

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0163
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Responsible Officer:	Anaiis Sarkissian
Land to be developed (Address):	Lot 22 DP 18005, 81 Riverview Road AVALON BEACH NSW 2107
Proposed Development:	Demolition works and construction of a parking platform and carport
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Birgit Bessey

Application Lodged:	06/03/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	17/03/2025 to 31/03/2025
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 390,000.00
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PROPOSED DEVELOPMENT IN DETAIL

This development application is for alterations and additions to the existing dwelling house, involving the following works:

- Removal of existing hardstand parking bay and vehicle crossover at the front of the property
- Removal of existing pedestrian access from Riverview Road including all hardstand paving and stairs within the front setback
- Tree removal
- Construction of new vehicle crossover and driveway to Riverview Road
- Construction of double carport
- Construction of vehicle turning bay
- Construction of external stairs connecting carport to dwelling

No changes are proposed to the existing dwelling house.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living
Pittwater 21 Development Control Plan - D1.8 Front building line

SITE DESCRIPTION

Property Description:	Lot 22 DP 18005 , 81 Riverview Road AVALON BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Riverview Road.</p> <p>The site is irregular in shape with a frontage of 25.21m along Riverview Road and a depth of 55.99m along the northern boundary and 65.94m along the southern boundary. The site has a surveyed area of 1,227.5m².</p> <p>The site is located within the C4 Environmental Living zone and accommodates a two storey dwelling house with single hardstand parking area.</p> <p>The site is steeply sloping from the east down to the west with a crossfall of approximately 27m.</p> <p>The site is very densely vegetated throughout.</p>

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by detached dwelling houses, varying in architectural style and design. The properties along the streetscape are densely vegetated, with those located on the western side of Riverview Road located below street level.

Map:



SITE HISTORY

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

The land has been used for residential purposes for an extended period of time.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.

Section 4.15 Matters for Consideration	Comments
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>Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested on 2 April 2025 in relation to the bulk and scale of the car parking structure.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Matters for Consideration	Comments
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 17/03/2025 to 31/03/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Withheld	AVALON BEACH NSW 2107

The issues raised within the submission are summarised and addressed as follows:

- **Visual privacy**

The submission raised concerns over loss of privacy to the neighbouring private open space area at the front of the property and adjoining windows as a result of the elevation and proximity to the proposed carport and turning bay. It was suggested that suitable screening be provided. In response to the amended plans, it was requested that the proposed carport be located further from the southern boundary and neighbouring window beyond 9m. Additionally, it was noted that the carport is located 6.5m from the neighbouring private open space area, and the turning bay is 3.5m from the closest neighbouring living room windows.

Comment:

It is important to note that the building line is not parallel with the front boundary and therefore the carport cannot practically be located any further towards the northern boundary (refer Figure 1 below). It is also noted that private open space areas should be located at the rear of a dwelling to maximum privacy for occupants. Notwithstanding, given the elevated nature of the proposed development, Council's Landscape Officer has required through condition planting of 4m high screen trees along the southern boundary to mitigate visual privacy impacts. The original design had the carport sited 4.4m from the southern boundary; the amended design submitted on 13 May 2025 increased the setback by 1.6m so that the carport is sited 6m from the southern boundary. The nearest neighbouring window in question is located approximately 3.5m from the common boundary. Given the positioning of the neighbouring dwelling further west than the proposed carport, the diagonal distance from the window to the carport would be greater than 9.5m (refer Figure 2). Additionally, the private open space area is located 1.1m from the common boundary and therefore 7.1m from the

proposed carport. The turning bay is located over 10.5m (not 3.5m) from the closest neighbouring window, as evident in Figure 2 below. The amended carport is of minimum and not excessive dimensions. As such, it is considered unreasonable to request the Applicant to set the carport back even further from the southern boundary.

Figure 1: Survey plan

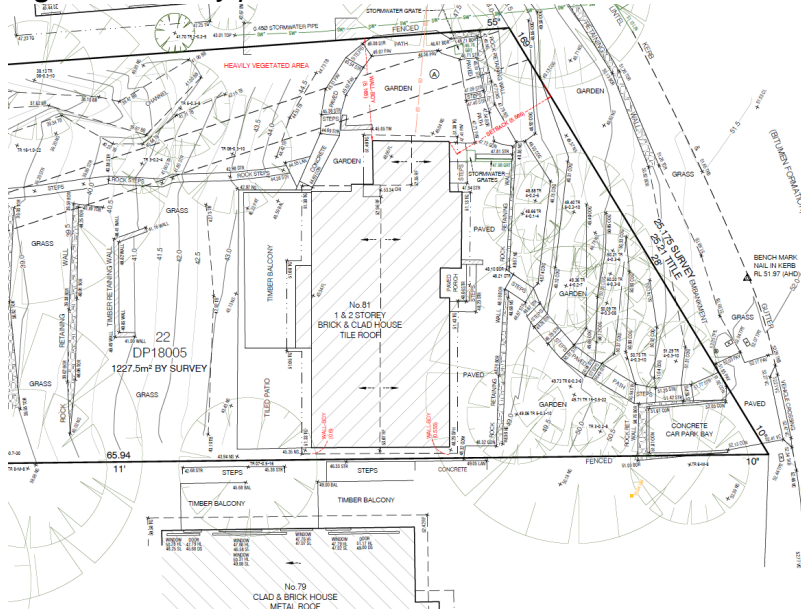
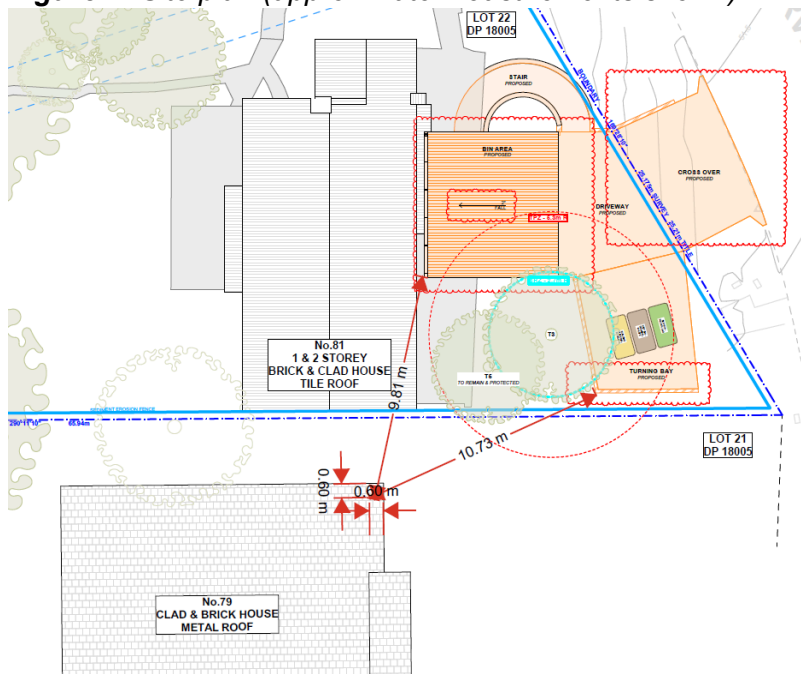


Figure 2: Site plan (approximate measurements shown)



- Acoustic privacy**

The submission raised concerns over the noise associated with the regular use of vehicles, and that the turning bay could be used for parking of additional vehicles, adding significantly to the number of vehicles using the structure. It was also suggested that the carport and adjoining turning bay could be an attractive large space for gatherings and be used as a

viewing/entertainment platform.

Comment:

The proposal is for a carport and turning bay; the level of noise impact generated by the proposed development is expected to be similar to other parking structures in the area. There is no limit to the number of vehicles that can be accommodated on site. The proposal provides parking for two cars within the carport, and the turning bay allows for entry and exit in a forward direction. The only way to avoid any noise generated by vehicles is to not provide any parking at all on site, which is unreasonable and does not comply with Council's minimum requirement of two parking spaces. It is unreasonable to assert that the proposal may be used for large gatherings as the structure is intended to be used for vehicle manoeuvring and parking.

- ***Lightspill***

The submission raised concern over there being a disruptive and unacceptable level of nighttime lights from the vehicles, driveway and carport that would shine into neighbouring windows and private outdoor areas.

Comment:

Lightspill emitted by the floodlights of vehicles is to be expected and is the case for all cars entering and exiting private properties in domestic settings.

- ***Overshadowing***

The submission raised concerns over significant loss of morning sun during winter to the neighbouring private open space area.

Comment:

Pursuant to Section C1.4 of the Pittwater 21 Development Control Plan, the main private open space and windows to the principal living area of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Where there is adverse slope or topography, and where there is existing vegetation or development that overshadow, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis.

The proposal results in additional overshadowing of the adjoining property to the south in the morning, but by midday, the dwelling is not overshadowed by the parking structure (refer Figures 3-5 below). It is noted that the property is located on the lower side of the street with a steep sloping topography and surrounded by dense vegetation and canopy trees. As such, any future development of the subject site forward and above the existing dwelling would result in additional overshadowing of the neighbouring property. It is also noted that while there is an area of open space to the north-eastern corner of the neighbouring dwelling, this is not necessarily private as it is located at the front of the dwelling. This property also includes decking to the northern side of the dwelling and to the south-east of the dwelling. The site also obtained recent approval for the creation of a large deck and outdoor entertaining area to the west at the rear of the property off the kitchen and dining area. As previously explained, the proposed carport cannot be sited any further north on the site, and the amended design has reduced the overall height of the structure by 500mm. On balance of the above, it is considered that reasonable solar access would be provided to the adjoining dwelling.

Figure 3: 9am shadow diagram

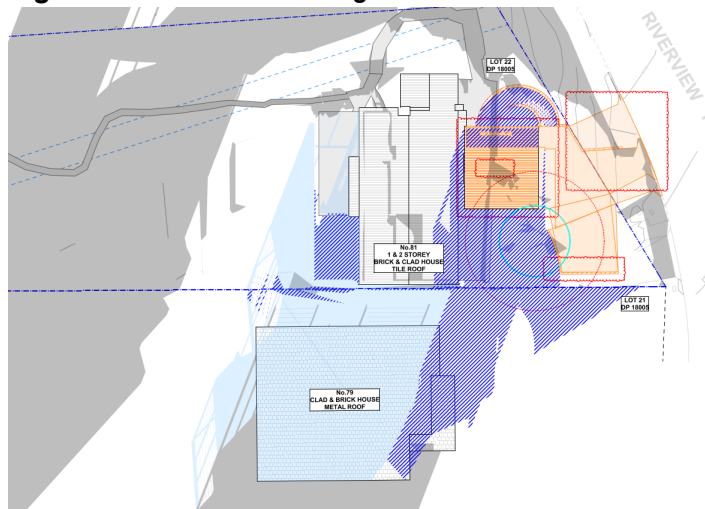


Figure 4: 12pm shadow diagram

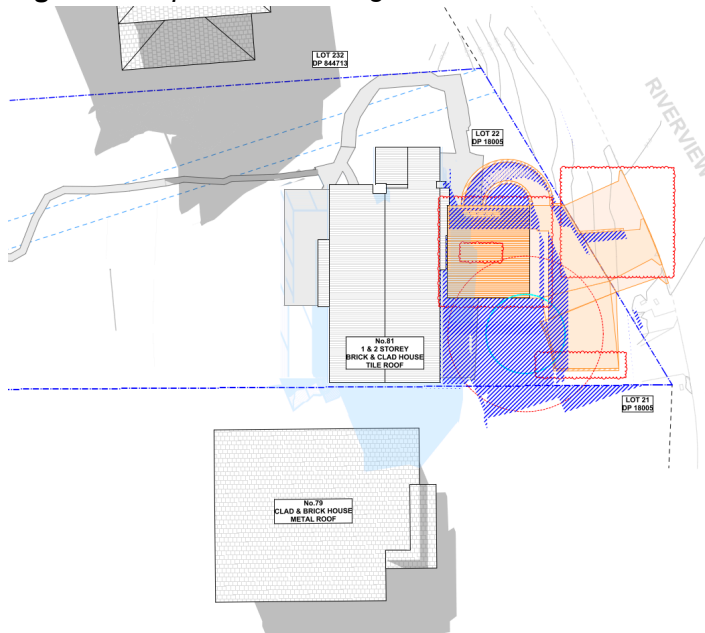
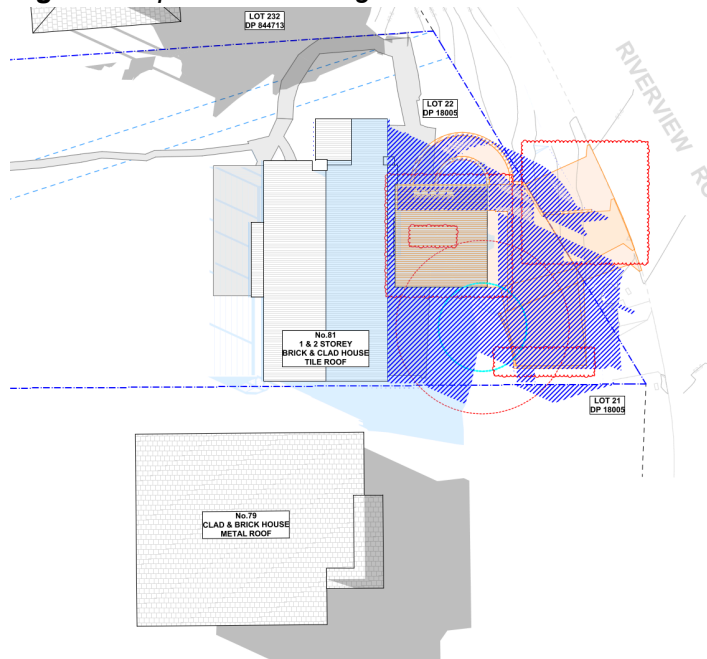


Figure 5: 3pm shadow diagram



- **Tree impact**

The submission raised concerns over the potential removal of high stems from Tree 1 on the neighbouring property to accommodate the turning bay, as this may cause instability in other parts of the plant. Concern is also raised over the removal of the Spotted Gum (Tree 3) and Forest Oak (Tree 4).

Comment:

Neighbour's consent should be obtained for the removal of stems from neighbouring properties. Notwithstanding, amended plans submitted on 13 May 2025 increase the setback of the turning bay from the southern boundary to 1m, significantly reducing the encroachment into the TPZ of Tree 1. Amended plans also reduce the width of the carport such that Trees 3 and 4 could be retained (refer Figures 6 and 7). Council's Landscape Officer has included a condition requiring the preparation of a Tree Protection Plan to protect Trees 1, 3, 4 and 5. These trees have not been approved for removal. Ten exempt trees are proposed to be removed from the front of the site to accommodate the parking structure (Tree 2 and Trees 6-14) - eight of these trees are Bangalow Palms in addition to one Blue Jacaranda tree and one Weeping Fig tree. New plantings have also been conditioned. Please refer to the referral comments by Council's Landscape Officer for more detailed explanation of tree impact and protection.

Figure 6: Original design

The site plan for 23-25 Pitt St, Sydney, illustrates the proposed development and its relationship to the surrounding environment. Key features include:

- Proposed Structures:** A 'CARPORT PROPOSED' (FFL 61.770) and a 'DRIVEWAY PROPOSED' are shown at the rear of the site. A 'TURNING BAY PROPOSED' is located on the right side, adjacent to a 'GARDEN PROPOSED' area.
- Setbacks and Boundaries:** The plan shows setbacks of 2.7m (SRZ), 5.3m (R), and 2.1m (SRZ). A '2.1m SURVEY 23-25 PITT ST' line is also indicated.
- Existing Features:** 'BED 1 EXISTING' and 'BED 3 EXISTING' are located on the left side. A 'Telstra Pole' is situated near the turning bay.
- Protected Tree:** A tree labeled 'T5' is identified as 'TO REMAIN & PROTECTED'. It is surrounded by a circular area with a radius of 6 metres.
- Other Labels:** 'TOPOG' is marked at the bottom center, and 'T3' is labeled near the tree.

The submission raised concerns that the elevated parking structure will result in an ugly sub-floor space, resulting in a negative impact on the outlook from the neighbouring property. Concern was also raised that the proposed parking structure completely obliterates the dwelling house from street view, obscures the natural landscape with the substantial removal of trees within the front setback area, and will form a dominating feature when viewed from the road. Concern is raised over the proposed structure being too wide and out of character with other nearby properties on the lower side of Riverview Road, with the external stairway also being a major visual component of the structure, which does not complement the bushland landscape of Pittwater.

The proposal is for an unenclosed carport and not a garage, thereby minimising the impact of the built form. Additionally, many dwelling houses along Riverview Road also have elevated parking structures with reduced front setbacks given the surrounding topography and due to the dwellings being sited below street level, such as numbers 69, 95 and 99. Furthermore, the amended design reduced the overall height of the carport structure by 500mm. Council's Landscape Officer has conditioned the planting of 4m high screen trees along the southern boundary to mitigate visual privacy impacts. This matter is assessed in greater detail in Section D1.8 of this Assessment Report.

- **Common side boundary**

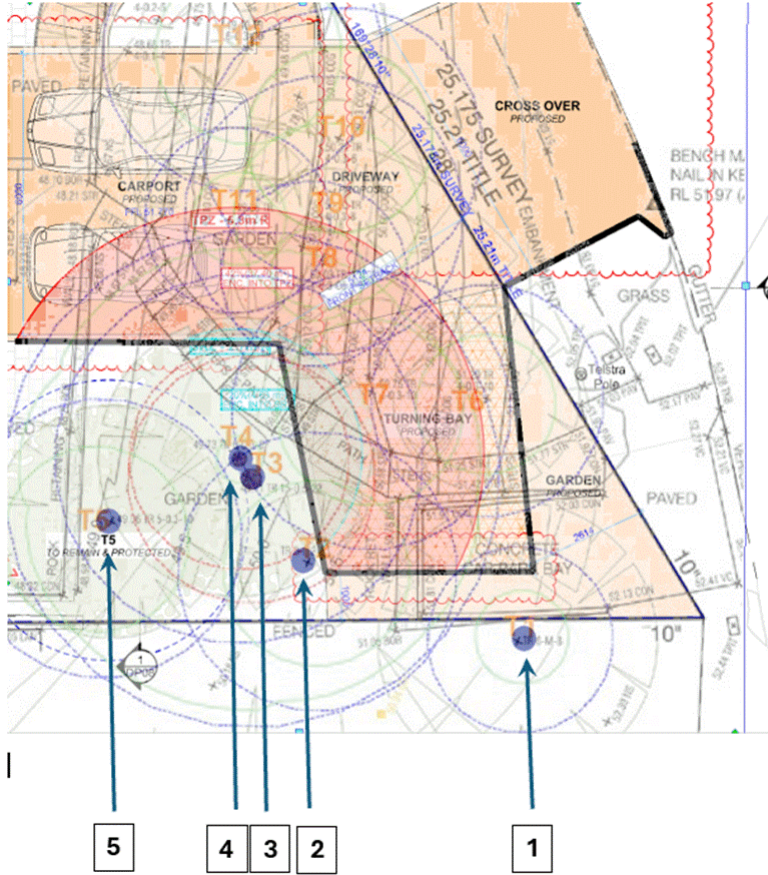
The submission welcomed the relocation of the existing raised concrete edging adjoining the existing hardstand parking area (which presently encroaches the southern boundary) away from the boundary to provide some distance and opportunity for soft screening between both properties.

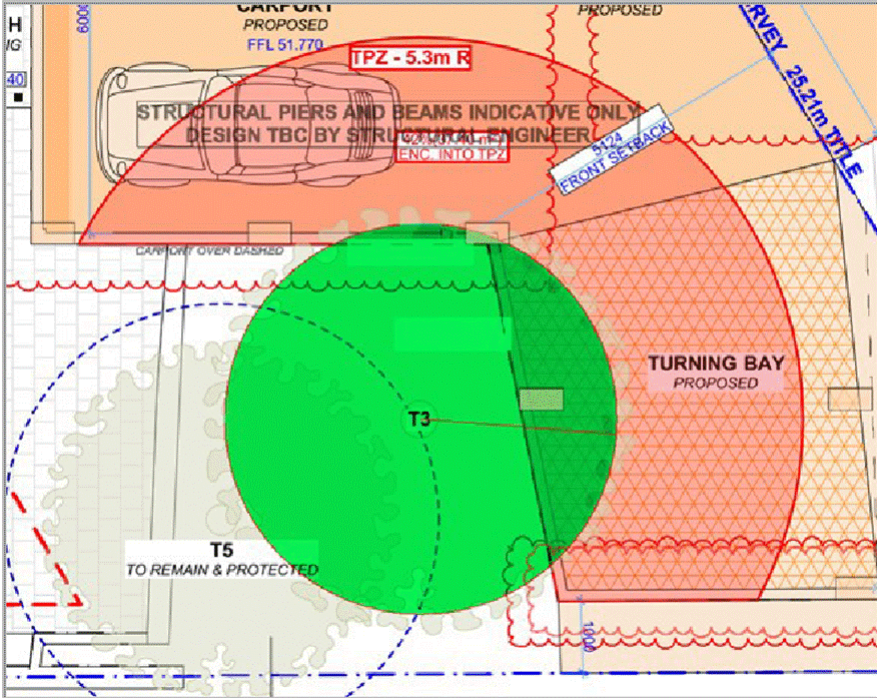
Comment:

The proposal involves the demolition of the existing concrete hardstand area and construction of a turning bay set back 1m from the southern boundary. Council's Landscape Officer has also conditioned soft screening along this boundary, as previously mentioned.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p><u>Amended Plans Comment 16/05/2025</u></p> <p>Amended plans are noted indicating of a reduction of size of the parking and turning area and offset from the southern boundary. No amended Arborist Report was noted to be provided.</p> <p>However, assessment of the amended plans (overlay with Survey below) concludes that Trees 4 (<i>Allocasuarina torulosa</i>) and 3 (<i>Corymbia maculata</i>) could now be retained, in addition to Trees 1 (<i>Strelitzia</i> on neighbour's property) and 5 (<i>Livistona australis</i>). Tree 2 is an exempt palm. (Tree locations indicated on the amended plan extract below).</p>

Internal Referral Body	Comments
	 <p>On the amended plans, Tree 3 is indicated to be removed as works overhang the SRZ and Tree 4 is not marked, assuming removal.</p> <p>An overlay of the indicative pier location and the SRZ (copy below) of T3 (which is close to the same as T4) indicates that all but one of the piers would be outside the SRZ. As structural engineering has not yet been undertaken, design of beam sizes and pier locations could be adjusted to suit the trees following collaboration between a structural engineer and qualified arborist. This can be conditioned.</p>

Internal Referral Body	Comments
	 <p>Retention of Trees 3 and 4 is important in view of their association with the Pittwater Spotted Gum Forest EEC and the C4 - Environmental Living zone which applies to the property. Previous design layout would not have enabled retention, as noted in the earlier comments. The two trees are also very close together, with removal of one likely to affect the other, due to interrelationship of roots below ground.</p> <p>Additional planting along the southern boundary and in landscaped areas disturbed by works could also be conditioned to assist in replacing vegetation removed and additional screening along the southern boundary.</p> <p>No objections are therefore raised regarding landscape conditions subject to conditions.</p> <p><u>Original Comment</u> The application seeks consent for: Demolition works and construction of a parking platform and carport.</p> <p>The Arborist's Report prepared by Hugh the Arborist is noted.</p> <p>The Report indicates that two non-exempt trees are to be removed to accommodate the proposed works. Eight exempt palm trees (<i>Archontophoenix cunninghamiana</i>) are also to be removed.</p> <p>No objections are raised to removal of the exempt trees.</p>

Internal Referral Body	Comments
	<p>The two non-exempt trees are T3 - 1 x <i>Corymbia maculata</i> (Spotted Gum) and T4 - 1 x <i>Allocasuarina torulosa</i> (She Oak).</p> <p>Both trees are indicated to be in decline with a rating of Low-Very Low landscape value and Short safe useful life expectancy.</p> <p>In consideration of the condition of the two trees, no objections are raised to removal subject to replacement planting.</p> <p>Comments from Council's Bushland and Biodiversity section indicating support subject to conditions is noted.</p> <p>No objections are raised regarding landscape issues subject to conditions as recommended.</p>
NECC (Bushland and Biodiversity)	<p>The proposed development application is for the construction of a new carport, driveway, a stair, a turning bay, a cross over area and a small garden bed. Land Eco Consulting (Land Eco) prepared a Biodiversity Development Assessment Report (BDAR) to accompany the development application and addresses the requirements of the NSW Biodiversity Offset Scheme (BOS) and the Biodiversity Assessment Method (BAM). Impacts will be limited to the removal of approximately 182m² (0.02 ha) of disturbed native and exotic vegetation. The BDAR describes the measures to avoid and minimise impacts on biodiversity values, and concludes that a Serious and Irreversible Impact is unlikely.</p> <p>One plant community type PCT 3234 Hunter Coast Lowland Spotted Gum Moist Forest, which is associated with 'Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion' (PWSG) Endangered Ecological Community (EEC) occurs on the site. One (1) Ecosystem Credit is required to be retired to offset the residual biodiversity impacts of the proposed development. Several threatened microbat species were recorded on the Subject Property, with only one the Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>) which is a Species credits species requiring offset.</p> <p>A series of measures have been included in the BDAR and these will be conditioned to further mitigate and minimise the potential impacts, as well as a Landscape Plan.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience & Hazards) 2021 and the requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as within the coastal zone and therefore the Coastal Management Act 2016 is applicable to the proposed development. The proposed development is in line with the</p>

Internal Referral Body	Comments
	<p>objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021 The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021. Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p>Comment: On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Four Towns Planning dated February 2025 the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP.</p> <p>As such, it is considered that the application is generally consistent with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>Landslide/ Landslip Hazard Management</p> <p>The subject site is also identified as "Geotechnical Hazard H1" on Council's Geotechnical Hazard Map within the Pittwater LEP 2014. As such, Clause 7.7 of the Pittwater LEP 2014 and Part B3.1 (Landslip Hazard) of the Pittwater 21 DCP will apply to proposed development on the site.</p> <p>A Geotechnical Report by Crozier Geotechnical Consultants dated September 2024 assessing landslide/landslip hazard has been submitted with the DA. The report assessed the site and surrounding slopes as per Council's Geotechnical Risk Management Policy 2009 and identified no credible landslip hazards.</p> <p>As such, it is considered that the application generally complies, subject to conditions, with the requirements of Clause 7.7 of the Pittwater LEP 2014 and Part B3.1 (Landslip Hazard) of the Pittwater 21 DCP.</p>
NECC (Development Engineering)	<p>The applicant is seeking approval for a suspended driveway at the front boundary, where the existing arrangement appears to be an informal car parking setup. The proposal is acceptable to Council. The applicant's Geotechnical Engineer has certified that an acceptable level of risk can be achieved. There are no objections from Development Engineering, subject to conditions.</p> <p>DATED 15/05/2025</p>

Internal Referral Body	Comments
	I have reviewed the amended plans, and the revised driveway design is acceptable, subject to the recommended conditions.

External Referral Body	Comments		
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.		
Aboriginal Heritage Office	Conclusion / General Comments		
	Recommendation		
		APPROVAL	<ul style="list-style-type: none">Subject to Conditions <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

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

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

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

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

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

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

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

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

Comment:

The site is located on land identified within the 'coastal environment area'; however, the proposed works are located outside of the coastal environment area. Notwithstanding, Council's Coastal Officer has supported the proposal, subject to conditions. It can therefore be satisfied that the proposal is unlikely to cause an adverse impact on a) to g) above.

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

Comment:

The site is located on land identified within the 'coastal environment area'; however, the proposed works are located outside of the coastal environment area. Notwithstanding, Council's Coastal Officer has supported the proposal, subject to conditions. It can therefore be satisfied that the proposal achieves the above requirements.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

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

Comment:

The site is located on land identified within the 'coastal use area'; however, the proposed works are located outside of the coastal use area. Notwithstanding, Council's Coastal Officer has supported the proposal, subject to conditions. It can therefore be satisfied that the proposal achieves the above requirements.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed development is not likely to cause increased risk of coastal hazards on the land or other land.

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

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

Comment:

No certified coastal management program applies to the land.

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

Chapter 4 – Remediation of Land

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	6.2m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	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 proposed works are located on land zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

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

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

Comment:

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

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

Comment:

The amended proposal has been supported by Council's Landscape and Biodiversity Officers. It is therefore satisfied that the proposal will not adversely affect those values.

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

Comment:

The amended proposal will continue to provide for residential development of a low density and scale.

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

Comment:

The amended proposal provides a compliant amount of landscaped areas on the site and conditions have been imposed relating to the retainment of certain trees and planting of new trees on the site. The proposed development does not negatively impact riparian and foreshore vegetation and wildlife corridors, and has been supported by Council's Landscape and Biodiversity Officers, subject to conditions.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Nil	100%	No
Rear building line	6.5m	50.8m	N/A	Yes

Side building line	North - 2.5m	6.3m	N/A	Yes
	South - 1.0m	Turning bay: 1.0m Carport: 6.0m	N/A	Yes
Building envelope	North - 3.5m	Within envelope	N/A	Yes
	South - 3.5m	Within envelope	N/A	Yes
Landscaped area	60%	77.2% (947.9m ²)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	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
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	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
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	No	Yes
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D1.20 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D1.8 Front building line

Detailed description of non-compliance

Pursuant to Section D1.8 of the Pittwater 21 Development Control Plan, the minimum front building line for built structures other than driveways, fences and retaining walls is 6.5m.

Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:

- considering established building lines;
- degree of cut and fill;
- retention of trees and vegetation;
- where it is difficult to achieve acceptable levels for building;
- for narrow or irregular shaped blocks;
- where the topographic features of the site need to be preserved;
- where the depth of a property is less than 20 metres.

On steeply sloping or constrained sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.

The proposed car parking structure has a nil front setback to Riverview Road, with the existing dwelling having a ranging setback between 5.6m and 13.5m. It is important to note that the existing building line is not parallel with the front boundary, thereby limiting the siting of any car parking structures (refer Figure 8 below). It is also important to note that the site is steeply sloping with a gradient of around 33%, with the street level being less than 1m below the roof ridge height of the existing dwelling. Given the proposed car parking structure is a carport and not a garage, it is not enclosed, thereby reducing the impact of the built form and presenting as less obtrusive from the streetscape, as evident in Figure 9 below. Furthermore, the existing site condition accommodates only a single hardstand parking space, and therefore the proposal is effectively bringing the development into compliance with Council's DCP controls by providing the minimum required two spaces.

Figure 8: Proposed design

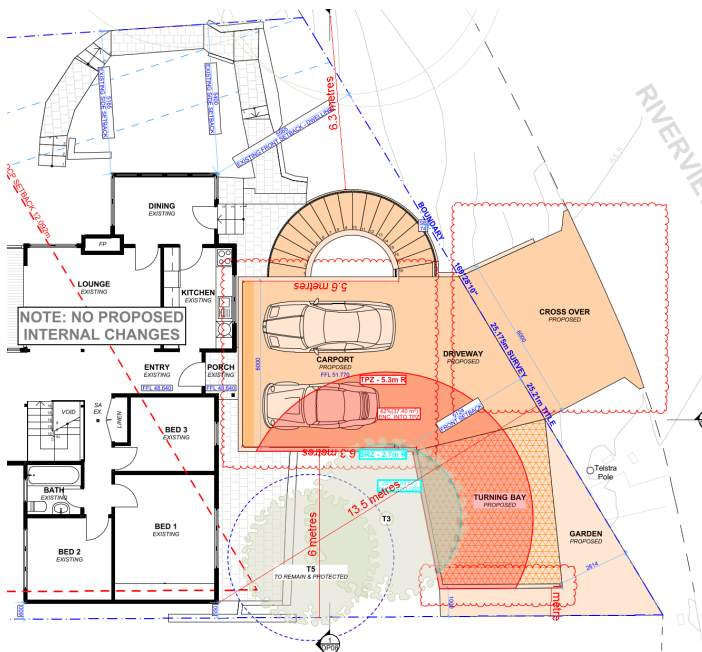


Figure 9: 3D perspective from street



Additionally, many dwelling houses along Riverview Road also have elevated parking structures with reduced front setbacks due to the topography of the area and dwellings being sited below street level. For example, numbers 69, 95 and 99, as shown in Figures 10-12 below.

Figure 10: 69 Riverview Road



Figure 11: 95 Riverview Road



Figure 12: 99 Riverview Road



Merit consideration

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

- ***To achieve the desired future character of the Locality.***

Comment:

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

- ***The amenity of residential development adjoining a main road is maintained.***

Comment:

The site does not adjoin a main road and therefore this objective is not applicable.

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

Comment:

Council's Landscape Officer has conditioned the retainment of Trees 1, 3, 4 and 5; ten exempt trees are proposed for removal to accommodate the parking structure - eight of these trees are Bangalow Palms in addition to one Blue Jacaranda tree and one Weeping Fig tree. New

plantings have also been conditioned, thereby visually reducing the built form.

- ***Vehicle manoeuvring in a forward direction is facilitated.***

Comment:

Due to the location of the site on a bend, a turning bay has been provided to allow the occupants of the dwelling to enter and exit the site in a forward direction.

- ***To encourage attractive street frontages and improve pedestrian amenity.***

Comment:

The proposal provides a more attractive streetscape than the existing site condition, which is presently unsafe and unkept, as evident in Figure 13 below.

Figure 13: Existing view from the streetscape



- ***To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.***

Comment:

The amended proposal responds sensitively to the spatial characteristics of the existing urban environment by retaining prescribed trees and using piers for construction to minimise impact.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the

Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

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

A monetary contribution of \$3,900 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$390,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2025/0163 for Demolition works and construction of a parking platform and carport on land at Lot 22 DP 18005, 81 Riverview Road, AVALON BEACH, 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
DA04	B	Site / Roof / Sediment Erosion / Waste Management / Stormwater Concept Plan	Action Plans	28 April 2025
DA05	B	Existing Ground Floor Plan	Action Plans	28 April 2025
DA07	B	Proposed Ground Floor Plan	Action Plans	28 April 2025
DA08	B	Proposed Lower Ground Floor Plan	Action Plans	28 April 2025
DA09	B	North / East Elevation	Action Plans	28 April 2025
DA10	B	South / West Elevation	Action Plans	28 April 2025
DA11	B	Long / Cross Section	Action Plans	28 April 2025
DA12	B	Driveway Details	Action Plans	28 April 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
DA17 - Sample Board	B	Action Plans	28 April 2025

Waste Management Plan	-	Author Unknown	n.d.
Biodiversity Development Assessment Report	Final 1.0	Land Eco Consulting Pty Ltd	13 February 2025
Arborist Report	A	High The Arborist	10 February 2025
BASIX Certificate	A1762612_02	Action Plans Pty Ltd	29 November 2024
Geotechnical Report for Proposed New Driveway and Car Park	0	Crozier Geotechnical Consultants	30 September 2024
D1-D6 - Driveway Plans	2	Amuna Civil Engineering	12 May 2025
S1-S5 - Stormwater Management Plans	2	Amuna Civil Engineering	12 May 2025

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	12 March 2025
Aboriginal Heritage Office	Aboriginal Heritage Office Referral Response	25 March 2025

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

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

3. **Prescribed Conditions**

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 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) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$3,900.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$390,000.00.

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

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

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

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

6. **Security Bond**

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

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

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

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Tree Root Investigation and Tree Root Map

- a) Prior to the issue of a Construction Certificate, a tree root mapping investigation of Tree 3 *Corymbia maculata* and Tree 4 *Allocasuarina torulosa* as identified in the Arboricultural Impact Assessment dated 10 February 2025 Rev A prepared by Hugh the Arborist shall be undertaken, and a tree root investigation shall be documented that will be the basis for determining construction methodology near existing trees 3 and 4.
- b) An Arborist, with AQF minimum Level 5 qualifications in arboriculture, shall supervise the works to verify tree root locations. A non-destructive root investigation shall be conducted complying with clause 3.3.4 of AS 4970-2009 Protection of Trees on Development Sites. Note: (Pot-holing or Ground Penetrating Radar is preferable to trenching).
- c) The root investigation shall map existing roots of significance that must not be impacted by construction works. The tree root investigation shall be conducted to confirm the following data to be used for the location/alignment of any new proposed works:
 - i) confirmation of the location of any tree roots at or >25mm (Ø) diameter to areas that require excavation for proposed works. Alternative alignment of proposed works shall be provided as necessary to avoid major roots, and
 - ii) mapping of the suitable location/alignment of proposed works.
- d) The tree root map shall be issued to a qualified Structural Engineer as a basis for structural design, and for determining the final location/alignment and construction methodology of proposed works within the tree protection zone (TPZ).
- e) Prior to the issue of a Construction Certificate, the Arborist shall provide certification to the Certifier that the tree root investigation and clear construction methodology recommendations have been adequately addressed in the Construction Certificate plans.

Reason: To ensure protection of vegetation proposed for retention or adjacent to the site.

8. Footing Design Near Trees to be Retained

1. Footing structural layout plans for the works including shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer, following a tree root mapping investigation near

- existing tree 3 (*Corymbia maculata*) and 4 (*Allocasuarina torulosa*), to locate critical tree roots and recommend footing design and locations for the construction works.
2. The Arborist shall review, comment, recommend design revision as required and approve the footing layout, to ensure the locations of footings will be manageable in terms of tree protection measures.
 3. The Arborist shall submit certification to the Certifier, that the locations of the footings are accepted.
 4. The agreed footing structural layout plans shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate.

Reason: Tree protection.

9. **Tree Protection Plan**

- a) A Tree protection plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of Trees on Development Sites, to protect the following trees as identified in the Arboricultural Impact Assessment dated 10 February 2025 Rev A prepared by Hugh the Arborist:
 - i) Tree 1 (*Strelitzia* sp.), Tree 3 (*Corymbia maculata*), Tree 4 (*Allocasuarina torulosa*), Tree 5 (*Livistona australis*)
- b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:
 - i) location of all trees identified for retention, including extent of canopy,
 - ii) access routes throughout the site for construction activity,
 - iii) location of tree protection fencing / barriers,
 - iv) root protection in the form of mulching or boards proposed within the tree protection zone,
 - v) trunk and branch protection within the tree protection zone,
 - vi) location of stockpile areas and materials storage,
 - vii) other general tree protection measures.

Reason: Tree protection.

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

All impact mitigation measures specified in section 8 of the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

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

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

11. **Landscape Plan**

A Landscape Plan is to be prepared which, amongst other issues, includes a minimum of 80% locally native species as a proportion of the total number of plants. Locally native species are to be consistent with characteristic Pittwater Spotted Gum Endangered Ecological Community (as per species found on the site or listed in Pittwater Spotted Gum Endangered

Ecological Community) and tree's must be replaced at a 1:1 ratio (one tree planted for every tree removed).

The Landscape Plan is to be prepared by a suitably qualified landscape architect and provided to the Certifier prior to issue of the Construction Certificate.

Reason: To maintain habitat values on the site.

12. **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 A must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table A 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 A 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 A 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
3234-Hunter Coast Lowland Spotted Gum Moist Forest	Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion	One (1)	NO	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	[IPCT's 3234, 3437

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

13. **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

Table B must be retired to offset the impacts of development.

The requirement to retire credits outlined in Table B 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 B requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifier prior to release of construction certification.

Table B Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
Chalinolobus dwyeri / Large-eared Pied Bat	One (1)	Any in NSW

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

14. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Engineer dated 30th September 2024 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.

16. Boundary Identification Survey

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered

Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

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

17. 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 suspended vehicular crossing and associated works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1.

The plans must be prepared by a qualified Civil Engineer and should include the following information:

- A design plan with a longitudinal section taken from the centerline of Riverview Road, showing both existing and proposed levels for both edges of the vehicular crossing.
- Detailed structural design plans.
- The design plan for the vehicular crossing in the public road must be separate and independent from that of the internal suspended slab.
- Structural details for the proposed footing of the vehicular crossing, incorporating the Geotechnical Engineer's recommendations.
- All structural details must be prepared by a suitably qualified Civil Engineer registered with the National Engineers Register (NER).
- The front boundaries must be clearly marked, and survey identification pegs should be included with the design plans.

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.

18. 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 the Biodiversity Development Assessment Report (Land Eco dated 13/2/25).

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.

19. 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.

20. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

21. 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.

22. 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 Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required 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

23. 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 approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites.

The Project Arborist shall be in attendance and supervise all works as nominated in the approved Tree Protection Plan.

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 the approved Tree Protection Plan and 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.

24. Sediment and Erosion Controls

For developments that include more than 2500sqm of disturbance:

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

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

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

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

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

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

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

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

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

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

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

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

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

waterways.

25. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

DURING BUILDING WORK

26. 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.

27. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) Trees numbered 1, 3, 4, 5 as identified in the Arboricultural Impact Assessment dated 10 February 2025 Rev A prepared by Hugh the Arborist. (Note: Trees listed as exempt under PWDCP do not require Council consent for removal. All other Non-Exempt trees outside of the approved works are to be retained in addition to those specified above).
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites,
 - 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 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 shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must:
 - i) be in place before work commences on the site, and
 - ii) be maintained in good condition during the construction period, and
 - iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by the Project Arborist as compliant to the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

28. **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 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.

29. Compliance with Ecologist's Recommendations – During Construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

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

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

30. Wildlife Protection

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

Reason: To protect native wildlife.

31. 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.

32. Handling of asbestos during demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

33. Demolition Works - Asbestos

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

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and

is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

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

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

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

34. Survey Certificate

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

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

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

35. Maintenance of Sediment and Erosion Controls

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

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

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

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

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

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

36. 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.

37. Property Boundary Levels

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

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

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

38. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Transport for NSW and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety.

39. Stockpiling materials

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

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

40. Pollution Control

Any excess materials such as cleaning paintbrushes, lacquers, and any water from cleaning tools must not enter the stormwater network and/or receiving waterways.

Reason: To ensure that building associated chemicals and pollutants don't enter the surrounding environment.

41. Aboriginal Heritage

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

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

Reason: Aboriginal Heritage Protection.

42. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having

appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

43. **Required Screen Planting**

Screen planting shall be planted along the southern boundary between the dwelling and the front boundary in accordance with the following:

- a) the selected planting is to comprise of native species capable of attaining a height of 4 metres at maturity,
- b) plants are to be installed at minimum 1.5 metre intervals and be of a minimum container size of 25 litres planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,

Reason: To maintain environmental amenity.

44. **Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist 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.

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

All impact mitigation measures specified in the approved 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.

46. **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.

47. Certification of Civil Works and Works as Executed Data on Council Land

The Applicant shall submit certification by a suitably qualified Civil structural Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 plans.

Reason: To ensure compliance of works with Council's specification for engineering works.

48. Stormwater Disposal

The stormwater drainage works connecting to the existing internal drainage system shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified civil 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.

49. Waste Disposal Verification Statement

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

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

50. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

51. 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.

52. Landscape Reinstatement

Prior to the issue of a Construction Certificate, any disturbed landscape areas resulting from the works are to be reinstated with local native plant species.

Disturbed areas shall be planted at minimum 1 metre intervals for shrubs, and at 4 plants per metre square for groundcovers, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Reason: Environmental amenity/soil stabilisation.

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

53. **Landscape Maintenance**

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

A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

The approved landscape area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.

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

Signed



Anais Sarkissian, Planner

The application is determined on 22/05/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments