

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/1536
Responsible Officer:	Olivia Ramage
Land to be developed (Address):	Part Lot 52 DP 1152609, 173 Mona Vale Road INGLESIDE NSW 2101
Proposed Development:	Alterations and additions to a Place of Public Worship (Bahai Temple)
Zoning:	RU2 Rural Landscape SP2 Infrastructure
Development Permissible:	Yes - Zone RU2 Rural Landscape Yes - Zone SP2 Infrastructure
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	National Spiritual Assembly of Baha'i
Applicant:	National Spiritual Assembly of Baha'i

Application Lodged:	03/11/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	09/11/2023 to 23/11/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 960,673.00
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EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to the existing place of public worship being the Baha'i Temple.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) as the site is a locally listed heritage item under the Pittwater Local Environmental Plan 2014 and minor demolition works are proposed as part of the works. The application has been considered by Council's Heritage Officer who is supportive of the proposal and considers that the proposed works are of acceptable

impact, subject to recommended conditions.

The application was notified for a period of 14 days in accordance with the Northern Beaches Community Participation Plan (CPP). No submissions were received during the notification period.

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

PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of alterations and additions to the existing Place of Public Worship (Baha'i Temple).

Specifically, the works comprise:

- Demolition of existing steps and landings around the temple.
- Construction of new landings, stairs and access ramps.
- Remedial building works involving excavation of the surface around the perimeter of the building, waterproofing of the Temple's basement walls, and improved subsoil stormwater drainage.
- Landscaping works including formal landscaped gardens within the Temple curtilage, planter boxes, seating areas, water features and ponds, circulation paths, external lighting.

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 - 5.1A Development on land intended to be acquired for public purpose

SITE DESCRIPTION

Property Description:	Part Lot 52 DP 1152609 , 173 Mona Vale Road INGLESIDE NSW 2101
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the north-western side of Mona Vale Road.</p> <p>The site is irregular in shape and has a surveyed area of 14.54 hectares.</p> <p>The site is located within the RU2 Rural Landscape Zone under the PLEP 2014. The site is currently occupied by a temple, driveway, parking area, gardens and paths. There are also four (4) other buildings present within the site.</p> <p>The site has a gentle slope down from the east to the west.</p> <p>The site is densely vegetated with canopy trees present across the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by various uses including rural, residential and bushland.</p>

Map:



SITE HISTORY

A search of Council’s records has revealed that there are no recent or relevant applications for this

site.

The land has been used as a place of public worship purposes for an extended period of time.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a recommended 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 in relation to landscaping and biodiversity.</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 recommended condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a recommended 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 recommended condition of consent.</p>

<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) 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>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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

A Bush Fire Report was submitted with the application (prepared by Bushfire Hazard Solutions, dated 22 August 2023). The report stated that the bushfire attack level of the site is “Flame Zone”.

The application was referred to the NSW Rural Fire Service for further assessment. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the Bush Fire Report, along with the conditions from the NSW RFS have been included as part of the recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 09/11/2023 to 23/11/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Building Assessment – Fire and Disability upgrades	<p><i>Supported, subject to Conditions</i></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Landscape Officer	<p><i>Supported, subject to Conditions</i></p> <p>The proposal is supported with regard to landscape issues.</p> <p><u>Additional Information Comment 01/05/24:</u> The amended AIA is noted.</p> <p>The amended AIA identified 13 trees of which one tree, tree 1, requires removal. No concerns are raised with the removal of tree 1 as it is an exempt species which can be managed or removed at the discretion of the applicant without consent. All other trees will be retained. As recommended in the AIA a Project Arborist must be engaged to supervise works in tree protection zones. Landscape Referral supports the specific tree protection requirements for endangered trees 12 and 13 as outlined in the AIA.</p> <p>The landscape planting proposal is generally supported and all planting shall be installed in accordance with the requirements outlined in the conditions of consent.</p> <p><u>Additional Information Comment 26/02/24:</u> The Arboricultural Impact Assessment (AIA) is noted.</p> <p>Impact assessment is required for all trees within 5 metres of the proposed works. Many trees may suffer tree protection zone encroachment which has not been identified or discussed in the AIA. These works include, but are not limited to, fill (and associated batters as seen in section 2 and 4), construction of paths, construction of walls, stormwater drainage lines etc. The Arborist shall assess the impact to all trees within 5 metres of the works and</p>

	<p>provide comments so the appropriate tree protection measures can be implemented. If the Arborist does not foresee any impact to these trees, this shall be outlined in the AIA.</p> <p>Landscape Referral can continue their assessment upon receipt of further information.</p> <p><u>Original Comment:</u> Works are proposed within 5 metres of existing trees. Northern Beaches Council's Development Application Lodgement Requirements outlines that any works within 5 metres of existing trees, irrespective of property boundaries, requires the submission of an Arboricultural Impact Assessment. An Arboricultural Impact Assessment, prepared by an Arborist with minimum AQF Level 5 in arboriculture, is required to determine the existing trees significance, what impact the proposed works will have to existing trees and the appropriate tree protection measures.</p>
NECC (Bushland and Biodiversity)	<p><i>Supported, subject to Conditions</i></p> <p>Additional Information Comment 01/05/24: The amended AIA is noted.</p> <p>The amended AIA identified 13 trees of which one tree, tree 1, requires removal. No concerns are raised with the removal of tree 1 as it is an exempt species, and no clearing of native vegetation will occur within the Biodiversity Values mapping area, and therefore the NSW Biodiversity Offset Scheme is not triggered.</p> <p>As recommended in the AIA a Project Arborist must be engaged to supervise works in tree protection zones. Workers also need to be inducted by the head grounds person in regard to the requirements of the protection of Trees 12 & 13, the endangered plant species <i>Grevillea caleyi</i>.</p> <p><u>Additional Information Comment 26/02/24:</u> The Arboricultural Impact Assessment (AIA) is noted. The arborist assessed one tree and confirmed the species is not native to NSW. The development application as submitted does not require the removal of native trees or vegetation, including any requirement for clearing from the establishment of the 30 metre bush fire asset protection zones.</p> <p>However, Council's Landscape Referral has requested that the potential impact to all trees within 5 metres of the works are further assessed, and any revised report will be further assessed by the Biodiversity Referral team.</p> <p>As highlighted in the original comments, vegetation surrounding the temple is mapped as the endangered ecological community Duffys Forest, and numerous threatened flora species including <i>Grevillea caleyi</i> occur within this community. The Arborist report also has noted</p>

a *G caleyi* plant close to the proposed works.

In addition, the applicant is to note that the area surrounding the proposed works site is mapped on the NSW Biodiversity Values Map. The Biodiversity Values (BV) Map identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. The map forms part of the Biodiversity Offsets Scheme Threshold, which is a trigger for determining whether the Biodiversity Offset Scheme (BOS) applies to a development proposal. If the arborist concludes that the clearing of native vegetation will occur, then the development proposal triggers the BOS and the applicant will be required to engage an Accredited Assessor to prepare a Biodiversity Development Assessment Report (BDAR) which is to be submitted to Council as part of the application. While the application states that the majority of the works will involve removal of the landscaped garden areas, again it is highly recommended that any impacts to the adjoining native vegetation is avoided, otherwise the BOS would be triggered.

Original Comment:

The proposed development has been assessed against the objectives and requirements of Pittwater LEP cl 7.6 Biodiversity and Pittwater 21 DCP Control B4.9 Duffys Forest Endangered Ecological Community.

While the plans indicate removal of one tree, the species has not been determined. I note the request for an arborist report to assess the impacts to trees in close proximity to the proposed works. The vegetation surrounding the temple is also mapped as the endangered ecological community Duffys Forest, and numerous threatened flora species including *Grevillea caleyi* occur within this community. While the majority of the works will remove the landscaped garden areas, any impacts to remnant native vegetation including threatened biodiversity must be avoided and minimised.

Biodiversity Referral can continue their assessment upon receipt of an Arboricultural Impact Assessment.

Strategic and Place Planning
(Heritage Officer)

Supported, subject to Conditions

Discussion of reason for referral

The proposal has been referred to Heritage as the subject site contains a heritage item and its adjoins heritage items

Baha'i House of Worship - 173 Mona Vale Road

Laterite Site (adjoining path between 173 Mona Vale Road and Mona Vale Road)

Pittwater Trig Stations (Addison) - 173A Mona Vale Road

Group of Monterey Pines (Pinus Radiata) - 169 and 169A Mona Vale Road

Details of heritage items affected

Baha'i House of Worship

Statement of Significance

The Bahá'í House of Worship was the first house of worship for the Bahá'í Faith in Australia (1961) and as a result it is deemed culturally significant at the state level. The unique design and aesthetic appeal has made the Bahá'í House of Worship architecturally significant.

Statement of Significance

The Bahá'í House of Worship is located on a high portion of the ridge at Ingleside. The building is rich in religious symbolism. It has nine sides symbolising unity. Each side has an archway opening incorporating filigree work with the repeating motif of a nine pointed star. The corners of the nine sides are pronounced and capped with a small dome on the lower tier. The second tier is narrower than the base with the nine sides dominated by a large arch windows with filigree work.

Laterite Site

Statement of Significance

The laterite site at Ingleside is an important part of Pittwater's geoheritage. Sydney's laterite fossil soils indicate climate change and continental drift. Laterites are rare and threatened in Sydney and Pittwater contains only a few sites, which are under threat from ridge-top residential developments, quarrying and roadworks. The laterite site has scientific, educational and rarity values at a local level.

Physical Description

Laterite profiles in the Sydney area are generally regarded as fossil soils, formed on a peneplain, at or near sea level, under a tropical climate. Present-day weathering has resulted in new profiles being developed on these much older fossil soil profiles. Lateritic soils are porous and may contain clay minerals. Commonly lighter in colour (red, yellow, and brown) where freshly broken, it is generally soft when freshly quarried but hardens on exposure.

Pittwater Trig Station (Addison)

Statement of Significance

The Trigonometrical Stations of Pittwater are of high local significance for their association with the first Trigonometrical Survey of NSW in 1867. The early Trigonometrical Stations all have some significance for their record of nineteenth-century surveying prior to the opening up of new residential areas. Over one hundred such stations were established in the Lower Hawkesbury catchment area at that time,

eighteen of them are located in what is now the Pittwater Local Government Area. Occupying prominent positions in the landscape and often affording fine views, they combine natural values with the cultural values of European settlement

Physical Description

The trigonometrical stations have the same general appearance and are in varying physical condition (see Physical Condition and Archaeological Potential field). Their most obvious feature is a sandstone cairn generally two metres in diameter at the base and over 1.5 metres high. The cairn, or pile, supports a tall wooden mast. At the top of the mast are generally two circular galvanised metal vanes one of which bears the name of the station. At ground level, a metal plug constitutes the permanent mark. These are not always visible.

Group of Monterey Pines

Statement of Significance

The Group of Monterey Pines (Pinus Radiata) are a cultural landscape feature associated with land clearing and farm activities at the beginning of the 20th Century. They are also associated with the Larkin family a significant local pioneer family.

Physical Description

A group of over twelve large Monterey Pines (Pinus radiata) approximately 40m high situated on the main ridge of Ingleside along Mona Vale Road near the intersection with Powderworks Road. The pines mark the site of a c.1900 farm and orchard that formerly occupied the site.

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		
RAIA Register of 20th Century Buildings of Significance	No	
Other	No	

Consideration of Application

The proposal seeks consent for works to the Baha'i House of Worship. This building itself is of high aesthetic heritage significance for its unique 9 sided design which extends out to the current raised platform and landscaping that surround the site. The location on a ridge is also of note, as its location means it is a distinctive local landmark in the area that can be seen as far away as Manly. Further it is of high cultural and social significance and is incredibly rare, being only one of 8 Baha'i Houses of Worship in the world, and the only one in Australia. Further, the building is associated with John R Brogan, a notable architect.

The proposal seeks consent for the demolition of the existing raised concrete platform, staircases and ramps around the temple and the removal of the existing gravel paths and landscaping. This is to be replaced with a new set of raised platform of steps and ramps and extended formal landscaping including significant plantings and water features. Importantly the current 9 sided landscape design with crescents is to be reinterpreted in the new proposal, as is the two raised platforms that lead you up into the building itself.

	<p>The existing platform, stairs and landscape are relatively plain in comparison to the temple itself, and are not considered to be of such a high heritage significance and Heritage can support their removal and rebuilding. The removal of the existing platforms also allows for the rebuilding of basement walls and supports, with the addition of waterproofing and drainage to deal with water penetration issues. Heritage can support this approach noting that these items, while original, are also not considered to be of highly significant fabric and the works will support the temple itself.</p> <p>The general legend plan refers to a schedule of landscape works, such as what the pavement type is but that is not specified. Heritage will condition that an update and complete schedule of external materials and colours be provided for approval prior to the CC.</p> <p>Views to the site are unlikely to be affected by the proposal, and views of the temple are likely to be maintained, as long the landscaping and proposed plantings are appropriately maintained.</p> <p>Given the overall high significance of the site, it is important that a heritage architect be employed to oversee the detailed design of the proposal and be involved in the works, and that a full photographic archival recording be undertaken to capture the site in its current state, prior to works commencing. This will need to include photos of the temple (inside and out), the basement, void spaces proposed to be rebuilt and the existing gardens and context of the site.</p> <p>No impact the adjoining heritage items as there is sufficient physical separation between them and the site of the works.</p> <p>Heritage is satisfied that the proposal has addressed Clause 5.10 of the PLEP 2014, and the Heritage provisions of Section B1 of the Pittwater 21 DCP.</p> <p>Therefore Heritage raises no objections to the proposal but requires 5 conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? A CMP is not required for this proposal, but would be a useful guide for the site. Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>
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External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><i>Supported, subject to Conditions</i></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

<p>Rural Fire Service - Local Branch - EP&A Act, s4.14</p>	<p>Supported, subject to Conditions</p> <p>The application was referred to the NSW Rural Fire Service for concurrence. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the Bush Fire Report, along with the conditions from the NSW RFS have been included as part of the recommended conditions of consent.</p>
<p>Aboriginal Heritage Office</p>	<p>Supported, subject to Conditions</p> <p>Reference is made to the proposed development at the above area and Aboriginal heritage.</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>
<p>Roads and Maritime Service – Roads Act 1993, s138 (Non-integrated)</p>	<p>Supported, no Conditions necessary</p> <p>The proposal was referred to Transport for NSW for concurrence under s138 of the Roads Act as the site adjoins an SP2 classified road. Transport for NSW provided a response stating that no structures or civil works are proposed on Mona Vale Road and the works do not impact the SP2 classified road zoning. As such, this application does not require referral or concurrence from Transport for NSW.</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 5.0 metres of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30 metres of a structure supporting an overhead electricity transmission line and/or within 5.0 metres 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 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 as a place of public worship 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 land use as a place of public worship.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone RU2: Yes Zone SP2: Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone RU2: Yes Zone SP2: Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	3.3m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.1A Development on land intended to be acquired for public purpose	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
7.10 Essential services	Yes

Detailed Assessment

5.1A Development on land intended to be acquired for public purpose

The proposal was referred to Transport for NSW for concurrence under s138 of the Roads Act as the site adjoins an SP2 classified road. Transport for NSW provided a response stating that no structures or civil works are proposed on Mona Vale Road and the works do not impact the SP2 classified road zoning. As such, this application does not require referral or concurrence from Transport for NSW.

5.10 Heritage conservation

Clause 5.10 applies to this application as the subject site contains a heritage item and adjoins heritage items as follows:

- Baha'i House of Worship - 173 Mona Vale Road
- Laterite Site (adjoining path between 173 Mona Vale Road and Mona Vale Road)
- Pittwater Trig Stations (Addison) - 173A Mona Vale Road
- Group of Monterey Pines (Pinus Radiata) - 169 and 169A Mona Vale Road

The proposal involves demolition works and alterations to the heritage item and therefore development consent is required and an assessment against Clause 5.10 of the PLEP 2014.

(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

The proposal has been reviewed by Council's Heritage Officer noting that the proposal maintains the significant 9 sided landscape design and supports improvements to the building. The proposal conserves the environmental heritage of Pittwater and heritage significance of the heritage item.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

Comment:

Council's Heritage Officer has reviewed the proposal and has considered any effects of the proposed development on the heritage significance of the item.

(5) Heritage assessment The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Comment:

A Heritage Impact Statement has been submitted with the application and has been reviewed by Council's Heritage Officer. The extent of impact has been found to be acceptable subject to the

recommended conditions.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	20m	>20m	N/A	Yes
Rear building line	30m (main road)	>30m	N/A	Yes
Side building line	East - 30m (main road)	>30m	N/A	Yes
	West - 7.5m	>150m	N/A	Yes
Building envelope	3.5m	Within Envelope	N/A	Yes
	3.5m	Within Envelope	N/A	Yes
Landscaped area	94%	94.1% (136,775.3m ²)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.6 Ingleside Locality	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.9 Duffys Forest Endangered Ecological Community	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.2 Safety and Security	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.5 Accessibility	Yes	Yes
C5.10 Protection of Residential Amenity	Yes	Yes
C5.16 Building Facades	Yes	Yes
C5.17 Pollution control	Yes	Yes
C5.21 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D6.1 Character as viewed from a public place	Yes	Yes
D6.3 Building colours and materials	Yes	Yes
D6.5 Front building line	Yes	Yes
D6.6 Side and rear building line	Yes	Yes
D6.7 Building envelope	Yes	Yes
D6.8 Landscaped Area - Non Urban General	Yes	Yes
D6.12 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

A monetary contribution of \$9,607 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$960,673.

CONCLUSION

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

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

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

In consideration of the proposal and the merit consideration of the development, the proposal is

considered to be:

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

PLANNING CONCLUSION

This proposal, for alterations and additions to the existing place of public worship at the Baha'i Temple has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to involving demolition works to a heritage item.

The critical assessment issues pertaining to Heritage, Landscaping and Biodiversity have been reviewed and assess by Council's respective referral officers and deemed acceptable.

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

REASON FOR DETERMINATION

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2023/1536 for Alterations and additions to a Place of Public Worship (Bahai Temple) on land at Part Lot 52 DP 1152609, 173 Mona Vale Road, INGLESIDE, 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
001	2	General Legend	Urbis	2 August 2023
151	1	Demolition Plan - Sheet 1	Urbis	2 August 2023
152	1	Demolition Plan - Sheet 2	Urbis	2 August 2023
201	1	Finishes Plan - Sheet 1	Urbis	23 June 2023
202	1	Finishes Plan - Sheet 2	Urbis	23 June 2023
301	1	Setout Plan - Sheet 1	Urbis	23 June 2023
302	1	Setout Plan - Sheet 2	Urbis	23 June 2023
401	1	Grading Plan - Sheet 1	Urbis	23 June 2023
402	1	Grading Plan - Sheet 2	Urbis	23 June 2023
P0045720	2	Plant Schedule	Urbis	2 August 2023
501	2	Planting Plan - Sheet 1	Urbis	2 August 2023
502	1	Planting Plan - Sheet 2	Urbis	23 June 2023
801	1	Sheet 1	Urbis	23 June 2023
802	1	Sheet 2	Urbis	23 June 2023
901	2	Sheet 1	Urbis	2 August 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Bushfire Assessment Statement	240055	Building Code & Bushfire Hazard Solutions	22 August 2023
Heritage Impact Statement - Baha'i Temple, 173 Mona Vale Road, Ingleside	-	Urbis	28 August 2023
Waste Management Plan	-	-	-
Arboricultural Impact Assessment	1	Advanced Treescape Consulting	30 April 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	Undated
NSW Rural Fire Service	NSW RFS Referral Response	21 November 2023
Aboriginal Heritage Office	AHO Referral Response	9 November 2023

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

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under

that Act, the number of the owner-builder permit.

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

commence.

- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant

shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$9,606.73 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 \$960,673.00.

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

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

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

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

6. **Security Bond**

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

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

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

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. **National Construction Code (BCA) Access**

Access to the building shall be provided for Persons with a Disability and is to comply with the Building Code of Australia and AS 1428.1.

Details are to be provided to the Certifier prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

8. **No Clearing of Vegetation**

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

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

Reason: To protect native vegetation.

9. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

10. Schedule of External Materials and Colours

An updated schedule of external materials and colours is to be provided to Council's Heritage Officer for approval, prior to the issuing of a Construction Certificate.

Details demonstrating compliance with this condition must be provided to the Principal Certifying Authority

Reason: To ensure appropriate material choice and colour selection that maintains the heritage significance of the item

11. Heritage Architect

The applicant is to commission an experienced heritage architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. Written details of the engagement of the experienced heritage consultant must be submitted to Council for approval prior to issuing of any Construction Certificate for works on the site.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority

Reason: To ensure that all matters relating to significant fabric and spaces are resolved using best practice for heritage conservation.

12. 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.

13. **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:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o 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.

14. **Photographic Archival Recording**

A full and thorough photographic archival record of the site is to be made of all existing buildings and structures (including all interiors and exteriors and their setting), in accordance with the guidelines issued by NSW Heritage. This record must be submitted to and approved by Council's Heritage Officer prior to the issuing of the Construction Certificate. Once approved, a physical copy must also be submitted to Council's Local Studies Library at Mona Vale Library using archival quality paper and layout.

The photographic record should be made using digital technology, and must include at a minimum:

- o Location of property, date of survey and author of survey;
- o A site plan at a scale of 1:200 showing all structures and major landscape elements;
- o Floor plans of any buildings at a scale of 1:100 with dimensions of rooms;
- o Internal photos detailing every room;
- o Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets.

Details demonstrating compliance with this condition must also be submitted to the Principal Certifying Authority prior to commencement of any demolition or works on-site.

Reason: To provide an archival photographic record of the site, including any buildings and landscape elements, prior to any works.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. **Project Arborist**

a) 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 AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

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

- i) tree protection measures and works under sections 6 Tree Protection Plan, 7 Tree Management Plan and 8 Conclusions,
- ii) specific protection requirements for trees 12 and 13.

c) All tree protection measures specified must:

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

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

DURING BUILDING WORK

16. Tree and Vegetation Protection

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

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

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of

works undertaken shall be submitted by the Arborist/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 AS 4970-2009 Protection of trees on development sites, ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site, x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees, xi) the tree protection measures specified in this clause 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.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

17. **Condition of Trees**

a) during the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

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

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) the owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

18. **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.

19. **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.

20. **Removing, Handling and Disposing of Asbestos**

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

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

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

21. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

22. **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.

23. **Discovery of Archaeological Deposits and Relics**

The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric such as works not identified in Statement of Heritage Impact, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW and Northern Beaches Council must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Works are not to recommence without the approval of the Heritage Council of NSW

Reason: Protection of archaeological relics

24. **Heritage Architect During Works**

The nominated heritage architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Details demonstrating compliance with this condition must be provided to the Principal Certifying Authority.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage ,conservation best practice.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

25. **Landscape Completion**

a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawing 501 and 502 by Urbis dated 02/08/2023 and 23/06/2023 respectively), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; 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; and shall be located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- v) where the property is certified Bush Fire Prone Land, any new planting may be managed in accordance with Planning for Bushfire Protection 2019.

b) 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.

26. **Condition of Retained Vegetation**

- a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:
- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
 - ii) extent of damage sustained by vegetation as a result of the construction works,
 - iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

27. **Protection of Habitat Features**

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

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

Reason: To protect wildlife habitat.

28. **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.

29. **Priority Weed Removal and Management**

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

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

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

30. **Waste Management Confirmation**

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

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

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

31. **Landscape Maintenance**

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) 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.

c) if any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

d) the approved landscape planted areas, whether containing lawn, gardens or planters 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.

32. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.