in relation to the long-term impact to existing trees, subject to compliance with several detailed conditions.

- **Landscaped area**

The submissions raised concerns that while the amended plans include revised calculations using the correct site area, only 54% landscaped area is provided, and the 6% allowance for impervious landscape treatments should not be relied upon given the outcomes of the control have not been achieved, primarily due to the illegal removal of two trees at the front of the site, being Trees 3 (Native Daphne) and 4 (Cheese Tree), which were to be retained under DA2022/1715 and MOD2024/0422, as well as the number of trees that were approved to be removed to accommodate the dwelling house under DA2022/1715.

Comment:

Landscaped area has been calculated and assessed in detail under Section D1.14 of the Assessment Report, where it has been found to be acceptable for the reasons discussed. The previous removal of trees is a separate matter to this DA and the boat shed itself does not cause impact to trees or removal of significant vegetation.

- **Illegal works**

The submissions raised concerns that two trees at the front of the site have been illegally removed, and illegal works have been undertaken via illegal excavation at the rear of the site. It was also noted that Council should have no confidence in the adjoining owners adhering to a condition of consent given the past illegal works that have been carried out on the property.

Comment:

The abovementioned matters have been raised with Council's Compliance Team and will be investigated as separate matters to this DA. It is noted that some root mapping investigation works were undertaken at the site of the proposed boat shed.

- **Bulk and scale**

The submissions originally raised concerns over the height, bulk and scale of the proposal; however in response to the amended design, it was considered that the proposal presents a satisfactory level of bulk and scale.

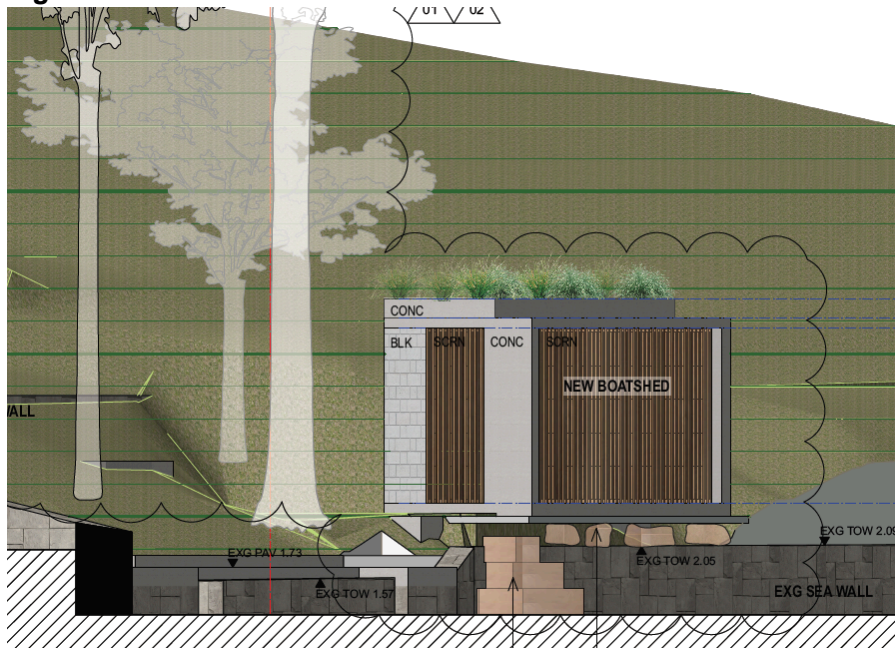
Comment:

The amended proposal presents a significantly reduced footprint with a building height well below that permitted for boat sheds. The amended boat shed also sits 200mm lower than the original design, both at the floor level and the ridge level. Tree 17 is now also proposed to be retained in addition to Trees 15 and 16, thereby having no negative visual impact on the foreshore from the Pittwater waterway. Figure 1 and 2 below demonstrate the significant reduction in bulk and scale of the amended design compared with that originally proposed.

Figure 1: Original northern elevation



Figure 2: Amended northern elevation



- **Insufficient information to support proposed hoist**

The submissions raised concerns that insufficient detail has been provided in relation to the proposed hoist and associated machinery regarding details of how boats will be raised and lowered from and into the water, and visual and acoustic impacts must be assessed. It was noted that to approve the proposed hoist without sufficient details and without proper notification to adjoining owners would constitute a denial of procedural fairness.

Comment:

The proposed boat hoist is an operable fixture inside the boat shed and no further details are required in regards to this, given that a boat shed is a designed area for storage and maintenance of boats. A condition has been recommended requiring the boat hoist/lift to not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

- **Extent of excavation**

The submissions raised concerns over the extent of proposed excavation to accommodate the proposed boat shed.

Comment:

The amended proposal significantly reduces the footprint of the boat shed, thereby reducing the extent of excavation required, as evident in Figures 3 and 4 below.

Figure 3: Original design

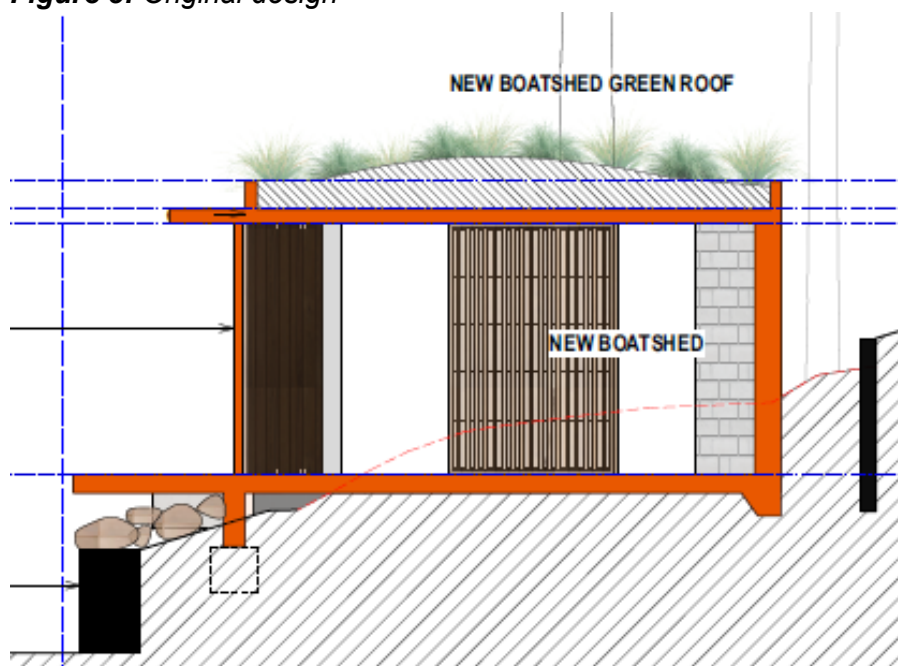
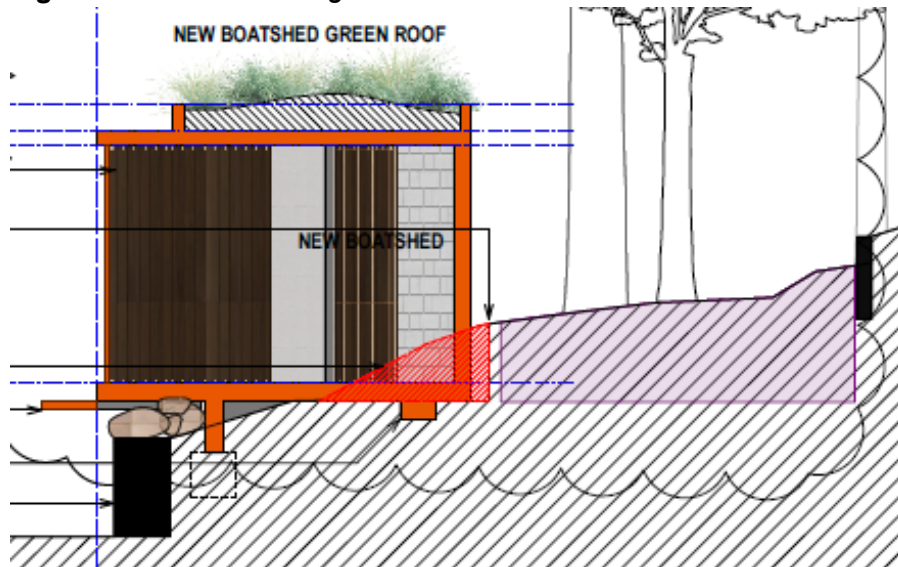


Figure 4: Amended design

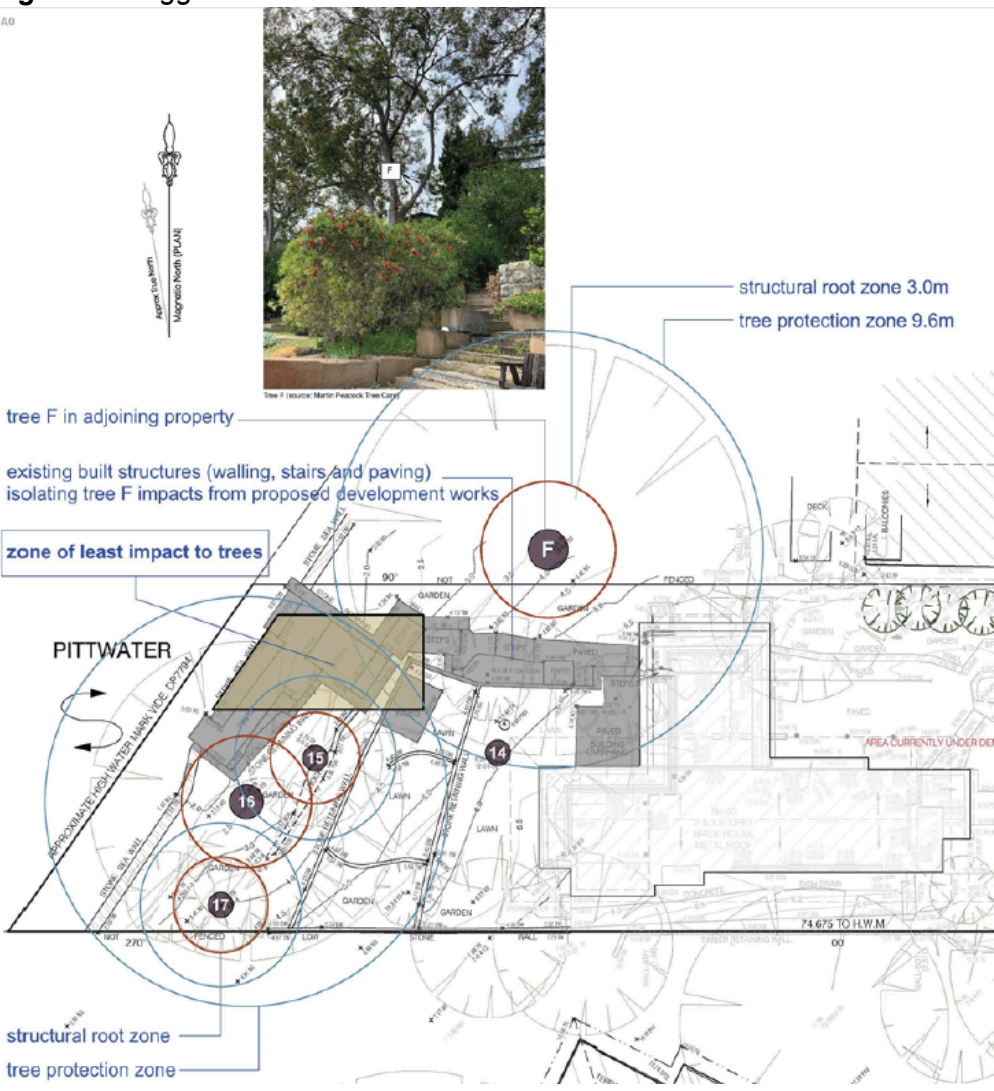


REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	<p>The site is classed as class 5 acid sulfate soils.</p> <p>Original Comments (20/02/2025) The works are unlikely to lower the water table below 1 meter AHD on the adjacent Class of Acid Sulfate Soils within Pittwater.</p> <p>Environmental Health is in support of the development with a condition of consent recommended should new evidence arise in relation to the presence of acid sulfate soils during the course of works.</p> <p>Updated Comments (13/05/2025) The applicant has provided updated plans and information with amendments summarised as:</p> <ul style="list-style-type: none"> • A reduction in the size and footprint of the boatshed to provide for the retention of all trees including Tree 17, which is now correctly located on plan. • A reduction in excavation. • Landscaped area retained (based on the surveyed "Title" site area of 1,239m²). <p>The proposed amendments do not alter previous conclusions in relation to acid sulfate soils.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>

Internal Referral Body	Comments
Landscape Officer	<p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause zone C4 Environmental Living and zone W1 Natural Waterways, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): B4.7 Pittwater Spotted Gum Forest; B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and D1 Avalon Locality.</p> <p>The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>Original Comments (03/04/2025)</p> <p>The proposed works are for the construction of a boat shed, including associated works: tree removal, retaining walls, stairs and paved areas.</p> <p>The 'as approved' landscape area under development consent DA2022/1715 is identified as 55.5%, whilst it is noted that the Assessment Report under the DA2022/1715 development application identified this at 54%. Regardless, under this current application as illustrated on plan DA.03 the landscape calculation is proposed as 55% inclusive of the proposed boat shed built form and other associated hardstand elements (pavement and stairs) whilst indicating that existing access paving is to be removed. It is considered that removal of existing paving then restricts safe access between the dwelling and the foreshore. Landscape Referral raise concerns that the C4 landscape area requirements are diminished further than identified on plan DA.03. This matter shall be assessed and determined by the Assessing Planning Officer.</p> <p>The proposed boat shed is designed to be located within 2 metres of an existing Spotted Gum identified as tree 16 that is proposed for retention on plans and in reports. Fundamentally, an approval of the boat shed would activate the 2 metres exemption variation rule under the Pittwater DCP control B4.22 Preservation of Trees and Bushland Vegetation, that permits removal of any tree within 2 metres of an approved building. For this reason, the location of the boat shed is unable to be approved.</p> <p>Furthermore, following site review it is considered that the proposed boat shed should be located elsewhere away from existing trees and rather upon cleared land that is presently occupied by pavements and stairs (see sketch below at Figure 5). It is noted that this advice was presented to the Applicant in the pre-lodgement meeting PLM2024/0038. An alternative location importantly presents limited and manageable encroachments of tree protection zones. The property includes a total of three prescribed existing Spotted Gum trees within the property and these are all located within the foreshore area in close proximity to the proposed boat shed.</p> <p>An Addendum to the Arboricultural Impact Assessment report dated 29th January 2025 is submitted under this application. The Addendum report</p>

Internal Referral Body	Comments
	<p>includes commentary that the <i>"potential to locate the boatshed etc. in the northwestern corner of the site was investigated as part of the design development stage. However, it was determined that the extent of excavation that would be required within the Tree Protection Zone (TPZ) area of the neighbours Tree F could potentially impact the health of the tree"</i>. Landscape Referral do not agree with this analysis and Figure 5 clearly demonstrates that tree protection zone encroachment to the neighbouring tree F is not expected to increase as the suggested siting in Figure 5 allows for the boat shed location upon hardstand area consisting of existing pavement, stairs and walling, such that the existing hardstand areas to this area, built in mid 2010's, renders a barrier to tree root growth from tree F.</p> <p>The Addendum indicates that trees 16 and 15 are to be retained and tree 17 is recommended for removal. The proposed boat shed works around tree 16 are located within the structural root zone and root investigation has been carried out to determine that construction of the boat shed may be feasible. Regardless of this, the issue of long-term survival is more important in assessing the capability to retain any tree. The proposed Boatshed location under this application ultimately reduces the natural ground surface conditions, including natural soil levels and natural drainage provisions and this loss represents a major encroachment that is unable to be "compensated for elsewhere and contiguous with the TPZ" as identified in Australian Standard 4970-2009 under section 3.3.3 Major encroachment.</p> <p>There is no indication in the Addendum that tree 16 presents an imminent risk to persons and property.</p> <p>It is also noted that the Spotted Gums identified as trees 15, 16 and 17 tree root distribution are most likely to be interconnected such that any excavation to one may impact the other two trees.</p> <p>In summary, it is considered that the proposal to locate the proposed Boatshed in close proximity to existing Spotted Gums is likely to present long term tree condition issues that will impact tree health for both tree 15 and 16, and this proposal does not satisfy various Pittwater LEP and DCP requirements including:</p> <ul style="list-style-type: none"> • Zone C4 Environmental Living, where the objective to retain foreshore vegetation is impacted and the aesthetic values of the foreshore are also impacted should trees be impacted in the long term; • Zone W1 Natural Waterways, where the natural environment values are impacted should trees be impacted in the long term; • B4.7 Pittwater Spotted Gum Forest, where should trees be impacted in the long term, loss of canopy cover or a net loss in native canopy trees is expected; and • B4.22 Preservation of Trees and Bushland Vegetation, where long term retention to protect the scenic value and character along the foreshore is not expected.

Internal Referral Body	Comments
	<p>In planning terms, concerns are raised regarding the landscape area calculation and the site planning analysis to determine the most appropriate location for a boat shed.</p> <p>Figure 5: Suggested location of the Boatshed</p>  <p>Updated Comments (04/06/2025)</p> <p>The proposed works are for the construction of a boat shed and associated works.</p> <p>Master Set Plans, Landscape Plans, Stormwater Plans and Arboricultural reports, all as amended, have been reviewed by Landscape Referral.</p> <p>The Amended Landscape Plans (issue D) include proposals for enhancement of the foreshore zone with native tree and understory planting, identification of retained hard landscape elements such as the existing walling, stairs, pavements, stone edges and rock outcrops. The boat shed is proposed with a green roof with 300mm soil depth, and the proposed planting can be adequately supported for long term establishment. Any</p>

Internal Referral Body	Comments
	<p>reference to retention / removal of trees and vegetation shall be deferred to the Arborist Reports and conditions shall be imposed. No prescribed trees are to be removed.</p> <p>The Amended Landscape Plans proposal for tree planting shall be the subject of conditions as the proposed locations of the nominated trees are not supported. Whilst the proposal to plant one Spotted Gum and one Dwarf Apple is supported to assist in the Spotted Gum Forest association renewal, it is advised that the proposed locations are more sensibly to be located away from other trees, buildings and side boundaries and the locations shall be subject to conditions.</p> <p>The Amended Stormwater Plans (issue B) indicate stormwater pits and lines away from existing trees, and no concerns are raised subject to standard tree protection measures.</p> <p>The boat shed location as proposed is in proximity to existing Spotted Gum Forest trees, and the following reports are reviewed: Addendum B Arboricultural Impact Assessment Report dated 29th January 2025; and Arboricultural Statement dated 12th May 2025.</p> <p>As a group, existing trees T15, T16 and T17 within the rear of the property are worthy of retention to protect the natural foreshore amenity and to maintain biodiversity value. Landscape Referral consider that in terms of site planning, it is clear that a boat shed to the northern end of the property at the rear is a sensible outcome for tree preservation. It is noted that this part of the property includes extensive hard landscape elements including stone walling, stairs and pavements. In continuing to locate the boatshed at the southern end of the property, the Applicant has undertaken various activities to justify its proposed location including:</p> <ul style="list-style-type: none"> the footprint of the boat shed is reduced and located closer to the waterway to increase the setback distance to existing trees T16 and T17. The external wall of the proposed boat shed is measured at 2.2 metres from T17 and 2.4 metres from T16. tree root investigation along the proposed alignment of excavation for the boat shed has been undertaken. <p>The Arboricultural Statement dated 12th May 2025 includes results of the tree root investigation conducted to the extent of the proposed boat shed excavation footprint. The report reads <i>"The investigatory excavation works demonstrate that construction of the Boatshed should not impact Trees T15, T16 and T17, as no woody roots are present in the rear section of the Boatshed footprint and the front section of the Boatshed will be constructed above existing grade on piers (located to avoid significant roots)"</i>. Based on this, it is expected that existing tree roots are upslope and thus Landscape Referral do not raise objection to the location of the proposed boat shed. The upslope natural ground area is proposed for retention as a landscape area, and it is considered that the upslope area is adequate in soil volume to preserve the existing trees. Both the Addendum B Arboricultural Impact</p>

Internal Referral Body	Comments
	<p>Assessment Report dated 29th January 2025 and Arboricultural Statement dated 12th May 2025 provide various tree protection measures and conditions shall be imposed.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Bushland and Biodiversity)	<p>Original Comments (03/04/2025)</p> <p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • Pittwater LEP 2014 cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community • SEPP (Resilience and Hazards) 2021 - Coastal Environment Area <p>The following documentation submitted as part of the development application has been reviewed in relation to biodiversity matters:</p> <ul style="list-style-type: none"> • Flora and Fauna Assessment Report (Narla Environmental, December 2024) • Arboricultural Impact Assessment (Martin Peacock Tree Care, January 2025) • Architectural Plans (Bennet Murada Architects, January 2025) • Statement of Environmental Effects (Boston Blyth Fleming, December 2024) <p>The Flora and Fauna Report confirms the presence of Pittwater Wagstaffe Spotted Gum Forest (PWSGF) within the subject site, including Trees 15, 16 and 17. PWSGF is an Endangered Ecological Community listed under the Biodiversity Conservation Act 2016. The Arborist recommended the removal of Tree 17 (<i>Corymbia maculata</i>) as it is located within the footprint of the boatshed, and has proposed that T15 and T16 be retained.</p> <p>Previous advice provided to the Applicant by Council's Biodiversity Referrals Team for a pre-lodgement meeting (PLM2024/0038), included that the trees belonging to PWSGF be retained and that the proposal consider alternative locations within the site, such as the existing cleared/landscaped area to the north of the current proposed location. The Arborist Report states that <i>"the potential to locate the boatshed etc. in the northwestern corner of the site was investigated as part of the design development stage. However, it was determined that the extent of excavation that would be required within the Tree Protection Zone (TPZ) area of the neighbours Tree F could potentially impact the health of the tree"</i>. Council's Landscape Referrals Team have provided comments on this statement, and have identified that tree protection zone encroachment to the neighbouring tree F is not expected to increase as it would be located upon hardstand area which</p>

Internal Referral Body	Comments
	<p>would render a barrier to tree root grown from tree F. Council's Landscape Referrals Team have also raised the issue that trees 15, 16 and 17 appear to be interconnected and as such excavation to one may impact the other two trees. Long term impacts to the three <i>Corymbia maculata</i> canopy trees within the property would result in non-compliance with Pittwater 21 DCP B4.7 Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees, and that Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations. Tree 16 contains a number of different sized hollows which provide habitat for threatened species and impacts to this tree are not supported.</p> <p>Given the comments discussed above, Council's Biodiversity Referrals Team do not support the application as it is currently presented. The Applicant is once again encouraged to further explore alternative locations that do not require the removal of Pittwater Wagstaffe Spotted Gum Forest.</p> <p>Updated Comments (05/06/2025) Amended documentation has been provided and reviewed, including (not limited to):</p> <ul style="list-style-type: none"> • Landscape Plan (Pangkarra, May 2025) • Master Plans (Bennett Maruda Architects, May 2025) • Arboriculture Report (Martin Peacock Tree Care, May 2025) • Stormwater Report (NB Consulting Engineers, May 2025) <p>In response to Council feedback, the proposed boat shed design has been amended in accordance with the abovementioned plans and documentation in order to reduce impacts to Trees 15, 16 and 17 to ensure retention of Pittwater Spotted Gum Forest within the rear of the site. As such, the footprint of the boatshed has been reduced and located further away from the trees. Tree root investigation was undertaken by the Arborist and confirmed that the construction of the boat shed will be above existing grade on piers in order to avoid significant roots. The Landscape Plan provides for additional native canopy planting, including 1 x <i>Corymbia maculata</i> and a range of other small native trees, shrubs and groundcovers across the rear of the site.</p> <p>On the basis that sufficient evidence has been provided by the Arborist in terms of tree retention, there are no objections in relation to biodiversity, subject to conditions.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports including; • Coastal Management Act 2016;

Internal Referral Body	Comments
	<ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 (section 2.10, 2.11 & 2.12); Relevant LEP and DCP clauses. <p>The application has been assessed in consideration of the following:</p> <p><u>Coastal Management Act 2016</u></p> <p>The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><u>State Environmental Planning Policy (Resilience & Hazards) 2021</u></p> <p>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>Comment: On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by BBF Town Planners dated December 2024 and amended on the 12th May 2025, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H.</p> <p><u>Pittwater LEP 2014 and Pittwater 21 DCP.</u></p> <p><u>Estuarine Risk Management</u></p> <p>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 Estuarine Hazard Controls will apply to any proposed development of the site. In this situation, the EPL for this property is 2.71 m AHD. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.07 m reduction to the EPL for every 5.00 m distance from the foreshore edge up to a maximum distance of 40.0m.</p> <p>Comment: On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by BBF Town Planners dated December 2024, the ground floor level of the proposed boatshed (FFL of 2.71 m AHD) complies with the relevant estuarine risk management requirements of P21 DCP and does not need to be supported by an Estuarine Risk Management Report. In this situation, the new boat hoist and lift may be subject to conditions as the supplied plans do not indicate the elevation above the EPL.</p> <p><u>Waterfront Development</u></p> <p>The proposed development of a boatshed is classified as waterfront</p>

Internal Referral Body	Comments
	<p>development and therefore section D15.15 P21 DCP applies. This sub-section specifies height, design and utilisation of the boat shed. Boat sheds shall be one storey and no greater than 4.5m in building height above the platform on which it is built, irrespective of its location, and be designed for its original purpose.</p> <p>Comment: On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by BBF Town Planner dated December 2024, the proposed boatshed does not comply as the proposed boat shed exceeds the size limitation in accordance with Waterfront Development D15.15. The size of the boatshed according to the designs by Bennett Murada Architects are 4.8m (width of opening) x 5.38m x 3.15m. The required specifications of a boat shed should not exceed 4m x 6m x 4.5m. It is noted that the exceedance in size will have negligible impacts on coastal processes and that impacts of visual amenity have not been assessed.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Development Engineering)	<p>Original Comments (27/02/2025)</p> <p>This application proposes the construction of a boat shed with a green roof next to Pittwater Waterway. The geotechnical report submitted by Douglas Partners confirms that an acceptable level of risk can be achieved. There are no objections from Development Engineering, provided the recommended conditions are met.</p> <p>Updated Comments (15/05/2025)</p> <p>I have reviewed the amended plans for the boat shed and consider the changes to be minor from a Development Engineering perspective. There are no objections from Development Engineering subject to conditions.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Riparian Lands and Creeks)	<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; • Water Management Act 2000; • Water Management (General) Regulation 2018; • Northern Beaches Water Management for Development Policy (WMD Policy); and • Relevant LEP and DCP clauses. <p>The proposal is for a boat shed with green roof abutting Pittwater estuary.</p> <p>Section 4.0 of the WMD Policy applies. Water sensitive urban design</p>

Internal Referral Body	Comments
	<p>(WSUD), water reuse and infiltration into the soil, and the resulting quality of stormwater leaving the site are interconnected concepts that guide a merit-based assessment under the section.</p> <p>The proposal includes a green roof and silt arrestor pit.</p> <p>No objection to the proposal provided appropriate sediment and erosion controls are implemented during construction.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Parks, reserves, beaches, foreshore	<p>Council's Parks, Reserves and Foreshores Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause 7.8 Limited development on foreshore area. The development property adjoins Pittwater waterway downslope.</p> <p>Original Comments (03/04/2025) Parks, Reserves and Foreshores Referral are of the opinion that clause 7.8 Limited development on foreshore area, is not satisfied for the following reason:</p> <ul style="list-style-type: none"> The development does not contribute to achieving the objectives for the C4 Environmental Living zone, which requires retention of existing landscape natural features such as existing trees, and the concerns as raised by Landscape Referral are noted, casting doubt on the capability of existing trees to remain within the foreshore area. <p>Updated Comments (05/06/2025) Parks, Reserves and Foreshores Referral are of the opinion that clause 7.8 Limited development on foreshore area, in consideration of the retention of existing Pittwater Spotted Gum species within the foreshore area and the enhancement with vegetation planting in this area at the rear of the property, achieves the objectives of clause 7.8 as well as the landscape objectives of the C4 Environmental Living zone. The development is not detrimental to the prevailing foreshore landscape character when viewed from the adjoining waterway, and as such Parks, Reserves and Foreshores raise no concerns with the development proposal.</p> <p>All development works must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries and prevented from travelling across the boundary and into the foreshore and waterway.</p> <p>Recommendation</p> <p>APPROVAL - without conditions</p>
Strategic and Place Planning (Heritage)	HERITAGE COMMENTS
	Discussion of reason for referral

Internal Referral Body	Comments		
Officer)	This proposal has been referred to Heritage as the property is identified as potentially being of heritage significance.		
	Details of heritage items affected		
	There is no inventory information for this property. However, the property is a brick and concrete dwelling designed by well known Australian architect Bruce Rickard in the late 1980s.		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	The proposal seeks consent for the construction of a boatshed, waterway access stairs and associated landscaping. The proposed boatshed is to be located at the southwestern rear of the property adjacent to the Pittwater Waterway. Heritage considers that the bulk, scale and size of the proposed boatshed is acceptable when read in relation to the significance of the existing dwelling. The materials of the boatshed and the proposed access stairs to the boatshed are also considered appropriate. As such, Heritage considers the proposal will not detract from the significance of the existing dwelling.		
	Therefore, Heritage raises no concerns and requires no conditions.		
	Revised comments based on amended plans - dated 12/5/2025		
	Heritage has reviewed the amended plans for the construction of a boatshed, waterway access stairs and associated landscaping. The amended plans have reduced the size and footprint of the boatshed to allow the retention of Tree 15, Tree 16 and Tree 17. Heritage is supportive of these changes and raise no objections.		
	Therefore, Heritage raises no concerns and requires no conditions.		
	Consider against the provisions of CL5.10 of PLEP.		
Is a Conservation Management Plan (CMP) Required? No			
Has a CMP been provided? No			
Is a Heritage Impact Statement required? No			
Has a Heritage Impact Statement been provided? No			

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 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.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

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

Comment:

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

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The 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'; however, the amended proposed works have been designed and sited to minimise impact on the coastal environment. Council's Coastal, Riparian Lands and Foreshore Officers have supported the proposal, subject to conditions. The proposal 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'; however, the amended proposed works have been designed and sited to minimise impact on the coastal environment. Council's Coastal, Riparian Lands and Foreshore Officers have supported the proposal, subject to conditions. The proposal complies with 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'; however, the amended proposed works have been designed and sited to minimise impact on the use of the coastal area. Council's Coastal, Riparian Lands and Foreshore Officers have supported the proposal, subject to conditions. The proposal complies with 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:

The proposed development as amended is unlikely 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 programs apply 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

Principal Development Standards

Standard	Requirement	Proposed	Complies
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Height of Buildings:	8.5m	3.8m	Yes
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Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
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

Detailed Assessment

Zone C4 Environmental Living

The proposed works are located on land zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The proposal has been assessed against the objectives of the C4 zone and in this instance, the proposal satisfies the objectives, as detailed below.

- ***To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.***

Comment:

The amended proposal will continue to provide for low-impact residential development within an area that contains special ecological, scientific or aesthetic values.

- ***To ensure that residential development does not have an adverse effect on those values.***

Comment:

The amended proposal has been supported by Council's Heritage, Biodiversity, Landscape, Coastal, Riparian Lands, and Parks and Reserves Officers. It is therefore satisfied that the proposal will not adversely affect those values.

- ***To provide for residential development of a low density and scale integrated with the landform and landscape.***

Comment:

The amended proposal will continue to provide for residential development of a low density and scale that is integrated with the landform and landscape.

- ***To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.***

Comment:

The amended proposal does not involve the removal of any significant trees or native vegetation. The proposed development does not negatively impact riparian and foreshore vegetation and wildlife corridors, and has been supported by Council's Biodiversity, Landscape, Coastal and Riparian Lands Officer, subject to conditions.

7.6 Biodiversity protection

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

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

- (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*

Comment:

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

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

Comment:

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

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

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval, subject to conditions. Therefore, Council can be satisfied that the development is designed, sited and will be managed to any significant adverse environmental impact.

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 development is for a boat shed and associated waterway access stairs within the foreshore area. The proposal is therefore excepted development under this clause, as detailed above, thereby being an acceptable form of development within the foreshore area.

Development consent must not be granted under this clause unless the consent authority is satisfied that:

- *the development will contribute to achieving the objectives for the zone in which the land is located, and*
- *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
- *the development will not cause environmental harm such as:*
 - *pollution or siltation of the waterway, or*
 - *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - *an adverse effect on drainage patterns, or*
 - *the removal or disturbance of remnant riparian vegetation, and*
- *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*
- *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
- *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
- *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*

- *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change have been considered.*

Comment:

The proposed development is consistent with the objectives of the C4 zone. The appearance of the proposed development is compatible with the surrounding area. The proposed development will not cause environmental harm in relation to pollution, siltation, surrounding uses, marine habitat, wetland areas, flora or fauna habitats, drainage patterns or remnant riparian vegetation. The proposed development will not cause congestion or generate conflict between people using the adjacent open space or waterway. The proposed development retains public access along the foreshore. The proposed development will not result in adverse impacts to any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land. The proposed development will not have an adverse impact on the amenity or aesthetic appearance of the foreshore. The proposed development will not impact upon sea level rise, coastal erosion or recession, or change flooding patterns.

In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- *continuous public access to and along the foreshore through or adjacent to the proposed development,*
- *public access to link with existing or proposed open space,*
- *public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- *public access to be located above mean high water mark,*
- *the reinforcing of the foreshore character and respect for existing environmental conditions.*

Comment:

The proposed development will retain continuous public access to and along the foreshore. The proposed development does not impact upon any public access. The proposed development is acceptable in relation to the foreshore character and the existing environmental conditions.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
Front building line	6.5m	61m	Yes
Rear building line	FSBL	Works below FSBL <i>*Refer Section 7.8</i>	Yes
Side building line	North - 2.5m	7.7m	Yes
	South - 1.0m	1.0m	Yes
Building envelope	North - 3.5m	Within envelope	Yes
	South - 3.5m	Within envelope	Yes
Landscaped area	60% (743.4m ²)	54.8% (679.1m ²) + 6% impervious = 60.8% (753.4m ²) <i>*Refer Section D1.14</i>	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
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
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C5.21 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes
D15.11 Waterfront lighting	Yes	Yes
D15.14 Minimum frontage for waterfront development	Yes	Yes
D15.15 Waterfront development	No	Yes

Detailed Assessment

D1.14 Landscaped Area - Environmentally Sensitive Land

Detailed description of non-compliance

Pursuant to Section D1.14 of the Pittwater 21 Development Control Plan, any alterations or additions to an existing dwelling are required to provide a minimum of 60% of the site area as landscaped area. Provided the outcomes of the control are achieved, up to 6% of the total site area may be provided as impervious landscape treatments provided these areas are for outdoor recreational purposes only, as well as impervious areas less than 1m in width.

The landscaped area calculations associated with this particular site are unique in that the title and survey plan provide a total site area of 1,239m²; however, the site area as measured to scale gives an area of approximately 1,254m². This discrepancy in the site area is likely due to the changing position of the mean high water mark over time. It is futile to measure the landscaped area consistent with the previous approvals for the site as these figures are unclear. The assessment report for DA2022/1715 shows the 60% landscaped area requirement to be 743.4m², which is taken as a proportion of 1,239m²; however, the approved landscaped area figure was shown as 54% (677m²), which is a proportion of 1,254m². Similarly, for MOD2024/0422, the landscaped area was approved as 55.5% (689.5m²), which is a proportion of 1,239m².

Notwithstanding the previously approved figure, the current development as approved under MOD2024/0422 has a measured landscaped area of 54.3% (672.9m²) as a proportion of 1,239m². By comparison, the proposed works are measured to have a landscaped area of 54.8% (679.1m²) as a proportion of 1,239m², and 60.8% (753.4m²) including 6% impervious landscape treatments. In this way, the proposal accommodates 6.2m² more landscaped area on the site than the approved development, largely owing to the provision of a green roof over the boat shed with native plantings and a soil depth of 300mm, thereby contributing 9.4m² in landscaped area. However, measuring the landscaped area on the plans and expressing this as a proportion of 1,239m² provides a misleading and overrepresented view of the true landscaped area given the measured site area is greater at 1,254m². Notwithstanding, when measured as a proportion of 1,254m², the landscaped area on the site (including impervious landscape treatments) is 60.2% (754.3m²), which still complies with the minimum requirement of 60%. As such, in both scenarios, the amount of landscaped area provided is sufficient and meets the minimum requirements of the DCP.

Merit consideration

With regard to the consideration of landscaping allowances, the proposed development is considered against the underlying outcomes of the control as follows:

- ***Achieve the desired future character of the Locality.***

Comment:

The proposed development is considered to be appropriate within its context, consistent with the bulk and scale of surrounding development and in keeping with the desired future character of the Avalon Beach locality.

- ***The bulk and scale of the built form is minimised.***

Comment:

The amended boat shed design minimises the bulk and scale of the built form through having a height of 3.15m above the platform on which it is built, being well below the maximum of 4.5m prescribed by the P21DCP. The boat shed footprint is also approximately 10m² smaller than the maximum permitted, and the amended proposal retains all existing prescribed trees on the site. The proposed boat shed is also to be constructed of materials and colours that respond sensitively to the surrounding natural environment.

- ***A reasonable level of amenity and solar access is provided and maintained.***

Comment:

The amended proposal provides a reasonable level of amenity and solar access.

- ***Vegetation is retained and enhanced to visually reduce the built form.***

Comment:

The proposal does not involve the removal of significant trees or native vegetation, thereby visually reducing the built form.

- ***Conservation of natural vegetation and biodiversity.***

Comment:

The proposal does not involve the removal of significant trees or native vegetation, and the amended design has been sited to avoid long-term impact on surrounding trees.

- ***Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.***

Comment:

The proposal has been supported by Council's Development Engineer, Coastal Officer and Riparian Lands Officer in relation to stormwater runoff. Suitable conditions have been imposed to avoid soil erosion and siltation of natural drainage channels.

- ***To preserve and enhance the rural and bushland character of the area.***

Comment:

The proposal does not involve the removal of significant trees or native vegetation, and the amended design has been sited to avoid long-term impact on surrounding trees, thereby preserving the bushland character of the area.

- ***Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.***

Comment:

The proposal has been supported by Council's Development Engineer, Coastal Officer and Riparian Lands Officer in relation to stormwater runoff.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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, subject to conditions.

D15.15 Waterfront development

Pursuant to Section D15.15(c) of the Pittwater 21 Development Control Plan, boatsheds shall meet the following criteria:

- Boatsheds shall be located above mean high water mark on freehold land, where practicable. Where this cannot realistically be achieved, as much of the proposed boatshed as is practical must be located above mean high water mark to minimise encroachment onto the littoral zone below mean high water mark.
- Boatsheds shall be one storey and no greater than 4.5 metres in building height above the platform on which it is built, 4.0 metres in width and 6.0 metres in length. The use of lofts or similar design concepts shall not be permitted.
- Boatsheds shall not prevent or hinder public foreshore access. Alternative access must be provided where a proposed boatshed is likely to make existing foreshore access below mean high water mark difficult.
- Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities shall not be permitted. Roof areas of boatsheds shall not be used for recreational or observational purposes.
- Boatsheds shall be constructed of low maintenance materials that are of a tone and colour which is sympathetic to the surrounding setting. Structures proposed along the western foreshores, McCarrs Creek, Horseshoe Cove, Salt Pan Cove, Refuge Cove, Clareville and Careel Bay are to have specific regard for the natural landscaped character of the area. Reflective materials and finishes for private boatsheds shall not be permitted.
- The minimum floor level for proposed boatsheds shall be in accordance with the B3 Estuarine Hazard controls for foreshore development around the Pittwater Waterway.
- Boatsheds shall be able to be entirely enclosed. Boatsheds which either partially or wholly do not incorporate appropriate wall cladding shall not be permitted, as such structures tend to become visually obtrusive when viewed from the waterway.
- All electrical equipment and wiring shall be water tight below the designed flood/tidal inundation level.

Boatsheds which cannot meet these criteria are considered out of scale and character with the type of residential foreshore development that exists around the Pittwater Waterway. Boats which cannot be accommodated in the recommended size boatshed are considered inappropriate and should be accommodated using alternative facilities.

Comment:

The proposed boat shed is located above the mean high water mark on freehold land. The boat shed is one storey and has a building height of 3.15m above the platform on which it is proposed to be built. The amended boat shed design has a width of 5.3m and a maximum length of 5.3m, and therefore does not comply with the maximum width of 4m. The boat shed does not hinder public foreshore access and is to be used only for the purpose of storing small boats and/or boating equipment. The roof area of the boat shed is proposed to be a non-trafficable green roof planted with native vegetation, and the boat shed is to be constructed of materials that respond sensitively to the surrounding setting and natural landscaped character of the area. A condition has been included within this consent requiring the roof to not be constructed of a reflective material or finish. The floor level of the boatshed is at 2.71m AHD, which is not lower than the Estuarine Planning Level of 2.71m AHD, and the proposed boat shed is able to be fully enclosed.

In relation to the variation in maximum width of the boat shed, it is important to note that the boat shed only measures 5.3m to one end; the other end is 2.7m wide (refer Figure 6 below). The boat shed is irregularly shaped and has been designed to avoid long-term impact on the surrounding trees. Furthermore, it is noted that the boat shed at 66 Hudson Parade measures approximately 4.8m in width. The Pittwater 21 Development Control Plan allows for a boatshed that measures a maximum of 4m x 6m, which effectively allows for a boat shed with a maximum footprint of 24m²; the proposed boat shed has a significantly smaller footprint of 14.5m². Additionally, the choice of materials and colours means that the boat shed does not unreasonably dominate the foreshore (refer Figure 7 below).

Figure 6: Proposed floorplan

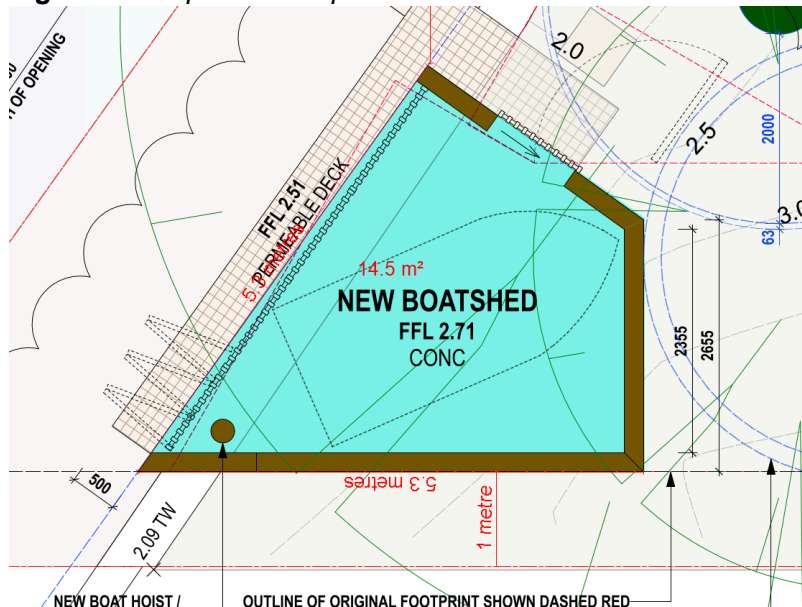
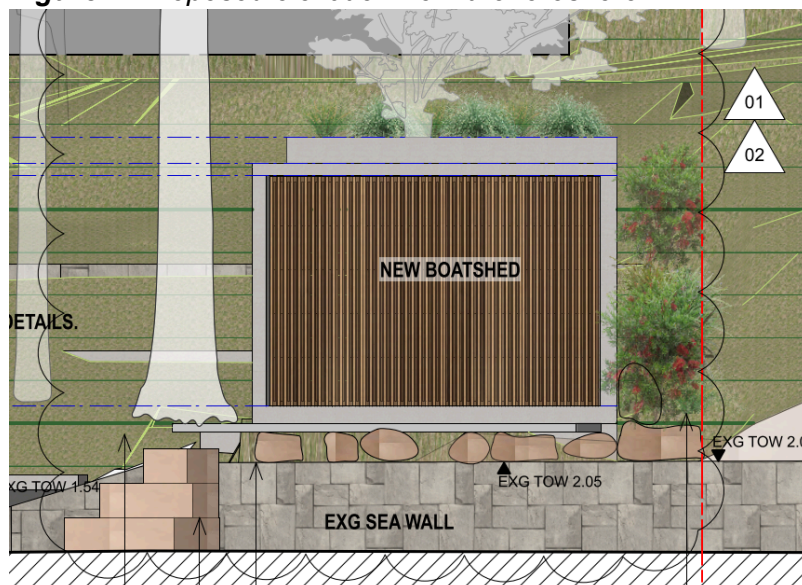


Figure 7: Proposed elevation from the foreshore



Merit consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- ***Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater.***

Comment:

The proposed boatshed is located above the mean high water mark and is unlikely to have an adverse impact on the water quality and estuarine habitat of Pittwater.

- ***Public access along the foreshore is not restricted.***

Comment:

The proposed development will not restrict public access along the foreshore.

- ***Waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners.***

Comment:

The proposed development does not encroach navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners.

- ***Structures blend with the natural environment.***

Comment:

The proposed boat shed and waterway access stairs are to be constructed of materials and colours that respond sensitively to the surrounding natural environment.

- ***Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway.***

Comment:

The proposed boat shed is not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway.

- ***To promote a mix of commercial waterfront development for the accommodation of boats, their repair and maintenance, and for organised waterfront development.***

Comment:

The proposed boat shed is not for commercial use.

- ***Waterfront development which does not comply with the outcomes of this clause are removed.***

Comment:

The proposed development complies with the outcomes of this clause.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$ 728 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 145,598.

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP

- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2025/0136 for Construction of a boat shed, waterway access stairs and landscaping on land at Lot 56 DP 7794, 60 Hudson Parade, CLAREVILLE, 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
DA_02	4	Site Plan	Bennett Murada Architects	12 May 2025
DA_05	3	Demolition Plan	Bennett Murada Architects	12 May 2025
DA_10	5	Proposed Boatshed Floor Plan	Bennett Murada Architects	12 May 2025
DA_11	5	Proposed Boatshed Roof Plan	Bennett Murada Architects	12 May 2025
DA_20	3	West Elevation	Bennett Murada Architects	12 May 2025
DA_21	3	North Elevation	Bennett Murada Architects	12 May 2025
DA_22	3	South Elevation	Bennett Murada Architects	12 May 2025
DA_30	4	Longitudinal Section	Bennett Murada Architects	12 May 2025
DA_31	3	Cross Section	Bennett Murada Architects	12 May 2025

DA_42	4	Cut and Fill Diagram	Bennett Murada Architects	12 May 2025
DWG-01	D	Landscape Concept Plan	Pangkarra	12 May 2025
DWG-02	D	Material Palette	Pangkarra	12 May 2025
DWG-03	D	Planting Plan	Pangkarra	12 May 2025
SK-A	D	Planting Palette	Pangkarra	12 May 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
DA_41 - Schedule of Colours and Materials	4	Bennett Murada Architects	12 May 2025
Addendum B: Arboricultural Impact Assessment Report	-	Martin Peacock Tree Care	29 January 2025
Arboricultural Statement	-	Martin Peacock Tree Care	12 May 2025
D101 - Stormwater Drainage General Notes	A	NB Consulting Engineers	2 December 2024
D102 - Site Stormwater Drainage Plan	B	NB Consulting Engineers	12 May 2025
D103 - Stormwater Drainage Plan	B	NB Consulting Engineers	12 May 2025
D110 - Stormwater Drainage Details and Sections Sheet 1	A	NB Consulting Engineers	2 December 2024
D130 - Sediment and Erosion Control Plan	B	NB Consulting Engineers	12 May 2025
Report on Geotechnical Investigation	0	Douglas Partners Pty Ltd	14 February 2025
Waste Management Plan	-	Oliver Hartley	12 February 2025
Flora and Fauna Assessment Report	Final v1.0	Narla Environmental Pty Ltd	3 December 2024

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

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

the condition prevails.

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	26 February 2025
Aboriginal Heritage Office	Aboriginal Heritage Office Referral Response	10 March 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.

3. **No Approval for Secondary Dwelling**

No approval is granted or implied under this Development Consent for the use of any part of the boat shed for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

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

4. **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.

5. 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.

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$727.99 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 \$145,597.76.

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.

7. 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

8. Footing Design Near Trees to be Retained

- a) Pier footing locations for the Boatshed shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer, near existing trees T16 and T17, to locate critical tree roots and recommend footing design and locations for the construction works.
- b) the Arborist shall review, comment, recommend design revision as required and approve the footing layout, to ensure the locations of footings will be manageable in terms of tree protection measures.
- c) the Arborist shall submit certification to the Certifier, that the locations of the footings are accepted.
- d) the agreed footing structural layout plans shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate.

Reason: Tree protection.

9. Green roof over Boatshed

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to the green roof planter over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support the nominated planting: 300mm.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

10. Compliance with Ecologist's Recommendations – Pre-construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, December 2024) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

11. No Clearing of Vegetation

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

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

Reason: To protect native vegetation.

12. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Douglas Partners dated 14/02/2025 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

13. Water Quality Management

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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.

14. 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.

15. Estuarine Planning Level Requirements

An Estuarine Planning Level (EPL) of 2.71 m 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 2.71 m 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 2.71 m 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 2.71 m AHD.
4. All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.71 m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.71 m AHD to avoid the likelihood of contact with splashing waves and spray.

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

level.

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 for tree protection measures of the approved Arboricultural Impact Assessment reports.

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

- a) Addendum B Arboricultural Impact Assessment Report dated 29th January 2025-
- i) Prior to the commencement of the construction stage of the project, TPZ areas shall be established for Trees T14, T15, T16, T17, F and G. To provide for construction access, the detailed set out for TPZ fencing, trunk protection and ground protection shall be determined through consultation between the Project Arborist and the Project Manager prior to the commencement of the works.
- ii) When constructing the proposed retaining wall and the Boatshed within the TPZ areas of Trees T15, T16 and T17, over excavation, benching or battering to the rear of the wall/Boatshed slab shall be avoided.
- iii) A slimline drain-cell type product shall be installed to below ground level sections of the Boatshed walls to avoid the need to over excavate for the installation of sub surface drainage.
- iv) Excavation works and the pruning of the two (2) roots identified by root mapping investigations in the SRZ of Tree T16 shall be supervised/undertaken by the Project Arborist.
- v) Above grade sections of the Boatshed and stairs within TPZ areas shall be installed on isolated, piered footings. Pier locations shall be excavated by hand to a minimum depth of 600mm (or rock) and where roots >20mm diameter are encountered the pier location shall be adjusted (unless root pruning is approved by the Project Arborist). Mechanical augering of

confirmed pier locations is permissible at depths >600mm. Where required, pier holes shall be sleeved to prevent contact between roots and freshly poured concrete.

vi) Underground services within TPZ areas shall be installed using tree sensitive methods and retain all roots >20mm diameter (or as specified by the Project Arborist).

b) Arboricultural Statement 12th May 2025-

vii) Tree specific TPZ requirements should be determined as part of a preconstruction site meeting between the Project Arborist and the Project Manager.

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing trees have been carried out satisfactorily to ensure no impact to the health of the trees. 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. **Temporary Protection Fencing – Exclusion Zones**

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

Details demonstrating compliance must be prepared by the Project Ecologist and submitted to the Principal Certifier prior to any commencement.

Reason: To protect native vegetation.

20. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and

- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

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 area 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,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

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

DURING BUILDING WORK

21. **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.

22. **Tree and Vegetation Protection**

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

- i) all prescribed trees within the site,
- 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 the recommendations for tree protection measures in Addendum B Arboricultural Impact Assessment Report dated 29th January 2025, and Arboricultural Statement dated 12th May 2025,
- 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 >20mm (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 >20mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as compliant to AS4970-2009

Protection of trees on development sites, and any recommendations of the approved Arboricultural Impact Assessments as listed above and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

23. **Compliance with Ecologist's Recommendations – During Construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, December 2024) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

24. **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.

25. **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.

26. **Road Reserve**

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

Reason: Public safety.

27. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

28. Maintenance of Sediment and Erosion Controls

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

29. 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.

30. Property Boundary Levels

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve.

31. Stockpiling materials

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

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

32. 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

33. **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans (issue D), and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) planting shall be installed as indicated on the approved Landscape Plans, unless otherwise imposed by conditions,
- c) the nominated *Corymbia maculata* and *Angophora hispida* tree planting shall be located directly behind existing trees T15, T16 and T17, at a middle distance between the existing trees and the dwelling (approximate 4.5 metres minimum from building), be pre-ordered at a planting size as scheduled; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; at least 3.0 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- d) mass planting shall be in a garden bed / on slab planter prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

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.

34. **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 approved reports, 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.

35. **Compliance with Ecologist's Recommendations – Post Construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, December 2024) are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist

and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

36. Protection of Habitat Features – Certified by Ecologist

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.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

37. 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.

38. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

39. 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.

40. Geotechnical Certification Prior to Occupation Certificate

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

41. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

42. **Compliance with Ecologist's Recommendations – Ongoing**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, December 2024) are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

43. **Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: To protect the receiving environment.

44. **Boat Hoist/Lift Noise**

The boat hoist/lift shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

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

Signed



Anais Sarkissian, Planner

The application is determined on 05/06/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments