

Memo

Development Assessment

To: Development Determination Panel

Cc: Anna Williams
Manager Development Assessment

From: Julie Edwards
Planner

Date: 30 September 2019

Subject: Supplementary Assessment - DA2019/0055 – 9 Minkara Road, Bayview

Record Number: 2019/558433

The applicant has provided missing and amended information which has addressed each of the reasons for the recommendation to refuse the application. Each recommended reason for refusal is addressed below along with recommended conditions.

DA2019/0055 was recommended for refusal for the following reasons:

- *Non-compliance with the Biodiversity controls and legislation, Councils Natural Environment Biodiversity section could not support the application due to non-compliances with Clause 7.6 Biodiversity of the PLEP, Clause B4.18 Heathland/Woodland Vegetation of the PDGP and the NSW Biodiversity Conservation Act 2016.*
- *Building height, the proposal breaches the control with a height of 9.9m and the clause 4.6 was insufficient.*
- *Ingleside Locality, the proposal does not meet the Desired Future Character of the locality.*
- *Pursuant to Section 4.14(1)(a) Consultation and development consent—certain bush fire prone land of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Environmental Planning and Assessment Act 1979*
- *Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B3.2 Bushfire Hazard of the Pittwater 21 Development Control Plan.*
- *Bush Fire Prone Land, the application was referred to the NSW RFS who raised concerns with the Bush Fire Assessment Report.*
- *The proposal is deficient in a number of respects with regard to the information submitted:*
 - *A Biodiversity Management Plan was not provided to address the tasks that must be completed prior to and during construction, as well as ongoing long term management of the site.*
 - *The Biodiversity Development Assessment Report submitted with the application did not address all of the biodiversity impacts on the site and the report did not follow survey guidelines for Species Credit.*

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- *Arborist report was not submitted. The report is required to identify the location, species, health and size of all trees within the 5m of the proposed development.*
- *Landscape Plan was not submitted. The landscape plan is to be consistent with the Biodiversity Management Plan, Biodiversity Development Assessment Report and Arborist Report.*

On July 2019, the applicant provided an amended clause 4.6 appropriately addressing the request for a variation to Building Height of the PLEP 2014.

On the 23 August 2019, the NSW RFS provided comments and recommended conditions in support of the proposal satisfying Section 4.14(1)(a) Consultation and development consent—certain bush fire prone land of the Environmental Planning and Assessment Act 1979 and Clause B3.2 Bushfire Hazard of the Pittwater 21 Development Control Plan.

On 23 August 2019, the applicant provided a Biodiversity Management Plan, Arborist Report and Landscape Plan and an amended Biodiversity Development Assessment Report. The additional information was referred to Councils Natural Environment and Climate Change and Landscape sections for comment. Both sections provided conditions of consent. It is considered that the following reasons for refusal being the non-compliance with the Biodiversity controls and legislation, Clause 7.6 Biodiversity of the PLEP, Clause B4.18 Heathland/Woodland Vegetation of the PDCP and the NSW Biodiversity Conservation Act 2016 have been addressed through the additional information supplied to Council and recommended conditions from Councils Natural Environment and Climate Change and Landscape sections.

The recommended reason for refusal relating to the Desired Future Character of the Ingleside Locality have been addressed through the additional information provided to Council. The Landscape Plan and Arborist Report provide sufficient landscaping on the site to integrate the proposal with the landform and landscaping. Furthermore, the NSW RFS recommended conditions have addressed concerns relating to a development designed to be safe from hazards.

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
2416 - DA 01 A - SITE PLAN STORMWATER	December 2018	Stephen Crosby & Assoc. Pty. Ltd.
2416 - DA 02 A - FLOOR PLAN LEVEL 1	August 2018	Stephen Crosby & Assoc. Pty. Ltd.
2416 - DA 03 A - FLOOR PLAN LEVEL 2	August 2018	Stephen Crosby & Assoc. Pty. Ltd.

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2416 - DA 04 A - FLOOR PLAN BASEMENT	August 2018	Stephen Crosby & Assoc. Pty. Ltd.
2416 - DA 06 A - Sections A-A & B-B	August 2018	Stephen Crosby & Assoc. Pty. Ltd.
2416 - DA 02 A - ELEVATIONS SOUTH & EAST	August 2018	Stephen Crosby & Assoc. Pty. Ltd.
2416 - DA 07 A - ELEVATIONS NORTH & WEST	August 2018	Stephen Crosby & Assoc. Pty. Ltd.
2416 - DA 08 B - DRIVEWAY	August 2018	Stephen Crosby & Assoc. Pty. Ltd.
2416 - DA 10A - Carport	July 2019	Stephen Crosby & Assoc. Pty. Ltd.
Schedule of Exterior Finishes	28 th April 2018	No name

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate Certificate number: 918894S_02	Friday, 14 September 2018	Stephen Crosby & Associates
Nationwide House Energy Rating Scheme* Certificate Certificate number: 0002651370-01	14 Sep 2018	Peter Cumming
GEOTECHNICAL INVESTIGATION: Proposed House, Carport, & Driveway at 9 Minkara Road, Bayview J1633A	21st August, 2018	White Geotechnical Group
Tree Assessment & Management Plan	August 2019	Syncarpia Vegetation Management
Biodiversity Management Plan (BMP)	August 2019	Total Earth Care Pty Ltd
Biodiversity Development Assessment Report (BDAR)	06/12/2018	GIS Environmental Consultants

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

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Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan	August 2019	CAB Consulting Pty Ltd
Landscape Site Plan	August 2019	CAB Consulting Pty Ltd
Landscape Statement	19 August 2019	CAB Consulting Pty Ltd

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

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
Metropolitan Local Aboriginal Land Council	Response Metropolitan Local Aboriginal Land Council Referral	Monday 13th August 2018
NSW RFS	Response NSW RFS Referral	23 August 2019

(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 Department, Authority or Body's.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority 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

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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 Certifying Authority 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 Certifying Authority 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

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- (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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) 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.
- (d) 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.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) 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.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (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.

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- (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) 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 2008
 - (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.

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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 7.12 Contributions Plan 2019

A monetary contribution of \$9,878.45 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 2019. The monetary contribution is based on a development cost of \$987,845.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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 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).

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. **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 White geotechnical group (J1633A) dated 21st August, 2018 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **On-site Stormwater Detention Compliance**

Certification of Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's clause B 5.7 and B 5.10 of PITTWATER DCP21,

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

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

9. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated Council's vehicle profile and AS/NZS 2890.1:2004. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure suitable vehicular access to private property

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10. **Construction Management Program**

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. An approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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 in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community

11. **Like for like credit retirement conditions - Ecosystem credit retirement conditions**

Prior to issue of the relevant construction certificate the class and number of ecosystem credits in Table 1 must be retired to offset the impacts of the development as identified in the submitted Biodiversity Development Assessment (GIS Environmental Consultants dated 06/12/2018).

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

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

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

Impacted Plant Community Type	TEC	Number of ecosystem credits	Containing HBT	IBRA sub-region	Plant community type (s) that can be used to offset the impacts from development
1783 - Red Bloodwood – Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	N/A	10	Yes	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100	Sydney Coastal Dry Sclerophyll Forests (including PCT's 1083, 1138, 1156, 1181, 1183, 1250, 1253, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1632, 1636, 1638, 1642, 1643, 1681, 1776, 1777, 1778, 1780, 1782, 1783, 1785, 1786, 1787) And in any of below trading groups:

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				kilometers of the outer edge of the impacted site.	Sydney Coastal Dry Sclerophyll Forests - < 50% cleared group (including Tier 7 or higher).
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Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

12. Engage a Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works, and for a 5-year period post construction, to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the following approved reports and plans:

- Biodiversity Development Assessment Report (BDAR) by GIS Environmental Consultants dated 06/12/2018, and;
- Biodiversity Management Plan (BMP) by Total Earth Care dated 22/08/2019.

The Project Ecologist must be an accredited assessor under the NSW *Biodiversity Conservation Act 2016*.

The project ecologist is to provide an engagement letter, which is to be submitted to and certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

The Project Ecologist must also provide details and certify engagement of a bush regeneration company to complete on-ground works.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

13. Notification of determination to which the Biodiversity Offset Scheme applies

The applicant or Project Ecologist, on behalf of the applicant, is to provide the Department of Planning, Infrastructure and Environment (DPIE) with a notification of determination within 40 days from the date of consent. The notification of determination is to be made by completing the Notification of Determination form found at (refer to attachment at appendix of consent or to Web link www.environment.nsw.gov.au/resources/biodiversity/biodiversity-offsets-scheme-notification-of-determination-190522.docx) and submission via email to bam.support@environment.nsw.gov.au.

Council and the Principal Certifying Authority must be copied into the notification email to confirm compliance. The reference number must also be submitted to Council.

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Reason: to ensure the NSW Department of Planning, Industry and Environment are notified of determinations where the Biodiversity Offsets Scheme is entered into and Council are notified for compliance.

14. **Amendment of Landscape Plans**

The submitted Landscape Plan (Landscape Plan DA:LA-02 by CAB Consulting Pty Ltd dated August 2019) is to be amended in accordance with the following:

- Deletion of *Cyathea cooperi*, *Melia azedarach*, *Acema cultivars*, *Lomandra cultivars*, *Rhagodia spinescens*, *Eremophila glabra prostrate*, *Scaevola humilis*, *Myoporum parvifolium*.
- Replacement with a minimum of 80% local native species as required by the BMP (Total Earth Care 22/08/2019). Species must be chosen from the following Vegetation
- Community lists Bloodwood-Scibbly Gum Open Forest (PCT 1783; S_DSF11) or Peppermint-Apple-Shrubby Open Forest (PCT 1250; S_DSF09) found within *The Native Vegetation of the Sydney Metropolitan Area. Volume 2: Vegetation Community Profiles*, V3 (OEH 2016)

The amended Landscape Plan is to be certified by a qualified landscape architect, arborist or ecologist prior to issue of the Construction Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

15. **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 Certifying Authority prior to the issue of the Construction Certificate.

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

16. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

17. **Like for like credit retirement conditions - Species credit retirement conditions**

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Prior to issue of the relevant construction certificate the class and number of species credits in Table 3 must be retired to offset the impacts of development as identified in the submitted Biodiversity Development Assessment (GIS Environmental Consultants dated 06/12/2018).

The requirement to retire credits outlined in Table 3 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 3 requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council prior to release of construction certification.

Table 3 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA region
<i>Callistemon linearifolius</i> / Netted Bottle Brush	2	Sydney Basin
<i>Calyptrorhynchus lathamii</i> / Glossy Black-Cockatoo	3	Sydney Basin
<i>Cercartetus nanus</i> / Eastern Pygmy-possum	14	Sydney Basin
<i>Chalinolobus dwyeri</i> / Large-eared Pied Bat	20	Sydney Basin
<i>Cryptostylis hunteriana</i> / Leafless Tongue Orchid	14	Sydney Basin
<i>Heleioporus australiacus</i> / Giant Burrowing Frog	3	Sydney Basin
<i>Melaleuca deanei</i> / Deane's Paperbark	12	Sydney Basin
<i>Petaurus norfolcensis</i> / Squirrel Glider	14	Sydney Basin
<i>Pseudophryne australis</i> / Red-crowned Toadlet	8	Sydney Basin
<i>Tetratheca glandulosa</i>	14	Sydney Basin
<i>Tyto novaehollandiae</i> / Masked Owl	3	Sydney Basin

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

18. **Variation rule credit retirement conditions - Species credit retirement conditions**

Prior to issue of the relevant construction certificate the class and number of species credits in Table 4 must be retired to offset the impacts of development as identified in the submitted Biodiversity Development Assessment (GIS Environmental Consultants dated 06/12/2018).

Evidence of the retirement of credits in satisfaction of Table 4 requirements is to be provided to the Manager Bushland and Biodiversity of Northern Beaches Council prior to release of construction certification.

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Table 4 Species credits required to be retired – variation rules

Impacted species credit species	Number of species credits	IBRA sub-region	Approved variation species credit species that can be used to offset the impacts from development
<i>Callistemon linearifolius</i> / Netted Bottle Brush	2	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Vulnerable flora species
<i>Calyptrorhynchus lathami</i> / Glossy Black-Cockatoo	3		Vulnerable bird species
<i>Cercartetus nanus</i> / Eastern Pygmy-possum	14		Vulnerable arboreal marsupial species
<i>Chalinolobus dwyeri</i> / Large-eared Pied Bat	20		Vulnerable bat species
<i>Cryptostylis hunteriana</i> / Leafless Tongue Orchid	14		Vulnerable flora species
<i>Heleioporus australiacus</i> / Giant Burrowing Frog	3		Vulnerable amphibian
<i>Melaleuca deanei</i> / Deane's Paperbark	12		Species
<i>Petaurus norfolcensis</i> / Squirrel Glider	14		Vulnerable flora species
<i>Pseudophryne australis</i> / Red-crowned Toadlet	8		Vulnerable arboreal marsupial species
<i>Tetratheca glandulosa</i>	14		Vulnerable amphibian species
<i>Tyto novaehollandiae</i> / Masked Owl	3		Vulnerable flora species
			Vulnerable bird species

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

19. Native Vegetation Protection Covenant

Areas of retained native vegetation and trees and are to be protected, conserved, rehabilitated and managed through the use of a Section 88B (Conveyancing Act 1919) Instrument in which Northern Beaches Council shall be named as the sole authority to release or modify the restriction.

The area is to included is all land mapped as “Conservation & Rehabilitation Area” on the Landscape Site Plan DA:LA-01 (CAB Consulting Pty Ltd August 2019), excluding the approved APZ.

The instrument is to be written and registered on the title so that the owners are bound to manage and protect the area in perpetuity according to the Biodiversity Management Plan (Total Earth Care dated 22/08/2019 and as amended by these conditions of consent) prepared for the approved development. The draft instrument is to be acceptable to Council prior to the issue of the Construction Certificate and lodgement with the NSW Department of Lands.

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Reason: To protect native vegetation proposed for retention in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

21. **Project Arborist**

A Project Arborist with AQZ Level 5 qualification in horticulture is to be appointed to supervise and certify tree protection measures for all existing trees located within 5 metres of the proposed concrete driveway and vehicular road crossing.

The Project Arborist is to recommend tree protection measures such as tree fencing, trunk protection and ground protection, and supervise all excavation and construction works near all trees, including recommending the construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Reason: to ensure the protection of the existing landscape amenity.

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

All pre-construction biodiversity-related measures specified in the approved BDAR and Biodiversity Management Plan listed below and as amended by these conditions of consent are to be implemented at the appropriate stage of the development and directed by the Project Ecologist.

- Biodiversity Development Assessment Report (BDAR) by GIS Environmental Consultants dated 06/12/2018, and;
- Biodiversity Management Plan (BMP) by Total Earth Care dated 22/08/2019 and as amended by these conditions of consent.

Pre-construction actions to be completed within *Table 6 Schedule of Works* (Total Earth Care 22/08/2019) include, but are not limited to: Site Meeting, Induction and WHS; Baseline Surveys; Install Nest Boxes; Fence of "no-go" zones; Sediment Fencing (installation); Initial Weed Control

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(all zones); monitoring and reporting. Also any additional action items required by these conditions of consent.

Compliance with pre-construction measures is to be certified by the project ecologist in writing, including photographic evidence, prior to issue of the Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

23. **Compliance with Arborist's Recommendations – Pre-construction**

All pre-construction tree protection measures specified in the submitted arborist reports (listed below) and these conditions of consent are to be implemented at the appropriate stage of development. The recommendations and tree protection measures must be installed in accordance with the reports / plans below under the direct supervision of the Project Arborist.

- Tree Assessment & Management Plan by Syncarpia Vegetation Management dated August 2019;
- Tree Survey & Tree Protection Zones Figures 1a and 1b, & Site Photos 2a and 2b by Syncarpia Vegetation Management dated August 2019, which maps tree locations, and;
- Driveway [Plan] 2416 – DA 08B by Stephen Crosby & Associates Pty. Ltd. dated August 2019.

Compliance with pre-construction measures is to be certified by the project arborist and details submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

24. **Road Reserve**

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

Reason: Public Safety.

25. **Vehicle Crossings**

The provision of a vehicle crossing 5.0 metres wide in accordance with Section 1389 Road Act 1993 approval dated 30 June 2017 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

26. **During works - Acid Sulfate Soil**

Acid Sulfate Soil Management

Any new information which comes to light during excavation or construction works which has the potential to alter previous conclusions about the uncovering of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed

27. **Tree and vegetation protection**

A) Existing trees and vegetation shall be retained and protected as follows:

- i) all trees and vegetation within the site, excluding exempt trees under the relevant planning instruments or legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

B) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
- iv) to minimise the impact on trees and vegetation to be retained and protected, 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) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a Project Arborist on site,
 - vi) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
 - vii) excavation for stormwater lines is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, to provide for root protection measures,
 - viii) should either or all of v), vi) and vii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - ix) 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,
 - x) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.
 - xi)
- Reason: to retain and protect significant planting on development and adjoining sites.

28. Protection of rock and sites of significance

All rock outcrops and ledges outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

29. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

30. **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

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

31. **Dead or Injured Wildlife**

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

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

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

All biodiversity-related measures are to be implemented during construction, as specified in the approved BDAR and Biodiversity Management Plan listed below and as amended by these conditions of consent are to be implemented at the appropriate stage of the development and directed by the Project Ecologist.

- Biodiversity Development Assessment Report (BDAR) by GIS Environmental Consultants dated 06/12/2018, and;
- Biodiversity Management Plan (BMP) by Total Earth Care dated 22/08/2019.

During construction actions to be completed within *Table 6 Schedule of Works* (Total Earth Care 22/08/2019) include, but are not limited to: Nest Box monitoring; Maintenance of "no-go" fencing zones; Installation of permanent APZ delineation bollards; Permanent delineation between the wastewater turfed area and bushland; Secondary weed control (every 6 months throughout construction period); Run-off controls; Bank stability; monitoring and reporting. Also any additional action items required by these conditions of consent.

At a minimum, the Project Ecologist is to be physically present onsite to certify all Management Actions identified in Table 6 of the BMP.

Compliance with these measures is to be certified by the project ecologist in writing, including photographic evidence to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

33. Compliance with Arborist's Recommendations – During Construction

All tree protection measures to be implemented during construction, as specified in the submitted arborist reports (listed below) and these conditions of consent are to be implemented at the appropriate stage of development.

- Tree Assessment & Management Plan by Syncarpia Vegetation Management dated August 2019;
- Tree Survey & Tree Protection Zones Figures 1a and 1b, & Site Photos 2a and 2b by Syncarpia Vegetation Management dated August 2019, which maps tree locations, and;
- Driveway [Plan] 2416 – DA 08B by Stephen Crosby & Associates Pty. Ltd. dated August 2019.

The Project Arborist is to be physically present onsite to undertake direct supervision of any pruning or excavation or filling within 5m of trees proposed to be retained. At a minimum, the Project Arborist is to be physically present onsite once weekly to monitor tree protection measures, unless required to undertake direct supervision of a specific action item/s.

Compliance with these measures is to be certified by the project arborist in writing, including photographic evidence, and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

34. Implementation of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (DA:LA- 02 by CAB Consulting Pty Ltd dated August 2019) and these conditions of consent. The new landscaping is to be certified in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

35. **Survey Certificate**

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

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

36. **Fill**

No fill is to be brought to the site except for top dressing.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the site from contamination.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

37. **Landscape works**

Landscaping is to be implemented in accordance with the Site Plan 2416-DA01 prepared by Stephen Crosby & Assoc Pty Ltd, indicating the extent of native gardens and lawn, including the following requirements:

- i) any ground area exposed due to construction activity shall be regenerated with indigenous shrubs and groundcovers/herbs,
- ii) areas of weed removal shall be regenerated with indigenous shrubs and groundcovers/herbs,
- iii) all regenerated planting of shrub and groundcover/herb species shall be locally native species as listed in Table 2 Plant Species of the Site and Table 3 Plant Species of the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants,
- iv) all landscape regeneration with indigenous shrubs and groundcovers/herbs, shall be in accordance with the Bushfire Threat Assessment prepared by ABSP,
- v) proposed boulder walls shall include intermittently located soil pockets for landscape regeneration with indigenous shrubs and groundcovers/herbs,
- vi) the lawn area shall not exceed the area as shown on Site Plan 2416-DA01.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape

architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the landscape plan and the conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

38. Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- i) compliance to Arborist recommendations for tree protection and 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: to ensure compliance with the requirement to retain and protect significant planting on development sites.

39. Landscape Maintenance

All landscape components are to be maintained for the life of the development.

A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme of the site.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

40. Application for Authorisation of Legal Documentation Required for Onsite Detention

Application for Authorisation of Legal Documentation with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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Reason: To create encumbrances on the land.

41. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

42. **On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council’s satisfaction. (DACENF10)

43. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council’s standard requirements at the applicant’s expense and endorsed by Northern Beaches Council’s delegate prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council’s standard requirements at the applicant’s expense and endorsed by Council prior to lodgement with NSW Land Registry Services.

Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

44. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

45. **Cartridge filtration System**

The swimming pool and spa and filtration system is to include a cartridge filter to eliminate the need for backwash disposal on the site where there is limited disposal area for all waste water.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To eliminate the need for a back wash disposal area and to ensure the premises a maintained in an appropriate manner in perpetuity.

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

All biodiversity-related measures are to be implemented at the appropriate stage of development as specified in the approved BDAR and Biodiversity Management Plan listed below and these conditions of consent.

- Biodiversity Development Assessment Report (BDAR) by GIS Environmental Consultants dated 06/12/2018
- Biodiversity Management Plan (BMP) by Total Earth Care dated 22/08/2019

Satisfactory establishment/initiation of post-construction measures is to be certified by the project ecologist in writing, including photographic evidence, prior to issue of any Occupation Certificate.

Satisfactory establishment of post-construction measures must, at a minimum, including: Removal of temporary fencing; secondary weed control of all zones; nest box monitoring, and certification of all during construction biodiversity-related measures.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

47. Compliance with Arborist's Recommendations – During and Post-construction

All tree protection measures to be implemented, as specified in as specified in the submitted arborist reports (listed below) and these conditions of consent are to be implemented at the appropriate stage of development.

- Tree Assessment & Management Plan by Syncarpia Vegetation Management dated August 2019;
- Tree Survey & Tree Protection Zones Figures 1a and 1b, & Site Photos 2a and 2b by Syncarpia Vegetation Management dated August 2019, which maps tree locations, and;
- Driveway [Plan] 2416 – DA 08B by Stephen Crosby & Associates Pty. Ltd. dated August 2019.

Completion of arborist requirements and satisfactory establishment/initiation of post-construction measures is to be certified by the consulting arborist and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

48. Fencing for Wildlife Passage

Prior to the issue of any Occupation Certificate, the project ecologist is to provide certification to the Principal Certifying Authority that the installed fencing (with the exception of swimming pool fencing) is passable to native wildlife as specified in this consent.

Reason: To preserve wildlife corridors in accordance with relevant Natural Environment LEP/DCP controls.

49. Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (DA:LA- 02 by CAB Consulting Pty Ltd dated August 2019) and these conditions of consent. The new landscaping is to be certified as complete and in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of any Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

50. Swimming Pool Requirements

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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 2008
- (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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

51. **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.

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

Reason: To ensure bushland management. (DACPLF01)

52. **Waste Management Confirmation**

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

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

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

53. **Landscape maintenance**

All landscape components are to be maintained for the life of the development.

A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme of the site.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

54. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.

55. **Use of Chimneys**

Chimneys are not to be used for solid fuel or oil heaters without a separate application to Council

Reason: To ensure any future use of Chimneys is compliant with legislation (DACHPGOG1)

56. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

57. **Compliance with Biodiversity Management Plan – 5 years post construction**

All biodiversity-related measures are to be implemented for 5 years post construction as specified in the approved BDAR and Biodiversity Management Plan listed below and these conditions of consent.

- Biodiversity Development Assessment Report (BDAR) by GIS Environmental Consultants dated 06/12/2018
- Biodiversity Management Plan (BMP) by Total Earth Care dated 22/08/2019

This must be undertaken under the direction of the Project Ecologist, including monitoring. Monitoring reports demonstrating compliance with KPIs, including photographic evidence, are to be prepared by the Project Ecologist and submitted to Council in accordance with the BMP, i.e. every 6-months for 5 years post-construction, with the final report provided at the end of Year 5.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

58. **Retention of Natural Features**

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

Reason: To ensure the retention of natural features.

59. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

60. **Control of Domestic Animals**

Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland ("Conservation & Rehabilitation Area" on the Landscape Site Plan DA:LA-01 (CAB Consulting Pty Ltd August 2019), unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.

Reason: To protect native wildlife in accordance with relevant Natural Environment LEP/DCP controls.