

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2023/1564
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<b>Responsible Officer:</b>	Brittany Harrison
<b>Land to be developed (Address):</b>	Lot 1 DP 74818, 0 Wakehurst Parkway CROMER NSW 2099
<b>Proposed Development:</b>	Construction of two boat ramps
<b>Zoning:</b>	Warringah LEP2011 - Land zoned SP1 Special Activities
<b>Development Permissible:</b>	Yes - Zone SP1 Special Activities Yes - Zone W1 Natural Waterways
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Minister Administering The Sporting Venues Management Act 2002
<b>Applicant:</b>	Office Of Sport

<b>Application Lodged:</b>	02/11/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	13/11/2023 to 27/11/2023
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 134,686.20
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### PROPOSED DEVELOPMENT IN DETAIL

This development application seeks consent for the construction of two (2) boat ramps (water recreation structures).

The following description has been extracted from the submitted Statement of Environmental Effects prepared by Creative Planning Solutions Pty Limited (dated 18 August 2023). The works will be partially located within both the SP1 Special Activities zone and W1 Natural Waterways zone, adjoining Middle Creek.

#### Eastern Boat Ramp 1

- Demolish and remove existing floating pontoon and concrete pavement and edging;
- Edges of Boat Ramp to be supported by sandstone retaining wall and footings;
- Fill area between retaining walls with sand and compact embankment to required levels so that the ramp has a natural fall into the water;
- Compacted sand to be topped with Geohex system;
- Excavation and installation for subsoil drainage lines to run parallel to each side of the boat ramp, and
- Maintain concrete edging adjacent to road pavement to meet face of sandstone blocks.

## **Western Boat Ramp 2**

- Demolish and remove existing concrete promenade
- Edges of boat ramp to be supported by sandstone retaining wall and footings
- Fill area between retaining walls with sand and compact embankment to required levels so that the ramp has a natural fall into the water
- Compacted sand to be topped with Geogrid system, and
- Excavation and installation for subsoil drainage lines to run parallel to each side of the boat ramp.

Note: The NSW Office of Sport is a public authority and is therefore prescribed by the *Environmental Planning and Assessment Regulation 2021* to be the Crown for the purposes of Division 4.6 of Part 4 of the Act.

## **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

Warringah Local Environmental Plan 2011 - Zone SP1 Special Activities  
 Warringah Local Environmental Plan 2011 - Zone W1 Natural Waterways  
 Warringah Local Environmental Plan 2011 - 6.1 Acid sulfate soils  
 Warringah Local Environmental Plan 2011 - 6.2 Earthworks  
 Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land  
 Warringah Development Control Plan - B6 Merit Assessment of Side Boundary Setbacks  
 Warringah Development Control Plan - E10 Landslip Risk

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 74818 , 0 Wakehurst Parkway CROMER NSW 2099
<b>Detailed Site Description:</b>	<p>The subject site is located on the southern side of Wakehurst Parkway and to the west of Narrabeen Lagoon.</p> <p>The subject site is legally identified as Lot 1 DP 74818, Wakehurst Parkway, Cromer.</p> <p>The site is irregular in shape with an approximate area of 32.0 ha.</p> <p>The site is located within the SP1 Special Activities and W1 Natural Waterways zone under the provisions of the Warringah Local Environmental Plan 2011 and accommodates the Sydney Academy of Sport and Recreation.</p> <p>The site is partly mapped as bushfire prone land on the Northern Beaches Bush Fire Prone Land Map.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding land contains bushland reserve including Garigal National Park, with Middle Creek to the north and Narrabeen Lagoon to the east. Wakehurst Parkway is located to the north.</p>

Map:



## SITE HISTORY

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

### DA2013/1344

Development Application for the relocation of a demountable and use of a demountable as a Medical Centre (Narrabeen Fitness Camp).  
Determined on 14 February 2014.

### DA2015/1212

Development Application for the construction of an outdoor dining area.  
Determined on 16 April 2016.

### DA2020/0781

Development Application for the alterations and additions to a recreation facility (outdoor).  
Determined on 28 August 2020.

### DA2020/1051

Development Application for the alterations and additions to the Office of Sports Academy.  
Determined on 22 December 2020.

## 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	See discussion on “Environmental Planning Instruments” in this report.

Section 4.15 Matters for Consideration	Comments
environmental planning instrument	
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;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>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to landscaping issues.</p> <p><u>Clause 61</u> of the EP&amp;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>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>



Section 4.15 Matters for Consideration	Comments
	<p>(iii) <b>Economic Impact</b></p> <p>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

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

Bushfire prone land as defined by the Act is land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)).

The subject site is partially mapped within bushfire prone land (Northern Beaches Bushfire Prone Land Map), however the proposed works are located outside of this mapped area and is not considered to be bushfire prone land. Therefore no further consideration is required, in this instance.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 13/11/2023 to 27/11/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	<p><b><i>Supported, no conditions required.</i></b></p> <p><u>General Comments</u></p> <p>This application is seeking consent for alterations and additions to boat launching infrastructure at the Sydney Academy of Sport.</p>

Internal Referral Body	Comments
	<p>The construction is proposed on Acid Sulfate Soils class 1 and 2. Stated in the Statement of Environmental Effects "The proposal involves placing sandstone walls adjacent to surface levels and filling between both walls which will not include any works below the natural ground surface. Minor earthworks are required for subsoil drainage and footings though the scale of earthworks is minimal. As a result, it is not considered that Acid Sulfate Soils will be significantly affected by the proposed works nor will a management plan be required."</p> <p>Environmental Health concurs with the Statement of Environmental Effects and recommends approval.</p>
Environmental Health (Contaminated Lands)	<p><b><i>Supported, no conditions required.</i></b></p> <p><u>General Comments</u> This application is seeking consent for alterations and additions to the existing boat ramp.</p> <p>A review of Council's files has identified a Site Audit Statement in relation to contaminated land for the property, however the section it relates to is to the west of the property boundary and does not impact on this proposed development. Environmental Health recommends approval without conditions.</p>
Landscape Officer	<p><b><i>Supported, subject to conditions.</i></b></p> <p>The proposal is supported with regard to landscape issues.</p> <p><u>Additional Information Comment 03/01/24</u> The Arboricultural Impact Assessment (AIA) is noted.</p> <p>The AIA identified twenty (20) trees of which two (2) trees (trees 3 and 4) require removal to facilitate the works. Tree 4 is exempt by height and as such can be managed or removed at the discretion of the applicant without consent. No concerns are raised with the removal of tree 3 subject to replacement tree planting. As recommended in the AIA a Project Arborist shall be engaged to supervise the work in tree protection zones of trees to be retained.</p> <p><u>Original Comment Summary.</u> An Arboricultural Impact Assessment was requested to determine impact to existing trees adjacent to the proposed works.</p>
NECC (Bushland and Biodiversity)	<p><b><i>Supported, no conditions required.</i></b></p> <p>The proposal seeks approval for the construction of two boat ramps.</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• SEPP (Resilience and Hazards) 2021 - Coastal Wetlands and Proximity Area</li> <li>• Planning for Bushfire Protection 2019</li> <li>• Warringah DCP 2011 Clause E2 Prescribed Vegetation</li> <li>• Warringah DCP 2011 Clause E4 Wildlife Corridors</li> <li>• Warringah DCP 2011 Clause E6 Retaining unique environmental features</li> </ul> <p>The proposal does not require the removal of any trees or native vegetation and is unlikely to impact upon native fauna.</p> <p>The site is on land identified as proximity area for coastal wetlands and as such the development must not impact on the ecological integrity of the wetlands. Impacts to the marine environment will have to be assessed by the appropriate referral body.</p> <p>No native vegetation or fauna habitat would be impacted, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
NECC (Coast and Catchments)	<p><b><i>Supported, no conditions required.</i></b></p> <p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Resilience &amp; Hazards) 2021 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p><b>Coastal Management Act 2016</b> The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</b> The subject land has been included on the 'Proximity to Coastal Wetlands Area', 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience &amp; Hazards) 2021. Hence, Clauses 2.8, 2.10, 2.11 and 2.12 of the CM (R &amp; H) apply for this DA.</p> <p><u>Comment</u></p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Creative Planning</p>



Internal Referral Body	Comments
	<p>Solutions Pty. Ltd. the DA satisfies requirements under clauses 2.8, 2.10, 2.11 and 2.12 of the SEPP R&amp;H. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience &amp; Hazards) 2021</p> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b></p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.</p>
NECC (Development Engineering)	<p><b><i>Supported, subject to conditions.</i></b></p> <p><u>14/11/2023</u></p> <p>Development Application is for alterations and additions to existing boat launching infrastructure in two locations (adjacent to Middle Creek) at the Sydney Academy of Sport.</p> <p>No objections to approval subject to conditions as recommended.</p>
NECC (Flooding)	<p><b><i>Supported, no conditions required.</i></b></p> <p>The proposal seeks consent for alterations and additions existing boat launching infrastructure in two locations adjacent to Middle Creek.</p> <p>The development areas are located within the High Flood Risk Precinct. However, the works are minor and are not expected to have any adverse impacts on the existing flood regime.</p> <p>Council is generally satisfied that the proposal is compliant with Section E11 - Flood Prone Land from the Warringah DCP 2011 and Clause 5.21(2)(a-e) of the Warringah LEP 2011, with consideration of Clause 5.21(3)(a-d) of the Warringah LEP 2011.</p>
NECC (Riparian Lands and Creeks)	<p><b><i>Supported, subject to conditions.</i></b></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Coastal Management Act 2016;</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>• Water Management Act 2000;</li> <li>• Water Management (General) Regulation 2018;</li> <li>• NSW Fisheries Management Act 1994;</li> <li>• Fisheries Management (General) Regulation 2019</li> <li>• Northern Beaches Water Management for Development Policy</li> <li>• Relevant LEP and DCP clauses; and</li> </ul> <p>The proposal is for alterations and additions to boat launching infrastructure.</p>

Internal Referral Body	Comments
	<p><u>Water Management Act 2000 &amp; Water Management (General) Regulation 2018</u> The site is on waterfront land for which the proposal is a controlled activity. Under the Water Management Regulation 2018 Clause 41 Controlled activities—public authorities, public authorities are exempt from requirement for controlled activity approval.</p> <p><u>State Environmental Planning Policy (Resilience and Hazards) 2021</u> The site is on land identified as proximity area for coastal wetlands on the Coastal Wetlands and Littoral Rainforests Area Map. As such, the proposed development must not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland. Further consideration to this requirement is provided below.</p> <p><u>NSW Fisheries Management Act 1994</u> Middle Creek at the site of the proposal is mapped as Key Fish Habitat (KFH) and is near mapped seagrass beds. Therefore, Part 7 of the Fisheries Management Act (FM Act) 1994 is relevant. The proposal fits the FM Act definition of dredging and reclamation. Under the Act a public authority (other than a local government authority) must, before it carries out or authorises the carrying out of dredging work or reclamation work— (a) give the Minister written notice of the proposed work, and; (b) consider any matters concerning the proposed work that are raised by the Minister within 21 days after the giving of the notice (or such other period as is agreed between the Minister and the public authority).</p> <p><u>Warringah DCP 2011 – E8 Waterways and Riparian Land</u> The site is on the bank of Middle Creek and the proposal is on land identified as waterway or riparian land on the DCP Map Waterways and Riparian Lands. As such, the proposal must provide a waterway impact statement, and comply with Council's Protection of Waterway and Riparian Land Policy and Water Management for Development Policy.</p> <p>A Waterway Impact Statement has been provided. All measures recommended to mitigate environmental impacts must be adopted in full into a Construction Environment Management Plan (CEMP). Provided that mitigative measures are implemented, no objections following from the requirements of Council's Protection of Waterway and Riparian Land Policy and Water Management for Development Policy.</p> <p><u>Conclusion</u> On review of the proposal, no objections regarding Riparian Lands and Creeks provided conditions are adhered to.</p>
NECC (Water Management)	<b><i>Supported, no conditions required.</i></b>

Internal Referral Body	Comments
	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Northern Beaches Water Management for Development Policy (WM Policy), and;</li> <li>• Relevant LEP and DCP clauses;</li> </ul> <p>The proposal is for alterations and additions to existing boat launching infrastructure.</p> <p>On review, no objections regarding water management.</p>
Parks, reserves, beaches, foreshore	<p><b><i>Supported, no conditions required.</i></b></p> <p>The proposed works will replace existing boat ramps and as such no concerns are raised.</p> <p>All development works must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries.</p>
Road Reserve	<p><b><i>Supported, no conditions required.</i></b></p> <p>No impacts on road infrastructure.</p>

External Referral Body	Comments
Aboriginal Heritage Office	<p><b><i>Supported, subject to conditions</i></b></p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p>

#### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

### **SEPP (Transport and Infrastructure) 2021**

#### Ausgrid

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

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

#### Comment

The proposal was referred to Ausgrid who stated that no decision was required.

### **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 1 Coastal Wetlands and littoral rainforest area**

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

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

#### Comment

The proposal has been reviewed by Council's Coastal, Biodiversity and Riparian Lands Teams, which support the application, subject to conditions. It is considered that the proposal will not adversely impact upon the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

### **Division 3 Coastal environment area**

#### **2.10 Development on land within the coastal environment area**

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

#### Comment

The proposal has been reviewed by Council's Coastal, Biodiversity and Riparian Lands Teams, which support the application, subject to conditions. In addition the Aboriginal Heritage Office has also reviewed the proposal and has raised no concerns. It is considered that the proposal will not adversely impact on the environmental values of the site (as noted above). Relevant conditions have been recommended to ensure the development will be managed to mitigate any impact.

### **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 proposal has been reviewed by Council's Coastal, Biodiversity and Riparian Lands Teams, which support the application, subject to conditions. The works will not impede on any public foreshore access, impact the visual quality or amenity. In addition the Aboriginal Heritage Office has also reviewed the proposal and has raised no concerns. Relevant conditions have been recommended to ensure the development will be managed to mitigate any impact.

### **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 proposal has been reviewed by Council's Coastal team, which are supportive subject to conditions. The proposed development is not likely to cause increased risk of coastal hazards on that 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

The proposal has been reviewed by Council's Coastal team, which are supportive subject to conditions.

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 recreational /educational 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 recreational /educational land use.

Council's Environmental Health - Contaminated Lands Team has reviewed the proposal and makes the following comment:

*A review of Council's files has identified a Site Audit Statement in relation to contaminated land for the property, however the section it relates to is to the west of the property boundary and does not impact on this proposed development.*

### Warringah Local Environmental Plan 2011

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	8.5 metres	Proposed Works: < 8.5 metres (SP1 Special Activities zone) N/A (W1 Natural Waterways zone)	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.10 Heritage conservation	Yes
5.12 Infrastructure development and use of existing buildings of the Crown	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

### Detailed Assessment

### Zone SP1 Special Activities

The proposed works is partially located within the SP1 Special Activities zone. The objectives of this zone will be addressed below:

- ***To provide for special land uses that are not provided for in other zones.***

Comment

The proposal will support the existing functions of the subject site (Sydney Academy of Sport and Recreation), which provides for special land uses.

- ***To provide for sites with special natural characteristics that are not provided for in other zones.***

Comment

The proposal will have no adverse impact upon the natural characteristics of the land. Council's Natural Environment Teams have reviewed the proposal, and provided relevant conditions.

- ***To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.***

Comment

The proposed works will not result in adverse impacts to surrounding land, whilst supporting the existing use of the subject site.

## **Zone W1 Natural Waterways**

The proposed works is partially located within the W1 Natural Waterways zone. The objectives of this zone will be addressed below:

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

Comment

The proposed works are to replace existing boat ramps (water recreational structures), and will be located close to ground level and shall not impact the scenic value of the area. Council's Natural Environment Teams and Development Engineers have included conditions to ensure that the land and its ecological values are acceptably protected.

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

Comment

The proposed works have been designed to avoid detrimental impact to the waterways. As above, Council's Natural Environment Teams and Development Engineers have included conditions to ensure that the land and its natural values are acceptably protected. The application has been accompanied by a Waterways Impact Statement prepared by H2O Consulting Group Pty Ltd (dated 19 October 2023).

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

Comment

The proposed works will not impact the existing fishing arrangement of the area.

## 6.1 Acid sulfate soils

Clause 6.1 Acid sulfate soils requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is located in an area identified as Acid Sulfate Soil Class 1 and 2, as indicated on Council's Acid Sulfate Soils Planning Map. The proposed works have been assessed against the below, accordingly.

**Class of Land 1:** Any works.

**Class of Land 2:** Works below the natural ground surface.

Under Clause 6.1 (6), development consent is not required if:

- (a) *the works involve the disturbance of less than 1 tonne of soil, and*
- (b) *the works are not likely to lower the watertable.*

Comment

Council's Environmental Health - Acid Sulfate Officer has reviewed the proposal and provides the following comment:

*The construction is proposed on Acid Sulfate Soils class 1 and 2. As stated in the Statement of Environmental Effects "The proposal involves placing sandstone walls adjacent to surface levels and filling between both walls which will not include any works below the natural ground surface. Minor earthworks are required for subsoil drainage and footings though the scale of earthworks is minimal. As a result, it is not considered that Acid Sulfate Soils will be significantly affected by the proposed works nor will a management plan be required."*

The Environmental Health - Acid Sulfate Officer has concurred with the comment within the Statement of Environmental Effects. It is considered that the works are unlikely to lower the water table and is unlikely to disturb more than 1 tonne of soil. An Acid Sulfate Soils Management Plan (ASSMP) in accordance with the Acid Sulfate Soils Manual, is therefore not required.

## 6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (a) ***to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and***
- (b) ***to allow earthworks of a minor nature without requiring separate development consent.***

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

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

*the locality*

Comment

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

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

Comment

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

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

Comment

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

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

Comment

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

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

Comment

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

*(f) the likelihood of disturbing relics*

Comment

The development was referred to the Aboriginal Heritage Office who provided comments and conditions that have been included in the consent.

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

Comment

The proposal has been reviewed by Council's Coast and Catchments, Water Management and Riparian Lands Teams, who have provided recommended conditions to ensure no adverse impacts arise.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **6.4 Development on sloping land**

The proposed works are located in Area A - Slope less than 5.0m and as such does not require further geotechnical investigation.

## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B5 Side Boundary Setbacks	Merit Assessment (North-eastern Boundary - Middle Creek)	Nil	-	Yes
B7 Front Boundary Setbacks	20.0m (Wakehurst Parkway Frontage)	> 20.0m	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
F3 SP1 Special Activities	Yes	Yes
Sports Centre, Wakehurst Parkway, Narrabeen	Yes	Yes

#### Detailed Assessment

### **B6 Merit Assessment of Side Boundary Setbacks**

#### Merit Consideration

The site is subject to a merit assessment in relation to side setbacks.

The proposed works are located long the north-eastern boundary that adjoins Middle Creek.

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- ***To provide ample opportunities for deep soil landscape areas.***

#### Comment

The proposed ramps will be situated in a similar location to the existing ramps to be replaced. No deep soil landscape areas are considered to be impacted.

- ***To ensure that development does not become visually dominant.***

#### Comment

The proposed ramps are located close to ground level and are not visually dominant in nature.

- ***To ensure that the scale and bulk of buildings is minimised.***

#### Comment

The works are at ground level and are of acceptable bulk and scale.

- ***To provide adequate separation between buildings to ensure a reasonable level of amenity and solar access is maintained.***

#### Comment



The proposed works will not impact any buildings in relation to amenity or solar access.

- ***To provide reasonable sharing of views to and from public and private properties.***

Comment

The works will not impact any view corridors from public and private properties.

Having regard to the above assessment, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

## **E10 Landslip Risk**

The proposed works are located in Area A - Slope less than 5.0m and as such does not require further geotechnical investigation.

## **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**

The NSW Office of Sport is a public authority and is therefore prescribed by the *Environmental Planning and Assessment Regulation 2021* to be the Crown for the purposes of Division 4.6 of Part 4 of the Act.

Division 4.6 Crown development will be addressed below.

### **4.33 Determination of Crown development applications**

*(1) A consent authority (other than the Minister) must not—*

- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
- (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Comment

This development application is recommended for approval, subject to conditions. A set of draft conditions were sent to the applicant for approval. The applicant agreed in writing to the Condition on 10 January 2024.

*(2) If the consent authority fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the consent authority may refer the application—*

- (a) to the Minister, if the consent authority is not a council, or  
(b) to the applicable Sydney district or regional planning panel, if the consent authority is a council.

#### Comment

The application was determined within an acceptable timeframe as prescribed by the regulations. The application was not required to be referred to the Sydney district or regional planning panel.

*(2A) A Crown development application for which the consent authority is a council must not be referred to the Minister unless it is first referred to the applicable Sydney district or regional planning panel.*

#### Comment

This application was not referred to the Sydney district or regional planning panel, hence, does not need to be referred to the Minister.

Section 4.33(3) - (8) and Section 4.34 do not apply as the application was not referred to the Sydney district or regional planning panel. Therefore, it is considered that Division 4.6 Crown development of the Act has been satisfied.

### **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;
- Warringah Local Environment Plan;
- Warringah 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 DA2023/1564 for Construction of two boat ramps on land at Lot 1 DP 74818, 0 Wakehurst Parkway, CROMER, 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
CIV-010	Revision 1	General Arrangement Plan	DRB Consulting Engineers	17 July 2023
CIV-020	Revision 1	Boat Ramp 1 Plan	DRB Consulting Engineers	17 July 2023
CIV-021	Revision 1	Boat Ramp 2 Plan	DRB Consulting Engineers	17 July 2023
CIV-022	Revision 2	Boat Ramp 1 Sections & Details	DRB Consulting Engineers	6 August 2023
CIV-023	Revision 2	Boat Ramp 2 Sections & Details	DRB Consulting Engineers	6 August 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Waterways Impact Statement (Ref. 2321)	Version R0	H2O Consulting Group Pty Ltd	19 October 2023
Waste Management Plan	-	NSW Office of Sport	25 October 2023
Arboricultural Impact Assessment (Ref. G254)	Revision A	Creative Planning Solutions Pty Ltd. - Greg Tesoriero	20 December 2023

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

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

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

**2. Prescribed Conditions (Crown Land Only)**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason: Legislative Requirement.

**3. General Requirements (Crown Land Only)**

(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) 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.

(c) 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.

(d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(f) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(j) 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.

(k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

#### 4. **Compliance with Standards (Crown Land Only)**

The development is required to be carried out in accordance with all relevant Australian Standards.

Reason: To ensure the development is constructed in accordance with appropriate standards.

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### 5. **Project Arborist**

a) A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

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

- i) tree protection measures and works under section 7 Recommendations.

c) All tree protection measures specified must:

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

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

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

Reason: Tree protection.

**6. Tree Removal Within the Property**

a) This consent approves the removal of existing prescribed trees on the subject site as listed below:

- i) tree 3 - *Casuarina glauca*.

b) A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

**7. Construction Environmental Management Plan**

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in the Waterways Impact Statement prepared by H2O Consulting Group and must be kept in the site office.

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

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

## **DURING BUILDING WORK**

**8. Tree and Vegetation Protection**

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

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in



arboriculture,

- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

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

Reason: Tree and vegetation protection.

## 9. Condition of Trees

- a) During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:
  - i) a general decline in health and vigour,
  - ii) damaged, crushed or dying roots due to poor pruning techniques,
  - iii) more than 10% loss or dieback of roots, branches and foliage,
  - iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
  - v) yellowing of foliage or a thinning of the canopy untypical of its species,
  - vi) an increase in the amount of deadwood not associated with normal growth,
  - vii) an increase in kino or gum exudation,
  - viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
  - ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.
- b) Any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

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

Reason: Protection of trees.

**10. 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.

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

Council proactively regulates construction sites for sediment management.

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

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

Reason: To protect the receiving environment.

**12. Aquatic Environment Protection**

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

Reason: To protect the aquatic environment.

**13. Restricted Works Zones**

Prior to the commencement of any works onsite, restricted works zones are to be marked out to protect the riparian vegetation in close proximity to both site edges as per the Waterways Impact Statement. These areas must be identified and mapped in the approved CEMP.

Reason: To protect native vegetation and waterways.

**14. 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.

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

**15. Site inductions for Construction Environment Management Plan**

The site Environmental Officer (or appropriate equivalent) must induct all staff prior to their starting work, with an induction record maintained and available onsite at all times.

Personnel conducting the site induction must:

(a) Be familiar with any environmental protection conditions under the development approval

and/or the Construction Environment Management Plan

(b) Be familiar with the names and contact details of relevant people and authorities in the event of any environmental or site management emergency.

(c) Be familiar with the presence of environmentally significant areas within and surrounding the site.

(d) Be able to identify threatened species of fauna if they enter the site, especially Red-crowned Toadlet.

(e) Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the construction phase.

Reason: To ensure all personnel understand what must be done to protect native vegetation, wildlife, habitats and receiving waterways on the site.

**16. 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 and Environment.

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 and Environment.

Reason: Aboriginal Heritage Protection.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO COMPLETION**

**17. Required Tree Planting**

a) One (1) locally native tree shall be planted within the property boundary to achieve at least 6.0 metres height at maturity, and in accordance with the following:

i) tree planting shall be a minimum pre-ordered planting size of 25 litres; generally selected from Northern Beaches Council's Native Plant Species Guide, or Council's Tree Guide; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more; and located either within garden bed or within a prepared bed within lawn.

Reason: To maintain environmental amenity.

**18. Condition of Retained Vegetation**

a) Prior to the prior to the completion of works, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be prepared, which assesses the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

i) compliance to any Arborist recommendations for tree protection generally and during excavation works,

ii) extent of damage sustained by vegetation as a result of the construction works,

iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

19. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Reason: To ensure bushland management.

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

20. **Landscape Maintenance**

a) Trees required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

b) If any tree 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 any conditions of consent.

Reason: To maintain local environmental amenity.

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

**Signed**



**Brittany Harrison, Planner**

The application is determined on 10/01/2024, under the delegated authority of:



**Adam Richardson, Manager Development Assessments**