

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0741
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 39 DP 11356, 38 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 40 DP 11356, 36 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 41 DP 11356, 34 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 421 DP 1004511, 32 A Nareen Parade NORTH NARRABEEN NSW 2101
Proposed Development:	Reconstruction of an access driveway
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Phillip Smith

Application Lodged:	13/06/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	25/06/2024 to 09/07/2024
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,666,956.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for reconstruction/reinstatement of an existing access driveway that provides vehicular access to 32, 32A, 34, 36 and 38 Nareen Parade, North Narrabeen. The works are proposed as the driveway has been damaged following a landslide.

The development will widen and regrade the existing driveway located between 32A Nareen Parade, 34 Nareen Parade, 36 Nareen Parade and 38 Nareen Parade (32A Nareen Parade - 38 Nareen Parade) to satisfy the current Australian Standards and additional retaining walling to support the

driveway is proposed. Eight trees within the development site and one tree within the road reserve, amounted to a total of nine (9) trees, is proposed for removal to facilitate the new driveway. The existing portion of the driveway located at 32 Nareen Parade will not be altered by the development; however, the new driveway will continue to service access to 32 Nareen Parade while not being located on this property.

The existing right of carriageway that burdens 32A Nareen Parade - 38 Nareen Parade will be widened to accommodate the new driveway as the new driveway extends outside of the existing right of carriageway footprint at the turning junction located at 38 Nareen Parade. An existing power pole located at 38 Nareen Parade is also proposed to be relocated on this property to accommodate for the widened driveway.

Stormwater from the driveway will be collected via grate drains and pits on the driveway and conveyed downslope towards the Nareen Parade road reserve.

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

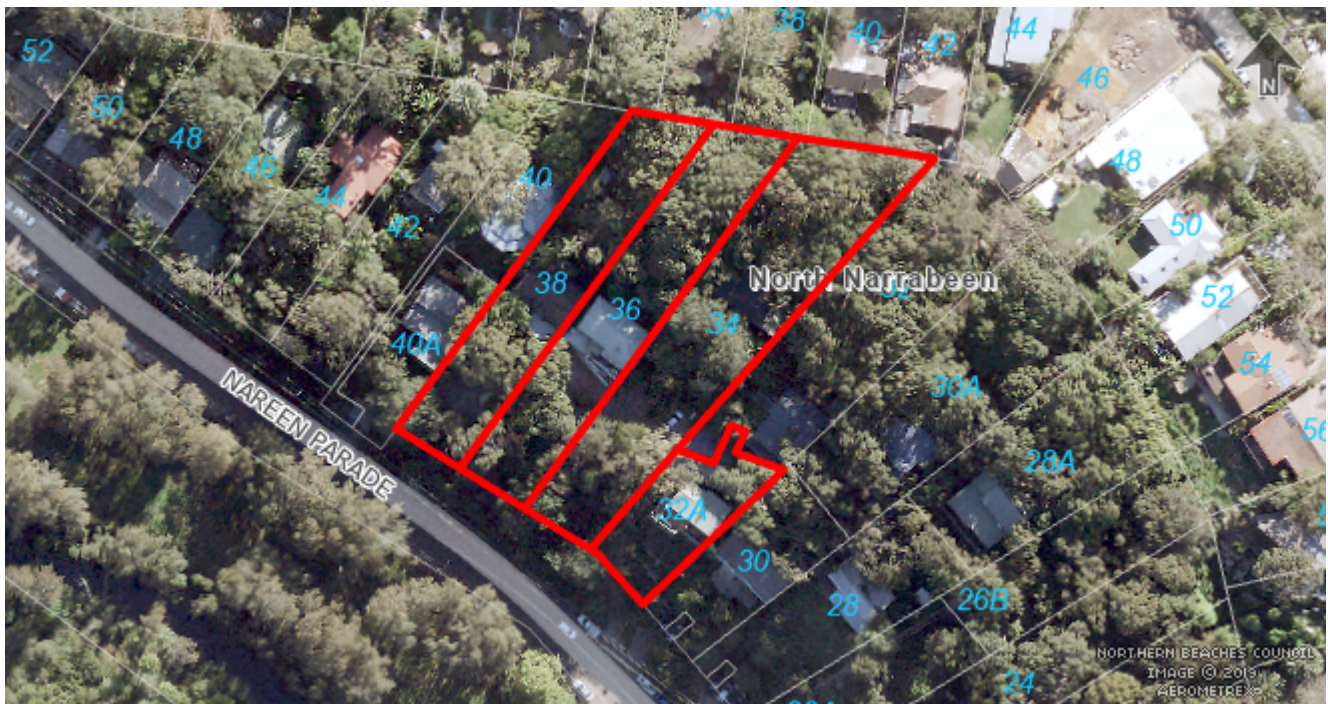
Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living
 Pittwater Local Environmental Plan 2014 - 5.21 Flood planning
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection
 Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards
 Pittwater Local Environmental Plan 2014 - 7.10 Essential services
 Pittwater 21 Development Control Plan - D11.3 Building colours and materials

SITE DESCRIPTION

Property Description:	Lot 39 DP 11356 , 38 Nareen Parade NORTH NARRABEEN NSW 2101
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	<p>Lot 40 DP 11356 , 36 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 41 DP 11356 , 34 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 421 DP 1004511 , 32 A Nareen Parade NORTH NARRABEEN NSW 2101</p>
<p>Detailed Site Description:</p>	<p>The development is situated upon 32A Nareen Parade, 34 Nareen Parade, 36 Nareen Parade and 38 Nareen Parade (32A Nareen Parade - 38 Nareen Parade) which comprise of four separate allotments that have a combined area of 5,041.3 square metres (sqm). These allotments that form part of the site are located on the north-eastern side of Nareen Parade within the North Narrabeen locality.</p> <p>The site is located within the C4 Environmental Living zone pursuant to the Pittwater Local Environmental Plan 2014 (PLEP) and accommodates detached low density residential development (i.e. dwelling houses) on steep, sloping sites. The site also accommodates a driveway that services each allotment within the site; however, this driveway has been damaged by a landslide in 2021.</p> <p>The site contains native vegetation located throughout and is mapped on the NSW Government's Biodiversity Values Map (BVM) as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017 (refer to Figure 4 later within this report).</p> <p>Along with the biodiversity constraints of the site, the site is constrained with geotechnical hazards and is also partially flood prone at the very front of the site.</p> <p>The surrounding built environment on the north-eastern side of Nareen Parade is characterised by detached low density residential development located on densely vegetated and steep, sloping sites. Located opposite the site on the south-western side of Nareen Parade is the Nareen Wetlands.</p>

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:

32A Nareen Parade

- **Development Application N0519/00** for the erection of a new dwelling approved by Council on 3 August 2000.
- **Development Application N0679/04** for alterations and additions to a dwelling refused by Council on 13 August 2005. The application was refused due to the development application not being accompanied by a Geotechnical Report and certified forms, contrary to the Pittwater 21 Development Control Plan (P21DCP).
- **Development Application DA2022/1452** for alterations and additions to a dwelling house approved by Council on 15 March 2023. This consent was modified pursuant to Section 4.55(1A) of Environmental Planning and Assessment Act 1979 (EP&A Act) on 24 October 2023 (refer to Mod2023/0424).
- **Development Application DA2023/1617** for alterations and additions to a dwelling house including secondary dwelling approved by Council on 3 July 2024.

34 Nareen Parade

- There are no recent or relevant applications on this site.

36 Nareen Parade

- There are no recent or relevant applications on this site.

38 Nareen Parade

- **Building Application P539/96** for alterations and additions to a dwelling approved by Council on 28 August 1996.

APPLICATION HISTORY

A site inspection was carried out on 15 July 2024.

Following the preliminary assessment of the application, which included the aforementioned site inspection, Council wrote to the applicant raising the following concerns with the development:

- The development involves vegetation removal within the BVM area and the application was not accompanied by a Biodiversity Development Assessment Report (BDAR), contrary to the Biodiversity Conservation Act 2016.
- The driveway did not provide grated drains to optimise stormwater collection from the driveway.
- An easement for drainage through the various properties within the site is required for the new drainage infrastructure. Landowner's consent was required from the burdened properties to create a drainage easement.
- The existing right of carriageway that burdens the various properties within the site is required to be widened to accommodate for the widened driveway. Landowner's consent was required from the burdened properties to modify the existing right of carriageway.
- The civil plans did not stipulate the finished levels (to the Australian Height Datum (AHD)) for the top of the retaining wall that supports the widened driveway.
- The Geotechnical Report submitted with this application was not accompanied by forms 1 and 1(a) of Geotechnical Risk Management Policy for Pittwater – 2009.
- The application did not provide any details to demonstrate how temporary access would be provided to all properties during construction.

Subsequently, the applicant amended the development application pursuant to Section 37 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) as follows:

- The applicant submitted a BDAR.
- The applicant submitted amended civil plans that provided grated drains on the driveway and stipulated the finished levels of the top of the retaining wall that supports the widened driveway to the AHD.
- The applicant submitted forms 1 and 1(a) of Geotechnical Risk Management Policy for Pittwater – 2009 that were prepared by the author of the submitted Geotechnical Report.
- The applicant submitted landowner's consent from all burdened property owners that consented to the provision of a drainage easement and modification to the existing right of carriageway.
- The applicant submitted a cover letter stipulating that a pedestrian-safe walkway using scaffolding will be installed throughout the construction period to ensure continued access for all residents. A condition is recommended to ensure that access is maintained during construction in accordance with this cover letter.

The amended development application resulted in a reduced environmental impact when compared to the original development, noting that the amended development optimises stormwater management, thereby mitigating stormwater runoff. Therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to a Biodiversity Development Assessment Report, stormwater management, landowner's consent for widening the right of carriageway, retaining wall heights on the civil plans and geotechnical certification. The information was subsequently submitted to Council's satisfaction.</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	(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.

Section 4.15 Matters for Consideration	Comments
and economic impacts in the locality	<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 25/06/2024 to 09/07/2024 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 2 submission/s from:

Name:	Address:
Dean Peter Dallwitz	32 Nareen Parade NORTH NARRABEEN NSW 2101
Mr David Michael Parker	32 A Nareen Parade NORTH NARRABEEN NSW 2101

Multiple pieces of correspondence amounting to two individual submissions were received during the public exhibition process. The submissions did not explicitly object to the development, however raised several matters for Council's consideration.

The matters raised within the submissions are addressed below as follows:

- **Access During Construction**

Comment

The submissions queried how access to the various properties would be maintained during construction, noting that various properties rely upon the existing driveway that is being modified for vehicular and pedestrian access.

In response to these queries and Council's request for information correspondence, the applicant submitted a cover letter stipulating that a pedestrian-safe walkway using scaffolding will be installed throughout the construction period to ensure continued access for all residents. A condition is recommended to ensure that access is maintained during construction in accordance with this cover letter.

- **Stormwater Management**

Comment

The submissions queried how stormwater will be managed from the development.

In response, it is noted that stormwater will be collected from grate drains and pits and conveyed downslope towards the Nareen Parade road reserve. Council's Development Engineer has reviewed the civil plans and is satisfied that stormwater will be appropriately managed. Conditions are recommended to ensure this.

- **Stabalisation of Land**

Comment

The submissions queried how the land adjacent to the new driveway would be stabilised.

In response, it is noted that the embankment below the driveway will be stabilised by a shotcrete embankment. The land above the driveway turning point will also be stabilised by batters, as detailed within the applicant's Geotechnical Report. Conditions are recommended to ensure that the development is carried out in accordance with the recommendations within the applicant's Geotechnical Report. Council's Development Engineer concurs with the finding of the Geotechnical Report.

- **Retaining Wall**

Comment

The submissions queried whether the retaining walling encroaches into the Council road reserve.

In response, the civil plans depict that the new retaining walling is confined wholly within the subject site and that no encroachments will occur into the road reserve for the retaining walling. The stormwater infrastructure and vehicular crossing (which will match the existing driveway crossover) will encroach into the road reserve and conditions are recommended that requires these components to obtain approval under section 138 of the Roads Act 1993.

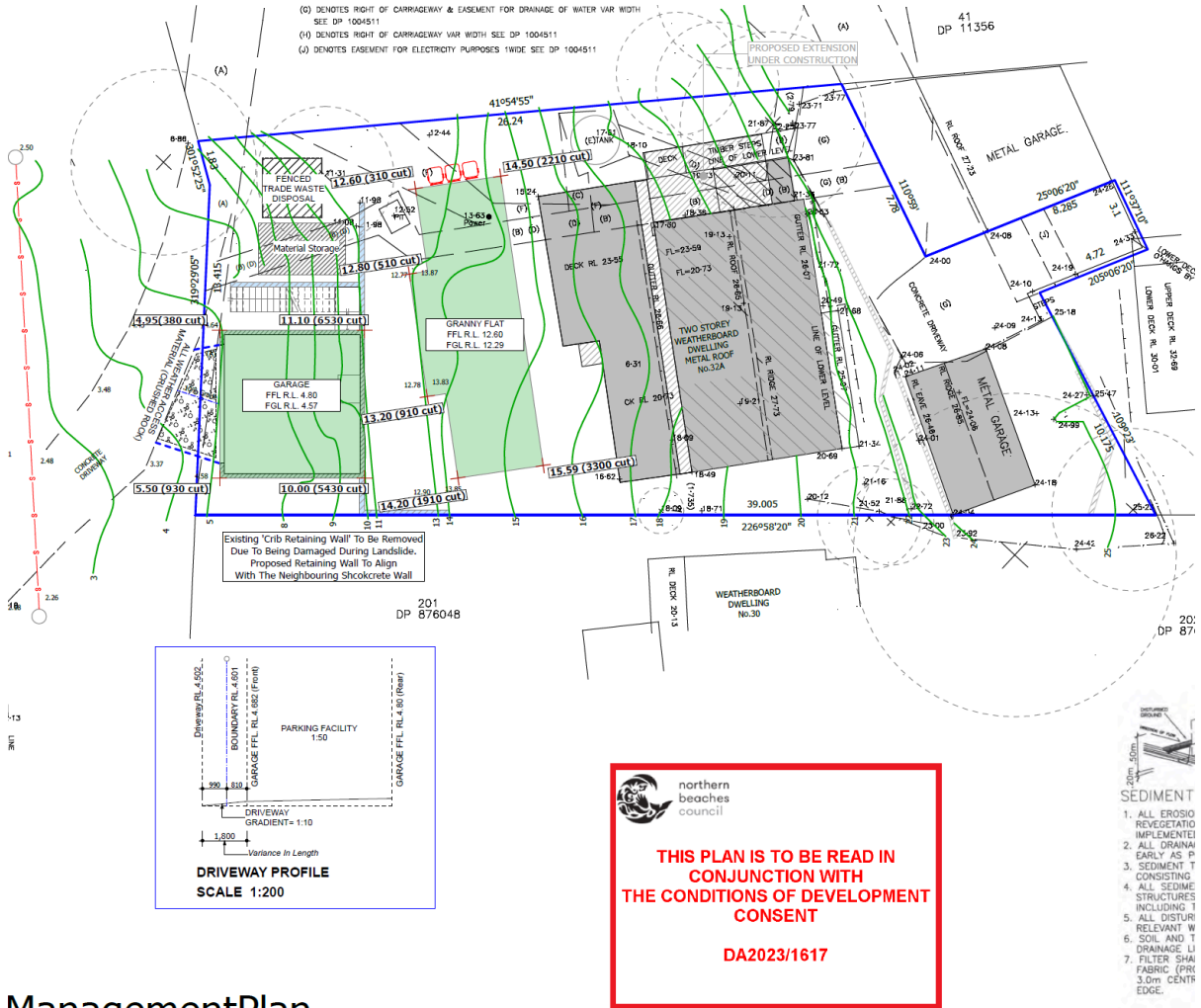
- **Conflict with Approved Development at 32A Nareen Parade**

Comment

The owner of 32A Nareen Parade (who has provided written landowners consent for the

application) has queried whether the driveway will conflict with the footprint of the garage that was approved at the front of 32A Nareen Parade under Development Consent DA2023/1617.

In response, a review of the approved plans under Development Consent DA2023/1617 and the proposed civil plans has concluded that the driveway will not conflict with the footprint of the approved garage (which is yet to be constructed) at 32A Nareen Parade (see **Figure 1**).



Management Plan

Figure 1 - approved site plan for DA2023/1617 at 32A Nareen Parade

Notwithstanding, a condition is recommended that requires the civil plans to be updated to include the approved garage on 32A Nareen Parade, so as to ensure that any conflicts are avoided. This information must be submitted to the Certifier for approval prior to the issue of the construction certificate.

The matters raised within the submissions have been appropriately addressed above the resolved via recommended conditions of consent where appropriate. The matters raised within the submissions do not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application seeks consent for: Reconstruction of an access driveway.</p> <p>The Arborist's Report prepared by Treeism is noted.</p> <p>The Report indicates that 9 locally native trees are to be removed to accommodate the proposed works.</p> <p>The works include reconstruction of a driveway over several properties following a previous landslide.</p> <p>The Engineering plans indicate that the driveway is to be widened and regraded to accommodate vehicles to the relevant standards. Excavation and construction of retaining walls are required to achieve the design parameters.</p> <p>The Geotechnical Report indicates that the existing concrete driveway will need to be removed and unconsolidated fill removed and replaced as required.</p> <p>The Geotech Report also provides options for retaining wall construction and it is apparent that earth stabilised gabion walls are proposed. Actual construction details have not been provided at this stage.</p> <p>It is evident that works to replace the driveway on this steeply sloping site will be significant and that the existing driveway cannot be retained as is.</p> <p>Consequently, removal of trees will be required due to the extent of alteration to landform required.</p> <p>The 9 trees required to be removed range from 7m to 22m height and comprise of local native species <i>Syncarpia glomulifera</i>, <i>Eucalyptus paniculata</i>, <i>Synoum glandulosum</i>, <i>Alocasuarina torulosa</i>, <i>Pittosporum undulatum</i> and <i>Glochidion ferdinandi</i>.</p> <p>Based on the works described in the Geotechnical Report, it is considered likely that there may be additional impacts on trees that are unable to be quantified at this stage, including removal, depending on the extent of excavation and/or fill required to achieve a stable base for the driveway.</p> <p>If approved, the works will require supervision by a Project Arborist to assess additional impacts on trees due to on site engineering requirements. Removal of trees in addition to those noted in the Arborist's Report would require the submission of a Modification.</p> <p>Based on the information provided and necessity of the works to be undertaken, no objection is raised to removal of the 9 trees as proposed with regard to landscape issues, subject to replanting.</p>

Internal Referral Body	Comments
	<p>It is noted that the site is within an environmentally sensitive area and I would defer to comments from Council's Bushland and Biodiversity section for issues relating to biodiversity and the natural environment.</p>
<p>NECC (Bushland and Biodiversity)</p>	<p>Updated Biodiversity Referral (15 October 2014) A compliant Biodiversity Development Assessment Report (ESEA, 27 September 2024) has been submitted and reviewed. The BDAR has assessed the impacts of the proposal including the removal of nine prescribed trees, and has calculated a biodiversity offset obligation of one (1) ecosystem credit for Sydney Coastal Enriched Sandstone Forest Plant Community Type, and two (2) species credits for Bauer's Midge Orchid and Swift Parrot (one credit each). Under the Biodiversity Conservation Act, this obligation must be satisfied prior to any construction certificate.</p> <p>The BDAR provides an assessment of Serious and Irreversible Impacts (SAIL) for the Swift Parrot, and concludes that the proposal will not result in any SAIL for this species. This conclusion is concurred with.</p> <p>The mitigation measures set out in Section 7 will contribute to replacement of trees approved for removal, as well as protection of wildlife during construction. These will be conditioned.</p> <p>Biodiversity Referral (11 July 2024) The following biodiversity-related controls and legislation apply to the subject sites:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 (BC Act) • NSW Biodiversity Offsets Scheme (BOS) • SEPP (Resilience and Hazards) - Coastal Wetlands Proximity Area • Pittwater LEP Clause 7.6 Biodiversity Protection • Pittwater DCP Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor <p>Portions of the subject site were added to the NSW Government's Biodiversity Values Map (BV Map) on 29 September 2023. In accordance with the Biodiversity Conservation Act (BC Act), any development which results in impacts to native vegetation within the BV Map will trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).</p> <p>Review of the submitted reports and plans indicated that the nine native trees proposed for removal are located within the BV Map. Council staff subsequently sought advice from the NSW Department of Climate Change, the Environment, Energy and Water (DCCEEW) to confirm the purpose for which the site had been identified on the</p>

Internal Referral Body	Comments
	<p>BV Map. Council was advised that the site had been added due to modelling of threatened species habitat undertaken by DCCEEW, and that "any native vegetation clearing proposed on land mapped on the BV Map will trigger the BOS". A BDAR is therefore required to be prepared by an ecologist who is accredited to administer the NSW Biodiversity Assessment Method (BAM) (an 'Accredited Assessor'). The Accredited Assessor is to add Council as a case party in BOAMS.</p> <p>The applicant may wish to consider a BV Map Review; however, it should be noted that DCCEEW have advised that: "a BV Map review could be requested although for this species, reviews of the map will only be conducted where there are areas of hard surfaces or cleared land (with appropriate approvals), non-native or non-woody vegetation. As part of a property review areas with suitable habitat (for this species) can also be added to the important habitat map".</p> <p>Further information about reporting requirements can be found in Council's Biodiversity Guidelines for Applicants.</p> <p>The Biodiversity referral will recommence upon receipt of an acceptable BDAR.</p>
NECC (Development Engineering)	<p>22/10/2024</p> <p><u>Development Engineering 2nd Referral Response.</u></p> <p><u>Council's Development Engineer raises no objection to this proposal subject to conditions.</u></p> <p>Burdened properties have granted consent for the update of the existing right of carriageways and creation of drainage easements, which has been conditioned prior to the issue of Occupation Certificate.</p> <p>Stormwater issues have been addressed. Site access issue has been addressed. A geotechnical report has been provided with completed forms 1 and 1(a) by ADE Consulting Group, dated 27/09/2024. Geotechnical investigation issue has been addressed.</p> <p>29/08/2024</p> <p><u>Development Engineering 1st Referral Response.</u></p> <p>The proposal is for reconstruction of a driveway and the associated retaining structures as well as the drainage system located at 32A, 34, 36 and 38 Nareen Parade North Narrabeen.</p> <p><u>Council's Development Engineer cannot support this proposal due to the stormwater, site access & parking design and geotechnical investigation.</u></p>

Internal Referral Body	Comments
	<p>Stormwater</p> <p>Several stormwater pits are proposed to collect stormwater runoff from the driveway.</p> <p><u>Council's Development Engineer requests the below additional information regarding the proposed stormwater system.</u></p> <ul style="list-style-type: none"> • Some grated drains shall be provided on the new driveway to more effectively collect stormwater runoff from the driveway. • Relevant Easement for Drainage shall be created over the proposed drainage infrastructures. Consents must be obtained from all burdened properties. <p>Site Access</p> <p>The proposed kerbs are generally satisfactory subject to conditions. The proposed driveway gradients are generally satisfactory subject to conditions. A passing bay of 23m long is provided, which is generally satisfactory based on the topography and site constraints.</p> <p>The proposed cross-falls of the driveway and driveway widths are generally satisfactory.</p> <p>A Roads Act condition is required for the new vehicular crossover and the new embankment in Council's road reserve.</p> <p><u>Council's Development Engineer requests the below additional information regarding the proposed site access.</u></p> <ul style="list-style-type: none"> • All proposed developments on the neighbouring properties require all relevant neighbours' consent even if the works are within existing right of carriageways. The existing right of carriageways are likely required to be modified to cover the extent of the new driveway. Consents must be obtained from all burdened properties. <p>Geotechnical Investigation</p> <p>A geotechnical report is provided.</p> <p><u>Council's Development Engineer requests the below additional information regarding the geotechnical investigation.</u></p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> The site is located within the geotechnical hazard zone. Completed forms 1 and 1(a) of Geotechnical Risk Management Policy for Pittwater - 2009 shall be submitted to Council. Consents must be obtained from all burdened properties for the required embankments/retaining structures associated with the construction of the new driveway. <p><u>Note to Planner; The required relocation of the power pole shall be considered and conditioned if appropriate.</u></p>
NECC (Riparian Lands and Creeks)	<p>Supported</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> Supplied plans and reports; and Relevant LEP and DCP clauses. <p>The proposal is for demolition works and construction of a new driveway.</p> <p>The site is within the Nareen Creek and Wetlands area, part of the catchment for Narrabeen Lagoon.</p> <p>There are no watercourses within or abutting the site, but stormwater from the proposal will drain to Nareen Creek. As such the proposed development must not significantly impact on the biophysical, hydrological or ecological integrity of receiving waters or the quantity and quality of surface and ground water flows that it receives.</p> <p>Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete.</p> <p>The proposal is supported</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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

Chapter 2 - Infrastructure

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.

Overall, the development achieves the relevant requirements contained within State Environmental Planning Policy (Transport and Infrastructure) 2021.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

Chapter Two of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

It is noted that nine prescribed trees are proposed for removal to facilitate the development. These trees are identified as Trees 3, 4, 7, 8, 22, 25, 28, 29A and 30 within the applicant's Arborist Impact Assessment (AIA). These trees have been justified for removal within the submitted BDAR and AIA as they conflict with the location of the widened driveway.

Council's Landscape and Biodiversity Officers have reviewed the BDAR and AIA and have concluded that the tree removal is appropriately justified and that the impacts can be reasonable offset over a long-term period, subject to conditions that require nine new trees to be replanted within the development site and for the applicant to enter into a biodiversity offset obligation of one (1) ecosystem credit for Sydney Coastal Enriched Sandstone Forest Plant Community Type, and two (2) species credits for Bauer's Midge Orchid and Swift Parrot (one credit each).

Overall, it is considered that development satisfies the relevant requirements under the BC SEPP.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is identified in the 'Proximity Area for Coastal Wetlands' and the 'Coastal Environment Area' pursuant to Chapter 2 of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). Accordingly, an assessment against the relevant provisions of Chapter 2 is carried out below.

Division 1 Coastal Wetlands and littoral rainforest area

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

- 1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
 - a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The development is physically separated from Nareen Wetlands by Nareen Parade and not likely to adversely impact upon the integrity of the wetlands. Sediment and erosion control measures will be in place during construction works to alleviate sediment migration towards the wetlands.

Overall, it is considered that the development meets the relevant requirements under Section 2.8 of the RH SEPP, subject to conditions.

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - b) *coastal environmental values and natural coastal processes,*
 - c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - f) *Aboriginal cultural heritage, practices and places,*
 - g) *the use of the surf zone.*

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

Comment:

As noted above, sediment and erosion control measures will be in place during construction works to alleviate sediment migration towards the wetlands. This will ensure that the integrity of the wetlands is reasonably maintained.

While some native vegetation on the site and within the road reserve is proposed for removal, Council's Landscape and Biodiversity Officers are satisfied that the tree removal is appropriately justified and that the impacts can be reasonable offset over a long-term period, subject to conditions that require nine new trees to be replanted within the development site and for the applicant to enter into a biodiversity offset obligation of one (1) ecosystem credit for Sydney Coastal Enriched Sandstone Forest Plant Community Type, and two (2) species credits for Bauer's Midge Orchid and Swift Parrot (one credit each).

The development is also physically separated from Nareen Wetlands by Nareen Parade and will not preclude access to or around Nareen Wetlands. The development is also not located within an area mapped as containing potential Aboriginal heritage significance and therefore, the development is not likely to adversely impact upon Aboriginal cultural heritage, practices or places. The development will also not impact upon the use of the surf zone due to the substantial separation from Narrabeen Beach.

Overall, it is concluded that the development is designed, sited and will be managed to avoid adverse impacts upon the matters referred to in Section 2.10 of the RH SEPP.

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:

Due to the sufficient separation from Nareen Wetlands and the proposed mitigation measures (i.e. sediment and erosion controls), it is concluded that the development is not likely to increase the risk of coastal hazards within the locality.

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

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

management program that applies to the land.

Comment:

The development does not contravene any coastal management programs.

As such, it is considered that the application complies with the requirements of Chapter 2 of the RH SEPP.

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 intended driveway that is ancillary to the existing residential land uses.

Conclusion

The development complies with all relevant requirements of the RH SEPP.

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	% Variation	Complies
Height of Buildings:	8.5m maximum	1.8m	-	Yes

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
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The new driveway is ancillary to existing dwelling houses that occupy the various allotments within the development site. Dwelling houses are permitted with consent in the C4 Environmental Living zone and therefore, the new works are permitted with consent by virtue of being ancillary components to a permitted land use.

An assessment against the C4 Environmental Living zone is carried out below as follows:

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

Comment:

Nine prescribed trees are proposed for removal to facilitate the development. These trees are identified as Trees 3, 4, 7, 8, 22, 25, 28, 29A and 30 within the applicant's Arborist Impact Assessment (AIA). These trees have been justified for removal within the submitted BDAR and AIA as they conflict with the location of the widened driveway.

Council's Landscape and Biodiversity Officers have reviewed the BDAR and AIA and have concluded that the tree removal is appropriately justified and that the impacts can be reasonable offset over a long-term period, subject to conditions that require nine new trees to be replanted within the development site and for the applicant to enter into a biodiversity offset obligation of one (1) ecosystem credit for Sydney Coastal Enriched Sandstone Forest Plant Community Type, and two (2) species credits for Bauer's Midge Orchid and Swift Parrot (one credit each).

For these reasons, it is considered that the environmental impacts of the development are acceptable, subject to recommended conditions.

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

Comment:

As detailed above, the environmental impacts of the development will not adversely impact upon the ecological, scientific or ecological values of the locale, subject to recommended conditions.

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

Comment:

The widened driveway and associated retaining walling appropriately integrates into the existing landform and landscape.

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

Comment:

The development is physically separated from Nareen Parade and will retain sufficient vegetation to retain a wildlife corridor through the site.

As demonstrated above, the development is consistent with the objectives of the C4 zone.

5.21 Flood planning

The front portion of the site is mapped within a Low Flood Risk precinct under Council's mapping. However, Section B3.11 of the P21DCP does not include any applicable flood-related development controls for residential land uses (see **Figure 2**).

		Low Flood Risk Precinct				
		Vulnerable & Critical Use	Residential Use	Business & Industrial Use	Recreational & Environmental Use	Subdivision & Civil Works
B	Building Components & Structural	B1 B2 B3				
C	Floor Levels	C2 C3				C5
D	Car Parking	D2 D7				
E	Emergency Response	E1 E2				E3

Figure 2 - Low Flood Risk Precinct Flooding Criteria prescribed under Section B3.11 of the P21DCP

As such, it is concluded that the development meets the relevant provisions under Clause 5.21 of the PLEP.

7.1 Acid sulfate soils

The site is mapped within the 'Class 5' area on the PLEP Acid Sulfate Soils Map. Therefore, clause 7.1 of the PLEP is applicable.

A large extent of the excavation works that are proposed is elevated above the street level and well separated from the nearby 'Class 2' area located at Nareen Wetlands. For these reasons, Council is satisfied that the excavation works will not lower the water table on nearby 'Class 2' land and that the excavation works will not expose acid sulfate soils and cause environmental harm.

Overall, the development accords with the jurisdictional considerations under clause 7.1 of the PLEP.

7.2 Earthworks

The objective of clause 7.2 of the PLEP requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment:

The portion of the site that will accommodate the development is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment:

Sediment and erosion control measures will be in place during construction works to alleviate sediment migration towards Nareen Wetlands.

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

Comment:

Conditions are included in the recommendation of this report that will minimise the environmental impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment:

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the jurisdictional requirements under clause 7.2 of the PLEP.

7.6 Biodiversity protection

The site is mapped on the PLEP 'Biodiversity' Map. Accordingly, clause 7.6 of the PLEP is applicable to this assessment.

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 recommended conditions. Therefore, Council can be satisfied that 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 recommended conditions that will mitigate impacts of the development on local biodiversity.

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 recommended conditions. Therefore, Council can be satisfied that the development is designed, sited and will be managed to any significant adverse environmental impact.

For the reasons outlined above, it is considered that the development meets the jurisdictional considerations under clause 7.6 of the PLEP.

7.7 Geotechnical hazards

The site is mapped on the PLEP Geotechnical Hazards Map. Accordingly, clause 7.7 of the PLEP is applicable to the assessment.

Under clause 7.7, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The proposed development is supported by a Geotechnical Report and Civil Plans that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment:

The proposed development is supported by a Geotechnical Report and Civil Plans that demonstrate stormwater and drainage are suitably managed on site. Conditions are also recommended to ensure that existing sewer infrastructure is not impacted upon. The application has also been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

(b) the consent authority is satisfied that:

(i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or

(ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.

Comment:

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. As such, Council can be satisfied that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

For the reasons outlined above, it is considered that the development meets the jurisdictional considerations under clause 7.7 of the PLEP.

7.10 Essential services

All of the properties that form part of the subject site will have the following essential services:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage, and
- suitable vehicular access.

Hence, the development satisfies clause 7.10 of the PLEP.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Building envelope	3.5m / 45 degrees (NW)	Within Envelope	-	Yes
	3.5m / 45 degrees (SE)	Within Envelope	-	Yes
Landscaped area	60%	> 60% on all allotments	-	Yes

Note: Under the Pittwater 21 Development Control Plan (P21DCP), driveways and retaining walls are permitted within the front, side and rear setback areas. Hence, these P21DCP built form controls are not applicable to this assessment, noting that the development pertains to a driveway, retaining walls and associated civil works.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	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
B8.5 Construction and Demolition - Works in the Public Domain	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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.3 Building colours and materials	No	Yes
D11.9 Building envelope	Yes	Yes
D11.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D11.15 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D11.3 Building colours and materials

Conditions have been included in the recommendation of this report that require the external finishes of the retaining walling and shotcrete embankment to be treated in dark and earthy tones that accord with section D11.3 of the P21DCP. With these conditions in place, the visual impacts of the engineering supporting structures will be appropriately mitigated, insofar as the supporting structures will appropriately harmonise with the natural environment.

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 \$16,670 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,666,956.

BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Conservation Act 2016 (BC Act) applies to the land pursuant to section 1.7 of the EP&A Act and aims to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecological sustainable development.

As noted earlier within this report, portions of the site are identified on the BVM as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017 (see **Figure 3**). The works proposed under this application encroach into the BVM area.

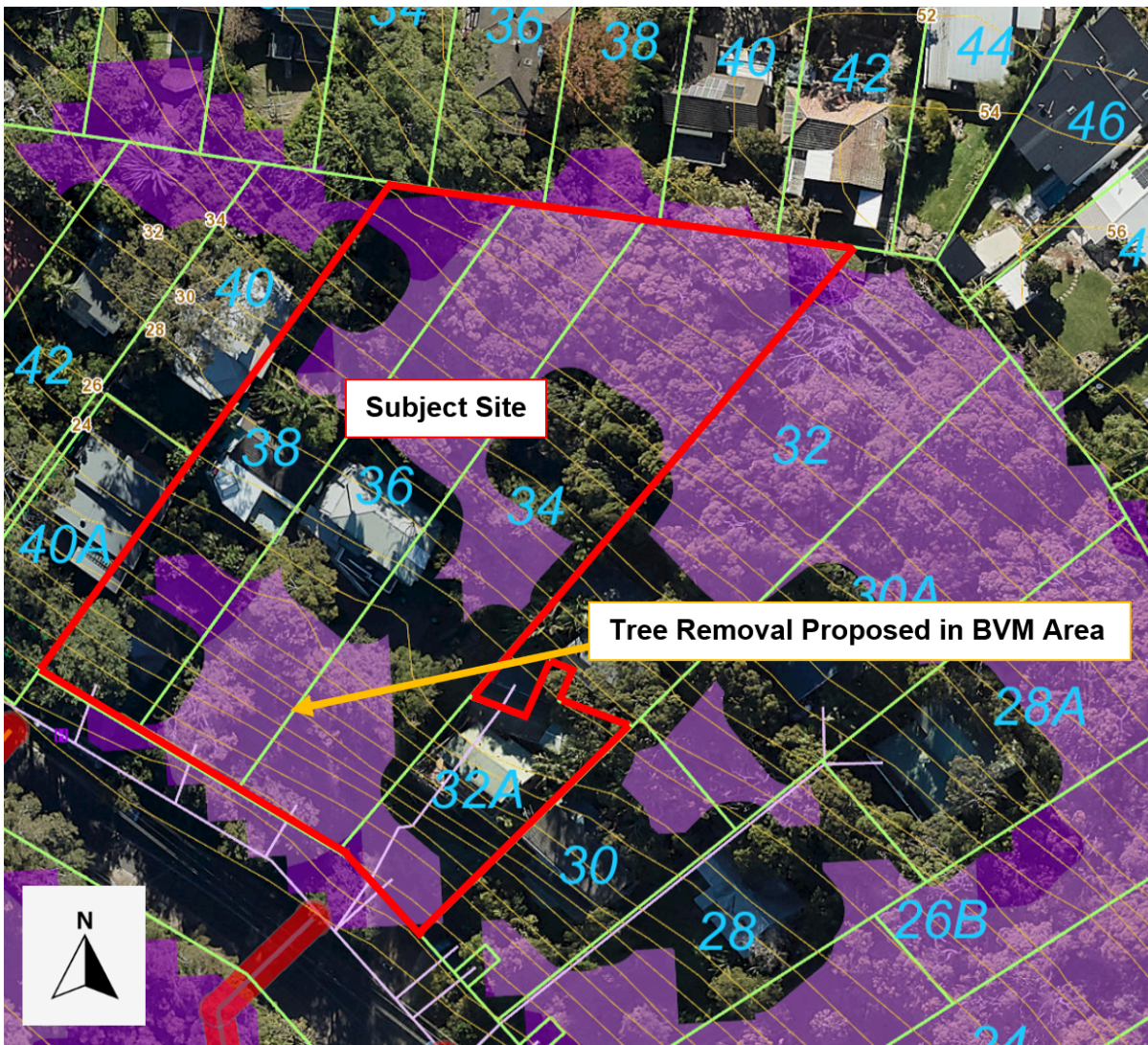


Figure 3 - Biodiversity Values Map

During the assessment process the applicant submitted a Biodiversity Development Assessment Report (BDAR) in accordance with the requirements of the BC Act. The BDAR noted that the development will remove approximately 38.05sqm of native vegetation that forms part of Plant Community Type (PCT) 3592 - Sydney Coastal Enriched Sandstone Forest to accommodate for the widened driveway. The BDAR assessed this vegetation as having poor biodiversity condition due to there being minimal native understory vegetation present. The BDAR also noted that the impacted PCT is not associated with any any threatened ecological community under the BC Act 2016 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The BDAR also assessed that Biodiversity Assessment Method (BAM) Important Areas for *Lathamus discolor* (Swift Parrot) and *Genoplesium baueri* (Bauer's Midge Orchid) are mapped throughout the subject site and locale. The BDAR noted that proposed works were assessed against the Significant Impact Criteria and it was determined that the proposed development is unlikely to have a serious and irreversible impact (SAII) on the species.

The BDAR concluded that the total vegetation integrity loss from the subject site as a result of the proposed development would be -23.9 over an area of 0.01 ha, and applied one ecosystem credit to the proposed development to offset the loss of this PCT. The BDAR also concluded that candidate species credits are applicable to the proposed development and have been applied to *Lathamus discolor* (Swift Parrot) and *Genoplesium baueri* (Bauer's Midge Orchid) to offset the loss of potential

habitat for these species.

Council's Biodiversity Officer has reviewed the BDAR and concurs with the finding of the BDAR. The Biodiversity Officer has recommended conditions that require the retirement of single biodiversity credits for PCT 3592-Sydney Coastal Enriched Sandstone Forest, *Lathamus discolor* (Swift Parrot) and *Genoplesium baueri* (Bauer's Midge Orchid) to offset the loss of the PCT and potential habitat.

With these conditions in place, Council is satisfied that the development satisfies the provisions of the BC Act and that the biodiversity impacts of the development are acceptable.

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 DA2024/0741 for Reconstruction of an access driveway on land at Lot 39 DP 11356, 38 Nareen Parade, NORTH NARRABEEN, Lot 40 DP 11356, 36 Nareen Parade, NORTH NARRABEEN, Lot 41 DP 11356, 34 Nareen Parade, NORTH NARRABEEN, Lot 421 DP 1004511, 32 A Nareen Parade, NORTH NARRABEEN, 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
C02	D	Construction Plan	Shire Civil Design	12 September 2024
C03	D	Setout Plan	Shire Civil Design	12 September 2024
C04	D	Longitudinal Sections-CL, KR1 and KR2	Shire Civil Design	12 September 2024
C05	D	Cross Sections CH 3.77 to 59.58	Shire Civil Design	12 September 2024
C06	D	Cross Section CH 66.1 to 105	Shire Civil Design	12 September 2024
C07	D	Longitudinal Drainage Section/Details	Shire Civil Design	12 September 2024
C08	D	B85-Swept Paths and Profile Plans	Shire Civil Design	12 September 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Temporary Stairway Scaffolding Cover Letter titled 'Project: 32A, 34, 36 and 38 Nareen Crescent, North Narrabeen'	N/A	PWS Building Consultancy	25 October 2024
Waste Management Plan	N/A	Phil Smith	12 February 2024
Geotechnical Investigation Report titled 'Proposed Driveway Reconstruction 32A, 34, 36 and 38 Nareen Parade,	A201023.0439.00_A_v6f	ADE Consulting Group	27 September 2024

North Narrabeen, NSW 2101'			
Biodiversity Development Assessment Report titled '32A, 34, 36 and 38 Nareen Parade, North Narrabeen Streamlined Assessment (BDAR) – Small Area'	Document No. 20240035 38 Nareen Parade, North Narrabeen BDAR.docx Version 2.0	Environmental Services & Education Australia	27 September 2024
Arboricultural Impact Assessment titled '32A, 34, 36 and 38 Nareen Parade, North Narrabeen NSW 2101'	N/A	Treeism Arboricultural Services	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	not dated

(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) 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) 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 \$16,669.56 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 \$1,666,956.00.

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 \$10,000 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. Preparation of a Tree Removal Protocol

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

- a pre-clearance survey of trees and vegetation approved for removal
- direct supervision of tree and vegetation removal
- protocol for rescue of fauna
- protocol for salvaging of log and hollow sections of trees approved for removal
- protocol for relocation of log and hollow sections to a suitable location on site
- procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance survey

The Tree Removal Protocol is to be submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To protect native wildlife.

8. Installation of Nest Boxes

A minimum of 1 nest box suitable for native birds and/or arboreal mammals (as recommended by the Project Ecologist) are to be installed in retained trees on the site.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

9. Like for like credit retirement conditions - Ecosystem credit retirement conditions

Prior to issue of the relevant Construction Certificate the class and number of ecosystem credits in Table 1 must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and to the Certifier prior to release of construction certification.

Table 1 Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	TEC	Number of ecosystem credits	Containing HBT	IBRA sub-region	Plant community type(s) that can be used to offset the

					impacts from development
3592-Sydney Coastal Enriched Sandstone Forest	Not a TEC	1	No	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. OR Any IBRA subregion that is within 100km of the impact site	Sydney Coastal Dry Sclerophyll Forests This includes PCTs: 3583, 3592, 3594

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

10. Like for like credit retirement conditions - Species credit retirement conditions

Prior to issue of the relevant Construction Certificate the class and number of species credits in the table below must be retired to offset the impacts of development.

The requirement to retire credits outlined in the table below may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of the below requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifier prior to release of construction certification.

Impacted species credit species	Number of species credits	IBRA sub-region
Genoplesium baueri / Bauer's Midge Orchid	1	Any in NSW
Lathamus discolor / Swift Parrot	1	Any in NSW

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

11. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or

Professionals Australia (RPENG) , indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments.

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

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

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 Investigation Report prepared by ADE Consulting Group, dated 27 September 2024 (referenced in Condition 1 of this consent) 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. Off Street Parking Design

The Applicant shall submit a design for the parking facility and the associated driveway prepared by a suitably qualified civil/traffic engineer in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

14. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points

- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: To protect the receiving environment.

15. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The external colours and finishes of the approved retaining walls and shotcrete embankment must comprise of dark and earthy tones that comply with the colours specified under Section D11.3 of the Pittwater 21 Development Control Plan.
- The garage on 32A Nareen Parade that was approved under Development Consent DA2023/1617 must be included on the approved construction and setout plans referenced in Condition 1 of this consent. The construction and setout plans must demonstrate that the proposed driveway approved under this Development Consent (DA2024/0665) does not encroach into the footprint of the approved garage at 32A Nareen Parade.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

16. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the vehicular crossover, the proposed stormwater connection to Council's kerb inlet pit and the required retaining structures which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer.

The design must include the following information:

- Details of the proposed stormwater connection to Council's kerb inlet pit.
- Driveway long-sections along both sides of the driveway starting from the centreline of the road to the end of the proposed internal driveway.
- Details of the retaining structures (if any) with the relevant engineer's report(s).

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

17. Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with Biodiversity Development Assessment Report referenced in Condition 1 of this consent.

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

18. 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.

19. 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.

20. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.

- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
 - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the

structure within the site. Wherever possible mobile cranes should be located wholly within the site.

- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

21. **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 the Arboricultural Impact Assessment dated April 2024 prepared by Treeism and AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

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

- a) driveway removal and any excavation of fill within 5m of any tree

All tree protection measures specified must:

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

The Project Arborist shall provide certification to the Principal 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.

22. **Tree Removal Within the Property**

This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment dated April 2024 prepared by Treeism

- i) Trees numbered 4, 7, 8, 22, 25, 28, 29A, 30
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

23. **Tree Removal Within the Road Reserve**

This consent approves the removal of existing trees within the road reserve as identified in the Arboricultural Impact Assessment dated April 2024 prepared by Treeism as listed below:

- i) Tree number 3
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

DURING BUILDING WORK

24. Protection of Landscape Features and Sites of Significance

All natural landscape features including natural rock outcrops, natural vegetation, soil and watercourses are to remain undisturbed during demolition, excavation and construction works except where affected by works detailed on approved plans.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

25. 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 not approved for removal.

- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated April 2024 prepared by Treeism and AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
 - 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 the Project Arborist on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist on site including advice on root protection measures,
 - vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist on site shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist on site to the Principal Certifier,
 - viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the

construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,

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

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

26. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from the Project Arborist on site during the works.

In this regard all protected trees shall not exhibit:

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

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

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

Reason: Protection of trees.

27. **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.

28. **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.

29. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: To protect the receiving environment.

30. **Geotechnical Requirements**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

31. **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.

32. **Re-location of Power Pole**

The power pole on 38 Nareen Parade near the proposed driveway is to be relocated to an appropriate location on 38 Nareen Parade that would not obstruct the proposed driveway. The re-location of the power pole must be undertaken in accordance with relevant Ausgrid Network Standards and Safe Work NSW Codes of Practice for construction works near existing electrical assets.

Any costs for the relocation of power pole will be incurred by the owner(s) of the subject site.

Reason: To facilitate suitable and safe vehicular access.

33. Cut and Fill

While building work is being carried out, the Principal Certifier must be satisfied that all soil removed from or imported to the site is managed in accordance with the following requirements:

a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.

b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW Environment Protection Authority.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

34. Site Access During Construction

Access to 32, 32A, 34, 36 and 38 Nareen Parade, North Narrabeen during the construction of the development must be maintained by a pedestrian-safe walkway in accordance with the Temporary Stairway Scaffolding Cover Letter referenced in Condition 1 of this consent.

Reason: To ensure that pedestrian access is maintained to all properties that benefit from the proposed shared driveway.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

35. Required Tree Planting

Trees shall be planted in accordance with the following:

- a) 9 locally native trees shall be planted within the property to achieve at least 10 metres height at maturity, and in accordance with the following:
 - i) tree planting shall be a minimum pre-ordered planting size of 200mm; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries,
 - ii) 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,
- b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

36. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist on site shall be submitted to the Principal Certifier, assessing the health and impact on all existing

trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

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

Reason: Tree and vegetation protection.

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

All impact mitigation measures specified in Section 7 of the submitted Biodiversity Development Assessment Report 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.

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

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Tree Removal Protocol to the Principal Certifier prior to issue of Occupation Certificate.

Reason: To protect native wildlife.

39. **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.

40. **Native Landscaping**

Disturbed land surrounding the new driveway is to be revegetated in accordance with the species list and recommendations set out in Section 7.1.2.1 of the submitted Biodiversity Development Assessment report prepared by ESEA, dated September 2024 (referenced in Condition 1 of this consent).

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

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

41. **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.

42. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified civil/hydraulic engineer. 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.

43. 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.

44. Certification of Off Street Parking Works

The Applicant shall submit a certificate from a suitably qualified civil/traffic engineer that the parking facility and the associated driveway were constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

45. 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.

46. Easement Creation/Update for Drainage/Right of Carriageway

The Applicants must create easements for drainage and must update the existing right of carriageways (under the provisions of Section 88B of the Conveyancing Act) on all relevant benefitted and burdened properties, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s), and to ensure all shared driveway is located within the appropriate right of carriageways.

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

Reason: To ensure appropriate easements are provided.

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

47. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Investigation Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

Signed



Thomas Burns, Principal Planner

The application is determined on 01/11/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments