

COUNCIL ASSESSMENT REPORT SYDNEY NORTH PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSNH-549 – DA2024/1303
PROPOSAL	Redevelopment of the Forestville RSL club site involving demolition works and the construction of a registered club and seniors housing, comprising fifty two (52) independent living units and ancillary uses
ADDRESS	Lot 11 DP 626916, 11 / 0 Melwood Avenue FORESTVILLE NSW 2087 Lot 31 DP 366454, 20 Melwood Avenue FORESTVILLE NSW 2087 Lot 2589 DP 752038, 22 Melwood Avenue FORESTVILLE NSW 2087
APPLICANT	Forestville RSL Club Ltd
OWNER	Forestville RSL Club Ltd & ADMHC
DA LODGEMENT DATE	24 October 2024
APPLICATION TYPE	Integrated Development – General Terms of Approval have been issued by WaterNSW pursuant to the <i>Water Management Act 2000</i>
REGIONALLY SIGNIFICANT CRITERIA	The development has a capital investment value of more than \$30 million and therefore, is regionally significant development pursuant to Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> .
CIV	\$76,945,000.00
CLAUSE 4.6 REQUESTS	<p>Clause 4.6 variation requests are submitted for non-compliances with the following non-discretionary development standards within <i>State Environmental Planning Policy (Housing) 2021</i>:</p> <ul style="list-style-type: none"> Section 108(2)(a) – Building Height Section 108(2)(c) – Floor Space Ratio
KEY SEPP/LEP	<ul style="list-style-type: none"> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Housing) 2021</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>Warringah Local Environmental Plan 2011</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	62 individual submissions – two in support and 60 in objection, raising concerns relating to: inconsistency with the low density residential character, social impacts, public safety, residential and public amenity impacts, traffic impacts, construction impacts and inadequate transparency/public consultation between the RSL Club and the RSL members.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> Architectural Plans prepared by Quattro Architecture dated 2 July 2025 Landscape Plans prepared by Space Landscape Designs dated 24 and 30 May 2025 Civil Services Plans prepared by ACOR Consultants Pty Ltd dated 6 May 2025 Remedial Action Plan prepared by Geo-Environmental Engineering dated 20 June 2025 Detailed Site Contamination Investigation prepared by Geo-Environmental Engineering dated 17 June 2025 Preliminary Site Investigation prepared by Geo-Environmental Engineering dated 13 May 2025 Plan of Management for Operations of Forestville RSL Club Ltd and Independent Living Units - 22 Melwood Avenue, Forestville. NSW 2084 prepared by Forestville RSL Club dated July 2025 Waste Management Plan prepared by MRA Consulting Group (MRA) dated 20 May 2025 Waste Management Letter titled 'Waste Referral Response – DA2024/1303 v2' prepared by MRA Consulting Group (MRA) dated 2 July 2025 ESD Report prepared by Aspire Sustainability Consulting Pty Ltd dated 9 May 2025 Groundwater Assessment prepared by Katrina David dated 13 May 2025 BCA Capability Report prepared by VPL Consulting dated 8 May 2025 BASIX Certificate prepared by Aspire Sustainability Consulting Pty Ltd dated 7 May 2025 Noise Impact Assessment prepared by Acoustic Logic dated 20 May 2025 Geotechnical Investigation Report prepared by Geo-Environmental Engineering dated 13 May 2025 Arboricultural Impact Assessment Report prepared by Urban Arbor dated 25 September 2024 Accessibility Design Review Report prepared by ABE Consulting Pty Ltd dated 12 May 2025 Traffic Impact Assessment (TIA) prepared by Traffix dated 21 May 2025 Design Verification Certificate prepared by Quattro Architecture dated 2 July 2024
SPECIAL INFRASTRUCTURE	N/A

CONTRIBUTIONS (\$7.24)	
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	30 July 2025
PLAN VERSION	Architectural Plans prepared by Quattro Architecture, dated 2 July 2025, Revisions D and F
PREPARED BY	Tom Burns, Principal Planner
DATE OF REPORT	16 July 2025

EXECUTIVE SUMMARY

This Development Application seeks consent for the re-development of the Forestville RSL site, comprising of demolition works and the construction of a registered club and seniors housing comprising fifty two (52) independent living units and ancillary uses.

The application is referred to the Sydney North Planning Panel (SNPP) with respect to Section 2.19(1) and Clause 2 of Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, which declares the development to be regionally significant development as the development has an estimated development cost of more than \$30 million (\$76,945,000.00).

The application is Nominated Integrated Development within the meaning of Division 4.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and requires General Terms of Approval from WaterNSW as the excavation works for the basement levels would intercept the water table. WaterNSW have issued General Terms of Approval under the *Water Management Act 2000* and Division 4.8 of the EP&A Act.

The development for the RSL Club is made permissible as an *Additional Permitted Use* (APU) under Clause 2.5 of the *Warringah Local Environmental Plan 2011* (WLEP 2011) and the independent living units are made permissible pursuant to Section 81 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

The application was publicly exhibited on two occasions in accordance with the Northern Beaches Community Participation Plan. The notification resulted in 62 individual submissions, comprising sixty (60) submissions in objection and two (2) submissions in support. Concerns raised within the objections predominantly relate to; inconsistency with the low density residential character, social impacts, public safety, residential and public amenity impacts, traffic impacts, construction impacts and inadequate transparency/public consultation between the RSL Club and the RSL members. The issues raised within the submissions have been considered as part of the assessment and do not constitute matters that would warrant refusal of the application. Suitable conditions of consent have been included in the draft consent in relation to issues raised in the submissions.

The key assessment issues associated with the development relate to; the compatibility of the built form with surrounding low density residential development, residential amenity impacts, communal open space and landscaping, pedestrian and vehicular access, land use conflicts between the RSL Club and independent living units, waste management and land contamination and remediation.

In response to the issues raised by Council as a result of the preliminary assessment of the application and the notifications, the applicant made substantial amendments to the application, pursuant to Section 37 of the *Environmental Planning and Assessment Regulation 2021*, to provide built forms that are more compatible with the established low density residential character of Melwood Avenue, improve residential amenity internally and off-site, provide a suitable landscaped setting, improve pedestrian and vehicular access, address site contamination, improve public safety, minimise land use conflicts and provide appropriate provisions for on-going waste management.

The assessment has considered the merits of the development in accordance with the relevant matters for consideration under Section 4.15(1) of the EP&A Act and concludes that the development is acceptable for the following reasons:

- The development supports the NSW Government's priorities to deliver well-located housing as it will deliver 52 new independent living units that meet the needs of any aging population in an accessible location, being in close proximity to the Forestville town centre and parklands and recreation facilities (tennis courts) within Melwood Avenue.
- The development also provides alternative housing choices for senior citizens within an area that is well serviced by public transport and located in close proximity to the Forestville town centre. As such, the development is consistent with the principles of Council's Local Strategic Planning Statement, which aims to "*Locate seniors housing, social and affordable housing near centres and high-frequency public transport*".
- The bulk and scale of the buildings would maintain an appropriate visual relationship with the surrounding low density residential character and be consistent with the emerging character of development within the visual catchment of the site which will be of a higher scale and density that is made permissible under the Low to Mid Rise Policy amendments within the Housing SEPP.
- The proposed variations to the building height and floor space ratio non-discretionary standards within the Housing SEPP are supported on merit as the applicant's Clause 4.6 variation requests under the WLEP 2011 have demonstrated that compliance with these development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the variations to the development standards.

- The proposed apartment mix, size and layout satisfies the objectives of the Housing SEPP and Apartment Design Guide and will meet the housing needs of the community.
- The development would deliver local economic benefits through the generation of construction and operational jobs and direct \$76.945 million in capital investment into the Northern Beaches local government area.
- The residual impacts associated with the demolition, construction and operation of the development can be appropriately managed and mitigated by the recommended conditions of consent.

On balance, the assessment concludes that the development is in the public interest, and it is therefore recommended that the SNPP should **approve** the application, subject to the recommended conditions of consent.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the staged re-development of the Forestville RSL site that will be carried out over two separate stages:

Stage 1 Construction - Registered Club Building / Seniors Housing Mixed Use Building

- The excavation and construction of a three-level basement car park in the location of the existing bowling greens.
- The construction of a three-storey mixed use building containing the following:
 - A Registered Club on the ground floor of the building; and
 - Two-storeys of residential development containing sixteen (16) independent living units.
- Landscaping including tree removal within the footprint of the Stage 1 works.
- New vehicle crossings and a driveway/car park in front of the RSL Club.
- New pedestrian access points to the RSL Club.

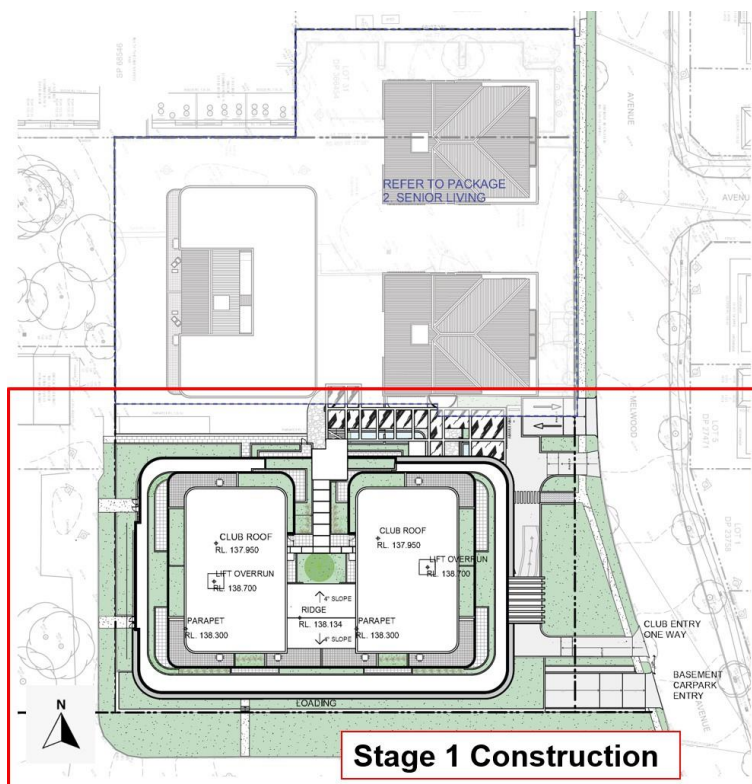


Figure 1 - Extract from Site Plan showing Stage 1 Construction for the Registered Club Building / Seniors Housing Mixed Use Building

Stage 2 Construction - Seniors Housing (Buildings 1, 2 and 3)

- The demolition of the existing Registered Club building.
- The excavation and construction of a two-level basement car park.
- The construction of thirty-six (36) independent living units across three separate three-storey buildings.
- A landscaped communal open space with pedestrian pathways around the independent living units.
- Landscaping including tree removal within the footprint of the Stage 2 works.

- A new vehicle crossing to the basement.
- Pedestrian access points into the residential areas of the site including a letterbox area.

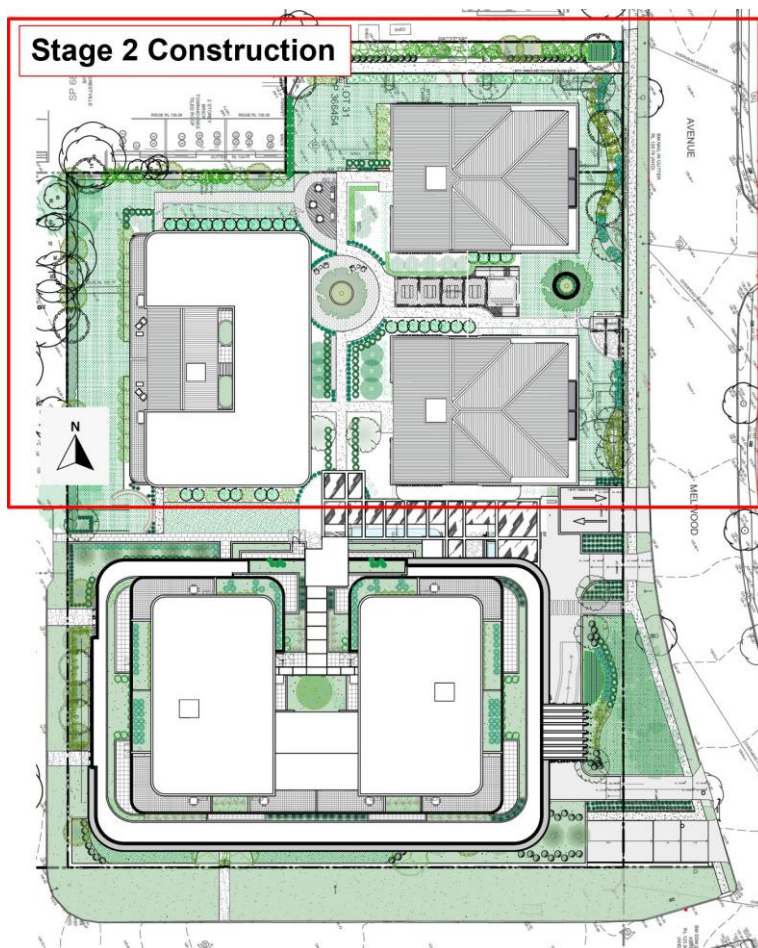


Figure 2 - Extract from Site Plan showing Stage 2 Construction for Seniors Housing (Buildings 1, 2 and 3)

Works to RSL Club and Operation Components

The new RSL Club is located within the proposed mixed use building on the southern portion of the site and will occupy the ground floor of the proposed three-storey building, with two-storeys of seniors housing being located above the RSL Club.

The new RSL Club consists of a café, lounge dining spaces, family and sports bar, entertainment, indoor outdoor dining, children's play area, RSL administration, amenities and function spaces catering for all ages and building on the foundation of the existing Club facilities and activities.

The RSL Club will continue to operate pursuant to the hours imposed by its liquor licence and the accompanying Operational Plan of Management namely:

- Sunday to Wednesday: 11.00AM – 12.00AM (Midnight).
- Thursday to Saturday: 11.00AM - 3.00AM.

Seniors Housing

The seniors housing component of the development comprises of 52 separate independent living units that includes a mixture of two and three bedroom dwellings spread across four separate buildings on the site.

The independent living units contain separate provisions of access to the RSL Club.

The stand alone seniors housing buildings, which are Buildings 1, 2 and 3, are located to the north of the mixed use building and are all three-storeys. Buildings 1 and 2 contain hipped roof profiles and have the third storey elements stepped in from the lower floors. Architecturally, Building 3 ties in with the theme of the mixed use building and contains a curved facade with a parapet around the flat roof profile.

Landscaping and Communal Open Space

The development includes several walkways, courtyards, outdoor recreation areas and landscaped open space areas comprising of lawn areas, shrub planting and medium to tall canopy trees located at ground level. These areas are located between and around the various buildings that are proposed.

On-slab planting is also proposed within the building footprints.

A pedestrian pathway along the northern boundary is proposed to enable pedestrian access from Melwood Avenue to 17 Forestville Avenue which adjoins the subject site on the western and northern boundaries.

Tree Removal

The development will require the removal of 21 trees located both on the development site and within the road reserve.

Public Domain Works

The development seeks to provide various pedestrian and vehicular access points from the western side of Melwood Avenue. Pedestrian pathways into the public car park adjacent to the site are also provided via the southern and western boundaries; however, these pathways do not allow entry into the RSL as the doors that facilitate access to the pathways are exit doors only.

The existing bus stop in front of the site is also being re-located. The recommended conditions of consent require details of the re-location.

Stormwater Management

Stormwater is proposed to be drained to Melwood Avenue via a stormwater treatment system that includes a rainwater tank, water quality treatment tank and on-site detention tanking. The OSD tank is located under the driveway/car park in front of the RSL Club.

Waste Collection

Waste collection for residential bins will occur from the basement level B2 by Council's waste management contractors.

Commercial waste collection will be completed by a private waste contractor.

Waste collection vehicles will access the site directly to the RSL loading area, accessed by a driveway at the south-eastern corner of the site.

Car and Bicycle Parking

A total of 289 car parking spaces are proposed, 86 allocated to the residential component (74 resident spaces and 12 visitor spaces) and 203 allocated to the RSL component. Additionally, 68 bicycle parking spaces are proposed, 32 spaces being allocated to the residential component and 36 spaces allocated to the RSL Club.

Remediation

The development includes site remediation works that require excavation of contaminated soil below the northern car park and the removal of the contaminated soil to an appropriate licensed Environmental Protection Authority (EPA) facility. This will also require post remediation verification sampling.

The details of the site remediation works are outlined within the section of this report relating to *State Environmental Planning Policy (Resilience and Hazards) 2021*.



Figure 3 - Photomontage of the Melwood Avenue (east) Elevation of the Development as viewed from a 'birds-eye' angle from the north-east



Figure 4 - 3D Model of the Melwood Avenue (east) Elevation of the Development as viewed from a 'birds-eye' angle from the south-east

Staging of the Development

It is important to note that the development is not a Concept Development Application within the meaning of Division 4.4 of the EP&A Act. The application is proposed as a staged development to allow the existing RSL Club to continue operations while the new RSL Club within the mixed use building on the southern side of the site is being constructed.

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 - 2.5 Additional permitted uses for particular land
Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential
Warringah Local Environmental Plan 2011 - 6.2 Earthworks
Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
Warringah Development Control Plan - B1 Wall Heights
Warringah Development Control Plan - B5 Side Boundary Setbacks
Warringah Development Control Plan - B7 Front Boundary Setbacks
Warringah Development Control Plan - B9 Rear Boundary Setbacks
Warringah Development Control Plan - C3(A) Bicycle Parking and End of Trip Facilities
Warringah Development Control Plan - C9 Waste Management
Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

Property Description:	<p>Lot 31 DP 366454 , 20 Melwood Avenue FORESTVILLE NSW 2087 Lot 11 DP 626916 , 11 / 0 Melwood Avenue FORESTVILLE NSW 2087 Lot 2589 DP 752038 , 22 Melwood Avenue FORESTVILLE NSW 2087</p>
Detailed Site Description:	<p>The site is zoned R2 Low Density Residential under the provisions of the <i>Warringah Local Environmental Plan 2011</i> (WLEP 2011) and currently accommodates the Forestville RSL Club, which is a two-storey building, and car parking along with bowling greens. The site has a surveyed area of 9,014 square metres (sqm).</p> <p>The site consists of three separate allotments, with the main allotment being 22 Melwood Avenue consisting of the RSL club building, parking and bowling greens and a smaller allotment to the north being 20 Melwood Avenue consisting of a carpark which services the RSL club. A small allotment (Lot 11 / Melwood Avenue) being 2.66sqm in area is also part of the site. This allotment is owned by Alpha Distribution Ministerial Holding Corporation (ADMHC) and managed by Ausgrid. ADMHC have provided written owner's consent for development to occur on the site. It is noted that no electrical infrastructure is located within this allotment. A right of carriageway and easement for electricity purposes is provided around this small allotment.</p> <p>The site contains several shrubs and canopy trees located sporadically within the site. Topographically, the site is quite flat and experiences a minor fall of approximately 1 metre (m) that slopes from the north towards the south.</p> <p>The site is not environmentally constrained in terms of bushfire, flooding, landslip or biodiversity constraints.</p> <p>The surrounding built environment to the east and north is largely characterised by one and two-storey detached low density residential development (i.e. dwelling houses) within landscaped settings. Notwithstanding, an attached two-storey multi-dwelling housing development comprising of 14 separate strata-titled dwellings adjoins the site to the north-west (17 Forestville Avenue).</p> <p>Adjoining the site to the south and the west is the Forestville Playing Fields, which accommodates several sports playing fields, public open space, a youth centre and a car parking area.</p>

Map:



SITE HISTORY

The site has been occupied by the Forestville RSL Club for a significant period of time. A search of Council's records has revealed the following relevant history:

- Development Application 2021/1215DA for alterations and additions to the Forestville RSL Club approved by the former Warringah Council on 11 March 2001.
- Development Application DA2005/469 for construction of three smokers terraces in association with the existing club premises approved by the former Warringah Council on 16 February 2006.
- Development Application DA2009/0941 for internal alterations to the existing Club, extension of the outdoor smoker's terraces and minor changes to the bowling green approved by the former Warringah Independent Assessment Panel on 17 May 2010. This consent was modified under Modification Application Mod2010/0200 on 28 October 2010 and under Modification Application Mod2011/0158 on 19 October 2011.

PRE-LODGEEMENT MEETING PLM2022/0218 WHICH RELATES TO THE PROPOSED DEVELOPMENT

The applicant undertook a Pre-lodgement Meeting (PLM) with Council staff to discuss the re-development of the site (PLM2022/0218).

This PLM was held on 17 January 2023 to discuss works pertaining to demolition of the existing Forestville RSL and the construction of a new two-storey RSL building, along with the construction of two separate three-storey buildings containing a total of 40 in-fill self-care seniors housing units including two separate basement carparks to service the development. 192 car parking spaces including 12 accessible spaces were proposed for the RSL building, while 46 residential spaces and 7 visitor spaces (total of 53 spaces) were proposed for the seniors housing component.

The seniors housing units were located on the northern side of the site, while the RSL building was located on the southern side of the site. The total floor space ratio (FSR) for this proposal was 0.7:1.

Design and Sustainability Advisory Panel

This PLM was presented to the Design and Sustainability Advisory Panel (DSAP) on 8 December 2022, and their report concluded as follows:

"The project incorporates a complicated brief and has a great opportunity to provide a special precinct in Forestville. The Panel support the general site planning of the project with the residential component to the north and the club building to the south."

The Panel recommend a redesign of the master planning and building layout of the residential buildings and encourage the architect to undertake a further Pre-DA with an amended scheme. This could be in sketch format and focus more on the 'broad-brush' issues outlined within this report."

The written minutes for the PLM concluded as follows:

"These notes are in response to a pre-lodgement meeting held on 24 January 2023 to discuss the amended proposal for the construction of a new RSL Club Building on the southern portion of the site and the construction of 2 x three storey Seniors Living Residential Flat Building pursuant to the SEPP (Housing) 2021 on the northern portion of the site. The notes reference the amended plans prepared by Quattro Architecture, Revision A dated 16 November 2022, submitted under cover of email dated 22 December 2022 to respond to the DSAP issues."

Seniors Development

Despite improvements to the original design there are still outstanding critical issues with the amended proposal in terms of the excessive density, height, bulk and mass, as represented with a breach of the 0.5:1 FSR SEPP Seniors requirement (0.7:1 proposed). The proposal fails to meet the Design Principles of the SEPP which requires the development to respond to the desirable elements of the area's current R2 Low density character, particularly to the east and use building forms and heights at the street frontage that are compatible in scale with adjacent buildings. The reduction in volume needs to be removed from the eastern façade and an increase in the setback of the upper floor is required to reduce the bulk and scale of the block facing the street."

RSL Building

Despite the improvement to the original design critical issues are raised in respect of servicing the RSL via the car park to the oval / Crown Land as detailed in the comments from Property. If access is not possible via Crown Land an alternate well resolved and attractive design for the servicing of the club will be required.

Furthermore, the proposal needs to be amended to address the issues from Transport, including the excessive number of driveways proposed via Melwood Avenue

The setback to the lane has not address the recommendations of DSAP and should be increased with suitable landscaping along the western boundary. The increased setback will help address the envelope beach. The floor to ceiling height of the club should also be reconsidered which will help address the inconsistency with the height of building development standard and the wall height control.

In summary, the proposal cannot be supported, and it is recommended that the issues raised in these PLM notes are fully resolved before any future DA is lodged".

CURRENT DEVELOPMENT APPLICATION HISTORY

The current Development Application seeks consent for the construction of a mixed-use building on the southern side of the site with an RSL Building on the ground floor and 16 independent living units on the two-storeys above, and the construction of three separate three-storey seniors housing buildings with a total of 36 independent living units on the northern side of the site. Separating the two seniors housing buildings from two buildings into three buildings was recommended by the DSAP at the PLM stage. It is noted that the current Development Application includes an additional 12 independent living units when compared to the PLM, which responds to the changes in planning controls that allow for increased building density on the subject site when compared to the PLM.

Request for Further Information (RFI)

Following the preliminary assessment of the application, which included a site inspection, the DSAP meeting and the SNPP briefing, Council wrote to the applicant raising the following concerns with the development:

- The development did not appropriately respond to the low density residential character of Melwood Avenue as the third storey components including the extent of the roof forms were too significant and inadequate building setbacks, deep soil landscaping setbacks with planting and building articulation was provided to result in a development that would maintain an appropriate visual relationship with surrounding development.
- The external finishes of the new seniors housing buildings consisted of darker colours that did not accord with the architectural theme of the RSL Building.
- The provision of an at-grade car park that predominantly occupied the 6.5m front setback area to Melwood Avenue did not enable for the establishment of a landscaped setting that is commensurate with the low density residential character of Melwood Avenue.
- The applicant had not demonstrated that there would not be adverse land use conflicts between the RSL Club and the proposed independent living units with respect to noise impacts and site access, noting that the superseded design required future residents to access a residential lobby within the RSL Club rather than having separate points of access.
- The development did not achieve optimal residential amenity internally within the site and for adjoining residential properties to the north due to the buildings not achieving the required building separation requirements internally within the site and from the northern side boundaries that have an interface with low density residential development, as required by the Apartment Design Guide (ADG).
- The development did not maintain pedestrian access between the adjoining multi dwelling housing development at 17 Forestville Avenue and Melwood Avenue, which was required by the conditions of Development Consent No. 000/5188 (this consent related to the multi dwelling housing development).
- The development did not include separate bathroom facilities for male and female patrons, which posed a potential public safety risk.
- The development did not indicate where the existing war cenotaph would be re-located too.
- The Operational Waste Management Plan did not satisfy Council's Waste Management Guidelines (WMG).
- Insufficient information in relation to the stormwater pipeline levels and water quality measures was submitted to determine compliance with Council's Water Management for Development Policy (WMDP).
- There was inadequate separation between the vehicular access points to mitigate traffic conflicts and provide suitable refuge for pedestrians.
- The allocation of parking spaces that satisfied AS/NZS 2890.6 was inadequate and contrary to the requirements of the Housing SEPP.
- The development did not facilitate convenient access for visitors or residents in terms of the location of the designated parking spaces and bicycle parking spaces.
- The access ramp to the basement did not provide sufficient width for trucks to pass and access the loading dock area.
- The development did not provide a Detailed Site Investigation, contrary to the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP), as a DSI was recommended by the applicant's Preliminary Site Investigation.

Revised Plans

The applicant has made several amendments to the Development Application pursuant to Section 37 of the *Environmental Planning and Assessment*

Regulation 2021. These amendments can be summarised broadly as follows:

- Additional setbacks to the third storey of the mixed-use building were provided in addition to the provision of a 3m landscaped setback to the southern side of this building (previously there was a nil setback above-ground).
- The seniors housing Buildings 1 and 2 were amended to provide additional setbacks at the third storey, framing of the balconies with the brick finish, a reduction in the roof area and type (i.e. a hipped roof was now employed) and additional articulation of the side elevations, all of which are aimed at reducing the prominence of the third storey and responding better to the local character. As part of this amendment, Buildings 1 and 2 were also brought closer to the front boundary to have a 6.5m front building setback in accordance with the Warringah Development Control Plan 2011.
- A reduction in the gross floor area across Buildings 1, 2 and 3 and the mixed-use building was provided to provide compliant building separation in accordance with the ADG. This reduction in area resulted in a reduction in independent living units from 55 units to 52 units.
- Additional deep soil landscaping setbacks was provided to ensure compliance with the landscaped area standards under the Housing SEPP.
- Separate pedestrian access points for the seniors housing buildings including the independent living units above the RSL was provided to minimise land use conflicts. Direct access to the gaming areas from the seniors housing communal open space was also prevented, with the only door between both areas being a fire aggress point that cannot be accessed from within the communal open space. The Operational Management Plan was also updated to outline measures to prevent land use conflicts.
- The extent of the at-grade car parking area within the front setback area was reduced to provide a 6m wide deep soil landscaped zone in front of the carpark and front boundary.
- The car parking layouts, ramp access points and end of trip facilities were amended to comply with AS/NZS 2890.6 and the advice provided by Council's Traffic Engineer.
- The amount of basement car parking levels was reduced from five levels to three levels.
- The waste collection points were amended to be located within the basement level of the RSL instead of from the street. Conditions have been recommended by Council's Waste Management Officer to ensure compliance with the WMG.
- Additional details surrounding the levels of the stormwater pipelines and water quality measures were provided to satisfy the WMDP.
- A DSI and Remedial Action Plan (RAP) were submitted and provided remediation methods to ensure that the site is suitable for the future residential and RSL occupation. The recommendations within the RAP form part of the recommended conditions of consent.
- A pedestrian link through between 17 Forestville Avenue and Melwood Avenue was provided to enable pedestrian access to this adjacent property through the northern portion of the subject site as required by Development Consent No. 000/5188. This will be formalised via a recommended condition of consent requiring a right of carriageway in favour of 17 Forestville Avenue to be created.
- The applicant advised that it is their intention to relocate the war cenotaph and has agreed to a condition of consent requiring the cenotaph to be re-located in an area endorsed by Council's Management staff prior to the occupation of the Stage 1 development. As such, a suitable condition is recommended to this effect.
- Separate male and female bathroom facilities were provided within the RSL Club; however, outstanding concerns remain that women would need to walk down the same hallway as the men's bathrooms to access their toilets. As such, a condition has been recommended requiring amendments to the toilets to provide separate access, so as to minimise potential safety risks to women.

The amended Development Application was re-notified between 30 May 2025 and 27 June 2025.

The final amendments made to the Development Application after this re-exhibition period involved changes to Buildings 1 and 2 and to the basement layout. These changes reduced the prominence of the third storey elements of Buildings 1 and 2, ensured greater compliance with Council's WMP and therefore, constituted a reduced environmental impact. As such, these final amendments made after the re-exhibition period were not re-notified, in accordance with the Northern Beaches Community Participation Plan.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on Environmental Planning Instruments in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 (WDCP) applies to this proposal.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iii) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p>Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clause 29 of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p>Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested to address concerns in relation to the built form, landscaped setting, land use conflicts, vehicular access, off-street car parking, waste management, noise impacts and land contamination. The applicant submitted additional information to address the concerns raised by Council.</p> <p>Clause 61 of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 62 and/or 64 of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application, noting that the development proposes new buildings on the site and not upgrades to the existing RSL building on the site.</p> <p>Clause 69 of the EP&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, given the development does not pertain to a Class 1 or 10 building under the Building Code of Australia.</p> <p>Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Environmental Planning Instruments, WDCP and Referral Bodies sections of this report. The assessment has concluded that the environmental impacts of the development are acceptable and can be appropriately managed in perpetuity by the implementation of the recommended conditions of consent.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality for the following reasons:</p> <ul style="list-style-type: none"> The provision of a new RSL Club building to replace the existing building will not significantly alter the social dynamic of the locality or create any additional adverse social impacts in terms of the use of gaming machines when compared to the existing RSL Club on the site, noting that the RSL Club seeks to operate in accordance with their existing Liquor and Gaming License and that the development does not seek to introduce any additional gaming machines on the site under this Development Application, noting that the approval and use of gaming machines is not regulated through the Development Application process and is regulated by the Department of Liquor and Gaming through a separate regulatory process. <p>Furthermore, Section 209 of the <i>Gaming Machines Act 2001</i> states that a consent authority cannot:</p> <p>(a) as a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or</p> <p>(b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.</p> <p>The Operational Plan of Management submitted with this application will ensure that patrons of the RSL do not mis-use gaming machines and that the use of gaming machines is carried out in accordance with the appropriate legislation.</p> <p>Overall, the assessment finds that the development will not result in adverse social impacts as a result of the provision of gaming machines within the RSL Club.</p> <ul style="list-style-type: none"> The development will not result in any adverse off-site impacts to nearby residents in terms of noise generation, given the noise modelling undertaken within the applicant's Noise Impact Assessment has concluded that the development will satisfy the noise amenity criteria under the Environment Protection Authority's Noise Policy for Industry 2017. Several conditions of consent are also recommended to prevent the use of any outdoor areas within the RSL Club after 10pm and to require all operable windows and doors within the RSL Club to be closed after 10pm. These conditions will ensure that adequate amenity is maintained to surrounding residential properties and to the independent living units within the development site. While the bulk and scale of the independent living units are greater than the surrounding one and two-storey dwelling houses within the locality, the third storey elements have been stepped back from the facades of the lower floors to reduce the prominence of the third storey elements and to maintain a more appropriate visual relationship with the established dwelling houses within the locality. Notwithstanding, the recent Low to Mid Rise Housing Policy amendments to the Housing SEPP now permit up to three-storey residential flat buildings on the site and on adjoining properties. Hence, the bulk and scale of the independent living units will be consistent with

Section 4.15 Matters for Consideration	Comments
	<p>the emerging character of development within the locality and the design of the development appropriately responds to the existing local character and the emerging character of the locality.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality, given the new RSL Club will replace the existing RSL Club and therefore, will not significantly reduce any economic flow into other RSL Clubs within the local government area. Moreover, the development will deliver positive economic impacts through the generation of construction and operational jobs and direct \$76.945 million in capital investment into the Northern Beaches local government area.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>The assessment has concluded that the site is suitable for the proposed development for the following reasons:</p> <ul style="list-style-type: none"> The site is significant in area and can accommodate for the provision 52 new independent living units within an accessible area that is in close proximity to the Forestville town centre. The size and orientation of the site also ensure that a high level of amenity will be afforded to the future occupants of the units as adequate building separation in accordance with the Apartment Design Guide (ADG) is afforded between each building to provide suitable levels of privacy and sunlight to the units, while suitable separation from the side and rear boundaries has been provided to ensure that the amenity impacts on neighbouring properties is acceptable. The site benefits from an Additional Permitted Use (APU) for a registered club pursuant to Clause 10, Schedule 1 of the WLEP 2011 and therefore, the construction of a new RSL Club on the site will be consistent with the APU provisions for the site. The site can be made suitable for future residential and commercial occupation, subject to carrying out the required remediation works that have been outlined within the applicant's Remedial Action Plan.
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	<p>The assessment concludes that the development is in the public interest for the following reasons:</p> <ul style="list-style-type: none"> The development would support the NSW Government's priorities to deliver well-located housing as it will deliver 52 new independent living units that meet the needs of any aging population in an accessible location, being in close proximity to the Forestville town centre. The development also provides alternative housing choices for senior citizens within an area that is well serviced by public transport and located in close proximity to the Forestville town centre. As such, the development is consistent with the principles of Council's Local Strategic Planning Statement, which aims to <i>"Locate seniors housing, social and affordable housing near centres and high-frequency public transport"</i>. The development is permissible with consent and would provide a new RSL Club building in accordance with the APU for the site under the WLEP 2011 and provide new independent living units in accordance with the Housing SEPP that permits seniors housing on the subject site. The development would deliver local economic benefits through the generation of construction and operational jobs and direct \$76.945 million in capital investment into the Northern Beaches local government area.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 30/05/2025 to 27/06/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 98 submission/s from:

Name:	Address:
Mr Nicholas Kaus De Bont	26 Westmeath Avenue KILLARNEY HEIGHTS NSW 2087
Mr Stefan Blake Hunt	10 Wilde Avenue KILLARNEY HEIGHTS NSW 2087
Mrs Charlotte Frances Virtue	C/- Landscape Design By Jacqui Ray PO Box 844 ST IVES NSW 2075
Amanda Emmelkamp	49 Ballyshannon Road KILLARNEY HEIGHTS NSW 2087
Louise McManamon	46 Starkey Street FORESTVILLE NSW 2087

Name:	Address:
Ms Jo Ann Marie Stentiford	35 Epacris Avenue FORESTVILLE NSW 2087
Ms Jade Ebony Grayson	24 Ferguson Street FORESTVILLE NSW 2087
Mrs Isabella Wessels	Address Unknown
Mr Alastair Bruce Paterson	18 A Andove Street BELROSE NSW 2085
Mrs Corinne Ann Pixton	1 Connemara Avenue KILLARNEY HEIGHTS NSW 2087
Mr Robert Keith Urquhart	12 Yallumba Close FORESTVILLE NSW 2087
Zoe Jane Meunier	39 Oxford Falls Road BEACON HILL NSW 2100
Ms Tracey Eleanor Cheale	13 Kinsdale Close KILLARNEY HEIGHTS NSW 2087
Ms Emma Louise Swiney	145 Frenchs Forest Road West FRENCHS FOREST NSW 2086
Mrs Alison Mary Beeson	19 Tipperary Avenue KILLARNEY HEIGHTS NSW 2087
Mr Dominic Joseph Alecci	737 Warringah Road FORESTVILLE NSW 2087
Michael David Bates	80 Londonderry Drive KILLARNEY HEIGHTS NSW 2087
Ms Taegen Charlene Roberts	636 Warringah Road FORESTVILLE NSW 2087
Mr Robert William Lunnon	13 Hoddle Crescent DAVIDSON NSW 2085
Peter Leonard Hopkins	6 / 17 Forestville Avenue FORESTVILLE NSW 2087
Withheld	KILLARNEY HEIGHTS NSW 2087
Cameron Birkett	8 Bentley Avenue FORESTVILLE NSW 2087
Mrs Ruth Canning	3 Bentley Avenue FORESTVILLE NSW 2087
Mrs Joanne Sheehy	19 Duke Street FORESTVILLE NSW 2087
Mr Darren Andrew Brown	19 Duke Street FORESTVILLE NSW 2087
Nicola Ann Douglas	33 Lanford Avenue KILLARNEY HEIGHTS NSW 2087
Mrs Samantha Hegvold	4 Wicklow Place KILLARNEY HEIGHTS NSW 2087
Mrs Clare Elizabeth Belsten	16 Panorama Crescent FRENCHS FOREST NSW 2086
Garry Bruce Covey	1/182 Garden Street NORTH NARRABEEN NSW 2101
M Half	Address Unknown
Ms Kylie Michele Christel	14 Willunga Crescent FORESTVILLE NSW 2087
Ms Courtney Barnett	5 / 1 - 5 Nicholas Avenue FORESTVILLE NSW 2087
Mr Rodney Alexander Mertell	21 Bridgeview Crescent FORESTVILLE NSW 2087
Ms Lucy Thompson	70 Darley Street KILLARNEY HEIGHTS NSW 2087
Ms Janina Ramsay	10 / 17 Forestville Avenue FORESTVILLE NSW 2087
Mr Tom Griffiths	3 Deakin Street FORESTVILLE NSW 2087
Mr Matthew John Murray	4 Tabora Street FORESTVILLE NSW 2087
Mrs Erin Louise McKnight	27 Kinsdale Close KILLARNEY HEIGHTS NSW 2087
Mr Aaron Wayne Sweetman	1 Cannons Parade FORESTVILLE NSW 2087
Bright Alyse Pryde-Saha	2 D Bellbird Crescent FORESTVILLE NSW 2087
Mrs Kylie Barbara Lake	10 Cashel Crescent KILLARNEY HEIGHTS NSW 2087
Mr John Peter South	10 Cashel Crescent KILLARNEY HEIGHTS NSW 2087
Mrs Lija Mara Arthur	10 Edinburgh Road FORESTVILLE NSW 2087
Ms Sarah Hansen	30 Ferguson Street FORESTVILLE NSW 2087
Miss Amanda Jane Cassidy	17 Walkom Avenue FORESTVILLE NSW 2087
Kania Sachrudi	7 / 691 - 695 Warringah Road FORESTVILLE NSW 2087
Mr Justin Miles Ashton Fletcher	45 Melwood Avenue FORESTVILLE NSW 2087
Roger William Stephens	33 Melwood Avenue FORESTVILLE NSW 2087
The Owners of Strata Plan 68546	17 Forestville Avenue FORESTVILLE NSW 2087
Mr Graeme Norris	17 Londonderry Drive KILLARNEY HEIGHTS NSW 2087
Teri Kate Osinga	11 Aranda Drive FRENCHS FOREST NSW 2086
Susan Fowler	Address Unknown
Mr John Graham Gilmour	2 / 4 Tuam Place KILLARNEY HEIGHTS NSW 2087
Dee Mcneill	Address Unknown
Allan Dugan Webster	51 Londonderry Drive KILLARNEY HEIGHTS NSW 2087
Mr Dmitry Mashurov	55 Ballyshannon Road KILLARNEY HEIGHTS NSW 2087
Mrs Lynda Marie Brooke	33 Ballyshannon Road KILLARNEY HEIGHTS NSW 2087
Mr Roberto Vinci	190 Forest Way BELROSE NSW 2085
Kurt Martin Jonathon Hegvold	4 Wicklow Place KILLARNEY HEIGHTS NSW 2087
Jack Cooper	Address Unknown
Mr Vic Moor	125 Melwood Avenue KILLARNEY HEIGHTS NSW 2087
Ms Catherine Shireen Samuels	23 Cashel Crescent KILLARNEY HEIGHTS NSW 2087
Jack Kapterian	Address Unknown
Jack Albert Kapterian	27 Darley Street FORESTVILLE NSW 2087
Sergei Pavlovich Burov	57 Darley Street FORESTVILLE NSW 2087

Name:	Address:
Mr Paul Stevens	11 Darley Street FORESTVILLE NSW 2087
Miss Tia McDonald	28 Drumcliff Avenue KILLARNEY HEIGHTS NSW 2087
Annie Lin	14 Darley Street FORESTVILLE NSW 2087
Mr Brett Anthony Smith	99 Ballyshannon Road KILLARNEY HEIGHTS NSW 2087
Mr Timothy Mark Humphries	45 Ferguson Street FORESTVILLE NSW 2087
Mrs Beatrice Tantillo	21 Cannons Parade FORESTVILLE NSW 2087
Luke Patrick Gerkens	11 Cashel Crescent KILLARNEY HEIGHTS NSW 2087
Ms Kylie Jean Symonds	21 Calca Crescent FORESTVILLE NSW 2087
Brian Li	Address Unknown
Mr Philip Joseph Skelton	10 Drumcliff Avenue KILLARNEY HEIGHTS NSW 2087
Mr Peter David Lefmann	8 / 11 - 13 Bernie Avenue FORESTVILLE NSW 2087
Yan Li	Address Unknown
Glenn Erskine	PO Box 3 BROOKVALE NSW 2100
Brooke Sylvia Hillsdon	101 Ballyshannon Road KILLARNEY HEIGHTS NSW 2087
Nicholas Alexander Powning	22 Cook Street FORESTVILLE NSW 2087
Elise Marie Middleton	28 Cashel Crescent KILLARNEY HEIGHTS NSW 2087
David Ian Randall	6 Calca Crescent FORESTVILLE NSW 2087
Ms Hannah Jane Tourle	52 Ferguson Street FORESTVILLE NSW 2087
Ms Jane Scholz	7 C Bangalla Place FORESTVILLE NSW 2087
Ms Katrien Fernande Josef Van Der Spiegel	11 A Ashton Avenue FORESTVILLE NSW 2087
Nicholas William Raphael	74 Ballyshannon Road KILLARNEY HEIGHTS NSW 2087
Mrs Marilyn Louise Proudlock	18 Killarney Drive KILLARNEY HEIGHTS NSW 2087
Annette Unger	30 Forestville Avenue FORESTVILLE NSW 2087
Arnaud Jean Alain Philippe	2 Ashton Avenue FORESTVILLE NSW 2087
Mr Aaron Scholz	7 C Bangalla Place FORESTVILLE NSW 2087
Mr Paul William Schimmel	3 Kinsdale Close KILLARNEY HEIGHTS NSW 2087
Danielle Claudette Colbert	142 Starkey Street KILLARNEY HEIGHTS NSW 2087
Christopher Keat Hillsdon	101 Ballyshannon Road KILLARNEY HEIGHTS NSW 2087
Mrs Robyn Margaret Langsford	12 Drumcliff Avenue KILLARNEY HEIGHTS NSW 2087
Charles Martin Satterthwaite	16 Tora Place FORESTVILLE NSW 2087
Mrs Tina Michelle Leung	56 Starkey Street FORESTVILLE NSW 2087
Mrs Charlotte Isabell Leung	140 Starkey Street KILLARNEY HEIGHTS NSW 2087
Garry Covey	Address Unknown

Several pieces of correspondence amounting to a total of 62 individual submissions were received as a result of the public exhibition process. Sixty submissions objected to the development, while two submissions supported the development.

An additional 36 pieces of correspondence were submitted after the public exhibition period and do not count to the total number of submissions. Nonetheless, the issues raised within these pieces of correspondence have been considered.

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

- **Incompatible with Low Density Residential Character**

The submissions raised concerns that the development is not compatible with the established low density residential character of Melwood Avenue.

Comment:

This matter has been discussed in detail within the sections of this report relating to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and Clause 4.6 of the WLEP 2011. In summary, the assessment finds that the development will maintain an appropriate visual relationship with the surrounding low density residential development and that the development will be compatible with the desired future character of the locality, noting that the recent Low to Mid Rise Housing Policy amendments within the Housing SEPP permit medium density typologies commensurate with the proposed development on the subject site and surrounding properties.

- **Unisex Toilets**

The submissions raised concerns that the development only provides unisex toilets, which poses potential public safety issues.

Comment:

While the amended plans have included separate bathroom facilities within the western end of the RSL Club, the main bathroom facilities located adjacent to the lounge area and gaming area are only accessed via a single entrance into a room that contains different cubicles for male and female patrons. As these are accessed via a single doorway, this could pose potential safety risks.

As such, a condition of consent is recommended to require amendments to the architectural plans to provide separate bathroom facilities for male and female patrons of the RSL Club.

- **Gaming Machines and Social Impacts**

The submissions raised concerns that the provision of gaming machines within the RSL Club will result in adverse social impacts for the local community.

Comment:

The provision of a new RSL Club building to replace the existing building will not significantly alter the social dynamic of the locality or create any additional adverse social impacts in terms of the use of gaming machines when compared to the existing RSL Club on the site, noting that the RSL Club seeks to operate in accordance with their existing Liquor and Gaming License and that the development does not seek to introduce any additional gaming machines on the site under this Development Application. The approval and use of gaming machines is not regulated through the Development Application process and is regulated by the Department of Liquor and Gaming through a separate regulatory process.

Furthermore, Section 209 of the *Gaming Machines Act 2001* states that a consent authority cannot:

(a) as a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or

(b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.

Overall, the assessment finds that the development will not result in adverse social impacts as a result of the provision of gaming machines within the RSL Club.

- **Removing Cenotaph and Loss of War Memorial Ceremonies**

The submissions raised concerns that the cenotaph at the front of the site will be removed as a result of the development and that this will result in a loss of war memorial ceremonies.

Comment:

The applicant has been in discussions with Council's Parks and Open Space Department about re-locating the cenotaph into the public domain. A final location for the cenotaph has not been confirmed. Therefore, a condition of consent is recommended to require the cenotaph to be re-located within a position that is endorsed by Council's Executive Management Staff (Parks and Open Space or Development Assessment) prior to the operation of the Stage 1 development. If the cenotaph is re-located into the public road reserve, then this will need to be approved pursuant to *Roads Act 1993*.

- **Members have not voted in favour of the Development**

The submissions raised concerns that a substantial amount of members have not voted in favour of the development.

Comment:

This is not a matter for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It is noted that the correct written landowner's consent has been submitted in accordance with the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

- **Not in Public Interest**

The submissions raised concerns that the development is not in the public interest.

Comment:

This matter is discussed in detail within the section of this report relating to Section 4.15(1) of the EP&A Act. In summary, the assessment finds that the development is in the public interest for the reasons outlined within the body of this report.

- **Noise Impacts**

The submissions raised concerns that the development will result in adverse noise impacts

Comment:

This matter is discussed in detail within the section of this report relating to Section D3 of the Warringah Development Control Plan 2011 (WDCP). In summary, the assessment finds that the development will not result in adverse noise impacts. Several management and physical controls are recommended to ensure that noise emissions are appropriately minimised.

- **Loss of Open Space and Bowling Greens for the RSL Club**

The submissions raised concerns that the development will remove areas of open space and the bowling greens that are associated with the RSL Club.

Comment:

While the development will remove the bowling greens, there is no statutory requirement for an RSL Club to have a bowling green. The

development will provide suitable open space areas with an outlook to the sporting fields on the southern side of the RSL Club, and significant areas of communal open space are provided throughout the site in association with the seniors housing development.

It is noted that the Forestville Tennis Courts are situated 400m to the south of the site, which will provide alternative recreation opportunities.

- **Site not suitable for Seniors Housing**

The submissions raised concerns that the site is not suitable for seniors housing.

Comment:

The matter of site suitability has been assessed within the section of this report relating to Section 4.15(1) of the EP&A Act. The assessment has concluded that the site is suitable for the proposed development, including the seniors housing development, for the reasons outlined within the body of this report.

- **No More Possibility for additional RSL Club development**

The submissions raised concerns that the proposed seniors housing development would restrict any future development of the RSL Club.

Comment:

This is not related to the merits of the proposed development and therefore, is not relevant under Section 4.15 of the EP&A Act.

- **Privacy Impacts to Scout Hall and Public Open Space**

The submissions raised concerns that the residential components of the development would overlook the Scout Hall and public reserve to the west of the site, which would cause public safety concerns.

Comment:

The independent living units provide compliant ADG building separation from the Scout Hall and public reserve to the west of the site. This will ensure that adequate privacy and amenity is maintained to the Scout Hall and public reserve to the west of the site.

- **Construction Impacts**

The submissions raised concerns in relation to construction impacts associated with construction traffic, noise, structural impact and dust.

Comment:

Conditions of consent are recommended to mitigate construction impacts, specifically in relation to groundwater management, water management, structural damage to neighbouring buildings, dust management, construction traffic management and noise management.

- **Inadequate Car Parking and Traffic Impacts**

The submissions raised concerns that the development does not provide an appropriate quantum of off-street car parking and that the development will result in adverse traffic impacts that will affect the surrounding road network.

Comment:

As detailed within the sections of this report relating to Council's Traffic Engineering Referral, the Housing SEPP and Clause 4.6 of the WLEP 2011, the development provides a surplus of off-street car parking and the level of traffic generated by the development will not adversely impact upon the performance of the surrounding road network. Council's Traffic Engineer has recommended conditions to rationalise the parking allocation and layout within the basement levels.

- **Building Height and FSR Non-Compliances**

The submissions raised concerns in relation to the building height and FSR non-compliances.

Comment:

This matter is discussed in detail within the sections of this report relating to Clause 4.6 of the WLEP 2011. In summary, the assessment finds that the non-compliances are acceptable as they will not result in unacceptable impacts on the character of the area or adversely impact upon the amenity of surrounding properties. The applicant's written requests submitted pursuant to Clause 4.6 of the WLEP 2011 are well-founded and concurred with and therefore, the contravention of the development standards pertaining to building height and FSR can be supported pursuant to Clause 4.6 of the WLEP 2011.

- **Residential Amenity Impacts**

The submissions raised concerns that the development will result in adverse residential amenity impacts with regards to visual privacy, noise and solar access.

Comment:

The assessment of residential amenity impacts has been undertaken within the sections of this report relating to SEPP Housing, the Apartment Design Guide (ADG) and Clause 4.6 of the WLEP 2011. In summary, the assessment has concluded that the development will not result in adverse residential amenity impacts.

Excavation for Basement Levels

The submissions raised concerns in relation to the extent of excavation proposed for the basement level.

Comment:

This matter is assessed in detail within the sections of this report relating to the WaterNSW General Terms of Approval and Clauses 6.2 and 6.4 of the WLEP 2011. The assessment has concluded that the impacts associated with the earthworks can be appropriately managed and mitigated through the recommended conditions of consent.

Setbacks from R2 Zoned Land

The submissions raised concerns that the development does not provide suitable building setbacks from the R2 zoned land to the north of the site.

Comment:

The development provides a minimum 9m building setback from the R2 zoned land to the north of the site, which complies with the ADG.

Right of Carriageway for pedestrian access from 17 Forestville Avenue to Melwood Avenue

The submissions raised concerns that a pedestrian pathway through the site between 17 Forestville Avenue and Melwood Avenue has not been provided, contrary to Development Consent No. 000/5188 for the adjacent multi-dwelling housing development to the north of the site.

Comment:

A pedestrian link through between 17 Forestville Avenue and Melwood Avenue has been provided on the amended plans to enable pedestrian access to this adjacent property through the northern portion of the subject site as required by Development Consent No. 000/5188. This will be formalised via a recommended condition of consent requiring a right of carriageway in favour of 17 Forestville Avenue to be created.

Inadequate Space allocated to Family Areas and Children's Play Space

The submissions raised concerns that there is inadequate space within the RSL Club for family activities and children's play.

Comment:

The landscaped alfresco and children's play area on the southern side of the new RSL Club, which has outlooks towards the sporting fields, will provide suitable outdoor areas to meet the recreational needs of families, including those with young children.

Lack of Transparency between the RSL Club Board and Members & Inadequate Consultation between the RSL Club Board and Members

The submissions raised concerns that the RSL Club Board have not been transparent with the club members in relation to the costs and risks associated with the development. Additionally, the submissions have stated that the RSL Club have not provided appropriate consultation with the members in relation to the development.

Comment:

This is not a relevant matter for consideration under Section 4.15(1) of the EP&AA Act.

Inadequate Infrastructure to Service the Development

The submissions raised concerns that there is inadequate water, sewer, stormwater, road and transport infrastructure to service the development.

Comment:

This matter is assessed in detail within the section of this report relating to the Housing SEPP. In summary, the assessment finds that there is adequate infrastructure to service the development.

The concerns raised within the public submissions have been addressed above and throughout the body of the report. Suitable conditions of consent are recommended where appropriate to resolve the concerns raised within the community submissions.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p>NOT SUPPORTED, SUBSEQUENT AMENDMENTS RESOLVED DSAP RECOMMENDATIONS</p> <p>Strategic context, urban context: surrounding area character</p> <p><i>As noted in the introduction, there are many fundamental issues still present from previous scheme.</i></p> <p><i>The suggested development is located on a site that has been entirely utilised by the local RSL for an extended period, leaving minimal space for vegetation or deep soil landscaping. The current proposal continues this approach, is very defensive to the south and west and looks inwards not opening itself to the community. The legibility and accessibility of the access ways through the site are not good. The development represents a substantial intensification of use on the site. It is therefore important to ensure that a mutually-respectful relationship to surrounding development is achieved (in terms of building scale, landscape and visual amenity/privacy). The Panel is not convinced that this has been achieved.</i></p> <p><i>The redevelopment offers an opportunity to continue to provide social places for the community while delivering quality housing. This could be achieved with a better layout that enables community connections along with substantial planting initiatives, establishing green corridors with a variety of canopy trees that contribute to efforts against climate change while providing much needed habitat for local fauna.</i></p> <p>Recommendations</p> <ol style="list-style-type: none"> 1. Ensure required setbacks are achieved on all sides with lots of appropriate landscaping to enrich the residents' amenity and biodiversity. 2. Consider separation of the club and residential uses so the club occupies the south part of the site only while the residential can sit on the land to the north, opening up to the east, north and west. 3. Consider a smaller footprint for the club that extends over 2 stories, with more space to the north for a landscaped pathway and activity zones as noted below. 4. Consider 3 - 4 buildings for the residential area, stepping down to 2 storeys on all boundaries to better integrate with the neighbouring sites. 5. Include a landscaped pathway from Melwood Avenue to Forestville Avenue that will: <ol style="list-style-type: none"> a. Connect Melwood Avenue with the community buildings and parks to the west and Forestville Avenue. b. Separate the club and the residences, enabling clear entries and control of access to each area. c. Locate the activity zones for the residences off this path, providing easy access without conflict to the residents private areas 6. Open up views and access of the club to the southern fields by locating kiosk, external gaming and other access on the southern side of the building. <p>Assessment Officer Comment:</p> <p>The amended plans have satisfactorily addressed these recommendations as follows:</p> <ul style="list-style-type: none"> • The building separation and boundary setbacks have been amended to comply with the ADG and allow for the establishment of a suitable landscaped setting with planting around the curtilage of the buildings. • Separate means of pedestrian access have been provided for the RSL Club and the independent living units. • While the gaming machines have not been re-located on the southern side of the RSL Club, the applicant has advised that it is their preference to have the dining areas and outdoor alfresco lawn on the southern side of the building to provide an appropriate outlook into the sports fields. This justification is concurred with, as an outlook towards the sporting fields will provide more amenity when compared to an outlook towards the seniors housing buildings. • A pathway has been provided along the northern part of the site to provide pedestrian access to 17 Forestville Avenue. A condition is recommended to ensure that this is legally enforced via way of a right of carriageway that is registered with the NSW Land Registry. <p>Scale, built form and articulation</p> <p><i>The non-compliance with bulk, height, and FSR requires the scale, built form and articulation to be further reduced and improved. The incorporation of apartments over the club building leads to many conflicting issues of privacy and access.</i></p> <p><i>The greater heights of the club's rooms exacerbate the non-compliance of this building with heights and setbacks.</i></p>

Internal Referral Body	Comments
	<p><i>The internal arrangement and location of apartments are not well informed by the ADG, while some do not comply at all. Of particular concern is the several units whose main outlook is into an internal courtyard.</i></p> <p><i>The legibility of access is compounded by locating lifts deep within the carpark, club and residential areas with complex system of pathways linking them. While the current arrangement is a little clearer than before, there is still much room for improvement especially for seniors housing.</i></p> <p><u>Recommendations</u></p> <p>7. Consider removal of all residential apartments from the Club building and redesign as a more compact, well-articulated 2 storey high building that opens up to the public space to its east, south and west.</p> <p>8. As noted above, consider 3 - 4 buildings for the residential area, stepping down to 2 storeys on all boundaries to better integrate with the neighbouring sites.</p> <p>9. Ensure the scale, built form and articulation of the residential apartments are informed by ADG compliant approaches to amenity and privacy for the apartment spaces.</p> <p><u>Assessment Officer Comment:</u></p> <p>The amended plans have satisfactorily addressed these recommendations as follows:</p> <ul style="list-style-type: none"> While the residential components above the RSL Club have not been deleted, the applicant has demonstrated that the mixed use development will not give rise to adverse land use conflicts between the independent living units and the RSL Club. The height, bulk and scale of the mixed use building is also assessed as being acceptable, as it is located on the southern part of the site that does not have a direct interface with R2 zoned land or any residential development, and the height and bulk of the building is not significantly greater than the existing RSL Club on the site that is being demolished. This is discussed throughout the body of the report. Buildings 1 and 2 that have a direct interface with the R2 zone have been amended to provide a compliant 9m building separation from the northern boundaries which adjoin residential properties. The third storey elements of these buildings are also stepped in from the lower levels to minimise the visual impact of the third storey. It is noted that three-storey residential flat buildings are also permitted on the site as a result of the recent Low to Mid Rise Housing policy amendments under the Housing SEPP and therefore, the three-storey building scale is considered to be consistent with the desired future character of the area. The development complies with the objectives of the ADG, as detailed within the ADG compliance assessment table in the body of this report. <p>Access, vehicular movement and car parking</p> <p><i>While the combining of the carparking for the Club and residences has enabled the removal of one of the driveway crossings, the confusion and access issues that will arise are highly problematic.</i></p> <p><i>Additionally, the substantial hard paving for the drop off area in front of the club at the exclusion of the required landscaping needs to be reconsidered.</i></p> <p><i>As noted in the first section, the legibility, accessibility and safety of the pedestrian access throughout the site needs considerable improvement.</i></p> <p><i>There does not appear to be any facilities for the secure storage of E-bikes or other bikes, which could encourage and support usage by visitors to the club in the future.</i></p> <p><u>Recommendations</u></p> <p>10. Re-consider the overall site planning as noted in the first recommendation so that it is informed by strong and legible pedestrian access, with vehicles working around this.</p> <p>11. Re-consider the access to the basement carparks so that it is more central and does not require the residents to drive through the club basement.</p> <p>12. Consider redesigning the set down area for the club so it sits behind the landscaping in the set back from the street. Less parking spaces at this level could assist in reducing the hard paved area.</p> <p>13. Reduce the amount of carparking so only as much as is needed is included. Include secure bike parking facilities.</p> <p><u>Assessment Officer Comment:</u></p> <p>The amended plans have satisfactorily addressed these recommendations as follows:</p>

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	<ul style="list-style-type: none"> Adequate bicycle parking and EV charging points have been provided. Separate pedestrian access has been provided between the RSL Club and independent living units. The parking area within the front setback zone of the site has been reduced to provide a 6m deep soil landscaped setback in front of the driveway and at-grade car park. The basement access points have been amended to minimise traffic conflicts. The amendments are endorsed by Council's Traffic Engineer. While a surplus of car parking has been maintained, this will account for any overspill from the public car park to the south and west of the site during sporting matches on the sporting fields. Moreover, the surplus of car parking will ensure that available on-street car parking is not unreasonably constrained. <p>Landscape</p> <p><i>The landscape proposals indicate that the development is situated within a bushland environment that aims to enhance tree canopies and preserve landscape corridors. However, the suggested canopy landscaping consists mainly of a planting bed along the western boundary, a limited number of trees sparsely distributed around the remaining perimeter, and only a few small trees located in the front setback.</i></p> <p><i>There needs to be more emphasis on the natural environment and blending the built form into the bushland setting that is characteristic of the area.</i></p> <p><i>The proposal is an overdevelopment of the site and a scaled back proposal should be considered that provides adequate usage areas that are located away from residential units and are equally accessible by all of the residents.</i></p> <p><u>Recommendations</u></p> <p>14. Consideration should be given to canopy planting at different levels with trees that will attain a variety of heights to help with the visual intrusion of such a large development in an otherwise residential area.</p> <p>15. Multiple garden beds should be located around the entire perimeter to assist with visual and audible privacy between neighbouring properties and to begin to provide green corridors as suggested in the submitted landscape documentation.</p> <p>16. The service entry and drive along nearly the entire length of the southern boundary is excessive and the row of tree planting located on the Council verge should be located within the property.</p> <p>17. The basement car park intrudes into the required setback area of 6 metres and needs to be redesigned to lie outside this area to allow for proper root development for large tree planting.</p> <p>18. The proposed synthetic turf areas should be replaced with a rubber soft fall (made from recycled material) in a light colour to ensure does not become too hot in the summer sun.</p> <p>19. The child play area with soft fall is located directly adjacent to a 3-bedroom unit with views into the bedrooms and living rooms. This play area should be located within the RSL site adjacent to a passive observation area for parents.</p> <p>20. The community gardens are also located directly adjacent to a 3-bedroom unit with views into the bedrooms and living rooms. This area should be located in a Communal Open Space area where gatherings are encouraged.</p> <p>21. The entry area and dedicated carparking along Melwood Avenue is excessive and proposes far too much hardscape elements and should be reconsidered. This area presents a good opportunity to create a unique garden bed design that pays homage to those who have served Australia in the armed forces.</p> <p>22. A plan clearly showing the required setbacks on all sides along with the calculations of deep soil, landscaped area and communal open space should be provided by the Landscape consultant for assessment by Council.</p> <p>Assessment Officer Comment:</p> <p>The amended plans have satisfactorily addressed these recommendations as follows:</p> <ul style="list-style-type: none"> Additional building setbacks and deep soil landscaping have been provided to provide a suitable landscaped setting.

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	<ul style="list-style-type: none"> The parapet levels below the independent living units above the RSL Club will preclude direct sight lines down into the children's play area on the southern side of the RSL Club. The amended landscape plans have satisfied Council's Landscape Officer's requirements. <p>Amenity</p> <p><i>Refer to the Apartment Design Guide and the Seniors Housing Design Guide 2023 for guidance.</i></p> <p><i>The development does not comply with the building separation requirements entailed within the ADG, specifically the 12m internal separation requirements between the various buildings and the 9m separation requirement from the northern boundary. The non-compliances would result in unacceptable overlooking between apartments internally within the site and towards the adjoining low density residential development to the north of the site and may result in adverse acoustical privacy impacts.</i></p> <p><i>Additionally, the use of light wells as a primary source of natural ventilation is not permitted by the ADG and as a result the proposal's provision of naturally cross ventilated apartments is not accurate.</i></p> <p><i>On a site of this size, there does not seem to be any reasonable justification to vary the separation requirements (let alone any requirements) within the ADG.</i></p> <p><u>Recommendations</u></p> <p>23. Redesign to include required setbacks which include landscaping as noted above.</p> <p>24. Ensure all residences have private open space opening to the east, west and north boundaries and enabling:</p> <ol style="list-style-type: none"> More than 2 hours sunlight to the living areas in mid-winter. Natural ventilation sourced from open landscaped areas <p>25. Consider a variety of residence sizes and possibly smaller areas to increase the mix available and help address issues noted above.</p> <p>Assessment Officer Comment:</p> <p>The amended plans have satisfactorily addressed these recommendations as follows:</p> <ul style="list-style-type: none"> The development complies with the ADG requirements for cross ventilation, solar access and building separation. <p>Façade treatment/Aesthetics</p> <p><i>The proposal is simple and restrained and reasonably well-articulated. Similar principles should be engaged in the redesigned scheme.</i></p> <p><i>Care should be taken in the use of rendered surfaces and how these light-coloured materials will stand up to wear and tear over the years. Consider materials such as bricks which have greater durability.</i></p> <p><u>Recommendations</u></p> <p>26. Maintain a similar approach in redesign.</p> <p>27. Investigate suitability of materials for durability over time, and consider maintenance.</p> <p>Assessment Officer Comment:</p> <p>The amended plans have satisfactorily addressed these recommendations as follows:</p> <ul style="list-style-type: none"> Buildings 1 and 2 have been amended to incorporate external finishes that are compatible with the theme of the RSL Club. These materials are durable. <p>Sustainability</p> <p><i>With the regulatory environment changing now – for efficiency, electrification, zero emissions and mandatory disclosure – investments in these issues at this time will be worthwhile both for the club, future residents and the club's reputation and community standing. Additionally, residential accommodation for seniors, who generally spend more time at home, should be aiming for greater natural comfort for both health and cost of living reasons.</i></p> <p><i>As the grid is decarbonised the importance of embodied carbon is finally being realised in Australia. The SEPP for Sustainable Buildings and NABERS are both starting the journey of requiring calculations around this carbon that is realised up front at the beginning of projects. Targets to address this large amount will be set soon. While this is not required now, design excellence is never driven by what is required – it helps set the direction. Leading designers are now showcasing how to embrace this</i></p>

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	<p>positively.</p> <p>Please note that BASIX thermal performance standards that commenced on 1 October 2023 require an average 7 stars NatHERS, with no unit below 6 stars. This is consistent with the National Construction Code for 2022. It is noted that there are at least 7 apartments that do not achieve 6 stars NatHERS, and it is not clear what the average is.</p> <p>The Panel commends the all electric approach to the residential accommodation. It is unclear as to whether this will be implemented in the RSL Club as well. This is strongly recommended.</p> <p><u>Recommendations</u></p> <p>The following aspects of design and servicing can be easily and cost effectively considered for inclusion:</p> <ol style="list-style-type: none"> 1. Decarbonisation of energy supply <ul style="list-style-type: none"> • All services to both the RSL Club and residences should be electric – avoid gas for cooking, hot water and heating. For information on why this is so important for cooking, see https://cooksafecoalition.org/. • Efficient heat pump systems for providing electric hot water should be considered for both the RSL Club and residences. Ensure there is adequate space for their proper ventilation. • The storage of hot water can be considered a de facto battery if heated by PVs during the day. • On site battery storage has benefits for the grid and may be a highly desirable back-up during the transition to a de-carbonised grid • Unshaded roof space is a valuable resource for PV installations, sized to suit the demand and roof space. Their efficacy can be greatly enhanced when placed over a green roof, which has additional ecological benefits. 2. Provide EV charging points (Min 15 amp) to suit level 1 charging in carparking. 3. Passive design and thermal performance of building fabric <ul style="list-style-type: none"> • Ensure that all apartments achieve at least 6 stars NatHERS, with an overall average of 7 stars. This should be achieved by engaging in a fabric first approach to ensuring amount of energy required for heating and cooling can be kept to a minimum. This can be enhanced with appropriate orientation, smart built form, good insulation and sealing, well designed natural ventilation, external shading devices and appropriate planting. • Consider investing in higher than the minimum NatHERS and Section J requirements in preparation for the changing climate we are experiencing. • The inclusion of ceiling fans to all rooms will provide comfort with minimal energy while reducing the need and energy required for air-conditioning. 4. Water use minimisation <ul style="list-style-type: none"> • The 5,000 litre water tank to harvest rainwater from roofs seems inadequate for a site this size, even if it is only to be used for landscaping. Ideally this would be larger and connected to the toilets to maximise reuse. This will also reduce the size of tank required because the water will be used constantly. • All fixtures and appliances should be water efficient – more than the 3 stars indicated in the BASIX certificate. 5. Materials <ul style="list-style-type: none"> • A new area of NABERS and BASIX, consider the following approaches to reducing the embodied carbon of the project: <ul style="list-style-type: none"> o Retaining and reusing existing buildings and/or materials in the design. o Simplified structures and reduced spans to reduce the amount of steel reinforcement and concrete required o Keeping small and optimising the quantity and quality of space required o Dematerialising wherever possible (e.g. bare concrete floors, reduced tiling etc) o Designing for long life for the overall building and how to address different time frames for structure, envelope, services, fitouts etc. o Consideration of using biogenic materials such as timber for structure o Using low embodied carbon concrete, recycled steel and recycled materials wherever possible 6. Education <ul style="list-style-type: none"> • Public buildings like this are a great opportunity for providing information about the sustainability features of the building. Signage could be used to explain the history, materials reuse, water recycling, solar power and energy balance, natural ventilation etc. <p><u>Assessment Officer Comment:</u></p> <p>The amended plans have satisfactorily addressed these recommendations as follows:</p> <ul style="list-style-type: none"> • Appropriate EV charging points have been provided within the basement. • Buildings 1 and 2 have been amended to incorporate external finishes that tie in with the theme of the RSL Club. These materials are durable.

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	<ul style="list-style-type: none"> The NATHERs Certificate achieves an average 7 star rating across the development. The rainwater tank for rainwater harvesting has sufficient capacity and complies with the water sensitive urban design principles within Council's Water Management for Development Policy (WMDP).
Environmental Health (Acid Sulfate)	<p>SUPPORTED - NO RECOMMENDED CONDITIONS</p> <p>General Comments</p> <p>In consideration of the documentation provided with the proposal and Council records, the site is not located within a designated acid sulphate soils area.</p> <p>Accordingly, no further comments is required.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Environmental Health (Contaminated Lands)	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p>Original Comments</p> <p>The proposal documentation includes a Preliminary Site Investigation report by an environmental consultancy. The report outlines the site history and provides detailed information on site sampling and testing results.</p> <p>The report concludes that there is so remnant contamination on site, largely as the result of activities associated with the construction and use of the existing club.</p> <p>The report also states that the site can be made suitable for the proposed use, subject to the carrying out of a Detailed Site Investigation, and, if necessary, the preparation and implementation of a remediation action plan and standard remediation works.</p> <p>Until such time as a Detailed Site Investigation and any subsequent remediation action plan (if necessary) are put forward for consideration, the proposal is not supported as full information as to how identified contamination may be dealt with has not yet been provided.</p> <p>04/04/2025 - Updated Referral Comments</p> <p>The applicant has provided updated information in the form of a Detailed Site Investigation (DSI) and Remedial Action Plan (RAP).</p> <p>The DSI has identified area of contamination that will required remediation by the implementation of the RAP.</p> <p>Environmental Health supports the proposal and recommends a number of conditions of consent.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Environmental Health (Industrial)	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p>General Comments</p> <p>The proposal is accompanied by an acoustic report which seeks to address potential noise impacts for both internal and external receivers by providing a number mitigation recommendations by way of construction and building elements.</p> <p>Also included with the documentation is a Plan of Management which will assist in noise mitigation by implementation of a variety of procedures and strategies.</p> <p>Environmental Health supports the proposal and recommends appropriate conditions of consent.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Environmental Health (Food Premises, Skin Pen.)	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p>General Comments</p> <p>The proposal is seeking consent for the rebuilding of a registered club within which are proposed a number of food preparation/consumption areas such as café, restaurant and functions areas.</p>

Internal Referral Body	Comments
	<p>Environmental Health supports the proposal and recommends a number of consent conditions.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Landscape Officer	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p>The proposal is supported with regard to landscape issues.</p> <p>Additional Information Comment 10/06/25: The amended reports and plans are noted.</p> <p>The amended plans have mainly addressed the concerns raised in the original comments provided. These additional comments address any outstanding concerns.</p> <p><u>Club building comments</u> Eastern boundary interface:</p> <ul style="list-style-type: none"> • Encroachment into the road reserve is deferred to the relevant referral team. Drawing DA_A_1201 Southern Building Elevation shows a wall up to 2 metres high. • Should the driveway arrangement be approved as shown on the amended plans the existing street trees 30, 31 and 32 will require removal. The Landscape Plans show three replacement street trees which must be super advanced stock at installation. <p>Southern boundary interface:</p> <ul style="list-style-type: none"> • This interface has been improved. Planting shall be included along the entire southern boundary as previously outlined and this planting will be conditioned. Some cascading planting shall be included to soften the boundary retaining wall where greater than 1 metre in height. • The lawn in this area is questioned as it will become a maintenance issue being on the south side of the building particularly if used as 'kids play' and 'pickets alfresco lawn' opening out from the indoor lounge. <p><u>Residential buildings comments</u> Eastern boundary interface:</p> <ul style="list-style-type: none"> • One large tree has been shown on the Landscape Plans and as previously stated this area has sufficient deep soil to support more large tree planting, which will be conditioned. <p>Western boundary interface:</p> <ul style="list-style-type: none"> • The addition of shrub planting along this interface will be conditioned. <p>The prescribed trees proposed for removal are sufficiently offset with replacement tree planting as shown on the Landscape Plans. No concerns are raised with the removal of exempt trees (5, 6, 7, 8, 21, 22, 23, 24, 25, 26, 27 and 28) which may be managed or removed at the discretion of the applicant without consent.</p> <p>Original Comments: <i>Landscape referral cannot support the application in its current form due to the concerns outlined below. The comments have been broken down into general site comments, the club building, and the residential buildings (buildings 1, 2, and 3).</i></p> <p><u>General site comments</u> Compliant landscaped area and deep soil is deficient:</p> <ul style="list-style-type: none"> • Landscaped area and deep soil calculations (drawing DA_A_053) include areas of synthetic grass, softfall, a pickleball court, paving, decking, carpark, and decomposed granite which do not form part of the landscaped area or deep soil calculations, • A minimum dimension of 3 metres is not achieved for deep soil zones with the exception of deep soil along Melwood Avenue, • There is no indication on the plans of soil depth for planters on structure (in particular for the landscaped areas above the basement contributing to the landscaped area calculations). <p>Please refer to the definition of landscaped area under WLEP, and WDCP Part D1 Requirements 1.a)-d) for what can be included in the landscaped area calculations.</p> <p><u>Club building comments</u> Eastern boundary interface:</p> <ul style="list-style-type: none"> • No significant landscaped area is proposed in the front setback to Melwood Avenue. It is suggested the parking along the front boundary is removed and replaced with planting to help soften the bulk and scale of the development (a better outcome was proposed under PLM2022/0218). This larger landscaped area could be terraced which would reduce the visual impact of the proposed retaining wall along the Melwood Avenue boundary in this area (as shown on Eastern Building Elevation drawing DA_A200) and improve the streetscape aesthetic. It is suggested the OSD be relocated under road or at a depth that allows sufficient soil depth above for landscape,

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	<ul style="list-style-type: none"> Landscape referral raises concerns that the significant walls which extend into the road reserve, adjacent to the proposed driveways, impact the streetscape; however, comment is deferred to the relevant referral team regarding the walls impact to the functioning of the street and pedestrian pathways. Three street trees are proposed to be removed for the driveways which is not supported. Refer to the Arboricultural Impact Assessment for each trees significance and reconsider the alignment of the driveways. As a general rule street trees are not supported for removal if alternate design options are available. <p><u>Southern boundary interface:</u></p> <ul style="list-style-type: none"> No landscaped areas are proposed in the southern boundary setback which is not supported (a better outcome was proposed under PLM2022/0218), There is a nil basement setback to this boundary which impacts the ability to soften the southern elevation of the built form (retaining wall and building combined) with deep soil planting, The proposal relies on adjoining land to soften the bulk and scale of the development which is not supported and it is suggested that a vegetated buffer of at least 3 metres be provided along this boundary. Deep soil areas for this buffer should be explored. <p><u>Western boundary interface:</u></p> <ul style="list-style-type: none"> The landscaped areas proposed are insignificant and the planting does not soften the western elevation of the built form which appears as a large expanse of blank wall (as shown on Western Building Elevation drawing DA_A200). The basement setback does not allow for deep soil planting, The proposal relies on adjoining land to soften the bulk and scale of the development which is not supported and it is suggested that a vegetated buffer of at least 3 metres be provided along this boundary. Deep soil areas for this buffer should be explored. <p><u>Residential buildings comments</u></p> <p><u>Eastern boundary interface:</u></p> <ul style="list-style-type: none"> Landscape referral mainly supports this interface and setback to Melwood Avenue; however, the available deep soil should be utilised with the inclusion of some large native tree planting (13-18m height). <p><u>Northern boundary interface:</u></p> <ul style="list-style-type: none"> The programmed activity spaces diminish the ability to provide a sufficient vegetated buffer to the adjoining R2 zoned land. The available landscaped areas appear to be squeezed into leftover spaces. It is suggested a 3 metre wide deep soil/landscaped area be provided along the boundaries abutting R2 zoned land and shall be sufficiently planted with trees, shrubs and groundcovers. <p><u>Western boundary interface:</u></p> <ul style="list-style-type: none"> The programmed activity spaces diminish the ability to provide a sufficient vegetated buffer to the adjoining public land. It is suggested a 3 metre wide deep soil/landscaped area be provided along the boundaries abutting the public land and shall be sufficiently planted with trees, shrubs and groundcovers. <p><u>Assessment Planner Comment:</u></p> <p>The Landscape Officer has recommended two separate conditions for tree removal and retention within private property and the public road reserve. These two conditions have been consolidated into a single recommended condition of consent.</p>
NECC (Development Engineering)	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p>The proposal is for the two stage construction of Forestville RSL club and seniors living.</p> <p><u>Original Comments</u></p> <p><u>Stormwater</u></p> <p>The submitted stormwater plans proposes a new pit and pipe sytem to connect to the existing Council system adjacent to Cannons Parade. No level information has been provided for the proposed connection in Melwood Ave. The applicant is to provide a lonsection from the site to the existing Council system to demonstate fesibility of the connections and no conflict with existing services.</p> <p>The provision of OSD is acceptable in principle however it is noted that Council's Water Management team have requested amendments to the water quality system which may alter the stormwater design. Hence Development Engineering cannot finalise the assessment for the stormwater system until the water quality requirements are addressed.</p> <p><u>Access</u></p> <p>It is noted that Council's Traffic Team have requested amendments to the proposed accesses to the site and the internal parking arrangements. Development Engineering cannot finalise the assessment until the Traffic team's concerns are addressed.</p>

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	<p>The access for the site is proposed the via bus service connected to the bus stop in front of the site. Traffic team to assess if the service is sufficient to provide public transport access in both directions without residents needing to cross the road as there is no safe crossing point near the site. It unclear if the location of the bus stop conflicts with the proposed locations on the driveways.</p> <p>Additional Comments 26/6/2025 Amended plans have been reviewed. No objections to approval subject to conditions as recommended.</p>
NECC (Water Management)	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Northern Beaches Water Management for Development Policy (WMD Policy); and • Relevant LEP and DCP clauses <p>The proposed stormwater quality system includes a stormwater treatment chain with a 10KL rainwater tank, 29 filter cartridges and two filter baskets. The proposal is including a reduction of impervious area of 2,360m² compared to existing conditions that is promoting water infiltration.</p> <p>The proposal is conforming with the Table 5 – General Stormwater Quality Requirements with the Stormwater Water quality targets for pollution reduction in the post-development mean annual loads:</p> <ul style="list-style-type: none"> • Total Suspended Solids (TSS) 85% • Total Phosphorus (TP) 65% • Total Nitrogen (TP) 45% <p>The proposed treatment chain is satisfactory.</p>
Parks, reserves, beaches, foreshore	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p><u>Additional information Comment 16/06/25:</u> The amended reports and plans are noted.</p> <p>The boundary setbacks adjoining public land have been improved through additional planting which will help to soften the built form. The commentary by Landscape referral regarding additional planting along the southern boundary is supported. The basement layout has been amended to be wholly contained within the property boundaries. No further concerns are raised.</p> <p><u>Original Comment:</u> <i>Parks, Reserves and Foreshores raise the following concerns.</i></p> <p><i>It is noted that removal of the existing retaining wall and planting in public land is proposed near the southern boundary of the applicants site. Whilst this is not necessarily opposed, the interface along the southern boundary does not provide any planting within private land to soften the proposed built form and this is not supported. The Southern Building Elevation (drawing DA_A1201) is misleading as all vegetation shown on the drawing is within public land and no softening of the built form can be achieved within private land. WDCP Part E7 Requirements 9. "Development is to utilise landscaping or existing landscape elements to screen development". Parks is supportive of the comments by Landscape referral for a vegetated buffer to all boundaries abutting public land.</i></p> <p><i>The Basement Carpark B1/B2 drawing DA_A_1099 shows the basement wall in the south-west corner of the site encroaching into public land. All works should be contained within the legal boundaries.</i></p>
Property Management and Commercial	<p>SUPPORTED - NO RECOMMENDED CONDITIONS</p> <p>It appears that the proposed development will be constructed right up to the southern and western boundaries of the site which are directly adjacent to Council managed Crown Land. Therefore, Council's Parks & Recreation team and NSW DPHI - Crown Lands should provide any conditions in relation any proposed building directly on a boundary with the adjacent Crown Land.</p>
Traffic Engineer	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p>Referral comments 11/7/25</p> <p>The Applicant has provided further updated Architectural Plans Revision H, along with a response prepared by Traffix dated 3 July 2025. The Transport Network section has reviewed the proposal providing comments on the outstanding issues.</p> <p>Bus Zone Relocation and Infrastructure Works in the Public Road Reserve</p> <p>The existing bus stop outside the Club is located between the proposed central access driveway to the basement car park and the exit driveway to the at-grade car park. The bus stop and Bus Zone would</p>

Internal Referral Body	Comments
	<p>need to be permanently relocated either north of the central access driveway or between the entry and exit driveway to the at-grade car park. The relocation of the bus stop requires approval from Transport for NSW (TfNSW) and the new bus stop should be made DDA compliant with seating, and constructed in accordance with TfNSW Bus Stop wayfinding guidelines.</p> <p>The Melwood Avenue frontage of the development site forms part of the Safe Cycling Route Network under Council's Bike Plan. Austroad guidelines recommend a minimum shared path width between 2.5 and 3m. As the location is part of the District Route which links to the Regional Route on Warringah Road, a new 3m shared path should be constructed along the frontage of the development as part of the overall works.</p> <p>The proposed relocation of the Bus Zone and any changes to the existing parking restrictions would require reporting to the Local Traffic Committee and Council approval prior to the issue of the Construction Certificate.</p> <p>Bicycle Parking and End of Trip Facilities</p> <ul style="list-style-type: none"> A total of 18 bicycle parking spaces has been provided for Club patrons near the at-grade parking area. However, according to Part 7.6 of the NSW Planning Guidelines for Walking and Cycling; the visitor bicycle parking must be locked to high quality rails (High-Low Security Level - Class C). The Ground Floor plan shows two rows of 9 bicycle parking spaces with 4 rails in each row, and the end bicycles unsecured. At least one additional rail is required at the end of the row (total 9 rails) to provide for the 18 bicycle parking spaces. The Basement 1 plan shows a total of 26 bicycle spaces for residents in the secure bike parking area, but only 5 rails in one row and 6 rails in the second row. All resident bicycle parking must be stored in individual lockers or locked rails within a secure room/enclosure (High-Medium Security Level - Class B). One additional rail is required for each of the rows (total 13 rails) to provide for the 26 bicycle parking spaces in the secure area. This could be just an oversight or a drawing error. The end of trip facilities are situated in the north-western corner of the Basement 2 car park. This means that the facilities for Club staff will not be available until completion of Stage 2. The location is still acceptable as the facilities provided are greater than expected and include bathroom/change areas and clothes lockers. <p>Motorcycle Parking</p> <p>Motorcycle parking spaces should be 2.5m long and 1.2m wide, however the motorcycle parking provided in both the B1 Seniors car park and B2 Club car park are 5.4m long. The additional length is not required and does not pose a problem when located parallel and adjacent to the parking space, but the 3 motorcycle parking spaces in the Seniors car park can obstruct pedestrian and wheelchair access. These spaces should be remarked 2.5m long from the wall so that patrons parking in the area can directly access the lobby and lifts by passing through the Shared Area between the Accessible parking spaces.</p> <p>Resident Parking</p> <p>With respect to resident parking, the amended plans do not follow all of the recommended locations previously provided for visitor and accessible parking, however a proposal could be supported subject to some amendments which can be accommodated within the car park. These changes will result in a total of 85 parking spaces in the B1 Seniors carpark, including 62 resident (3.2 x 5.4m wide), 12 resident accessible (AS2890.6), 11 visitor spaces (including 1 accessible). This will result in one additional resident parking space compared to that mentioned in the amended Traffix report. A marked sketch plan has been provided showing the required changes.</p> <p>The current numbering of the parking spaces within the Seniors car park is generally very confusing with numerous errors, and should be reviewed and updated following the required changes to the car park layout and parking allocation.</p> <p>The resident visitor parking must be accessible at all times. As the parking spaces are located in the B1 seniors car park behind a security door, the entry point must include an intercom to enable visitor access.</p> <p>The Architectural Plans Drawing Nos DA-A-099 and DA-A-100, should be updated to address the abovementioned requirements and submitted to Council for review prior to the issue of a Construction Certificate.</p> <p>The amended proposal would therefore be supported subject to the recommended Conditions.</p> <p>Referral comments 18/6/25</p> <p>The amended proposal is for demolition works and construction of a registered club and Seniors</p>

Internal Referral Body	Comments
	<p>Housing development containing a total of 52 Independent Living Units (ILUs), to be constructed in two stages.</p> <p>Stage 1 Construction of a three-level basement carpark Construction of a registered club with a 3,539m² GFA (decrease of 210m² of GFA) Construction of a new 16 Independent Living Units (ILUs) above the club building Car parking to accommodate: <ul style="list-style-type: none"> • 29 ILU Resident spaces; • 9 ILU visitor spaces (including 3 on ground floor); and • 125 club spaces. </p> <p>Stage 2 Demolition of existing registered club on site. Construction of 36 Independent Living Units (ILUs) and ancillary uses. Construction of a remainder of a two-level basement car park. Car parking to accommodate: <ul style="list-style-type: none"> • 45 ILU Resident spaces; • 3 ILU visitor spaces; and • 78 club spaces. </p> <p>The development proposes a total of 289 car parking spaces comprising 74 resident spaces with 12 visitor spaces, and 203 club parking spaces. An amended Traffic and Impact Assessment (TIA) has been prepared by Traffix dated May 2025 Reference: 24.186r01v06 along with updated Architectural Plans.</p> <p>Access and Porte Cochere</p> <p>The changes to provide a central access driveway for the Club and senior basement car park levels is supported. The separate access for trucks and waste collection servicing the Basement 1 Loading Dock is also supported. However, the southern access driveway would need to be widened considerably to enable a MRV/HGVs to turn left out of the driveway without crossing onto the opposite side of the road into oncoming traffic. It is also noted that the access driveway to the loading dock and servicing areas will also be used by residents and club patrons to access the Stage 1 car parking area until the completion of Stage 2. It is therefore recommended that a "No Left Turn Vehicles Over 6m" restriction be imposed to ban the left turn movement for longer vehicles exiting the driveway.</p> <p>The Club entry and Porte Cochere access is via a separate entry driveway at the southern end of the site with exit driveway in a clockwise direction. The at-grade car park makes provisions for two courier/delivery parking spaces and one ambulance bay. The proximity of the access driveway to the basement loading dock and exit driveway for the Porte Cochere creates a wide crossing point along the footpath for pedestrians. The separation between the driveways should be increased to a minimum 3m to provide sufficient refuge for pedestrians.</p> <p>Traffic Generation</p> <p>The TIA indicates that the existing Forestville RSL Club with 3,749m² GFA has a peak traffic generation of 175 vehicle trips per hour during the evening peak period. The construction of the new Club has a of 3,539m² which would does not generate additional traffic based on the GFA. The net impacts of the development would therefore be due to the increase in future traffic generation from the proposed seniors housing component, which has been assessed in accordance with Roads and Maritime Services (RMS) 'Guide to Traffic Generating Developments 2002' and the updated traffic generation rates in the Technical Direction (TDT 2013/04a) document. The proposed 52 ILUs generates 5 vehicle trips during the am peak hours and 11 vehicle trips during the pm peak. The SIDRA analysis shows that the affected intersections in the area currently operate at a Level of Service (LoS) A (good) or B (good with acceptable delays and spare capacity) and will remain at the same LoS. And therefore does not result in significant impacts to the existing road network.</p> <p>Club parking</p> <p>The TIA states that the development requires 113 Club parking spaces based on the average demand from similar registered clubs, 1 space per 31 31.57m² GFA (3.17 spaces per 100m² GFA). The development however proposes a total of 203 spaces for Club patrons and staff, which provides a surplus of 90 spaces. The TIA indicates that the additional car parking is required to cater for future car parking demand as well as during peak times throughout the year; including Saturdays when the Forest Rugby Club has home games, special events with use of the function rooms, and public holidays including ANZAC Day. Additional parking is considered reasonable as it reduces demand on on-street parking and parking areas provided for other facilities. Any surplus in Club parking spaces however would only be supported subject to measures to include more sustainable modes of transport by providing the specified electric vehicle charging, motorcycle parking, and bicycle parking with end of trip facilities.</p>

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	<p>Resident Parking</p> <p>The proposed Seniors Housing portion of the development contains a total of 52 Independent Living Units (ILUs), comprising (27 x 2-bedroom and 25 x 3-bedroom units), which requires 65 resident spaces under the SEPP Housing 2021, and 70 spaces under Council's WDCP 2011. A total of 11 resident visitor spaces is also required, when applying the DCP rate of 1 visitor space per 5 units or part of dwellings.</p> <p>The Traffic and Impact Assessment (TIA) states that the development proposes a total of 86 car park spaces, comprising 74 spaces for residents and 12 spaces for visitors. The proposal exceeds the minimum SEPP and WDCP car parking requirements in terms of number of spaces. with the majority of the 3-bedroom units provided with two spaces. However, the resident and visitor parking spaces do not meet the design requirements of the SEPP.</p> <p>Schedule 4, Part 1 Clause 4 (2)(c) of the SEPP refers to the Car Parking standards for independent living units (ILUs) for a group of 8 or more parking spaces -</p> <p>Schedule 4, Part 1 Clause 4 (2)(c) of the SEPP refers to the Car Parking standards for independent living units (ILUs) for a group of 8 or more parking spaces -</p> <p>(i) at least 15% of the parking spaces must comply with AS/NZS 2890.6.</p> <p>(ii) at least 50% of the parking spaces must –</p> <p>(A) comply with AS/NZS 2890.6,</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.</p> <p>The Architectural Plans show that all resident parking spaces are 3.2m wide and 5.4 long. Although this complies with the second part of the Clause, the first part is not met. If the development proposes 74 resident parking spaces, then 11 resident spaces must be designed to comply with AS/NZS 2890.6.</p> <p>Furthermore, the SEPP requires that at least 5% of any visitor parking spaces must comply with AS/NZS 2890.6. If the development proposes 12 visitor spaces, then 1 space must be designed to comply with AS/NZS 2890.6.</p> <p>There are discrepancies between the TIA, Accessibility Design Review and the amended Architectural Plans. The Site Analysis – Car Parking plan indicates that a total of 12 visitor spaces are to be provided. Stage 1 is to include 3 Ground Floor spaces and 6 Basement 1 spaces, while Stage 2 will provide 3 Basement 1 spaces. The Architectural Plans however do not show any Visitor parking spaces in Stage 2. The Basement 1 plan currently shows 6 Visitor accessible parking spaces (with Shared Area) and a single space (2.4m wide x 5.4m long) adjacent to the ramp which leads to the Club parking on Basement 2. This is still 2 spaces short of the proposed 9 spaces in the Basement 1 seniors car park. It is expected that one of these spaces can only be installed in Stage 2 after construction of the central access driveway, as the area occupied by the parking space will act as part of the circulation roadway to provide access to the Basement 1 car park during Stage 1. Furthermore, the Ground Floor plan shows two delivery/courier spaces and ambulance parking in the at-grade car park as part of the proposed resident visitor parking spaces. These spaces should be considered as part of Club parking requirements rather than reducing the visitor parking for the seniors development. The required 11 visitor spaces for residents should therefore be provided wholly within the Basement 1 car park.</p> <p>The location of the visitor and accessible parking spaces is important as the development is constructed in two stages with ILU's provided in each of the four buildings. The visitor parking should be provided in close proximity of each other so that visitors can easily locate the designated parking areas. The resident visitor spaces should therefore be situated at the western end of the Basement 1 car park, which provides convenient access to the lifts for the Club Building and Building 3 once the central access driveway is completed in Stage 2. All accessible spaces (AS/NZS 2890.6) should also be distributed throughout the car park close to the lifts of each of the buildings to improve access for residents.</p> <p>The following locations are recommended to provide for the seniors accessible parking allocation and visitor parking.</p> <p>Stage 1 – Visitor Parking</p> <ul style="list-style-type: none"> • Resident No.10 converted to Resident Accessible, by providing adjacent Shared Area for the Club Building. • Resident No.1-3 converted to provide four Visitor parking (2.5m wide) for Club Building, includes adjustments to parking module. • Resident No.4 and 5 reallocated to Visitor parking for Club Building. • Resident No.6 and 7 reallocated to Visitor parking (2.5m wide) for Club Building, includes adjustments to parking module. <p>Stage 1 - Accessible Parking</p> <ul style="list-style-type: none"> • Resident No.8 and 9 converted to provide two Resident Accessible spaces (with Shared Area) for the Club Building, includes widening and adjustments to parking module. • Visitor Accessible No.5 and 6 reallocated to Resident Accessible (with Shared Area) for the Club Building <p>Stage 2 – Visitor Parking</p>

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	<p>• Resident No. 14 and 15 converted to provide three Visitor parking (2.5m wide), includes widening to parking module.</p> <p>Stage 2 - Accessible Parking</p> <ul style="list-style-type: none"> • Resident No. 12 and 13 converted to provide two Resident Accessible (with Shared Area) for Building 3 • Resident No. 24, 25, 26 and 27 converted to provide four Resident Accessible (with Shared Area) for Building 1, includes widening and adjustments to parking module. • Resident No. 32 and 33 converted to provide two Resident Accessible (with Shared Area) for Building 2, includes widening (reduce width of Gym area by 0.3m). creation of one additional Resident parking space and adjustments to parking module. • Resident No. 32 and 33 converted to provide two Resident Accessible (with Shared Area) for Building 2. Includes widening and adjustments to parking module by reducing width of Gym area by 0.3m, to create two additional Resident parking spaces at the northern end. <p>The above parking allocation would comply with the SEPP Housing 2011 for seniors ILUs, by providing a total of 72 resident parking spaces; comprising 60 spaces (3.2m wide x 5.4m long) and 12 accessible parking spaces (AS/NZS 2890.6), and 11 visitor parking spaces including one accessible space (AS/NZS 2890.6).</p> <p>Bicycle Parking and End of Trip Facilities</p> <p>Part C3(A) of the WDCP 2011 specifies bicycle parking and end of trip facilities requirements. Part 7.6 of the NSW Planning Guidelines for Walking and Cycling provides further particulars on bicycle storage. The WDCP applies the rate of 1 bicycle parking space per 2 ILUs, and 1 visitor per 12 ILUs for seniors housing. The proposal provides 36 bicycle parking spaces for residents and 7 spaces for visitors, with secure areas each containing 18 bicycle parking spaces located in the Basement 1 car park in Stage 1, and the Basement 2 car park in Stage 2. The bicycle parking spaces satisfies the minimum WDCP requirements of 26 bicycle parking spaces for residents and 5 spaces for visitors.</p> <p>The bicycle parking area provided in the south-east corner of the Basement 1 car park show a 1m aisle width between bicycle parking rows, however AS2890.3 Parking Facilities - Bicycle Parking requires a minimum 1.5m aisle width. The dimensions of the proposed secure bike parking enclosure is approximately 5m long and 7.2m wide. To provide the required 26 bicycle parking spaces, the enclosure should be increased to 5.4m long to accommodate one row of 14 bicycle parking spaces along the southern wall and one rows of 12 bicycle parking spaces separated by a 1.5m aisle. The double-door opening to the enclosure would also need to be reduced to a single door.</p> <p>Changes to the car park layout would also be required to accommodate the modified bicycle parking area. The spacing between Resident No. 18 and 19 is more than 2m and can be reduced to enable the increased size of the bicycle parking enclosure and a path between Resident No. 20 and 21 spaces connecting to the Club lobby. Bicycle racks for six Visitor spaces could also be provided perpendicular to the southern wall.</p> <p>The TIA states that any club bicycle parking requirements could readily be provided within the site based on future needs. The WDCP requires that bicycle parking facilities be provided for new buildings and for alterations and additions to existing buildings. Although no specific rates are provided for registered clubs, some bicycle parking should be provided for the staff of the new building and a rate of 1 per 200m² GFA (High-Medium Security Level) used business and retail premises is considered appropriate. A rate of 1 per 200m² GFA (High-Low Security Level) could also be applied for club patrons. The development should therefore provide at least 18 staff spaces (3,539m² / 200m²) Class B and 18 visitor spaces Class C, for club patrons. End of trip facilities must also be provided for the new building, including bathroom/change areas and clothes lockers (900mm height x 350mm width x 500mm depth).</p> <p>The staff bicycle parking (High-Medium Security Level - Class C), must be stored in individual lockers or locked rails within a secure room/enclosure. It appears that a secure enclosure providing at least two rows of 10 bicycle parking spaces including end of trip facilities could be located in the south-west corner of the Basement 2 car park, with the removal of 4 car park spaces (No. 23, 24, 25 and 26). The bicycle parking area located in the Basement 2 car park in Stage 2 is therefore no longer required and can be converted to provide two staff Club parking spaces (2.5m wide x 5.4m long).</p> <p>The Club visitor bicycle parking should be located for convenient access near the club entry. The Ground Floor plan shows 6 bicycle parking spaces located adjacent to the courier/delivery parking area. A total of 18 bicycle parking spaces could be provided by providing two rows of 9 bicycle parking spaces separated by a 1.5m aisle.</p> <p>Motorcycle Parking and Electric Vehicle Charging</p> <p>Some motorcycle parking and publicly available electric vehicle charging points should be provided to encourage more sustainable modes of transport. A minimum of 2 charging points should be provided in the visitor spaces of the seniors car park, as well as provisions in the Club car park.</p>

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	<p>Three motorcycle parking spaces (2.5m long and 1.2m wide) can be provided in the Basement 1 car park between the Seniors lobby and the Resident No.5 accessible space. There are also many opportunities within the Club car park where marked motorcycle parking bays can be provided which do not affect vehicle or pedestrian access.</p> <p>The amended proposal is not acceptable in its current form, as it does not comply with the SEPP Housing 2021 car parking requirements for ILUs. The proposed parking does not provide sufficient number of resident accessible parking spaces in accordance with AS/NZS 2890.6. The car park layout also does not facilitate convenient access for visitors or residents, with the current location of the designated parking spaces and bicycle parking facilities. The proposal aims to provide surplus parking for the Club to accommodate future demand but does not cater for more sustainable modes of transport by providing adequate bicycle parking with end of trip facilities required by the WDCP. The development should also make provisions for electric vehicle charging and motorcycle parking spaces. Although the separate access driveways for the Loading Dock and at-grade car park is supported, the separation between the driveways should be increased to a minimum 3m to provide sufficient refuge for pedestrians. The overall proposal could however be supported subject to consideration of the recommended changes with updated amended plans.</p> <p>Referral comments 16/01/25</p> <p>Stage 1</p> <p>Construction of a split five-level basement carpark</p> <p>Construction of a registered club with a 2,948m² GFA (decrease of 799m² of GFA)</p> <p>Construction of a new 16 Independent Living Units (ILUs) above the club building</p> <p>Stage 2</p> <p>Demolition of existing registered club on site.</p> <p>Construction of 39 Independent Living Units (ILUs) and ancillary uses.</p> <p>Construction of a remainder of a one level basement car park.</p> <p>Access</p> <p>Vehicular access to the development is provided at the southern end of the site. The location of the access driveways is situated in close proximity to the access driveway to the Council car park for the Forestville War Memorial Playing Fields. The location of two combined entry/exit driveways to large car park facilities each providing approximately 200 car park spaces is not supported. A central access driveway for the basement car parks should instead be located between the Club building and the three buildings for the Senior Housing development. This location is approximately midway between the access driveway to the Council car park and Bushland Avenue/Melwood Avenue intersection, providing good traffic sight distance and separation turning movements for vehicles entering and exiting onto Melwood Avenue. This arrangement was also recommended by the Design + Sustainability Advisory Panel (DSAP) at the meeting held on 28th November 2024. The DSAP also did not support the previous proposal as it required the residents to drive through the Club basement. The Transport Network team has greater concerns regarding club patrons driving through the private resident car park to access the Club parking spaces. Parking for residents should be separated by security shutters so that parking areas cannot be accessed by the public. The provision of a central access driveway would however address both the DSAP and Transport Network concerns if separate basement car park were provided for each user group.</p> <p>Loading Area and Porte Cochere Access</p> <p>A proposed 4.2m wide entry only driveway and 6.2m wide egress only driveway is provided for access to the loading dock, at grade drop off and parking area which have been designed to accommodate the largest service vehicle required to access the subject site being an 8.8m MRV. The 4.1m access ramp to the basement loading dock does not provide sufficient width for trucks to pass. The TIA notes that an Operational Management Plan (OMP) for the club will consider loading dock management, however a traffic signal system must be provided to manage the movement of trucks entering and entering the loading area. The TIA has provided swept paths for a 8.8m medium rigid vehicles (MRV). Waste Services have advised waste trucks are heavy rigid vehicles and typically 10.5m long, 2.5m wide, service height 4.5m, travel height 3.7m, and the loading dock should be designed to cater for the largest vehicle type. Consideration and provisions should also be made with respect to how goods and services will be provided to cater for the residents of the senior housing. A Loading Bay (minimum</p>

Internal Referral Body	Comments
	<p>Small Rigid Vehicle access) should be provided for servicing, removalists and bulky goods deliveries.</p> <p>It is preferable to provide separate accesses to loading facilities and car park areas. The access driveway to the loading dock should provide two-way access for safe and convenient access to/from Melwood Avenue. The recommended relocation of the main access to the centre of the site will enable the driveway to be widened accordingly. The current egress driveway can therefore be reduced in width and changed to entry only for the Porte Cochere access and at-grade car park which includes an Ambulance Bay. The TIA provides swept paths for an ambulance reversing into the bay and entering in a forward direction. The Architectural Plans shows a kerbed landscaped area at the back of the Ambulance Bay which should be removed as it obstructs the rear loading of the ambulance.</p> <p>Parking The existing club has a gross floor area (GFA) of 3749m², providing 86 car park spaces. This equates to a car parking demand of 2.4 spaces per 100m² GFA (1 space per 41.6m² GFA). A parking occupancy survey was conducted between 6:00pm and 10:00pm on Friday the 2nd of August 2024 and between 6:00pm and 10:00pm Saturday the 3rd of August 2024; to assess the travel patterns and parking demands for the Club. The peak period was on Friday between 6:00-7:00pm, where the car park was at full capacity, with the survey indicating that the club peak demand would result in 90 vehicle parking spaces. The Club advised that a special event was held at this time resulting in the high parking demand. The proposed club has a gross floor area (GFA) of 2948m², proposing 99 car park spaces. The GFA for the proposed club is more than 20% less than the existing club, however an additional 13 spaces have been provided for the club. The number of club parking spaces provided seems excessive considering the reduction in GFA.</p> <p>The proposed Seniors Housing portion of the development contains a total of 55 Independent Living Units (ILUs), comprising (27 x 2-bedroom and 28 x 3-bedroom units), which requires 69 resident spaces under the SEPP. A total of 11 resident visitor spaces is required, when applying the DCP rate of 1 visitor space per 5 units or part of dwellings. The Traffic and Impact Assessment (TIA) incorrectly states that the development proposes a total of 99 car park spaces, comprising 90 spaces for residents and 9 spaces for visitors. The Architectural Plans however shows 84 spaces for residents and 15 visitor spaces. The proposal therefore provides an excess of 15 resident parking spaces and 4 visitor spaces. The Architectural Plans show that all resident parking spaces are 3.2m wide and 5.4 long. No resident parking spaces have been designed in accordance with AS/NZS 2890.6. Part 1 of Schedule 4 of the SEPP specifies for a group of 8 or more parking spaces, at least 15% of the parking spaces must comply with AS/NZS 2890.6. If the development proposes 84 resident parking spaces, then 13 spaces must be designed to comply with AS/NZS 2890.6.</p> <p>The Traffic and Impact Assessment (TIA) states that the Council DCP does not specify any bicycle or motorcycle requirements for registered club and seniors living. This is not entirely correct as Part C3(A) of the WDCP specifies the minimum bicycle parking requirements for Seniors Housing. Some motorcycle and bicycle parking should also be provided for the Club to encourage more sustainable modes of transport, as well as the provision of publicly available electric vehicle charging points.</p> <p>Assessment Officer Comment: The recommended conditions that require amendments to the allocation of parking within the basement and the separation of the driveways has been incorporated into a single condition.</p>
Waste Officer	<p>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</p> <p>Additional Comments - 26 June 2025</p> <p>Doors to bin rooms and chute rooms must open outwards.</p> <p>Chute rooms to include sufficient area to accommodate 2 240L recycling bins (or adjacent to chute room) on all floors.</p> <p>Collection to occur from internal loading dock. Bin holding room (to be closest as serviced every week) and bulky storage room to be within 6.5m of loading dock. (Collection day Thursday) Loading bay to be reserved for waste collection vehicle on collection day.</p> <p>Clearance to be for 10.5m long, 4.5m height HRV. Vehicles will enter and exit in a forward direction.</p> <p>The following are required for collection vehicle access:</p> <ul style="list-style-type: none"> • Unimpeded minimum vertical clearance of 4.5m throughout the entire onsite approach, including clearances of all ducts, pipes and other services. • A minimum driveway width of 3.6m • A minimum turning circle radius as per vehicle dimensions provided or provision for changing the facing direction of a waste or recycling collection vehicle in a 3 point turn. • The grades of entry and exit ramps must not exceed the capabilities of the waste collection vehicle compliant with AS2890.2 Parking Facilities: Off Street Commercial Vehicles • A swept path analysis must be provided demonstrating that paths of vehicles travelling a forward direction when negotiating access driveways and circulation roadways can be accommodated within the proposed development.

Internal Referral Body	Comments
	<ul style="list-style-type: none"> Where council staff, collection staff or a collection vehicle enters a site, a Positive Covenant (Appendix E) will be required to be entered into with Council giving power and authority to Council collectors to enter the site for the purpose of waste services. <p>3 June 2025 Bin storage room doors must open outwards and be able to be locked in an open position. A separate residential bulky goods store room is required. It cannot be part of the bin storage room. For street level presentation, doors of minimum 1.2m width will need to open outwards and be close to the kerbside.</p> <p>For kerbside wheel out/wheel in collection Councils waste vehicle (typically 10.5m long, 2.5m wide, service height is 4.5m, travel height is 3.7m, weight 22.5T) will need a dedicated loading zone adjacent to the pathway to the bin storage area on collection day.</p> <p>The chute rooms in Building 1 and 2 on Levels 1 and 2 and similarly, in the RSL building need to have a dedicated room adjacent or sufficient area within for recycling bins to be sited. These will be managed by the building manager onsite and moved to the bin storage area as necessary.</p> <p>26 May 2025 - Request access to updated Waste Management Plan from MRA</p> <p>Unsupported-The proposal is unacceptable</p> <p>Specifically:</p> <p><u>Residential Waste Storage design, access and location</u></p> <p>As this is a multi occupancy proposal, Council provides a "wheel out/wheel in" service for the residential bins. The site management/building manager or occupants are not required or instructed to place the bins at the kerb side for council collection.</p> <p>Residential waste bins will be collected from within the properties designated 'Seniors bin holding room' with the council's waste truck parked on Melwood Avenue.</p> <p>The pathway and access between the residential bin storage holding rooms and the property boundary must be a maximum distance of 6.5m</p> <p>Service access for Council waste collection staff must be via a pathway that is separate to any vehicular driveway. The bi-directional Seniors access driveway being right next to the Seniors holding bin storage room requires amending so that council waste staff are safe to park on Melwood Avenue and access to the bin room without moving vehicles compromising safety to staff while undertaking this task, a wider access path is required.</p> <p>Service access pathway is to have a flat, smooth non-slip surface with a maximum gradient of 1 in 8 and contain no steps.</p> <p>Service pathway is to be a minimum of 1200m wide. On the submitted plans this access path is only 1m wide, this needs adjustment.</p> <p>The submitted waste management plan dated 18th September 2024 states- the use of 1,100L and 660L general waste bins to be utilised under the waste chutes for general waste, Council does not supply or support the use of these larger bins.</p> <p>The use of 240L recycle bins placed in the dedicated bin storage cupboards next to the waste chutes on each floor is supported. The use of the waste chutes for all general waste with a 240L red lid bin is supported if it can be demonstrated that adequate swapping of full bins and placing an empty bin under the chute is assured for ongoing use and supply and storage of bins in these chute storage rooms is adequate.</p> <p>Council will supply the following bins for 55 x residential units-</p> <p>19 x 240L red lid general waste bins 13 x 240L Blue lid recycle bins 11 x 240L yellow lid recycle bins 2 x 240L green lid vegetation bins Plus 5 x 240L extra red lid general waste bins to place under each of the 5 x waste chutes, the management of changing bins under the chutes when the previous bin is full will be up to the building manager/site management to facilitate and action.</p> <p>Total bins = 50 x 240L bins.</p> <p>The Seniors bin holding room on the waste management plan measures 42m², this is not adequate to hold all 45 x bins in the one place awaiting one day a week servicing.</p> <p>The dimensions for each bin are: Depth 750mm, width 600mm, height 1080mm</p> <p>A Seniors bin holding room able to accommodate all 45 x bins is required, it must be designed so that</p>

Internal Referral Body	Comments
	<p>any aisles are a minimum of 1m wide between each row of bins or between a single row of bins and a wall.</p> <p>The bin storage room must have a minimum ceiling height of 2.1m.</p> <p><u>Residential Bulky Goods Room</u></p> <p>On the submitted waste management plan dated 18th September 2024 states - Bulky waste will be stored within the RSL dock area during periods of scheduled council collection. Residents may be assisted by site management or carers to transport bulky waste from their units to the RSL Club bin area as this will have ample space to cater for the temporary storage of bulk items for collection.</p> <p>This is unacceptable, a dedicated residential bulky goods store room must be reflected on the plans within the residential complex, away from the commercial loading dock as having residents moving and placing bulky goods in a busy commercial loading dock is unsafe and not suitable, a street level presentation area will also need to be provided.</p> <p>The bulky goods storage room must be provided according to the following-</p> <p>Have a volume of 4 cubic metres per 10 units or part thereof.</p> <p>Be a suitable shape-square or rectangular.</p> <p>Have a floor area that allows for materials to be stacked to a maximum height of 2 metres.</p> <p>For 55 units a bulky goods room of 22 cubic metres is required.</p> <p>A floor area of 11m squared is required or if two rooms are built, then this square meterage can be dispersed over those two rooms.</p> <p>A street level presentation area must have a floor area of 11 square metres.</p> <p><u>Commercial Waste</u></p> <p>As per the Waste Management Plan dated 18th September 2024 - Commercial waste collection will be completed by a private waste contractor. Waste collection vehicles will access the site directly to the RSL Club loading area, accessed by a driveway at the south-eastern corner of the site. The Traffic Impact Assessment (TIA) prepared by Traffix indicates an MRV class vehicle can ingress and egress the site in a forward-facing direction, utilising the RSL loading area to perform a turning manoeuvre.</p> <p>Waste trucks are heavy rigid vehicles not medium rigid and typically 10.5m long, 2.5m wide, service height is 4.5m, travel height is 3.7m, weight is 22.5T and a turning circle required of 19m.</p> <p>A further swept path analysis is required for a heavy rigid truck to ensure a waste vehicle can enter the basement level 3 loading dock and perform waste collection duties.</p> <p>All commercial waste is to be collected from within the property. Bins are not to be placed at the kerb side for collection.</p> <p>The Commercial Waste storage room shown on plans in the commercial loading dock is suitable, it must not be accessible to the residents so that commercial and residential waste is kept separated to ensure no cross contamination occurs.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><i>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</i></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>
NSW Police - Licensing (Clubs, Hotels, Pubs)	<p><i>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS</i></p> <p>After reviewing DA2024/1303 application, police do not object to the changes for FORESTVILLE RSL CLUB LTD.</p> <p>Police recommend that once works are completed, a new liquor plan of management will be required.</p> <p>Police request the below conditions for public safety.</p>
Nominated Integrated Development - WaterNSW - Water Management Act 2000, s90(2) - Water management works approval to construct and use a specified water supply/drainage/flood work at a specified location	<p><i>SUPPORTED - SUBJECT TO RECOMMENDED CONDITIONS WITHIN THE GENERAL TERMS OF APPROVAL</i></p> <p>WaterNSW have assessed the application in accordance with Division 4.8 of the EP&A Act and the <i>Water Management Act 2000</i> (WMA). WaterNSW have provided General Terms of Approval (GTA). The GTA form part of the recommended consent.</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)

Housing and Productivity Contribution

Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Residential strata subdivision	\$10,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$10,000	new non-strata dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

Comment:

The subject site is located within the Greater Sydney Region and therefore, this scheme is applicable.

The existing RSL Club that is proposed for demolition has a gross floor area of 3,747sqm. The proposed RSL Club (excluding the residential components of the building) has a gross floor area of 2,831sqm. Therefore, as there is a reduction in commercial gross floor area on the site, no commercial gross floor area contributions will be levied under this scheme.

However, the development proposes 52 new independent living units, which will eventually be Strata titled (notwithstanding that no Strata subdivision is proposed under this application). Therefore, the contributions levied under this scheme equate to \$520,000. A condition is recommended to require the payment of this sum pursuant to the Housing and Productivity Contribution Order.

SEPP (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP) applies to the development pursuant to Chapter Two and aims to encourage the design and delivery of sustainable buildings.

A BASIX Certificate has been prepared for the residential components of the development. The BASIX Certificate indicates that the development achieves the relevant water, thermal and energy targets. A condition is recommended to ensure compliance with the BASIX Certificate.

An Ecological Sustainable Development (ESD) Report has also been submitted with this application, outlining how the development achieves the principles of ESD.

The development satisfies the requirements of the SB SEPP.

SEPP (Planning Systems) 2021

The development is categorised as regionally significant development pursuant to Schedule 3, Clause 2 of *State Environmental Planning Policy (Planning Systems) 2021* (PS SEPP) as the development has an estimated cost of more than \$30 million. Accordingly, the SNPP is the consent authority pursuant to Section 2.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The assessment of the application has been carried out in accordance with the PS SEPP and Section 2.15 of the EP&A Act.

SEPP (Housing) 2021

Chapter 3, Part 5 – Housing for seniors and people with a disability

Chapter 3, Part 5 is applicable as the development proposes 52 independent living units. The Housing SEPP defines independent living units as 'in-fill self-care housing', which is defined as follows:

- ***in-fill self-care housing*** means seniors housing consisting of at least 2 independent living units and at which none of the following services are provided on the site—
 - meals,*
 - cleaning services,*

- (c) *personal care*,
(d) *nursing care*.

Division 3 Development Standards

Clause 84 – Development Standards (General)	
Standard	Compliance/Comment
(2) Development consent must not be granted for the development unless:	
(a) The site area of the development is at least 1,000m ² .	Compliant The site is over 1,000sqm in area.
(b) The frontage of the site area of the development is at least 20m measured at the building line.	Compliant The width of the site is over 20m.
(c) for development on land in a residential zone where residential flat buildings are not permitted: (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	N/A - Residential Flat Buildings are permitted on the Subject Site pursuant to Section 174 of the Housing SEPP
(3) The servicing equipment must:	
(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places.	N/A
(b) be limited to an area of no more than 20% of the surface area of the roof.	N/A
(c) not result in the building having a height of more than 11.5m.	N/A

Clause 85 – Development Standards for Hostels and Independent Living (Self-Care) Units	
Standard	
(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the following under Schedule 4.	
(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom.	

An Accessibility Design Review Report (Access Report) (prepared by ABE Consulting, dated 12 May 2025) was submitted with this application to provide a detailed assessment against the access provisions within Schedule 4 of this SEPP. An assessment against Schedule 4 has been completed in the following tables:

An assessment against Schedule 4 has been completed in the following tables:

Part 1 - Standards applying to hostels and independent living units	
Section 2 - Siting Standards	
(1) Wheelchair access If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel to an adjoining public road.	N/A
(2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50% (whichever is greater), and (b) the wheelchair access provided must be by a continuous accessible path of travel to an adjoining public road or an internal road or a driveway that is accessible to all residents.	Compliant The architectural plans indicate several continuous accessible paths of travel through the site.
(3) Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.	Compliant The common areas are accessible by those using a wheelchair.
Section 3 - Letterboxes	
Letterboxes: (a) must be located on a hard standing area, and (b) must have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and (c) must be lockable by a lock that faces a wheelchair accessible path.	Compliant The letterbox can be accessed via the independent living units via accessible paths.
Section 4 - Carparking	

(1) If parking spaces attached to or integrated with a class 1 building under the Building Code of Australia are provided for use by occupants who are seniors or people with a disability, at least 1 parking space must: <ul style="list-style-type: none"> (a) be at least 3.2m wide, and (b) be at least 2.5m high, and (c) have a level surface with a maximum gradient of 1:40 in any direction, and (d) be capable of being widened to 3.8m without requiring structural modifications to a building. 	N/A
(2) If parking spaces associated with a class 1, 2 or 3 building under the Building Code of Australia are provided in a common area for use by occupants who are seniors or people with a disability, the following applies: <ul style="list-style-type: none"> (a) for a parking space not in a group—the parking space must comply with AS/NZS 2890.6, 	Compliant The development provides 74 independent living unit parking spaces to 3.2m in width and six visitor car parking spaces to AS2890.6 design. This complies with all requirements under Section 4.
<ul style="list-style-type: none"> (b) for a group of 2–7 parking spaces: <ul style="list-style-type: none"> (i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and (ii) 50% of the parking spaces must: <ul style="list-style-type: none"> (A) comply with AS/NZS 2890.6, or (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction, 	Compliant See comments under subclause (2).
<ul style="list-style-type: none"> (c) for a group of 8 or more parking spaces— <ul style="list-style-type: none"> (i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and (ii) at least 50% of the parking spaces must— <ul style="list-style-type: none"> (A) comply with AS/NZS 2890.6, or (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction. 	Compliant See comments under subclause (2).
(3) To avoid doubt, a parking space that complies with AS/NZS 2890.6 is only counted toward 1 of the requirements in subsection (2)(b)(i) or (ii) or (c) (i) or (ii).	
(4) At least 5% of any visitor parking spaces must comply with AS/NZS 2890.6.	Compliant See comments under subclause (2).
(6) If multiple parking spaces are accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.	Compliant See comments under subclause (2).
(7) A parking space, other than a parking space under subsection (6), must be— <ul style="list-style-type: none"> (a) secured by a power-operated door, or (b) capable of accommodating the installation of a power-operated door, including by having— <ul style="list-style-type: none"> (i) access to a power point, and (ii) an area for motor or control rods for a power-operated door. 	Compliant See comments under subclause (2).
Section 5 - Accessible Entry	
(1) The main entrance to a dwelling must have: <ul style="list-style-type: none"> (a) a clear opening that complies with AS 1428.1, and (b) a circulation space in front of the door and behind the door that complies with AS 1428.1. 	Compliant The dwelling entrances comply with AS 1428.1.
Section 6 - Interiors	
(1) An internal doorway must have an unobstructed opening that complies with AS 1428.1.	Compliant The internal doorways comply with AS 1428.1.
(2) An internal corridor must have an unobstructed width of at least 1,000mm.	Compliant The internal corridors are 1m or greater in width.
(3) The circulation spaces in front of and behind an internal doorway in the following areas must comply with AS 1428.1— <ul style="list-style-type: none"> (a) a kitchen, (b) a laundry, (c) a bathroom, (d) a toilet, (e) a bedroom, (f) a living area, (g) the main area of private open space. 	Compliant All internal doorways have compliant circulation space on both sides of the door in accordance with AS1428.1-2021.
Section 7 - Bedroom	
At least 1 bedroom within each dwelling must have: <ul style="list-style-type: none"> (a) a clear area, not including a circulation space, sufficient to accommodate— <ul style="list-style-type: none"> (i) for a hostel—a wardrobe and a single-size bed, or (ii) for an independent living unit—a wardrobe and a queen-size bed, (b) a clear area around the area for the bed of at least— 	Compliant Each unit contains bedrooms of sufficient proportions to comply with this requirement.

<ul style="list-style-type: none"> (i) 1,200mm at the foot of the bed, and (ii) 1,000mm on each side of the bed, (c) at least 2 double general power outlets on the wall where the head of the bed is likely to be, (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be. 	
Section 8 - Bathroom	
<ul style="list-style-type: none"> (1) At least one bathroom in a dwelling must be located on: <ul style="list-style-type: none"> (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. (2) The bathroom must have the following: <ul style="list-style-type: none"> (a) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013, (b) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use existing hydraulic lines, (c) a shower that— <ul style="list-style-type: none"> (i) is accessible without a shower-hob or step, and (ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and (iii) is in the corner of a room, and (d) (iv) has a wall capable of accommodating the (e) installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1, a wall cabinet with shelving illuminated by an illumination level of at least 300 lux, a double general power outlet in an accessible location, in accordance with AS 1428.1. 	<p>Compliant</p> <p>Each unit contains accessible bathrooms.</p>
Section 9 - Toilet	
<ul style="list-style-type: none"> (1) At least one toilet in a dwelling must be located on— <ul style="list-style-type: none"> (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. 	<p>Compliant</p> <p>The toilets within each unit are located on the same floor as the entry to the unit.</p>
<ul style="list-style-type: none"> (2) The toilet must have the following— <ul style="list-style-type: none"> (a) a water closet pan— <ul style="list-style-type: none"> (i) in the corner of the room, and (ii) with a centreline set-out in accordance with AS 1428.1, (b) a circulation space in front of the water closet pan that is— <ul style="list-style-type: none"> (i) at least 1,200mm long and at least 900mm wide, and (ii) clear of door swings and fixtures, other than a toilet paper dispenser or grab rails, (c) a circulation space around the water closet pan that complies with AS 1428.1, (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013, (e) a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1. (3) A removable shower screen may be located in the circulation space specified in subsection (2)(c). 	<p>Compliant</p> <p>The Access Report has provided recommendations to ensure compliance with this requirement. A condition is recommended to ensure that the recommendation is incorporated on the construction plans.</p>
Section 10 - Surfaces of balconies and external paved areas	
<p>Balconies and external paved areas must have surfaces that are slip resistant and comply with—</p> <ul style="list-style-type: none"> (a) the Building Code of Australia, or (b) the Standards Australia Handbook SA HB 198:2014, Guide to the specification and testing of slip resistance of pedestrian surfaces, published on 16 June 2014. 	<p>Compliant</p> <p>The Access Report states that this information will be included on the construction plans to demonstrate compliance.</p>
Section 11 - Door Hardware	
<ul style="list-style-type: none"> (1) Door handles and hardware for all doors, including entry doors and external doors, must comply with AS 1428.1. 	<p>Compliant</p> <p>The Access Report states that this information will be included on the construction plans to demonstrate compliance.</p>
Section 12 - Switches and power points	
<ul style="list-style-type: none"> (1) Switches and power points must— <ul style="list-style-type: none"> (a) comply with AS 1428.1, or (b) be capable of complying with AS 1428.1 through future adaptation. 	<p>Compliant</p> <p>The Access Report states that this information will be included on the construction plans to demonstrate compliance.</p>
Section 13 - Private passenger lifts	
<ul style="list-style-type: none"> (2) The private passenger lift must— <ul style="list-style-type: none"> (a) be at least 1,100mm wide and at least 1,400mm long, measured from 	<p>N/A - there are no private passenger lifts within the units.</p>

the lift car floor, and
(b) have a clear indoor landing on all floors serviced by the lift, other than the floor on which the main area of private open space is located, at least 1,540mm long and at least 2,070mm wide, and
(c) have controls that comply with—
(i) AS 1735.12:2020, Lifts, escalators and moving walks, Part 12: Facilities for persons with disabilities, published on 26 June 2020, or
(ii) AS 1735.15:2021, Lifts, escalators and moving walks, Part 15: Safety rules for the construction and installation of lifts — Special lifts for the transport of persons and goods — Vertical lifting platforms intended for use by persons with impaired mobility, published on 23 July 2021.
(3) The width of the door opening of the private passenger lift must be at least 900mm.
(4) The private passenger lift must not be a stairway platform lift.

Part 2 - Additional Standards for Independent Living Units

Section 15 - Bedroom

At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on:
(a) the same floor as the entry to the unit, or
(b) a floor serviced by a private passenger lift accessible only from inside the unit.

Compliant

The bedrooms are located on the same floor as the entry to the units.

Section 16 - Access to kitchen, Main Bedroom, Bathroom and Toilet

(1) A living room in an independent living unit must be located on—
(a) the same floor as the entry to the dwelling, or
(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.

Compliant

The living rooms are on the same floor as the entry to the units.

(2) The living room must have—
(a) a circulation space that—
(i) is clear of all fixtures, and
(ii) has a diameter of at least 2,250mm, and
(b) a telecommunications or data outlet adjacent to a general power outlet.

Compliant

The living rooms contain compliant circulation space.

Section 17 - Main area of private open space

The main area of private open space for an independent living unit must be located on:
(a) the same floor as the entry to the dwelling, or
(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.

Compliant

The private open space within each unit are on the same level as the entryway.

Section 18 - Kitchen

(1) A kitchen in an independent living unit must be located on:
(a) the same floor as the entry to the dwelling, or
(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.

Compliant

The kitchens are located on the same level as the entry to the units.

(2) The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance.

Compliant

The circulation spaces are compliant.

(3) Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without—
(a) relocating the sink, or
(b) moving a load-bearing wall, or
(c) breaching another circulation requirement.

Compliant

The circulation spaces are already 1.55m and compliance is achieved.

(4) The kitchen must have the following fittings—
(a) a bench that includes at least one work surface that is—
(i) at least 800mm long, and
(ii) clear of obstructions, and
(iii) not in the corner of the room,
(b) a lever tap set with the lever and water source that is within 300mm of the front of the bench,
(c) a cooktop next to the work surface,
(d) an isolating switch for the cooktop,
(e) an oven that—
(i) has operative elements between 450mm and 1,250mm above the finished floor level, and
(ii) is next to the work surface,
(f) at least one double general power outlet located within 300mm of the front of a work surface.

Compliant

The kitchens comply with this clause.

(5) The cupboards must—
(a) not be entirely located in the corner of the bench or the corner of the room, and
(b) face where the user of the fixture is likely to be.

Compliant

The cupboards comply with this requirement.

(6) An overhead cupboard in the kitchen must be capable of being fitted with "D" pull cupboard handles towards the bottom of the cupboard.

Compliant

The cupboards are capable of compliance with this requirement.

(7) A below-bench cupboard in the kitchen must be capable of being fitted with "D" pull cupboard handles towards the top of the cupboard.	Compliant The cupboards are capable of compliance with this requirement.
(8) The lever tap set, cooktop, isolating switch, oven and double general power outlet must— (a) not be in the corner of the bench or the corner of the room, and (b) face where the user of the fixture is likely to be.	Compliant The kitchen complies with this requirement.
(9) Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.	Compliant Cabinetry work is capable of being easily removed.
Section 19 - Laundry	
(1) A laundry in an independent living unit must be located on: (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	Compliant The laundries are all located within the same floor as the entryway.
(2) The laundry must have the following: (a) a circulation space that complies with AS 1428.1 at the approach to any external doors, (b) an appropriate space for an automatic washing machine and a clothes dryer, (c) a clear space in front of each appliance of at least 1,550mm, (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013, (e) a continuous accessible path of travel to the main area of private open space or any clothes line provided for the dwelling.	Compliant The laundries comply with the circulation space requirement and additional detailing on the construction plans will demonstrate compliance with the slip rating requirements.
(4) For laundry facilities in a cupboard, the cupboard must be capable of being fitted with "D" pull cupboard handles in the following locations: (a) for below-bench cupboards—towards the top, (b) for overhead cupboards—towards the bottom, (c) for floor-to-ceiling doors—between 900mm and 1,100mm above the finished floor level.	N/A
Section 20 - Linen storage	
An independent living unit must have a floor-to-ceiling linen storage cupboard that— (a) is at least 600mm wide, and (b) has adjustable shelving.	Compliant The units have compliant storage.
Section 21 - Lift access in multi-storey buildings	
An independent living unit on a storey above the ground storey must be accessible by a lift that complies with the Building Code of Australia, Volume 1, Part E3.	Compliant The units that are located above the ground storey are accessible by a compliant lift.
Section 22 - Garbage and recycling	
A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.	Compliant The bin storage areas within the basement level are accessible by continuous paths of travel from the units to the basement via the lifts.

Clause 88 – Restrictions on Occupation of Seniors Housing	
Standard	Compliance/Comment
(1) Development permitted under this Part may be carried out for the accommodation of only the following: (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part.	Compliant A condition is recommended to ensure that the future occupants of the dwellings satisfy the types of personnel referred to in subclause (1).
(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in sub-section (1) will occupy accommodation to which the development relates.	

Clause 92 – Development on land used for the purposes of an existing registered club	
Standard	Compliance/Comment
(1) Development consent must not be granted for development under this Part on land used for the purposes of an existing registered club unless the consent authority is satisfied that: (a) the development includes appropriate measures to separate the club from residential areas to avoid land use conflicts, and	Compliant The development has been amended throughout the assessment process to incorporate appropriate measures that avoid land use conflicts between

	<p>the RSL Club and the independent living units. These measures include:</p> <ul style="list-style-type: none"> • Access to the three seniors housing buildings is provided via a separate pedestrian entrypoint from the RSL building. • Access to the independent living units located above the RSL are provided via a lift on the northern side of the building which is separate to the entry point of the RSL, which is located on the eastern side of the building. This lift access is also accessible via the residential pedestrian entrypoint which is separate to the RSL entryway and a security access gate is provided between the residential access and RSL area to prevent a clear un-obstructed path of travel between the RSL and the seniors housing, which will prevent patrons of the RSL that do not live on the site from accessing the residential areas of the site. • All operable windows and doors within the RSL building must be closed after 10pm, music sound limiters are to be installed for any amplified music systems (other than low level (<70 dB(A)) background music systems) and no outdoor entertainment will operate after 10pm. These measures, coupled with the acoustic construction recommendations that are outlined within the Noise Impact Assessment, will ensure that adequate amenity is maintained to the units within the site and to the surrounding off-site receivers.
<p>(b) an appropriate protocol will manage the relationship between the seniors housing and the gambling facilities on the site of the club to minimise harm associated with the misuse and abuse of gambling activities by residents of the seniors housing.</p>	<p>Compliant</p> <p>The development has been designed to comply with this requirement for the following reasons:</p> <ul style="list-style-type: none"> • Separate pedestrian access points for the seniors housing buildings including the independent living units above the RSL is provided, noting that occupants accessing Buildings 1, 2 and 3 is provided via the residential entry points via security doors to the north of the RSL Club entry, while access to the independent living units above the RSL is provided via these same access points and via the fire stairs and lift on the northern facade of the RSL Club which is separate to the RSL entry point. • The Noise Impact Assessment (NIA) submitted with this application has modelled operational noise impacts and concluded that the residential units within the development and the residential developments surrounding the site will achieve the required noise amenity criteria within the Noise Policy for Industry 2017 (NPIF), with recommendations included to ensure this. • The applicant's Operational Plan of Management (OPM) (refer to paragraph 13) states that the RSL Club will enforce its Forestville RSL Gaming Code of Management, the NSW Gaming Code of Practice and the Gaming Machine and Liquor Amendment Regulation to manage the relationship between the independent living units, its residents and the gambling facilities on the site to minimise the harm associated with the misuse and abuse of gambling facilities. The OPM states that access to the RSL Club for members and guests including the occupants of the independent will be via the RSL Club reception foyer only.

Division 4 – Site-related requirements

Clause 93 – Location and access to facilities and services (independent living units)	
Standard	Compliance/Comment
(1) Development consent <i>must not</i> be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services :	
(a) by a transport service that complies with sub-section (2), or	Compliant The existing bus stop in front of the site is being relocated and the recommended conditions of consent will ensure that it is re-located within an appropriate location. The 278 bus service provides transportation services to the Forestville town centre. There is also a bus stop approximately 227m to the south of the subject site that can be accessed via compliant gradients, of which provides the same transportation services to the Forestville town centre.
(b) on-site.	
Note: Facilities and services means:	

(a) shops and other retail and commercial services that residents may reasonably require, and	
(b) community services and recreation facilities, and	
(c) the practice of a general medical practitioner.	
(2) The transport service must:	
(a) take the residents to a place that has adequate access to facilities and services, and	Compliant See comments above under Section 93(1) of the Housing SEPP.
(b) for development on land in the Eastern Harbour City: (i) not be an on-demand booking service for the transport of passengers for a fare, and (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.	Compliant The 278 bus service provides transportation to the Forestville town centre and the proposed development approximately every 20 minutes in the morning and afternoon.
(3) For the purposes of sub-sections (1) and (2), access is adequate if:	
(a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and (b) the distance is accessible by means of a suitable access pathway, and (c) the gradient along the pathway complies with sub-section (4)(c).	Compliant See comments above under Section 93(1) of the Housing SEPP.
4) In sub-section (3):	
a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and b) the distance is to be measured by reference to the length of the pathway, and c) the overall average gradient must be no more than 1:14 and the gradients along the pathway must be no more than: i) 1:12 for a maximum of 15m at a time, or ii) 1:10 for a maximum length of 5m at a time, or iii) 1:8 for a maximum length of 1.5m at a time.	Compliant See comments above under Section 93(1) of the Housing SEPP.

Clause 95 – Water and sewer	
Standard	Compliance/Comment
(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will:	
(a) be connected to a reticulated water system, and	Compliant A condition is recommended to ensure that the development is connected to a reticulated water supply. The development also has access to sewage infrastructure.
(b) have adequate facilities for the removal or disposal of sewage.	
(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority:	
(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or	N/A - this infrastructure is provided.
(b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.	

Division 5 – Design requirements

Clause 97 – Design of in-fill self-care housing	
Standard	Compliance/Comment
(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.	<p>Compliant</p> <p>The development accords with the relevant provisions within the Seniors Housing Design Guide.</p>
(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.	<p>Compliant</p> <p>The development is consistent with the design principles outlined within Schedule 8 of the Housing SEPP. This is assessed in detail below.</p>

An assessment against Schedule 8 has been completed in the following tables:

Schedule 8 - Design principles for seniors housing

1 – Neighbourhood amenity and streetscape	
Standard	Compliance/Comment
Seniors housing should be designed as follows:	
(a) recognise that the operational, functional and economic requirements of residential care facilities typically require a different building shape from other residential accommodation,	<p>N/A - the development is not a residential care facility.</p>

<p>(b) recognise the desirable elements of:</p> <ul style="list-style-type: none"> i) the location's current character, or ii) for precincts undergoing a transition - the future character of the location so new buildings contribute to the quality and identity of the area, 	<p>Compliant</p> <p>The development is consistent with these requirements for the following reasons:</p> <ul style="list-style-type: none"> The new mixed use RSL Club and seniors housing building is not significantly taller than the existing RSL Club, given the proposed parapet level is sited at RL138.3m to the Australian Height Datum (AHD) and the existing parapet level is sited at RL136.5m AHD, being 1.8m lower than the proposed mixed use building. Notwithstanding, the third storey parapet level is setback from the lower levels, as each level is stepped in from the lower floor. On-slab landscaping is also provided, which will soften the upper levels of the building. The additional height for the mixed use building is also partially attributed to the greater floor to ceiling heights that are required for the RSL on the first storey and the greater slab thickness above the RSL component that is required to provide suitable acoustic amenity to the independent living units above the RSL. It is also noted that the mixed use building is located on the southern side of the subject site which does not have a direct interface with any adjacent low density residential development. As development on the site transitions to the north, which has an interface with adjacent low density residential development, the resulting built forms and heights become more compatible with the established low density residential character, given Buildings 1 and 2 contain two-storey street front setbacks with the third storey components stepped in from the front and side facades and contain alternative external finishes to the lower floors to reduce the visual prominence of the third storey elements. Buildings 1 and 2 also contain hipped roof profiles to respond to the established low density residential character of Melwood Avenue. Buildings 1 and 2 that front Melwood Avenue have responded to the existing character by provided compliant 6.5m front setbacks with deep soil landscaping and stepping the third storey elements back approximately 3m from the lower level front facades and up to 1.96m from the lower level side facades, in addition to providing differing finishes on the third storey elements, which will assist in reducing the visual prominence of the third storey components of Buildings 1 and 2. The recent Low to Mid Rise Housing policy amendments under the Housing SEPP now permit three-storey residential flat buildings and other medium density residential typologies on the subject site and surrounding properties within the R2 Low Density Residential zone. Therefore, the form and scale of the development, particularly the stand alone residential buildings (Buildings 1, 2 and 3) will be commensurate with the emerging character of development within the visual catchment of the site.
<p>(c) complement heritage conservation areas and heritage items in the area,</p>	<p>N/A - the site is not heritage listed, is not located within a heritage conservation area and the site is not located in close proximity to heritage items.</p>
<p>(d) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <ul style="list-style-type: none"> i) providing building setbacks to reduce bulk and overshadowing, ii) and iii) using building form and siting that relates to the site's land form, and iv) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and 	<p>Compliant</p> <p>The development is consistent with these requirements for the following reasons:</p> <ul style="list-style-type: none"> The development has compliant ADG boundary separation to reduce visual impacts to neighbouring properties and minimise overshadowing of residential development, with the multi-dwelling housing at 17 Forestville Avenue being the only residential property that is partially overshadowed by the development in the morning. A two-storey building height at the front facade has been adopted for Buildings 1 and 2 to ensure that an appropriate visual relationship is maintained with the surrounding one and two-storey buildings. Notwithstanding, this precinct will undergo change as a result of the Low to Mid Rise Housing policy amendments under the Housing SEPP and the development will be more compatible with the form and scale of future development within this precinct. A compliant 6.5m landscaped setback with planting is provided in front of Buildings 1 and 2 to provide a landscaped setting that is

	compatible with the existing character of the area.
(e) to set back the front building on the site generally in line with the existing building line,	Compliant All of the buildings on the site adopt a minimum 6.5m building setback from the front boundary, which complies with the WDCP.
(f) to include plants reasonably similar to other plants in the street,	Compliant Council's Landscape Officer has recommended appropriate conditions to ensure that the proposed planting is suitable for this site and compatible with the established landscaped setting.
(g) to retain, wherever reasonable, significant trees,	Compliant While the development will result in the removal of 21 prescribed trees, the recommended conditions of consent will ensure that several significant canopy trees that can reach a height of at least 13m at maturity will be provided on the site. This will offset the loss of trees on the site.
(h) be designed so no building is constructed in a riparian zone.	Compliant The development is not within in a riparian zone.

2 – Visual and acoustic privacy	
Standard	Compliance/Comment
Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by:	
(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and	Compliant The development provides compliant ADG building separation to ensure that adequate privacy is retained between buildings and surrounding development. The applicant's NIA has also modelled that the units will receive adequate acoustic amenity in accordance with the NPFI.
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	

3 – Solar access and design for climate	
Standard	Compliance/Comment
The design of seniors housing should:	
(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and	Compliant The development complies with the solar access and cross ventilation requirements within the ADG.
(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	

4– Stormwater	
Standard	Compliance/Comment
The design of seniors housing should aim to:	
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	Compliant Council's Development Engineers and Water Management Officers are satisfied that the development complies with the WMDP.
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	

5 – Crime prevention	
Standard	Compliance/Comment
Seniors housing should:	
(a) be designed in accordance with environmental design principles relating to crime prevention, and	Compliant - Subject to Recommended Conditions There are components of the development that satisfy the Crime Prevention Through Environmental Design (CPTED), noting that: <ul style="list-style-type: none">The residential buildings are accessed via security gates and doors.The independent living units enable passive surveillance of the street and the communal open space areas within the site.The communal open space areas do not provide appropriate hiding spots in the event of any intruders. To optimise safety and security within the site, the following conditions are
(b) provide personal property security for residents and visitors, and	
(c) encourage crime prevention by: (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and	

- (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and
- (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

recommended:

- A condition is recommended to ensure that the 1m fencing along the front boundary is increased to 1.5m for added privacy and security. This condition also requires internal fencing between the front boundary and the common walls of apartments B1-G.01 and B1-G.02 and apartments B2-G.01 and B2-G.02 respectively to ensure that the private open space of these apartments are physically and visually separated.
- A condition is recommended to require a 1m tall glazed-fence that is transparent to be erected around the entire southern, eastern and western edges of the children's play area / alfresco lawn area that is located on the southern side of the RSL Club adjacent to the RSL lounge and dining area. This fence must be located on top of the retaining wall along the southern boundary of the site and must include a security gate to prevent direct access into the RSL Club via the southern boundary. This security gate may only permit patrons to exit the site via the southern boundary.
- A condition is recommended to ensure that there are separate bathroom facilities for male and female patrons of the RSL Club.

6 – Accessibility

Standard	Compliance/Comment
Seniors housing should:	Compliant
(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and	Refer to the section of this report relating to the disabled access provisions within the Housing SEPP.
(b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	

7 – Waste management

Standard	Compliance/Comment
Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	Compliant
	The residential waste chute rooms provide suitable recycling facilities that are directly accessible from the independent living units. Council's Waste Management Officer is supportive of the development.

Clause 108 – Non-discretionary development standards for independent living units

Standard	Compliance/Comment
(2) The following are non-discretionary development standards in relation to development for the purposes of an independent living unit:	
Height	
a) no building exceeds a height of 9.5m, excluding servicing equipment on the roof of a building,	Non-Compliant but acceptable on Merit
b) servicing equipment on the roof of a building, which results in the building exceeding a height of 9.5m: <ul style="list-style-type: none"> i) is fully integrated into the design of the roof or contained and ii) suitably screened from view from public places, and iii) is limited to an area of no more than 20% of the surface area of the roof, and does not result in the building exceeding a height of 11.5m.	
	The development includes a variation to the building height standard, noting that the development has a maximum building height of 12.35m.
	However, the variation is supported on merit pursuant to Clause 4.6 of the WLEP 2011 as the applicant has demonstrated that compliance with the standards is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify a variation. This is discussed in the section of this report relating to Clause 4.6 of the WLEP 2011.
Density and Scale (FSR)	
c) the density and scale of the buildings when expressed as a floor space ratio (FSR) is 0.5:1 or less.	Non-Compliant but acceptable on Merit
	The development includes a variation to the FSR standard, noting that the development has a maximum FSR of 1.065:1.
	However, the variation is supported on merit pursuant to Clause 4.6 of the WLEP 2011 as the applicant has demonstrated that compliance with the standards is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify a variation. This is discussed in the section of this report relating to Clause 4.6 of the WLEP 2011.
Landscaped Area	
(d) a minimum landscaped area that is the lesser of: <ul style="list-style-type: none"> (i) 35m² per dwelling, or (ii) 30% of the site area, 	Compliant
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of	
	The development provides 37.24% (3357sqm) of the site area as landscaped area in accordance with the Housing SEPP definition and 19.3% (1740sqm) of deep soil landscaping with 3m dimensions.

the deep soil zone is located at the rear of the site,	
Solar Access	
(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces.	Compliant 40 of the 52 apartments (76.9%) receive at least 2 hours of sunlight between 9am-3pm on June 21.
Private Open Space	
(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building: (i) at least 15m ² of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor. Note: The open space needs to be accessible only by a continuous accessible path of travel, within the meaning of AS 1428.1, if the dwelling itself is an accessible one (see Schedule 4, section 2). (i) for a dwelling in a multi-storey building not located on the ground floor – a balcony accessible from a living area with minimum dimensions of 2m and: (i) an area of at least 10m ² , or (ii) for a 1 bedroom dwelling - an area of at least 6m ² .	Compliant Each unit contains private open space with compliant dimensions of private open space.
Car Parking	
j) for a development application made by, or made by a person jointly with, a social housing provider - at least 1 parking space for every 5 dwellings, k) if (j) does not apply - at least 0.5 parking space for each bedroom.	Compliant The extent of car parking proposed is above this minimum requirement.

Chapter 4 - Design of residential apartment development

Clause 144 of the Housing SEPP stipulates that:

(1) *This chapter applies to development only if:*

(a) *the development consists of:*

- (i) *the erection of a new building,*
- (ii) *the substantial redevelopment or the substantial refurbishment of an existing building, or*
- (iii) *the conversion of an existing building, and*

(b) *the building concerned is at least 3 or more storeys, not including underground car parking storeys, and*

(c) *the building contains at least 4 dwellings.*

Comment:

The proposal is for the erection of four separate three-storey buildings with a total of 52 independent living units. As per the provisions of Clause 144 outlining the application of the policy, the provisions of Chapter 4 SEPP Housing are applicable to the assessment of this application.

As previously outlined within this report, Clause 29 of the *Environmental Planning and Assessment Regulation 2021* requires the submission of a Design Verification Statement from the qualified designer at lodgement of the development application. This documentation has been submitted with the development application.

Referral to design review panel for development applications

Clause 145 of the Housing SEPP requires:

(2) *Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development).*

Comment:

Northern Beaches Council has an appointed Design and Sustainability Advisory Panel (DSAP). Refer to the DSAP referral comments section within this report.

Determination of development applications and modification applications for residential apartment development

Clause 147 of SEPP Housing requires that:

(1) *Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—*

- (a) *the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
- (b) *the Apartment Design Guide,*
- (c) *any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*

Comment:

The following section makes an assessment against the design quality principles contained within Schedule 9 (a) and an assessment is carried out against the ADG below (b).

Overall, the proposal meets the design quality principles of Schedule 9 for the reasons outlined below. The proposal appropriately responds to the design guidelines within the ADG, and where strict compliance is not achieved numerical requirements, reasonable alternative solutions are provided to meet the objectives of the ADG.

The consent authority has considered the advice received from the DSAP and the applicant has amended the proposal where necessary to respond to the DSAP advice. While the DSAP were not supportive of the original scheme, the applicant has made significant amendments to the application to address the comments raised by the DSAP. Where recommendations cannot be achieved, the applicant has provided appropriate justification to demonstrate why such recommendations are not feasible or appropriate. This is outlined in more detail within the section of this report relating to the DSAP referral.

Overall, the amendments made since the DSAP meeting have generally resolved the concerns raised by the DSAP.

Non-discretionary development standards for residential apartment development

Clause 148 of SEPP Housing contain non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards for the matters (i.e 'must not refuse' standards).

The following are non-discretionary development standards under sub clause (2):

- (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide*
- (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

Comment:

As noted in the below assessment, the proposal meets the minimum requirements of the ADG in relation to Part 3J, 4D and 4C. This assessment has not required more onerous standards and does not recommend refusal of any of these reasons.

DESIGN QUALITY PRINCIPLES - Schedule 9

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The development is consistent with Principle 1 for the following reasons:

- The new mixed use RSL Club and seniors housing building is not significantly taller than the existing RSL Club, given the proposed parapet level is sited at RL138.3m to the Australian Height Datum (AHD) and the existing parapet level is sited at RL136.5m AHD, being 1.8m lower than the proposed mixed use building. Notwithstanding, the third storey parapet level is setback from the lower levels, as each uppermost level is stepped in from the floor below. On-slab landscaping is also provided, which will soften the upper levels of the building. The additional height for the mixed use building is also partially attributed to the greater floor to ceiling heights that are required for the RSL on the first storey and the greater slab thickness above the RSL component that is required to provide suitable acoustic amenity to the independent living units above the RSL.
- Buildings 1 and 2 that front Melwood Avenue have responded to the existing character by providing compliant 6.5m front setbacks with deep soil landscaping and stepping the third storey elements back approximately 3m from the lower level front facades and up to 1.96m from the lower level side facades, in addition to providing differing finishes on the third storey elements, which will assist in reducing the visual prominence of the third storey components of Buildings 1 and 2.
- The recent Low to Mid Rise Housing policy amendments under the Housing SEPP now permit three-storey and 9.5m high residential flat buildings and other medium density residential typologies on the subject site and surrounding properties within the R2 Low Density Residential zone. Therefore, the form and scale of the development, particularly the stand alone residential buildings (Buildings 1, 2 and 3) will be commensurate with the emerging character of development within the visual catchment of the site.
- The resulting landscaping scheme includes deep soil landscaped areas with appropriate tree planting (suitable planting has been included in the recommended conditions) around the curtilage of the buildings to result in an appropriate landscaped setting that is compatible with the existing character of Melwood Avenue.

The mixed use building is located on the southern side of the subject site which does not have a direct interface with any adjacent low density residential development. As development on the site transitions to the north, which has an interface with adjacent low density residential development, the resulting built forms and heights become more compatible with the established low density residential character, given Buildings 1 and 2 contain two-storey street front setbacks with the third storey components stepped in from the front and side facades and contain alternative external finishes to the lower floors to reduce the visual prominence of the third storey elements. Buildings 1 and 2 also contain hipped roof profiles to respond to the established low density residential character of Melwood Avenue.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:

The development is consistent with Principle 2 for the following reasons:

- As detailed above, the part-two/part three-storey character of the buildings will be commensurate with the emerging character of the precinct, noting that the recent amendments within the Housing SEPP allow for three-storey and 9.5m high residential flat buildings and other medium density typologies within the visual catchment of the site.
- Buildings 1 and 2 have included a two-storey building alignment at the front facade to Melwood Avenue and a hipped roof profile to be more compatible with the established streetscape character.
- All of the buildings are highly articulated and include varied external finishes, including the provision of on-slab planting, to mitigate the bulk of the buildings.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

The development is consistent with Principle 3 for the following reasons:

- The proposal provides 52 independent living units that are well appointed and proportioned, achieving a high level of amenity for the future occupants.
- The residents of the apartments also have access to large areas of outdoor communal open space that include areas that will receive sunlight and shaded areas to provide refuge during the summer months.
- As detailed within the section of this report relating to Section 93 of the Housing SEPP, the bus services that are available to the development will provide transportation to the Forestville town centre approximately every 20 minutes. This is sufficient to service the proposed development.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment:

The development is consistent with Principle 4 for the following reasons:

- The development incorporates several passive sustainability features such as:
 - natural cross ventilation to provide cooling during summer;
 - a light external colour scheme that reduces the development's contribution to urban heat island effect;
 - suitably performing glazing to provide protection from hot ambient air during summer, while allowing heat to be kept inside during winter;
 - vegetation incorporated throughout site will provide shade and places of respite whilst helping to minimise the urban heat island effect; and
 - on-site rainwater harvesting for re-use.
- The development includes several passive technological features such as:
 - efficient, heating, ventilation and air-cooling systems that eliminate water consumption associated with heat rejection;
 - energy efficient LED lighting;

- energy efficient domestic hot water systems;
- end of trip facilities for staff; and
- electric vehicle charging points.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment:

The development is consistent with Principle 5 for the following reasons:

- The resulting landscaping scheme includes deep soil landscaped areas with appropriate tree planting (suitable planting has been included in the recommended conditions) around the curtilage of the buildings to result in an appropriate landscaped setting that is compatible with the existing character of Melwood Avenue.
- The landscaping within the communal open space areas will provide areas of shade for sunlight protection in summer.
- The communal open space areas, of which are landscaped, will provide opportunities for social interaction. These areas are accessed via suitable pathways with compliant gradients.
- The planting provided around the boundaries of the site will soften the development and provide suitable amenity to the neighbouring residential properties.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment:

The development is consistent with Principle 6 for the following reasons:

- The development provides compliant ADG building separation between the different buildings to ensure that acceptable levels of amenity are afforded to the future building occupants and neighbouring properties.
- The development complies with the ADG requirements as they pertain to solar access, cross ventilation, minimum apartment and private open space sizes and storage requirements.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

As detailed earlier within this report, the recommended conditions of consent will ensure that the development satisfies the CPTED principles. These conditions will ensure that Principle 7 is also achieved.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

The development is consistent with Principle 8 for the following reasons:

The development provides a mix of two and three-bedroom apartments to provide different housing choices for different demographics, living needs and household budgets.

The proposed areas of communal open space will encourage social interaction amongst residents.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

The development is consistent with Principle 9 for the following reasons:

- The development incorporates a variety of materials, colours and textures, in addition to modulated wall planes, to provide aesthetically pleasing buildings.
- The curved parapets of the mixed use building and the addition of on-slab landscaping will visually reduce the additional height that is proposed for the mixed use building.

APARTMENT DESIGN GUIDE

The following table is an assessment against the criteria of the ADG as required by the Housing SEPP:

Development Control	Criteria / Guideline	Comments						
Part 3 Siting the Development								
Site Analysis	Does the development relate well to its context and is it sited appropriately?	Compliant As discussed above, the development relates well to the local context and will be consistent with the form and scale of emerging development within the precinct.						
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	Compliant The development meets the internal solar access requirements under the ADG and will only result in minor overshadowing of residential properties (being 17 Forestville Avenue) in the morning hours.						
Public Domain Interface	Does the development transition well between the private and public domain without compromising safety and security? Is the amenity of the public domain retained and enhanced?	Compliant Access to the residential areas of the site are provided via security gates. Conditions have been recommended with respect to the boundary and internal fencing to provide added privacy and security to the residents, of which are discussed earlier within this report.						
Communal and Public Open Space	Appropriate communal open space is to be provided as follows: 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter)	Compliant The development provides over 25% of the site area as communal open space, of which has suitable solar access.						
Deep Soil Zones	Deep soil zones are to meet the following minimum requirements: <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m²</td><td>-</td><td>7%</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-	7%	N/A The deep soil landscaped area development standard under Section 108 (d) of the Housing SEPP prevails. However, the development complies
Site area	Minimum dimensions	Deep soil zone (% of site area)						
Less than 650m ²	-	7%						

	<table><tr><td>650m2– 1,500m2</td><td>3m</td></tr><tr><td>Greater than 1,500m2</td><td>6m</td></tr><tr><td>Greater than 1,500m2with significant existing tree cover</td><td>6m</td></tr></table>	650m2– 1,500m2	3m	Greater than 1,500m2	6m	Greater than 1,500m2with significant existing tree cover	6m	with Section 108(d) of the Housing SEPP.						
650m2– 1,500m2	3m													
Greater than 1,500m2	6m													
Greater than 1,500m2with significant existing tree cover	6m													
Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><td>Building height</td><td>Habitable rooms and balconies</td><td>Non-habitable rooms</td></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p> <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Compliant</p> <p>The development is compliant for the following reasons:</p> <ul style="list-style-type: none">• The separation between each building internally within the site is over 12m.• The separation between habitable rooms and private open space from the western boundary is over 6m.• The separation from Buildings 1 and 3 from the northern boundaries and the part of the western boundary that adjoins 17 Forestville Avenue which contains the multi-dwelling housing development is 9m or more.
Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
Pedestrian Access and entries	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	<p>Compliant</p> <p>Pedestrian access to each building is accessible and identifiable.</p>												
Vehicle Access	<p>Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?</p>	<p>Compliant</p> <p>The proposed vehicular access points are appropriately separated to minimise traffic conflicts. These vehicular access points have been assessed as being safe and accessible by Council's Traffic Engineer.</p>												
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none">• On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or• On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	<p>Compliant</p> <p>The development has compliant car and bicycle parking in accordance with the Housing SEPP and WDCP.</p>												
Part 4 Designing the Building														
Amenity														
Solar and Daylight Access	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p>	<p>Compliant</p> <p>40 of the 52 apartments (76.9%)</p>												

	<ul style="list-style-type: none">Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.	receive at least 2 hours of sunlight between 9am-3pm on June 21.												
	<ul style="list-style-type: none">A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	Compliant 3 out of 52 apartments (5.77%) of apartments do not receive any sunlight between 9am and 3pm on June 21.												
Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none">At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.The depth of cross-through apartments must not be greater than 18m	Compliant All apartments are cross ventilated and the depths of cross-through apartments is less than 18m.												
Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Compliant All apartments have compliant floor-to-ceiling heights.
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m2</td></tr><tr><td>1 bedroom</td><td>50m2</td></tr><tr><td>2 bedroom</td><td>70m2</td></tr><tr><td>3 bedroom</td><td>90m2</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2each.</p>	Apartment type	Minimum internal area	Studio	35m2	1 bedroom	50m2	2 bedroom	70m2	3 bedroom	90m2	Compliant 50 out of 52 apartments (96.15%) of apartments are naturally cross ventilated.		
Apartment type	Minimum internal area													
Studio	35m2													
1 bedroom	50m2													
2 bedroom	70m2													
3 bedroom	90m2													
	<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	Compliant The development meets this requirement.												
	<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p>	Compliant The development meets this requirement.												
	<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	Non-Compliant but Acceptable on Merit All apartments except for apartments L1.01, L1.02, L1.05 and L1.06 within the mixed use building meet this requirement. The minor non-compliance is assessed as being acceptable as these apartments in question contain some of												

		<p>the finer outlooks within the development (i.e. to the east or west and away from other buildings within the site) and contain living room and balcony sizes above the minimum ADG requirements. These apartments will also enjoy adequate solar access.</p> <p>In this regard, the development satisfies the objectives of Part 4D of the ADG.</p>															
	Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).	<p>Compliant</p> <p>The bedrooms within the development meet this requirement.</p>															
	Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have space for freestanding wardrobes, in addition to the 3.0m minimum dimension.	<p>Compliant</p> <p>The bedrooms within the development meet this requirement.</p>															
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments	<p>Compliant</p> <p>The living rooms within the development meet this requirement.</p>															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	<p>Compliant</p> <p>The cross-through apartments are wider than 4m.</p>															
Private Open Space and Balconies	All apartments are required to have primary balconies as follows:	<p>Compliant</p> <p>Each apartment above ground level is provided with balconies that meet these area and depth dimensions.</p>															
	<table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m2</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m2</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m2</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m2</td><td>2.4m</td></tr></table>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m2	-	1 bedroom apartments	8m2	2m	2 bedroom apartments	10m2	2m	3+ bedroom apartments	12m2	2.4m	
	Dwelling Type	Minimum Area	Minimum Depth														
Studio apartments	4m2	-															
1 bedroom apartments	8m2	2m															
2 bedroom apartments	10m2	2m															
3+ bedroom apartments	12m2	2.4m															
	The minimum balcony depth to be counted as contributing to the balcony area is 1m																
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.	<p>Compliant</p> <p>The ground level apartments within Buildings 1, 2 and 3 comply with these private open space requirements.</p>															
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	<p>Compliant</p> <p>The maximum number of apartments off a circulation core on a single level is five.</p>															
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	<p>Compliant</p> <p>All apartments have compliant storage.</p>															
	<table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m2</td></tr><tr><td>1 bedroom apartments</td><td>6m2</td></tr><tr><td>2 bedroom apartments</td><td>8m2</td></tr><tr><td>3+ bedroom apartments</td><td>10m2</td></tr></table>	Dwelling Type	Storage size volume	Studio apartments	4m2	1 bedroom apartments	6m2	2 bedroom apartments	8m2	3+ bedroom apartments	10m2						
	Dwelling Type	Storage size volume															
Studio apartments	4m2																
1 bedroom apartments	6m2																
2 bedroom apartments	8m2																
3+ bedroom apartments	10m2																
	At least 50% of the required storage is to be located within the apartment.																
Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	<p>Non-Compliant but Acceptable on Merit</p> <p>Apartment B1 - G.01 within Building 1 contains a master bedroom adjacent to the basement access point for the seniors housing developments.</p> <p>As outlined previously within this report, the NIA submitted with this application has concluded that the apartments will</p>															

		achieve the noise amenity criteria within the NPFI. As such, the amenity for Apartment B1 - G.01 within Building will not be adversely compromised. The development is therefore consistent with the objectives of Part 4H of the ADG.																				
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	Compliant Appropriate construction measures will be incorporated into the design of the apartments, in conjunction with appropriate on-going operational measures to the RSL Club, to ensure that adequate acoustic amenity is provided to the apartments.																				
Configuration																						
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	Compliant The development provides a mix of two and three-bedroom apartments to provide different housing choices for different demographics, living needs and household budgets.																				
Ground Floor Apartments	Do the ground floor apartments deliver amenity and safety for their residents?	Compliant The ground floor apartments deliver appropriate amenity as a security fence is provided along the front boundary. A condition is recommended to ensure that privacy fencing is provided to separate the landscaped private open space areas within the front setback area.																				
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	Compliant The development is highly articulated and will provide visual interest along the street.																				
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Can the roof top be used for common open space? This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top.	Compliant The roof of the mixed use building incorporates on-slab landscaping. There is no need for communal open space at the roof level, noting that a compliant quantum of communal open space is provided at the ground level.																				
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	Compliant The landscape plan provides deep soil landscaping with suitable planting within the front, side and rear setback areas, in addition to on-slab planting within the building footprint. The landscaping scheme responds well to the local context.																				
Planting on Structures	When planting on structures the following are recommended as minimum standards for a range of plant sizes: <table><tr><th>Plant type</th><th>Definition</th><th>Soil Volume</th><th>Soil Depth</th><th>Soil Area</th></tr><tr><td>Large Trees</td><td>12-18m high, up to 16m crown spread at maturity</td><td>150m3</td><td>1,200mm</td><td>10m x 10m or equivalent</td></tr><tr><td>Medium Trees</td><td>8-12m high, up to 8m crown spread at maturity</td><td>35m3</td><td>1,000mm</td><td>6m x 6m or equivalent</td></tr><tr><td>Small trees</td><td>6-8m high, up to 4m</td><td>9m3</td><td>800mm</td><td>3.5m x 3.5m or</td></tr></table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large Trees	12-18m high, up to 16m crown spread at maturity	150m3	1,200mm	10m x 10m or equivalent	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m3	1,000mm	6m x 6m or equivalent	Small trees	6-8m high, up to 4m	9m3	800mm	3.5m x 3.5m or	Compliant The soil depths are sufficient to accommodate for the proposed planting.
Plant type	Definition	Soil Volume	Soil Depth	Soil Area																		
Large Trees	12-18m high, up to 16m crown spread at maturity	150m3	1,200mm	10m x 10m or equivalent																		
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	<table><tr><td></td><td>crown spread at maturity</td><td></td><td></td><td>equivalent</td></tr><tr><td>Shrubs</td><td></td><td></td><td>500-600mm</td><td></td></tr><tr><td>Ground Cover</td><td></td><td></td><td>300-450mm</td><td></td></tr><tr><td>Turf</td><td></td><td></td><td>200mm</td><td></td></tr></table>		crown spread at maturity			equivalent	Shrubs			500-600mm		Ground Cover			300-450mm		Turf			200mm		
	crown spread at maturity			equivalent																		
Shrubs			500-600mm																			
Ground Cover			300-450mm																			
Turf			200mm																			
Universal Design	Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features	Compliant All apartments are designed to meet the senior living standards and are all adaptable, thereby meeting the silver level universal design features.																				
Mixed Use	Can the development be accessed through public transport and does it positively contribute to the public domain? Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.	Compliant Within the mixed use building, the non-residential component (i.e. the RSL Club) is located on the ground floor, whereas the independent living units are on the upper levels of the building. As discussed earlier within this report, the development will be well serviced by public transport.																				
Awnings and Signage	Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development. Signage must respond to the existing streetscape character and context.	N/A - awnings within the public road reserve and building signage is not proposed.																				
Performance																						
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	Compliant The requirements of the BASIX Certificate are shown on the architectural plans.																				
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Compliant Council's Development Engineer and Water Management Officer is satisfied that the proposed stormwater management scheme complies with Council's WMDP.																				
Waste Management	Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling?	Compliant The waste management scheme is assessed as being acceptable. Refer to the sections of this report relating to the Waste Management referral response and Section C9 of the WDCP.																				
Building Maintenance	Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?	Compliant The material selection will ensure longevity and sustainability of the building.																				

SEPP (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

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

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

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

The assessment meets the relevant provisions under *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (BC SEPP) applies to the development pursuant to Clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Clause 2.3 has been considered and consent is sought for tree removal, noting that 21 prescribed trees are proposed for removal. The detailed assessment of which is carried out within the 'Landscape Referral Response' section of this report.

No further consideration of Chapter 2 of the BC SEPP is required.

Chapter 6 - Water Catchments

Chapter 6 of the BC SEPP applies to the development pursuant to Clause 6.1 as the site is located within the Sydney Harbour Catchment.

Chapter 6 has been considered and it has been determined that the development would meet the requirements and objectives of Chapter 6, insofar as stormwater will be appropriately managed and disposed off, which will ensure that the development does not result in pollution or adverse stormwater impacts to the Sydney Harbour Catchment.

Conclusion

As demonstrated above, the development is consistent with the relevant requirements under the BC SEPP.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP) applies to the site pursuant to Clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 4.6 of the RH SEPP requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.

The applicant submitted a Detailed Site Investigation (DSI) prepared by Geo-Environmental Engineering, dated 17 June 2025 in accordance with Chapter 4 of the RH SEPP. The DSI undertook soil sampling across various locations across the entirety of the site. The testing locations across the site are depicted in **Figure 5** below.

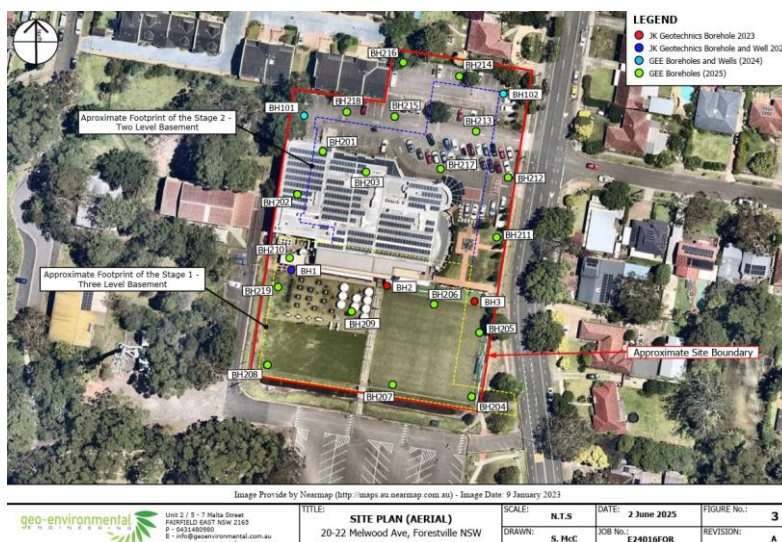


Figure 5 - Bore Hole (i.e. testing) locations across the site (source: applicant's DSI)

The soil testing concluded that the site is not currently suitable for the proposed development due to the detection of asbestos fibres located within BH215, which is located within the existing northern carpark on the site. Buildings 2 and 3 are located within this contaminated area.

Based on these findings, the DSI recommended that a Remedial Action Plan (RAP) be submitted to provide a strategy to safely remove asbestos contaminated soils within the proposed development area of the subject site.

A RAP prepared by Geo-Environmental Engineering, dated 20 June 2025 has been submitted with this application in accordance with the recommendations of the DSI. The RAP stipulates that the site can be made suitable for the proposed development, provided the following remediation

works are undertaken:

The area of contaminated soil under the existing northern car park which has been conservatively estimated to be 0.6m deep and 120 cubic metres in area around the BH215 location (refer to **Figure 6**) must be excavated by an appropriate contractor and disposed of offsite to a NSW EPA licensed facility.

Complete multi-directional raking across the exposed surface and hand pick any asbestos contaminated soils present. The collected material should be securely wrapped in plastic sheeting and taken to a suitably licenced landfill facility.

- Following removal of the fill layer and waste debris, a program of soil validation will be implemented, which will involve soil sampling within the remediation area across eight different sampling locations. The soil samples will be transported to a laboratory for testing to determine whether the resulting soil is compliant with a Health Investigation Level (HIL) B for higher density residential development.

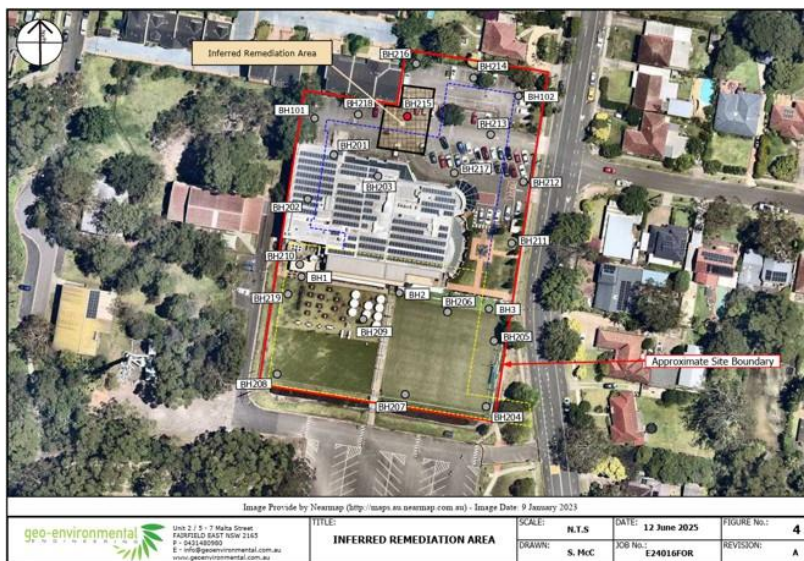


Figure 6 - Area of the site to be Remediated (source: applicant's RAP)

Council's Environmental Health Officer has reviewed the application and is satisfied that the DSI and RAP has appropriately assessed contamination and that the site can be made suitable for the intended land use, subject to the remediation works stipulated within the RAP being carried out prior to the commencement of construction. A condition is recommended requiring a Remediation Site Validation Report (RSVR) to be carried out prior to the commencement of works. The RSVR is to certify that the site has been satisfactorily remediated to the HIL B (which is for higher density forms of residential development).

With this condition in place, Council can be satisfied that the land will be remediated before the land is occupied by the development.

Therefore, the proposed development meets the relevant considerations under Chapter 4 of the RH SEPP, subject to conditions.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
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

There are no applicable principal development standards under Part 4 of the WLEP 2011 to consider as part of this application, as the development standards of the Housing SEPP prevail. The applicable development standards are addressed in the section of this report relating to the Housing SEPP.

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
4.6 Exceptions to development standards	Yes
5.20 Standards that cannot be used to refuse consent – playing and performing music	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

2.5 Additional permitted uses for particular land

While development for the purposes of a registered club is not included in the R2 Low Density Residential zone Land Use Table, the site benefits from an APU provision for a registered club pursuant to Clause 10, Schedule 1 of the WLEP 2011. Therefore, the construction of a new RSL Club on the site will be consistent with the additional permitted land use provisions for the site.

Zone R2 Low Density Residential

The independent living units are prohibited in the R2 zone under the WLEP 2011, but made permissible within the R2 zone pursuant to the Housing SEPP. The Housing SEPP prevails over the WLEP 2011 in the event of any inconsistency.

While not strictly permitted in the R2 zone, the assessment finds that the development is consistent with the objectives of the R2 zone for the following reasons:

The RSL Club is permitted on the site pursuant to the APU that applies under Clause 2.5 of the WLEP 2011.

A two-storey building height at the front facade has been adopted for Buildings 1 and 2 to ensure that an appropriate visual relationship is maintained with the surrounding predominantly one and two-storey buildings. Notwithstanding, this precinct will undergo change as a result of the Low to Mid Rise Housing policy amendments under the Housing SEPP which include residential flat buildings to a height of 9.5m (3-storeys) and the development will be more compatible with the form and scale of future development within this precinct.

- A compliant 6.5m landscaped setback with planting is provided in front of Buildings 1 and 2 to provide a landscaped setting that is compatible with the existing character of the area.
- A 9m setback from the northern boundary is afforded to ensure that adequate separation is afforded from the adjoining low density residential development to the north of the site, which will maintain appropriate amenity to these developments.
- The denser portions of the development (i.e. the mixed use club/seniors building and Building 3 - seniors) are confined to the southern and western sides of the site that do not have an interface with adjoining low density residential development.
- The development will deliver 52 new independent living units which will provide for the housing needs of the community.

4.6 Exceptions to development standards

Variation No. 1 - Building Height - Section 108(2)(a) of the Housing SEPP

Section 108(2)(a) of the Housing SEPP stipulates that the maximum height of the development shall not exceed 9.5m above the existing ground level.

All of the proposed buildings result in an exceedance to the 9.5m height of buildings standard. The breaches on the seniors housing Buildings 1, 2 and 3 are minor in nature and comprise small elements of the hipped roofline for Buildings 1 and 2 and small elements of the parapet and lift overrun for Building 3. The extent of the breach for the mixed use (club/seniors) building is more significant and occupies approximately two-thirds of the third storey component, which accommodates independent living units.

Quantitatively, each building involves the following maximum building height:

- Building 1 has a maximum building height of 10.405m, which results in a 9.53% variation to the development standard.
- Building 2 has a maximum building height of 10.111m, which results in a 6.43% variation to the development standard.
- Building 3 has a maximum building height of 9.65m, which results in a 1.58% variation to the development standard.
- The Mixed Use (club/seniors) Building has a maximum building height of 12.35m, which represents a 30% variation to the development standard.

The following image depicts the extent of the buildings that exceed the 9.5m height plane.

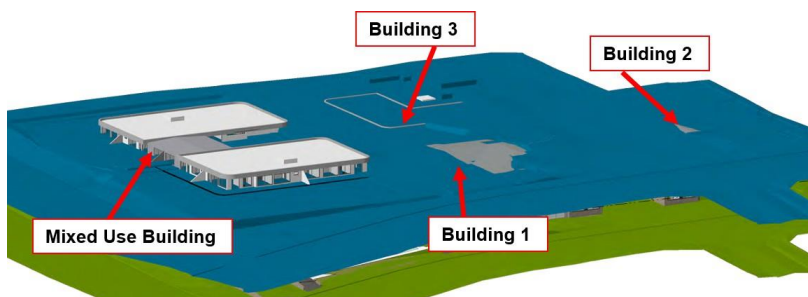


Figure 7 - Areas of the Development exceeding the 9.5m Height Plane

With reference to Section 35B of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the development application is accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate the matters set out in Clause 4.6(3)(a) and (b) of the WLEP 2011 (the 'Clause 4.6 Request').

Subclause (1) of this clause provides that:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,**
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

The objectives of this clause have been considered pursuant to Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Subclause (2) of this clause provides that:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Section 108(2)(a) of the Housing SEPP is not expressly excluded from the operation of this clause.

Subclause (3) of this clause provides that:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and**

Comment:

Council is satisfied that the applicant has demonstrated that compliance with Section 108(2)(a) of the Housing SEPP is unreasonable or unnecessary in the circumstances of this application, as the applicant has demonstrated that the objectives of Clause 4.3 'Height of buildings' of the WLEP 2011 are achieved, notwithstanding the non-compliance. This method is an appropriate way to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as outlined within the matter of *Wehbe v Pittwater Council* [2007] NSWLEC 827.

The assessing officer notes that meeting the objectives of Clause 4.3 of the WLEP 2011 is appropriate as there are no objectives pertaining to building height under Section 108(2)(a) of the Housing SEPP. Pages 5 - 10 of the applicant's Clause 4.6 variation request for the building height non-compliance addresses the objectives of Clause 4.3 of the WLEP 2011.

Council's assessment against the objectives of Clause 4.3 of the WLEP 2011 is provided as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,**

Comment:

In considering the extent of the breach for the mixed use (club/seniors) building that is proposed as part of the Stage 1 construction, consideration should be given to the Additional Permitted Use provision that permits an RSL Club on the subject site. There is a general expectation that development associated with an RSL Club would be of a greater height, bulk and scale than low density residential development within an R2 Low Density Residential zone. Consideration also needs to be given to the relationship in scale between the existing RSL Club that is proposed for demolition and the proposed mixed use (club/seniors) building which will accommodate the new RSL Club.

The proposed mixed use (club/seniors) building is not significantly taller than the existing RSL Club on the site that is proposed for demolition, given the proposed parapet level of the RSL Club is sited at RL138.3m AHD and the existing parapet level of the RSL Club is sited at RL136.5m AHD, being 1.8m lower than the proposed mixed use building. Notwithstanding, the third storey parapet is setback from the lower levels, as each level is stepped in from the lower level below. On-slab landscaping is also provided, which will soften the upper levels of the building.

For the reasons outlined above, the assessment finds that the new mixed use (club/seniors) building will maintain an appropriate relationship in scale with the existing RSL Club on the site that is proposed for demolition. As such, the new mixed use (club/seniors) building will not be inappropriate or incompatible within the established streetscape setting.

It is also noted that the mixed use (club/seniors) building is located on the southern side of the subject site which does not have a direct interface with any adjacent low density residential development. As development on the site transitions to the north, which has an interface with adjacent low density residential development, the resulting built forms and heights become more compatible with the established low density residential character. This is because Buildings 1 and 2 contain two-storey street front setbacks with the third storey components stepped in from the front and side facades and contain alternative external finishes to the lower floors to reduce the visual prominence of the third storey elements. Buildings 1 and 2 also contain hipped roof profiles to respond to the established low density residential character of Melwood Avenue.

In relation to Building 3, this building is sited within the north-western corner of the site, adjacent to the RE1 Public Recreation zone and the multi-dwelling housing development at 17 Forestville Avenue, and is significantly setback from Melwood Avenue and located behind Buildings 1 and 2. Building 3 does not have a direct interface with any detached dwelling housing development. Moreover, Building 3 will not be visually prominent when viewed from Melwood Avenue, as it is located behind Buildings 1 and 2.

It is also noted that Buildings 1, 2 and 3 have provided a compliant 9m building setback from the northern boundary in accordance with the ADG to provide suitable separation from the adjacent residential properties.

For these reasons, the assessment finds that the development will not be visually incompatible in terms of its height and scale with surrounding and nearby development. Moreover, the resulting built forms, particularly for Buildings 1, 2 and 3, will be consistent with the future emerging character of development within the visual catchment of the site, given the recent Low to Mid Rise Housing policy amendments under the Housing SEPP now permit three-storey up to 9.5m residential flat buildings and other medium density residential typologies on the subject site and surrounding properties within the R2 Low Density Residential zone.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

As detailed above, a compliant 9m building setback from the northern boundary in accordance with the ADG is provided to ensure that appropriate separation is maintained between the proposal and adjacent residential development. This level of separation will ensure that the visual and privacy impacts of the development on adjacent residential development are appropriately minimised. The proposed planting along the northern boundary will also visually reduce the built form and provide added privacy to the adjacent residential development to the north.

The non-compliant areas of the development that are adjacent to residential development (i.e. Buildings 1, 2 and 3) are minor quantitatively and confined to small areas of the roofline and lift overrun. These exceeding elements do not result in adverse visual impacts to neighbouring properties or to the public domain.

The habitable areas of the development within the mixed use (club/seniors) building and Building 3 have adopted compliant ADG separation (i.e. over 6m which applies for land not adjoining the R2 zone) from the western boundary to mitigate adverse privacy impacts on the Scout Hall and the surrounding public open space.

As detailed within the section of the report relating to the ADG, the development, including the portions that exceed the 9.5m height plane, do not result in adverse overshadowing of adjoining residential properties given the orientation of the development relative to adjacent residential properties. The development will also not result in adverse overshadowing of adjacent public open space, given the Scout Hall and public open space located to the west of the site will only be overshadowed by the development before 12pm and will retain sunlight after this point. The large extent of overshadowing caused by the development will be confined to the existing car park located to the south of the site. This will not create any adverse impacts on public amenity.

In turning to view sharing, an examination of the subject site and its surrounds has concluded that the development, including the non-compliant building height components, will not obstruct any significant view corridors from the private and public domain.

For these reasons, the assessment finds that the development has minimised visual impacts, disruption of views, loss of privacy and loss of solar access, consistent with this objective.

(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

Comment:

The subject site does not adjoin any coastal or bushland conservation zones. While the development does adjoin public open space, the assessment has concluded that the development has been appropriately sited and scaled to minimised impacts on public open space, as demonstrated in the analysis above.

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

Comment:

As detailed within the analysis above, the assessment has concluded that the visual impact of the development has been appropriately minimised. The most significant non-compliance, which relates to the third storey of the mixed use (club/seniors) building, is significantly stepped in from the lower floors to minimised the visual impacts on the public domain, which includes the Scout Hall, the public reserve, the sporting fields and Melwood Avenue. The overall height of the mixed use (club/seniors) building is not significantly greater than the existing RSL Building on the site.

The proposed landscaping around the curtilage of the buildings will also assist in visually reducing the built form when viewed from the public domain.

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. *The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'*

Applicant's Written Clause 4.6 Request

The Clause 4.6 Request argues, in part:

Ground 1 - Design and floor space distribution efficiencies achieved through allotment size and geometry

Sufficient environmental planning grounds exist to justify the variation including the design and floor space distribution efficiencies achieved through the size and geometry of the allotment which are significantly greater than the minimum site width and lot size standards prescribed by SEPP (Housing) 2021.

In this regard, the significant allotment size and geometry facilitates the provision of a building form which whilst exceeding the building height standard will not give rise to inappropriate or jarring streetscape or residential amenity consequences.

Ground 2 - Compatibility with the building height outcome reasonably anticipated given the long-established and permissible RSL Club use of the land

The non-compliant building height element located above the Club building does not result in a building form that is inconsistent with that reasonably anticipated for an RSL Club building and to that extent will not be perceived as inappropriate or jarring have regard to the long-established and permissible RSL Club use on the land.

The extent of breach can be directly attributed to the floor to ceiling height requirements of a registered Club which are greater than those anticipated by the policy makers when developing the height standard and which anticipates a three storey building form.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 I have formed the considered opinion that most observers would not find the proposed development by virtue of its visual bulk and scale, in particular the building height breaching elements, offensive, jarring or unsympathetic when viewed from the surrounding public spaces and in a streetscape context having regard to the built form characteristics reasonably anticipated for development on land currently occupied by an RSL Club. The development is compatible with surrounding development with the built form and landscape outcomes enabling development to co-exist in harmony.

Ground 3 - Compatibility with the built form and building height outcome anticipated by the Chapter 6 LMR provisions of SEPP Housing

The subject property is identified on the indicative low and mid-rise housing (LMR) mapping being located within 800 metres of the Forestville Local Centre. In this regard, residential flat development is permissible on the land pursuant to Chapter 6 of SEPP Housing with a non-discretionary FSR standard of 0.8:1 applying to residential apartment development on the land together with a building height of 9.5 metres. In this regard, the 9.5 metre 3 storey building height proposed is entirely consistent with the building heights and form anticipated on the land pursuant to the LMR provisions.

Ground 4 - Achievement of aims of SEPP HSPD

Approval of the variation will better achieve the aims of SEPP (Housing) being to encourage the provision of housing that will:

- (a) enable the development of diverse housing types, including seniors housing,*
- (b) encourage the development of housing that will meet the needs of more vulnerable members of the community including seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity, and*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services.*

Approval of the height exceedance will encourage the provision of housing that will increase the supply and diversity of residences that satisfy the development criteria, standards and design principles specified within SEPP HSPD and on a site that is well serviced by existing infrastructure and public transport services and suitable for this form of development.

Under such circumstances, approval of the height exceedance will better achieve the aims of SEPP HSPD as outlined.

Ground 5 - Objectives of the Act

Objective (c) to promote the orderly and economic use and development of land

For the reasons outlined in this submission, approval of the building height variation will promote the orderly and economic use and development of the land and will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.

Strict compliance would require the deletion of upper level residential floor space in circumstances where the size and geometry of the allotment and long established and permissible RSL Club land-use facilitates the contextually appropriate distribution of the quantum of floor space proposed ensuring that the building, by virtue of its bulk and scale, is consistent with the desired character of the locality in terms of streetscape, building form, landscaping and residential amenity outcomes.

Approval of the height variation will achieve objective (c) of the Act.

Objective (g) to promote good design and amenity of the built environment

The building is of exceptional design quality with the height variation facilitating a the contextually appropriate distribution of floor space on the site in a contextually appropriate and compatible building form, the delivery of housing for seniors and people with a disability and the orderly and economic use and development of the land consistent with objective (g) of the Act.

There are sufficient environmental planning grounds to justify contravening the development standard.

Assessment Officer Comment:

The environmental planning grounds advanced by the applicant are site specific and therefore, are concurred with. Notably, it is concurred that:

- The significant allotment size and geometry facilitates the provision of a building form which whilst exceeding the building height standard will not give rise to inappropriate or jarring streetscape or residential amenity impacts.
- The overall building height for the mixed use building, which accommodates the proposed RSL Club, is not significantly taller than the existing RSL Club on the site and therefore, will maintain an appropriate relationship in scale with the existing RSL Club on the site that is proposed for demolition.
- The proposed heights and building forms for Buildings 1, 2 and 3 will be consistent with the future emerging character of development within the visual catchment of the site, given the recent Low to Mid Rise Housing policy amendments under the Housing SEPP now permit three-storey and 9.5m residential flat buildings and other medium density residential typologies on the subject site and surrounding properties within the R2 Low Density Residential zone.
- The development is consistent with the objectives of the Housing SEPP and objectives (c) and (g) of the EP&AA Act, insofar as the development, including the non-compliant areas of the building, will increase the supply and diversity of residences that meet the needs of seniors or people

with a disability, without resulting in adverse impacts on the existing natural and built environment.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying Clauses 1.3 (c) and (g) of the EP&A Act.

Public Interest

Matters relevant to public interest in respect of the development are considered in the relevant sections of this report as per Section 4.15(1)(e) of the EP&A Act.

Conclusion

As demonstrated above, the proposed development satisfies the relevant considerations under Clause 4.6 of the WLEP 2011. Therefore, the contravention to Section 108(2)(a) of the Housing SEPP is supported in this instance.

Variation No. 2 - Density and Scale (when expressed as Floor Space Ratio) - Section 108(2)(c) of the Housing SEPP

Section 108(2)(c) of the Housing SEPP limits the floor space ratio (FSR) of seniors housing developments within the R2 Low Density Residential zone to 0.5:1 (4,507sqm of gross floor area (GFA)). The proposed development has a FSR of 1:065:1 (9,601sqm of GFA), which represents a 114% variation to the development standard. This FSR calculation encapsulates the entire development, including the mixed-use (club/seniors) building and Buildings 1, 2 and 3 (the stand alone seniors buildings).

The FSR for each part of the development is broken down as follows:

- The total development: 1:065:1 (9,601sqm of GFA).
- The residential component of the development (Buildings 1, 2 and 3 and the residential component above the RSL Club): 0.751:1 (6,770sqm of GFA).
- The RSL Club (commercial floor space) only: 0.314:1 (2,831sqm of GFA).
- Buildings 1, 2 and 3 only (excluding the residential component above the RSL): 0.507:1 (4,570sqm GFA)

It is important to note that the FSR standard only relates to the seniors housing component. As such, the extent of non-compliance to the development standard is 50.2% (2,263sqm).

It is worth noting that the recent Low to Mid Rise Housing policy amendments under the Housing SEPP allow for a FSR of 0.8:1 on the subject site for residential flat building and shop top housing developments made pursuant to Chapter 6 of the Housing SEPP. While the Development Application is not made pursuant to these provisions, it is worth noting that the residential components of the development would comply with the FSR standard of 0.8:1.

With reference to Section 35B of the EP&A Regulation, the development application is accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate the matters set out in Clause 4.6(3)(a) and (b) of the WLEP 2011 (the 'Clause 4.6 Request').

Subclause (1) of this clause provides that:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,***
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

The objectives of this clause have been considered pursuant to Section 4.15(a)(i) of the EP&A Act.

Subclause (2) of this clause provides that:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Section 108(2)(a) of the Housing SEPP is not expressly excluded from the operation of this clause.

Subclause (3) of this clause provides that:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and***

Comment:

Council is satisfied that the applicant has demonstrated that compliance with Section 108(2)(c) of the Housing SEPP is unreasonable or unnecessary in

the circumstances of this application as the applicant has demonstrated that the objectives of Clause 4.4 'Floor space ratio' of the WLEP 2011 are achieved, notwithstanding the non-compliance. This method is an appropriate way to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as outlined within the matter of *Wehbe v Pittwater Council* [2007] NSWLEC 827.

The assessing officer notes that meeting the objectives of Clause 4.4 of the WLEP 2011 is appropriate as there are no objectives under Section 108(2) (c) of the Housing SEPP and while the subject site does not contain a FSR standard for the site under the WLEP 2011, the objectives under Clause 4.4 of the WLEP 2011 are relevant as they relate to FSR. The justification provided within the applicant's Clause 4.6 variation request on pages 5 - 9 that pertains to the objectives of Clause 4.4 of the WLEP 2011 is concurred with.

For completeness, an assessment against the objectives of Clause 4.4 of the WLEP 2011 is provided below.

(a) to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,

Comment:

A Traffic Impact Assessment (TIA) prepared by Traffix, dated 21 May 2025 has been submitted to assess whether the additional traffic generated by the development would have an adverse impact on the surrounding road network.

The TIA has surveyed the existing vehicular access of the RSL Club and noted that the existing development with a 3,749sqm GFA has a peak traffic generation of 175 vehicle trips per hour (89 in and 86 out of the site) during the peak evening period. The TIA noted that the new RSL Club has a reduced GFA of 2,831sqm for the RSL component only when compared to the existing RSL Club GFA of 3,749sqm and therefore, the existing traffic generation associated with the current RSL has been applied as a conservative assessment.

In turning to the independent living units, the TIA has referred to The Transport for NSW Technical Direction (TDT 2013/04a), which provides updated traffic generation rates for a number of land uses, including seniors housing developments. In adopting these rates based off 52 new independent living units, the TIA stipulates that the additional traffic generated by the development would be an additional 11 vehicle trips per hour during the peak evening period, thereby resulting in 186 vehicle trips during the peak period. The TIA states that this level of trip generation is considered minimal and would not result in any significant or noticeable impacts to the existing traffic network.

The TIA states that the additional traffic generated by the development would result in a level of service (LOS) B at the intersection of Warringah Road and Darley Street and a LOS A at all other intersections. This represents acceptable performance at the intersections.

Council's Traffic Engineer has reviewed the application and not raised any concerns in relation to traffic generation. It is also noted that the development provides a surplus quantum of car parking above the minimum rates within the Housing SEPP and WDCP.

For the reasons outlined above, the assessment finds that the intensity of the development and associated traffic generation will not have an adverse impact on existing and planned infrastructure, including transport infrastructure.

(b) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,

Comment:

The amount of GFA proposed results in the provision of 52 independent living units that are compliant with the objectives of the ADG and will deliver a high quality of amenity. Moreover, the development will provide for 2,831sqm of GFA dedicated to the new RSL Club, which will contain an array of services to meet the needs of its members.

The development is consistent with Council's and the NSW Government's strategic planning framework, noting that:

- The development would support the NSW Government's priorities to deliver well-located housing as it will deliver 52 new independent living units that meet the needs of any aging population in an accessible location, being in close proximity to the Forestville town centre.
- The development also provides alternative housing choices for senior citizens within an area that is well serviced by public transport and located in close proximity to the Forestville town centre. As such, the development is consistent with the principles of Council's Local Strategic Planning Statement, which aims to "Locate seniors housing, social and affordable housing near centres and high-frequency public transport".

For these reasons, the assessment finds that the development provides sufficient floor space to meet the anticipated needs for the foreseeable future.

(c) to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,

Comment:

As detailed earlier within this report, the recent Low to Mid Rise Housing Policy amendments under the Housing SEPP now anticipate three-storey residential flat buildings and other medium density residential typologies on the subject site and within the visual catchment of the site. The proposed seniors housing Buildings 1, 2 and 3 are commensurate with the bulk and scale of development that is envisaged by the Low to Mid Rise Housing Policy amendments as expressed through the proposed three-storey height, and the residential components are consistent with the FSR provision of 0.8:1, noting that the residential components have a stand-alone FSR of 0.751:1.

The bulk and scale of the mixed use building has also been assessed as acceptable, given it is not significantly greater than the bulk and scale of the existing RSL Club that is proposed for demolition and noting that the mixed use building is located on the southern portion of the site that does not have a direct interface with the R2 zone or any residential development.

The development also incorporates appropriate building setbacks and suitable areas of deep soil landscaping with appropriate planting (as amended via the recommended conditions), which will provide for a suitable landscaped setting that is commensurate with the low density residential character of Melwood Avenue.

For these reasons, the assessment finds that the buildings, by virtue of their bulk and scale, are consistent with the desired future character of the locality.

(d) to manage the visual impact of development when viewed from public spaces,

Comment:

As discussed within the Clause 4.6 variation section of this report that pertains to building height, the visual impact of the development when viewed from the public domain is assessed as being acceptable.

(e) to maximise solar access and amenity for public areas.

Comment:

As discussed within the Clause 4.6 variation section of this report that pertains to building height, the extent of overshadowing on public open space is acceptable and will not adversely impact on public amenity. The areas of communal open space within the site will also not be significantly overshadowed as a result of the suitable building separation provided internally within the site.

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

Applicant's Written Clause 4.6 Request

The Clause 4.6 Request argues, in part:

Ground 1 - Design and floor space distribution efficiencies achieved through allotment size and geometry

Sufficient environmental planning grounds exist to justify the variation including the design and floor space distribution efficiencies achieved through the size and geometry of the allotment which are significantly greater than the minimum site width and lot size standards prescribed by SEPP (Housing) 2021.

In this regard, the significant allotment size and geometry facilitates the provision of floor space within a series of detached building pavilions which will sit within a landscaped setting and will not give rise to inappropriate or jarring streetscape or residential amenity consequences.

Ground 2 - Compatibility with the built form and floor space outcome reasonably anticipated given the long-established and permissible RSL Club use of the land

It has been determined that the independent living unit component of the development has a total gross floor area, as defined, of 6745m² representing an FSR of 0.75:1. This represents an exceedance of the FSR standard of 2238m² or 49.65%.

I note that 2251m² of independent living unit floor space is located immediately above the proposed registered Club. That is, the independent living unit pavilions located on the northern portion of the site provide for a compliant FSR of 0.5:1 with the non-compliant residential floor space located within the Club building.

I note that although not relevant to this particular development standard that the overall development across the site including the Club building and independent living units has a GFA of 9008m² representing an FSR of 1:1. Such FSR represents the must not refuse standard applying to a residential care facility within an R2 Low Density Residential zone being a land-use where form follows function as is the case with an RSL Club building.

In this regard, the non-compliant floor space located within/above the Club building results in a building form not inconsistent with that reasonably anticipated for an RSL Club building and to that extent will not be perceived as inappropriate or jarring have regard to the long-established and permissible RSL Club use on the land.

I note that the proposed overall FSR of 1:1 has been distributed across the consolidated allotment in a manner which results in a complimentary and compatible built form outcome on the site consistent with that anticipated for a residential care facility to which a must not refuse FSR standard of 1:1 would apply. Under such circumstances

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 I have formed the considered opinion that most observers would not find the proposed development by virtue of its visual bulk and scale offensive, jarring or unsympathetic when viewed from the surrounding public spaces and in a streetscape context having regard to the built form characteristics reasonably anticipated for development on land currently occupied by an RSL Club. The development is compatible with surrounding development with the built form and landscape outcomes enabling development to co-exist in harmony.

Ground 3 - Compatibility with the built form and floor space outcome anticipated by the Chapter 6 LMR provisions of SEPP Housing

The subject property is identified on the indicative low and mid-rise housing (LMR) mapping being located within 800 metres of the Forestville Local Centre. In this regard, residential flat development is permissible on the land pursuant to Chapter 6 of SEPP Housing with a non-discretionary FSR standard of 0.8:1 applying to residential apartment development on the land together with a building height of 9.5 metres. In this regard, the residential FSR of 0.75:1 is entirely consistent with the residential FSR anticipated on the land pursuant to the LMR provisions as is the 9.5 metre building height

proposed.

Ground 4 – Achievement of aims of SEPP HSPD

Approval of the variation will better achieve the aims of SEPP (Housing) being to encourage the provision of housing that will:

- (a) enable the development of diverse housing types, including seniors housing,
- (b) encourage the development of housing that will meet the needs of more vulnerable members of the community including seniors and people with a disability,
- (c) ensuring new housing development provides residents with a reasonable level of amenity, and
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services.

Approval of the FSR exceedance will encourage the provision of housing that will increase the supply and diversity of residences that satisfy the development criteria, standards and design principles specified within SEPP HSPD and on a site that is well serviced by existing infrastructure and public transport services and suitable for this form of development.

Under such circumstances, approval of the FSR exceedance will better achieve the aims of SEPP HSPD as outlined.

Ground 5 - Objectives of the Act

Objective (c) to promote the orderly and economic use and development of land

For the reasons outlined in this submission, approval of the variation to the FSR standard will promote the orderly and economic use and development of the land and will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.

Strict compliance would require the removal of 2238m² of floor space from the development in circumstances where the size and geometry of the allotment and long established and permissible RSL Club land-use facilitates the contextually appropriate distribution of the quantum of floor space proposed ensuring that the building, by virtue of its bulk and scale, is consistent with the desired character of the locality in terms of streetscape, building form, landscaping and residential amenity outcomes.

Approval of the FSR variation will achieve objective (c) of the Act.

Objective (g) to promote good design and amenity of the built environment

The building is of exceptional design quality with the variation facilitating a quantum of floor space that provides for contextual built form compatibility, the delivery of housing for seniors and people with a disability and the orderly and economic use and development of the land consistent with objective (g) of the Act.

There are sufficient environmental planning grounds to justify contravening the development standard.

Assessment Officer Comment:

The environmental planning grounds advanced by the applicant to be site-specific and therefore, are concurred with. Notably, it is concurred that:

- The significant allotment size and geometry facilitates the provision of a detached building forms with suitable building separation across the site, of which will sit within an appropriate landscaped setting and will not result in adverse impacts on the streetscape or surrounding properties.
- The resulting development will not result in a building form not inconsistent with that reasonably anticipated for an RSL Club building and to that extent will not be perceived as inappropriate or jarring have regard to the long-established and permissible RSL Club use on the land.
- The quantum of FSR that is proposed for the residential components of the development remains compliant with the non-discretionary development standard of 0.8:1 under Chapter 6 of the Housing SEPP that would apply if a residential flat building development was proposed on the site in isolation to the RSL Club, of which would not be subject to an FSR standard as the RSL Club is permitted under the WLEP 2011.
- The development is consistent with the objectives of the Housing SEPP and objectives (c) and (g) of the EP&A Act, insofar as the development, including the non-compliant areas of the building, will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, without resulting in adverse impacts on the existing natural and built environment.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying Clauses 1.3 (c) and (g) of the EP&A Act.

Public Interest

Matters relevant to public interest in respect of the development are considered in the relevant sections of this report as per Section 4.15(1)(e) of the EP&A Act.

Conclusion

As demonstrated above, the proposed development satisfies the relevant considerations under Clause 4.6 of the WLEP 2011. Therefore, the contravention to Section 108(2)(c) of the Housing SEPP is supported in this instance.

6.2 Earthworks

The development includes significant excavation works to provide three basement levels. Filling within the site is also proposed. As such, Clause 6.2 of the WLEP 2011 is applicable to the assessment.

The assessment finds that the development is consistent with Clause 6.2 of the WLEP 2011 for the following reasons:

- While the excavation works would intercept the water table, WaterNSW have provided General Terms of Approval (GTA) in accordance with Division 4.8 of the EP&A Act and the *Water Management Act 2000*. The GTA will ensure that groundwater is appropriately managed during excavation and construction.
- The Geotechnical Investigation Report (GIR) prepared by Geo-Environmental Engineering, dated 13 May 2025 submitted with this application has assessed the geotechnical risk associated with the development. The GIR has concluded that the development will not result in unacceptable geotechnical risk to property and life. The GIR has provided engineering recommendations to mitigate geotechnical risk, which are included in the recommended conditions of consent.
- Suitable conditions of consent have been recommended to mitigate temporary impacts associated with excavation and construction, namely in relation to noise mitigation, site remediation and validation, water management and sediment control.
- Suitable conditions of consent are recommended requiring Dilapidation Reports to be carried out on the portions of adjoining properties that are located within 20m of the proposed earthworks. This will ensure that any structural damage to properties as a result of earthworks is accounted for, thereby enabling a due process for any rectification works if required.
- The site is not mapped within an area known for containing Aboriginal heritage significance. Notwithstanding, conditions are recommended to ensure that the appropriate authorities are notified in the event that any relics or items are uncovered during earthworks.
- The development is not located in close proximity to any watercourse, drinking water catchment or environmentally sensitive area and therefore, will not adversely impact upon these matters.

6.4 Development on sloping land

The site is located within Area A on the WLEP 2011 Landslip Risk Map. This area represents the lowest risk of geotechnical risk within the locality as it involves sites with a slope that are less than 5 degrees.

An assessment has been carried out against Clause 6.4 of the WLEP 2011 and the assessment has concluded that the development is consistent with Clause 6.4 for the following reasons:

- The GIR submitted with this application has concluded that the development will not result in unacceptable geotechnical risk to property and life. The GIR has provided engineering recommendations to mitigate geotechnical risk, which are included in the recommended conditions of consent.
- Council's Development Engineer and Water Management Officer are satisfied that the stormwater management system complies with the WMDP and therefore, it can be concluded that the development is not likely to cause any adverse off-site impacts as a result of stormwater being discharged from the site.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	11.7m (mixed use building) 9.16m (seniors housing Building 1)	62.5% 27.22%	No
B3 Side Boundary Envelope	4m / 45 degrees (north)	Within Envelope	-	Yes
	4m / 45 degrees (south)	Within Envelope	-	Yes
B5 Side Boundary Setbacks	0.9m (north)	8.59m (basement) - 9.0m (above ground components of the building)	-	Yes
	0.9m (south)	nil setback (basement) - 6.0m (above ground components of the building)	100%	No (basement only)
B7 Front Boundary Setbacks	6.5m	6.0m (at-grade car park) - 6.5m (buildings)	7.69%	No (at-grade car park only)
B9 Rear Boundary Setbacks	6m	3.046m (basement and mixed use RSL building) - 9m (seniors housing building 3)	49.23%	No (basement and mixed use RSL building only)
D1 Landscaped Open Space (LOS) and Bushland Setting	N/A - the landscaped area requirements under the Housing SEPP prevail	N/A	N/A	N/A

Note: While the pedestrian entryway / letter box area is located within the 6.5m front setback area, Section B7 of the WDCP allows such areas to be located within the front setback area. As such, the pedestrian entryway / letter box area is compliant with the WDCP.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C3(A) Bicycle Parking and End of Trip Facilities	No	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

Section B1 of the WDCP stipulates that the maximum wall height of development, when measured from the finished ceiling level on the uppermost floor to the existing ground level, must not exceed 7.2m.

The maximum wall height of the development measures at 11.7m for the mixed use (club/seniors) building and the maximum wall height amongst the stand-alone seniors housing buildings measures at 9.16m for Building 1.

It is noted that this control has been designed for detached low density residential development and does not anticipate the greater height and density of development that is permitted under the Housing SEPP.

Merit consideration

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

- ***To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.***

Comment:

As detailed within the sections of the report relating to the Housing SEPP and Clause 4.6 of the WLEP 2011, the assessment finds that the development will have an acceptable visual impact when viewed from adjoining properties and the public domain, including land zoned for public recreation.

- ***To ensure development is generally beneath the existing tree canopy level***

Comment:

The resulting development will be below the established tree canopy within the locality. Moreover, a condition is recommended requiring the Landscape Plan to be amended to include canopy trees capable of attaining a height of 13m at maturity, which will exceed the overall height of the development once the trees are grown to maturity.

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

Comment:

As detailed within the sections of the report relating to the Housing SEPP and Clause 4.6 of the WLEP 2011, the assessment finds that the development will not obstruct significant view corridors from the private and public domain.

- ***To minimise the impact of development on adjoining or nearby properties.***

Comment:

As detailed within the section of this report relating to the Housing SEPP, the ADG and Clause 4.6 of the WLEP 2011, the bulk and scale of the development will not have an adverse impact on surrounding properties. Suitable conditions are recommended to manage on-going impacts of the development on adjoining properties, as they pertain to lighting, glare, noise emissions and waste delivery.

- ***To ensure that development responds to site topography and to discourage excavation of the natural landform.***

Comment:

The excavation works associated with the development have been assessed as being acceptable, noting that the basement parking levels will provide a surplus of off-street car parking, which will ensure that available on-street car parking surrounding the site is not constrained. The recommended conditions of consent will ensure that the excavation works do not result in adverse environmental or amenity impacts.

- ***To provide sufficient scope for innovative roof pitch and variation in roof design.***

Comment:

The mixed use (club/seniors) building and Building 3 exhibit a flat roof with a parapet, whereas Buildings 1 and 3 provide a hipped roof form. The proposed roof forms are satisfactory.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Section B1 of the WDCP. In this regard, flexibility should be afforded to the numerical requirements of the control, consistent with Section 4.15(3A)(b) of the EP&A Act.

B5 Side Boundary Setbacks

Description of non-compliance

Section B5 of the WDCP requires development to be setback at least 0.9m from the side boundaries. The proposed basement levels provide a nil setback from the southern side boundary, which does not comply with the prescribed requirement of this control. It is noted that the above ground components of the building are setback 6m from the southern side boundary.

Merit consideration

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

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

Comment:

The development provides a compliant quantum of deep soil landscaping in accordance with the Housing SEPP. As such, the assessment finds that there are adequate areas of deep soil landscaping on the site. Additionally, up to 1.5m depth of landscaping with planting is provided above the basement level along the southern boundary, which will assist in providing a suitable landscaped setting along the interface with the sporting fields and car park to the south of the site.

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

Comment:

The basement levels are subterranean and will not be visible. As such, the encroaching elements into the 0.9m southern side setback area will not be visually dominant.

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

Comment:

The basement levels are subterranean and will not be visible. As such, the encroaching elements will not add to the bulk and scale of the development.

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

Comment:

As detailed within the section of this report relating to the Housing SEPP, the ADG and Clause 4.6 of the WLEP 2011, suitable building separation for the above ground components has been provided to ensure that a reasonable level of privacy, amenity and solar access is maintained within the development and provided to adjacent properties. The basement levels that encroach into the southern side setback area will not give rise to adverse amenity impacts as they will not be visible.

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

Comment:

The basement levels that encroach into the southern side setback area are below ground and therefore, will not obstruct any view corridors.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Section B5 of the WDCP. In this regard, flexibility should be afforded to the numerical requirements of the control, consistent with Section 4.15(3A)(b) of the EP&A Act.

B7 Front Boundary Setbacks

Description of non-compliance

Section B7 of the WDCP requires development to be setback at least 6.5m from the front boundary. The proposed buildings are setback a minimum 6.5m from the front boundary; however, the at-grade car parking area and driveway in front of the RSL Club is setback 6m from the front boundary, which does not satisfy the numerical requirement.

Merit consideration

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

- ***To create a sense of openness.***

Comment:

A 6m wide deep soil landscaped zone has been provided between the front boundary and the parking area, which will ensure that an appropriate landscaped setting is established. The car parking area is also open in nature and will not preclude a sense of openness within the front of the site, noting the 6m deep soil landscaped area that is proposed in front of the car park.

- ***To maintain the visual continuity and pattern of buildings and landscape elements.***

Comment:

The proposed buildings employ a minimum front setback of 6.5m and a suitable landscaped setting has been provided within the entirety of the front setback of the site. These factors will ensure that the development maintains an appropriate visual relationship with surrounding development in terms of the front setbacks of buildings and landscaped elements.

- ***To protect and enhance the visual quality of streetscapes and public spaces.***

Comment:

As noted above, the development will maintain an appropriate visual relationship with surrounding development in terms of the front setbacks of buildings and landscaped elements. The minor encroachment into the front setback area for the car park will not detract from the visual quality of the streetscape and public spaces.

- ***To achieve reasonable view sharing.***

Comment:

The at-grade car parking area will not obstruct any significant view corridors.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Section B7 of the WDCP. In this regard, flexibility should be afforded to the numerical requirements of the control, consistent with Section 4.15(3A)(b) of the EP&A Act.

B9 Rear Boundary Setbacks

Description of non-compliance

Section B9 of the WDCP requires development to be setback at least 6m from the rear boundary. The proposed seniors housing Buildings 1, 2 and 3 including their basement components are compliant with this requirement.

However, the mixed use (club/seniors) building and the basement levels below it are setback a minimum 3.046m from the rear boundary, which does not

comply with the numerical requirement. It is noted that these non-compliant elements of the building have a direct interface with the car park for the sporting fields and are not located directly adjacent to the Scout Hall or public reserve.

Merit consideration

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

To ensure opportunities for deep soil landscape areas are maintained.

Comment:

The development provides a compliant quantum of deep soil landscaping in accordance with the Housing SEPP. As such, the assessment finds that there are adequate areas of deep soil landscaping on the site. Additionally, the landscaping scheme includes canopy trees within the rear setback area between the mixed use building and the rear boundary, which will provide for a suitable landscaped setting considering this part of the development only has a direct interface with the adjacent car park.

- ***To create a sense of openness in rear yards.***

Comment:

More significant landscaped deep soil setback zones are provided behind Buildings 1, 2 and 3 that have an interface with the Scout Hall and public reserve, which will create a sense of openness on the site.

- ***To preserve the amenity of adjacent land, particularly relating to privacy between buildings.***

Comment:

The rear setback non-compliance does not create adverse public amenity impacts as this component of the development only has an interface with the adjacent car park.

- ***To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.***

Comment:

The existing RSL Club is constructed up to the rear boundary of the site and the proposed mixed use building which will accommodate the RSL Club provides a greater rear setback than the existing RSL Club. The rear setbacks of Buildings 1, 2 and 3 are compatible with surrounding low density residential development.

- ***To provide opportunities to maintain privacy between dwellings.***

Comment:

As noted above, the rear setback non-compliance does not give rise to adverse privacy impacts or significant public amenity impacts.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Section B9 of the WDCP. In this regard, flexibility should be afforded to the numerical requirements of the control, consistent with Section 4.15(3A)(b) of the EP&A Act.

C3(A) Bicycle Parking and End of Trip Facilities

The development does not provide an adequate number of bicycle and end of trip facilities in accordance with Section C3(A) of the WDCP. Council's Traffic Engineer does not support the variation and accordingly, suitable conditions are recommended to ensure compliance with this control.

C9 Waste Management

Description of non-compliance

Section C9 of the WDCP requires development to be carried out in accordance with Council's Waste Management Guidelines (WMG). While the operational waste management scheme is largely compliant with the WMG, Council's waste contractors will collect residential waste from the basement loading dock rather than from a bin holding area adjacent to the street frontage. This arrangement is technically non-compliant with the WMG; however, it has been incorporated into the amended Development Application as per the advice given by Council's Waste Management Officer.

Merit consideration

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

- ***To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).***

Comment:

Collecting residential waste from the basement level is considered to deliver an appropriate outcome in this circumstance as the basement

access points and the area of the basement itself is of a sufficient size to cater for waste collection vehicles. Collecting residential waste from the basement rather than the street level will also assist in minimising amenity impacts to residents within the development and residents on surrounding properties.

However, as part of the assessment process, it was requested that swept paths be submitted demonstrating that a heavy rigid vehicle (HRV) can access the waste loading dock and can perform a three-point turn. The applicant has only provided swept paths for a medium ridged vehicle (MRV) and accordingly, Council's Waste Management Officer has recommended a condition requiring amended plans to be submitted demonstrating that a HRV can access the waste loading area within the basement. Additionally, a condition is recommended requiring a positive covenant to be created to enable Council Waste Management staff and contractors to access the basement area for waste collection.

With these conditions in place, the waste management scheme will be appropriate for the development and consistent with the principles of ESD.

To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.

Comment:

Suitable conditions have been recommended by Council's Waste Management Officer to ensure the recycling of building material. Moreover, Council will supply bins for residential collection to ensure that household waste is recycled. The commercial waste from the RSL building will be managed by a commercial waste contractor that is separate to Council's residential waste contractors and this arrangement will not require Council involvement.

- ***To design and locate waste storage and collection facilities which are convenient and easily accessible: safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.***

Comment:

The waste storage and collection points within the basement are safe, hygienic and will not have significant impacts on residents or pedestrians. Conditions are recommended to ensure that a HRV can access the loading dock.

- ***To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.***

Comment:

The recommended conditions of consent will ensure that this objective is achieved.

- ***To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.***

Comment:

The waste collection points within the basement are appropriately located and will not pose any significant public safety risks.

- ***To minimise any adverse environmental impacts associated with the storage and collection of waste.***

Comment:

The recommended conditions of consent will ensure that this objective is achieved.

- ***To discourage illegal dumping.***

Comment:

Conditions are recommended to ensure that waste is appropriately disposed of.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of this control. Therefore, flexibility is afforded to the prescribed requirements of this control, consistent with Section 4.15(3A)(b) of the EP&A Act.

D3 Noise

Many of the public submissions have raised concerns in relation to operational noise emissions created from the development, particularly in relation to the RSL Club.

Section D3 of the WDCP stipulates that noise from combined operation all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the Environment Protection Authority's (EPA) Noise Policy for Industry 2017 (NPII) (formerly titled Industrial Noise Policy) at the receiving boundary of residential and other noise sensitive land uses.

The application has been accompanied by a Noise Impact Assessment (NIA) prepared by Acoustic Logic, dated 20 May 2025, which has assessed the likely operational noise impacts associated with the development in accordance with the NPII.

The NIA has modelled operational noise impacts at surrounding receiver locations, which includes residential receivers to the north, east and west of the development, commercial/public recreation receivers at the Forestville Scout Hall and Forestville Centre and the public receiver locations of Melwood Avenue and public open space that adjoins the site to the west and south. The NIA has also modelled operational noise impacts for the 52 new

independent living units within the development.

The noise amenity criteria established within the NIA is the background ambient noise plus 5dB(A) at each receiver location, consistent with the NPFI.

The NIA has adopted the following modelling parameters within their noise assessment:

- The trading hours are in accordance with the current liquor licence.
- Sound level of music played in any external areas of 75 dB(A) L10 during the day, evening and late evening periods, with no music played in outdoor areas from 10pm onwards.
- Music to be played internally at a sound level of up to 85 L10 dB(A) at all times.
- All operable walls/glazing separating patron areas from outside are closed from 10pm onwards, with use of patron access doors only.
- Up to 60 patrons have been assumed to be located externally within the outdoor eating/family courtyard (located on north-western elevation of the RSL) based on proposed number of seating.
- A combined sound pressure level of gaming machines and patron noise within indoor gaming and alfresco gaming areas of 70 dB(A) L10 (based on previous measurements).
- For the external spaces, each patron generates a sound power level of 77 dB(A)L10 /75 dB(A)Leq, representative of a "raised" voice, with one in two patrons speaking at any one time.
- Child play area assumed to not be in use at night.
- The management controls outlined within Section 9.1.1 of the NIA are adhered to.
- The physical controls outlined Section 9.1.2 of the NIA are incorporated into the development (i.e. construction standards for glazing, insulation and sheeting and noise mitigation for mechanical plant).

The NIA stated that mechanical plant has not been chosen for the development, but has outlined that any major fans with a sound power level of 80(A) – such as kitchen exhaust, major toilet exhaust and major relief air fans will require acoustic treatment if located externally. This has been factored into the modelling.

The NIA has predicted that the development will achieve the noise amenity criteria at all off-site receiver locations. The NIA further states that the independent living units within the development will achieve the noise amenity criteria; however, exceedances may occur if all 60 patrons are seated externally within the outdoor areas. To combat this, the NIA has recommended that various independent living units be provided with alternative outside air supply to enable windows within the units to be closed if the occupants wish to do so and still achieve the minimum BCA ventilation rates.

Council's Environmental Health Officer (EHO) has reviewed the NIA and is satisfied that the NIA has undertaken a conservative assessment of the operational noise impacts. The EHO has recommended that the management control measures outlined within the NIA be complied with in perpetuity of the development and that the physical control measures be incorporated into the development to ensure that adequate amenity is maintained to the independent living units within the development. The EHO has also recommended that a cumulative NIA be undertaken once the mechanical plant has been specifically selected, and that the noise emissions do not exceed those modelled in the current NIA. This is to occur prior to the issue of the Construction Certificate for the Stage 1 development.

Overall, the assessment finds that the noise impacts at off-site locations are acceptable and that the proposed mitigation measures will ensure that the noise amenity criteria under the NPFI is complied with.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

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

A monetary contribution of \$769,450 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$76,945,000.

AUSGRID SITE AND EASEMENTS

A small allotment (Lot 11 / Melwood Avenue) being 2.66sqm in area is located within the subject site (refer to **Figure 8**).



Figure 8 - Location of Ausgrid Site

This allotment is owned by Alpha Distribution Ministerial Holding Corporation (ADMHC) (ADMHC is NSW Treasury) and managed by Ausgrid, who have provided written owner's consent for development to occur on the site. Therefore, the development satisfies the owner's consent requirements under the EP&A Regulation.

It is noted that no electrical infrastructure is located within this allotment. A right of carriageway and easement for electricity purposes is provided around this small allotment (refer to **Figure 9**).

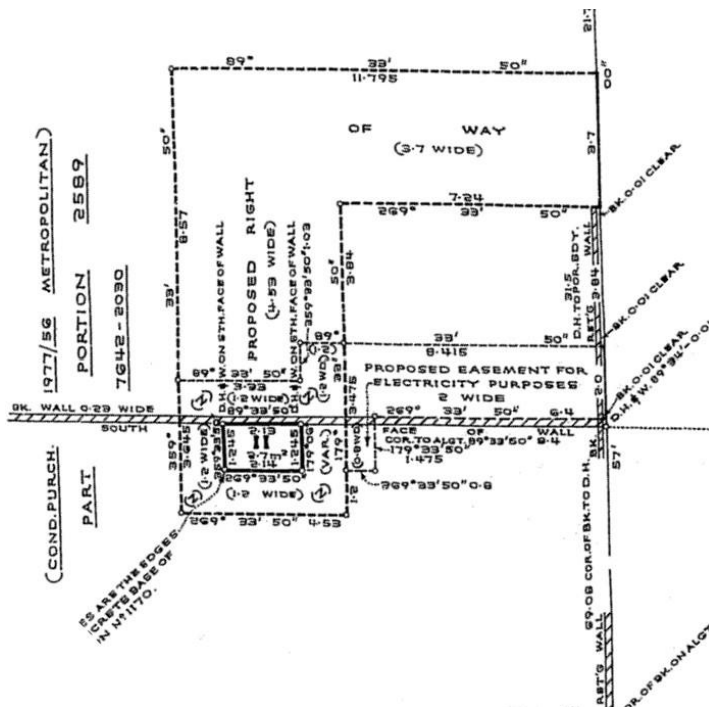


Figure 9 - Deposited Plan

As the Stage 2 development is located within the right of carriageway and easement, which is redundant as no electricity infrastructure is within this area, a condition is recommended to require the applicant to extinguish this easement prior to the issue of an Occupation Certificate for Stage 2.

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 EPs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

This application seeks consent for the total redevelopment of the Forestville RSL site comprising of demolition and excavation works and the construction of a registered club and seniors housing, consisting of fifty two (52) independent living units and ancillary uses.

The application is referred to the Sydney North Planning Panel (SNPP) with respect to Section 2.19(1) and Clause 2 of Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, which declares the development to be regionally significant development as the development has an estimated development cost of more than \$30 million (\$76,945,000.00).

WaterNSW have issued GTA for dewatering under the *Water Management Act 2000* and the application has satisfied the jurisdictional requirements for Nominated Integrated Development under Division 4.8 of the EP&A Act.

The application has been subject to two periods of public exhibition, attracting a total of sixty (60) individual objections and two (2) submissions in support. Concerns raised within the objections predominantly relate to; inconsistency with the low density residential character, social impacts, public safety, residential and public amenity impacts, traffic impacts, construction impacts and inadequate transparency/public consultation between the RSL Club and the RSL members. The issues raised within the submissions have been considered as part of the assessment and do not constitute matters that would warrant refusal of the application. Suitable conditions of consent have been included in the draft consent in relation to issues raised in the submissions.

The application was referred to the DSAP as part of the assessment. The Panel provided advice to; improve the relationship of the buildings with surrounding low density residential development, enhance the internal amenity of the independent living units, provide a more appropriate landscaped setting, enhance sustainability, and to provide more suitable pedestrian access points for the seniors housing components. In addition to these recommendations raised by the Panel, Council's request for further information (RFI) letter also required amendments to; reduce the bulk and scale of the buildings, provide more appropriate deep soil landscaping with adequate planting around the curtilage of the buildings, provide greater building separation, reduce noise impacts to the independent living units, provide more suitable separation between the vehicular access points, provide a protocol for site remediation works, provide a more appropriate arrangements for waste management within the basement level, enhance public safety, and minimise land use conflicts between the RSL and the independent living units.

The amendments to the application that have occurred throughout the assessment process have resulted in buildings that are more compatible with surrounding low density residential development by virtue of a two-storey front facade setback to Buildings 1 and 2 (seniors housing) and additional stepping of the upper levels of the mixed use (club/seniors) development, resulted in appropriate deep soil landscaping with suitable planting that will provide a landscaping outcome that is commensurate with the established landscaped setting, resulted in building layout and separation that complies with the objectives of the Apartment Design Guide, resulted in separate pedestrian access points for the seniors housing and RSL components of the development, resulted in acceptable noise impacts from the RSL to the independent living units within the site, resulted in the re-location of waste collection into the basement level from Melwood Avenue, and resulted in a protocol to safely remediate the site to render it suitable for its future occupation for residential development and the RSL Club.

These amendments in part have largely addressed the issues raised by Council and the DSAP. In order to ensure that all critical issues have been addressed, additional conditions of consent are recommended to ensure that a suitable separation is provided between the vehicular access points, to ensure the allocation of car parking spaces and bicycle parking within the site is rationalised, to ensure that separate bathroom facilities are provided for male and female patrons of the RSL Club, to ensure that the cenotaph is retained and re-located for the public to enjoy, and to ensure that suitable fencing is provided around the site to maximise resident and patron safety within the site.

The development results in a 30% variation to the building height standard under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and a 50.2% variation to the floor space ratio (FSR) standard under the Housing SEPP. The applicant has submitted written requests for these variations pursuant to Clause 4.6 of the *Warringah Local Environmental Plan 2011* (WLEP 2011) and has demonstrated that compliance with the building height and FSR development standards is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to warrant the proposed departures from the development standards.

In addition to the variations under the Housing SEPP, the development also involves technical non-compliances to various controls within the Warringah Development Control Plan 2011 (WDPCP) as they relate to wall height, side setbacks, rear setbacks and waste management. Despite these numerical/technical non-compliances, the assessment has found that the departures do not render the development inconsistent with the underlying objectives of the WDPCP controls. As such, flexibility should be afforded to the prescribed requirements of these controls, consistent with Section 4.15(3A) (b) of the EP&A Act.

While there has been a substantial opposition to the development within the public submissions, the assessment has concluded that the development remains within the public interest, insofar as it would support the NSW Government's priorities to deliver well-located housing that accords with the Housing SEPP and Apartment Design Guide, would provide a new RSL Club that is permissible on the subject site pursuant to the additional permitted use provisions under the WLEP 2011, would provide an improved urban form and streetscape as a result of the re-development of the existing RSL site, would provide construction and operational jobs in associated with the development, and direct \$76.945 million in capital investment into the Northern Beaches local government area.

The significant size of the site, the lack of environmental constraints, the introduction of the Low to Mid Rise Housing Policy that permit a much greater height and FSR on the site and surrounding properties than what was historically anticipated, and the fact that the southern and western boundaries do not have an interface with the R2 Low Density Residential zone, renders the site suitable to accommodate for this significant re-development of the RSL site without resulting in unacceptable impacts upon the streetscape and adjoining properties.

The residual impacts associated with the demolition, excavation, construction and operation of the development can be appropriately managed and mitigated by the recommended conditions of consent.

It is therefore recommended that the SNPP **approve** the application, subject to the recommended conditions of consent.

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

RECOMMENDATION

THAT Sydney North Planning Panel as the consent authority grant Development Consent to DA2024/1303 for Redevelopment of the Forestville RSL club site involving demolition works and the construction of a registered club and seniors housing, comprising fifty two (52) independent living units and ancillary uses on land at Lot 31 DP 366454, 20 Melwood Avenue, FORESTVILLE, Lot 11 DP 626916, 11 / 0 Melwood Avenue, FORESTVILLE, Lot 2589 DP 752038, 22 Melwood Avenue, FORESTVILLE, subject to the conditions outlined in Attachment 1.

ATTACHMENT 1

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
Architectural Plans for Stage 1 Development				
DA_A_1060	F	Club - Site Plan	Quattro Architecture	2 July 2025
DA_A_1097	F	Club - Basement 3	Quattro Architecture	2 July 2025
DA_A_1098	F	Club - Basement 2	Quattro Architecture	2 July 2025
DA_A_1099	F	Club - Basement 1	Quattro Architecture	2 July 2025
DA_A_1100	F	Club - Ground Floor	Quattro Architecture	2 July 2025
DA_A_1101	F	Club - Level 1	Quattro Architecture	2 July 2025
DA_A_1103	F	Club - Level 2	Quattro Architecture	2 July 2025
DA_A_1102	F	Club - Roof Plan	Quattro Architecture	2 July 2025
DA_A_1200	F	Club - Elevations - Sheet 1	Quattro Architecture	2 July 2025
DA_A_1201	F	Club - Elevations - Sheet 2	Quattro Architecture	2 July 2025
DA_A_1250	F	Club - Sections	Quattro Architecture	2 July 2025
DA_A_1852	F	Club Building Finishes	Quattro Architecture	2 July 2025
Architectural Plans for Stage 2 Development				
DA_A_2160	D	Site Plan	Quattro Architecture	2 July 2025
DA_A_2098	D	Basement Floor Plan 2	Quattro Architecture	2 July 2025
DA_A_2099	D	Basement Floor Plan 1	Quattro Architecture	2 July 2025
DA_A_2100	D	Ground Floor Plan	Quattro Architecture	2 July 2025
DA_A_2101	D	Level 1 Floor Plan	Quattro Architecture	2 July 2025
DA_A_2102	D	Level 2 Floor Plan	Quattro Architecture	2 July 2025
DA_A_2103	D	Roof Plan	Quattro Architecture	2 July 2025
DA_A_2200	D	Elevations - Sheet 1	Quattro Architecture	2 July 2025
DA_A_2201	D	Elevations - Sheet 2	Quattro Architecture	2 July 2025
DA_A_2250	D	Sections	Quattro Architecture	2 July 2025
DA_A_2853	D	Building Finishes	Quattro Architecture	2 July 2025
Landscape Plans				
L-01	D	Landscape Masterplan	Space Landscape Designs	30 May 2025
L-02	D	Landscape Plan Ground	Space Landscape Designs	30 May 2025
L-03	D	Landscape Plan Ground	Space Landscape Designs	30 May 2025
L-04	C	Landscape Plan-Level 1	Space Landscape Designs	24 April 2025
L-05	C	Landscape Plan-Level 2	Space Landscape Designs	24 April 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Remedial Action Plan	Report ID: E24016FOR-R04F, Revision No. 0	Geo-Environmental Engineering	20 June 2025
Detailed Site Contamination Investigation	Report ID: E24016FOR-R03F, Revision 0	Geo-Environmental Engineering	17 June 2025
Plan of Management for Operations of Forestville RSL Club Ltd and Independent Living Units - 22 Melwood Avenue, Forestville. NSW 2084	-	Forestville RSL Club Ltd	July 2025
Waste Management Plan	Version 2	MRA Consulting Group (MRA)	20 May 2025
Waste Management Letter titled 'Waste Referral Response – DA2024/1303 v2'	-	MRA Consulting Group (MRA)	2 July 2025

Civil Services Plans	Project No. NA241102, Revision C	ACOR Consultants Pty Ltd	6 May 2025
ESD Report	Reference No. 028002, Revision No. 2.0	Aspire Sustainability Consulting Pty Ltd	9 May 2025
Groundwater Assessment	KD2025/10, Revision D	Katarina David	13 May 2025
BCA Capability Report	Project No. V240021	VPL Consulting	8 May 2025
BASIX Certificate	1763355M_04	Aspire Sustainability Consulting Pty Ltd	7 May 2025
Noise Impact Assessment	20240747.1/2005A/R5/SJ	Acoustic Logic	20 May 2025
Geotechnical Investigation Report	Report ID: E24016FOR-R01F, Revision 1	Geo-Environmental Engineering	13 May 2025
Arboricultural Impact Assessment Report	240925_Forestville RSL_AIA, Revision A	Urban Arbor	25 September 2024
Accessibility Design Review Report	24125_ADR_v1.3	ABE Consulting Pty Ltd	12 May 2025

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

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

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

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Referral - Ausgrid 1	26 November 2024
Ausgrid	Referral - Ausgrid 2	17 November 2024
NSW Police Force	Referral - NSW Police - 22 Melwood Avenue Forestville	21 November 2024
WaterNSW	Referral Response - WaterNSW - General Terms of Approval (WaterNSW Reference: IDAS1161660)	18 June 2025

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

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

3. Approved Land Uses

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definitions of a registered club and in-fill self-care housing.

The Warringah Local Environmental Plan 2011 defines a registered club as follows:

- **registered club** means a club that holds a club licence under the Liquor Act 2007.

State Environmental Planning Policy (Housing) 2021 defines in-fill self-care housing as follows:

- **in-fill self-care housing** means seniors housing consisting of at least 2 independent living units and at which none of the following services are provided on the site—
 - (a) meals,
 - (b) cleaning services,
 - (c) personal care,
 - (d) nursing care.

Any variation to the approved land uses and/occupancy beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. Prescribed conditions (Demolition):

- (a) 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 of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (ii) 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.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(c) 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.

Reason: Legislative Requirement.

5. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

6. **General requirements (Demolition):**

- (a) Unless authorised by Council:
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 a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. 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) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature 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 will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(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.

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

7. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

8. Acoustic Review

Within 30 days from the operations for both Stages of the development commencing under the terms of this consent, an acoustic review of the findings and recommendations of the approved Noise Impact Assessment referenced in Condition 1 of this consent and any additional requirements at the Occupation Certificate acoustic review stage, shall be carried out on site (during a busy period of trading) and any necessary action to obtain acoustic compliance, shall be completed within a further 30 days of the assessment. The report associated with the compliance testing is to be furnished to Council for its records.

Reason: To ensure acoustic compliance in an operational situation.

9. Staging of Development

The development is to be carried out in two (2) stages comprising the following:

- (a) Stage 1 Construction
 - o The construction of a three-level basement car park in the location of the existing bowling greens.
 - o The construction of a three-storey mixed use building containing the following:
 - A Registered Club on the ground floor of the building; and
 - Two-storeys of residential development containing sixteen (16) independent living units.
 - o Landscaping including tree removal within the footprint of the Stage 1 works.
 - o New vehicle crossings and a driveway/car park in front of the RSL Club.
 - o New pedestrian access points to the RSL Club.
- (b) Stage 2 Construction
 - o The demolition of the existing Registered Club building.
 - o The construction of a two-level basement car park.
 - o The construction of thirty-six (36) independent living units across three separate three-storey buildings.
 - o A landscaped communal open space with pedestrian pathways around the independent living units.
 - o Landscaping including tree removal within the footprint of the Stage 2 works.
 - o A new vehicle crossing to the basement.
 - o Pedestrian access points into the residential areas of the site including a letterbox area.

The applicant may obtain separate Construction Certificates and Occupation Certificates for the different stages of development.

Reason: To allow the orderly development of land.

FEES / CHARGES / CONTRIBUTIONS

10. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$769,450.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$76,945,000.00.

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

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

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

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

11. Housing and productivity contribution - Development consents

- The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with requirement 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$ 520,000.00
Total:	\$ 520,000.00

- The amount payable at the time of payment is the amount shown in requirement 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number

where—

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted.

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

- The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

12. Construction, Excavation and Associated Works Security Bond(s)

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$100,000.00 is required.

Crossing / Kerb & Gutter / Footpath Works

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$50,000.00 is required.

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).

Maintenance for Civil Works

A maintenance bond of \$20,000.00 for the construction of drainage works is required. The maintenance bond will only be refunded upon completion of the twelve month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council.

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

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

Reason: Protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

13. Amended Landscape Plan

a) Amended Landscape Plan(s) shall be issued to the Certifier prior to the issue of the relevant Construction Certificate to include the following details:

- i) Drawing L-02 - continue the planting along the entirety of the southern boundary at a minimum 1.5 metres wide for the areas currently shown as new turf areas; include shrub and groundcover planting and an additional 4 native trees (minimum 6 metre mature height) in these new garden areas,
- ii) Drawing L-02 - where the proposed retaining wall along the southern boundary is higher than 1 metre, when viewed from the public land, include cascading plant species to help soften this wall,
- iii) Drawing L-03 - include an additional 2 large native trees (13 metre mature height or above) in the Melwood Avenue front setback,
- iv) Drawing L-03 - include shrub planting (2-5 metre (m) mature height) in the garden bed along the western boundary at regular intervals.

b) Certification shall be submitted to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

14. On Slab Landscape Planters

a) Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

b) The following soil depths are required to support planting: 200 millimetres (mm) for turf, 300-450mm for ground covers, 500-600mm for shrubs, 800mm for small trees, 1000mm for medium trees, and 1200mm for large trees.

c) Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

15. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Acor Consultants, project number NA241102, drawing number C01-0001, C01-0101, C08-0001, C08-0301, C08-0302, C08-0303, C08-0401, dated 6/5/2025.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National

Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the relevant Construction Certificate.

Reason: To ensure that stormwater is appropriately managed.

16. Detailed Design of Stormwater Treatment Measures - Major

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Stormwater plans NA241102 from ACOR rev C dated 06.05.25 drawings C01-0001 to C09-0001 and Council's Water Management for Development Policy must be prepared.

The certificate shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

Reason: Protection of the receiving environment.

17. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>.

Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

Restrictions will apply on School Days due to the proximity of the site to Forestville Public School. No heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted during school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).

Additional restrictions may apply during the major commuter peak times following a review of the proposed CTMP.

The CTMP must address following:

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

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

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

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

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

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

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

18. Pedestrian sight distance at property boundary

A pedestrian sight triangle of 2.0 metres by 2.5 metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

19. Amendments to the approved plans

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

- a) The public toilets adjacent to the indoor gaming room within the RSL must be amended to ensure that the female and male bathrooms are physically separated by a dividing wall. Separate access points into the male and female bathrooms must also be provided.
- b) The 1 metre timber batten fencing along the front boundary and internally within the site must be increased to a height of at least 1.5 metres above the finished ground level. This fencing must also be provided between the front boundary and the common walls of apartments B1-G.01 and B1-G.02 and apartments B2-G.01 and B2-G.02 respectively to ensure that the private open space of these apartments are physically and visually separated.
- c) A 1 metre tall glazed-fence that is transparent must be provided around the entire southern, eastern and western edges of the children's play area / alfresco lawn area that is located on the southern side of the RSL Club adjacent to the RSL lounge and dining area. This fence must be located on top of the retaining wall along the southern boundary of the site and must include a security gate to prevent direct access into the RSL Club via the southern boundary. This security gate may only permit patrons to exit the site via the southern boundary.
- d) The development is to provide a total of 85 car parking spaces in the Basement 1 - Seniors car park; comprising 62 resident (3.2m wide x 5.4m long), 12 resident accessible (AS2890.6), and 11 visitor spaces (including 1 accessible).
- e) The Ground Level is to provide two (2) courier/delivery parking spaces and one (1) ambulance bay in the at-grade car park in front of the RSL Club.
- f) The development is to provide 32 bicycle parking spaces for the seniors component, comprising 26 spaces for residents and 6 spaces for resident visitors; and 36 bicycle parking spaces including end of trip facilities for the Club, comprising 18 spaces for Club staff and 18 spaces for Club patrons.
- g) An intercom system must be installed at the entry point to the Basement 1 Seniors car park to enable resident visitor access to the designated parking spaces.
- h) Car spaces nos. 18 and 19 within Basement 1 (located on the northern wall of the Stage 1 car park) are to be reallocated as visitor spaces, to provide a row of six (6) visitor parking spaces at this location.
- i) Car spaces located adjacent to the ramp which leads down to the Club parking (with the exception of accessible spaces nos. 7 and 8), are to be converted to provide six (6) resident spaces (3.2m wide x 5.4m long), in a similar layout to the spaces on the opposite side of the parking

aisle.

j) Car spaces nos. 16 and 17 within Basement 1 (located in the Stage 2 car park) are to be converted to provide two (2) accessible resident spaces, in a similar layout to the spaces on the opposite side of the parking aisle.

k) Motorcycle spaces nos. 1, 2 and 3 within Basement 1 should be reduced in length and remarked 2.5m long from the wall.

l) Provide 13 rails to accommodate the 26 resident bicycle parking spaces located in the secure bike parking area within Basement 1.

m) Provide at least 9 rails to accommodate the 18 Club visitor bicycle parking spaces located near the at-grade parking area in front of the RSL Club.

n) Provide a minimum of 3.0 metre wide separation between multi-access driveways.

o) Facilities for the washing of resident vehicles must be provided within the basement.

Details demonstrating compliance are to be submitted Council's Executive Manager, Development Assessment and Council's Transport Network team for approval prior to the issue of any Construction Certificate.

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

20. **Mechanical Plant Location**

No mechanical plant is permitted to be located on the roof of the buildings, noting that the architectural plans have not included any mechanical plant on the roof.

Any mechanical plant located on the external facade of the buildings must be enclosed within an acoustic and visual barrier so that it is not visible from the public domain or within the site.

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

Reason: To minimise the impacts of mechanical plant.

21. **Geotechnical Investigation Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Investigation Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

22. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, shall be provided in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

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

23. **Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above ground level, Council's Executive Manager of Development Assessment is to be provided with plans to their satisfaction demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building, do not visually dominate the streetscape and are in accordance with the requirements of the BCA.

An updated landscape plan is also to be provided to reflect the changes resulting from the fire hydrant and sprinkler booster detailed design.

Reason: To ensure essential services are appropriately screened.

24. **Installation and Maintenance of Sediment Control**

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

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

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

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

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

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

The application is to include Civil Engineering plans for the design of 4 vehicular crossings, drainage pits and pipe connection from the site into the existing Council drainage system in Melwood Avenue, and reconstruction kerb, gutter, footpath and turf which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

- The vehicular crossing for the below ground loading dock shall have a maximum width of 6.0 metres and the profile is to be in accordance with Council Standard drawing Normal Low.
- The vehicular crossings for the entry and exit for the Club entry shall be 3.0 metres wide each and the profile is to be in accordance with Council Standard drawing Normal.
- The vehicular crossing servicing the Club and senior basement level car park is to be 6.0 meters wide the profile is to be in accordance with Council Standard drawing Normal Low.
- Engineering longsections along both edges of the vehicle crossings are to be provided.
- All redundant laybacks shall be removed and reinstated to kerb and gutter, footpath and turf.
- Any proposed pedestrian connections from the site to the public footpath fronting the site.
- New kerb inlet pit in front of the subject site in accordance with Council standard drawing No. 02700.
- New pit and Ø 375mm Class 4 RRJ RCP extension to existing Council pit located at the roundabout adjacent to Cannons Parade.
- The applicant shall provide a HGL analysis from the site to the existing Council system to demonstrate feasibility of the connections and no conflict with existing services.
- 3 metre wide shared concrete footpath along the entire Melwood Avenue frontage of the site. Alignment of the footpath is to match existing footpath with grass on either side to preserve the exiting street trees.
- Reconstruction of kerb and gutter along the frontage of the site.
- A services plan indicating all services in the road reserve. Where any services are to be adjusted as a result of the works, approval from the relevant service authority is to be provided.
- Subject to TfNSW approval of the new bus stop location, the relocated bus stop must be DDA compliant with seating, and constructed in accordance with TfNSW Bus Stop wayfinding guidelines - Bus stop flag pole layout Version 2.1 27.09.2022.
- A signage and line marking plan showing the proposed works and changes to parking restrictions within the Public Road Reserve must be submitted to Council's Transport Network team at least three (3) months prior to the commencement of the works, so that the matter can be reported to the Northern Beaches Local Traffic Committee for consideration prior to Council approval.

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

An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate for Stage 1.

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

26. Plans of Kitchen Design, Construction and Fit Out

Prior to the issue of the Construction Certificate for Stage 1, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifier. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

27. Mechanical Ventilation Plans

Prior to the issue of the Construction Certificate for Stage 1, detailed plans must be submitted to and approved by the Certifier that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

28. Acoustic Design Recommendations

Prior to the issuing of the Construction Certificate for Stage 1, documentation is to be submitted to the satisfaction of the Certifier confirming that the design recommendations, including but not limited to elements outlined under section 9.1.2. Physical Controls within the Noise Impact Assessment referenced in Condition 1 of this consent, have been incorporated into the construction plans.

Reason: To prevent noise nuisance by using mitigation measures in design.

29. Cumulative Noise Impact Assessment for Mechanical Plant Selection

As details of mechanical plants and equipment selections have not been finalised, prior to the issuing of the relevant Construction Certificate, a cumulative assessment of both plant noise with other noise sources is required as to be undertaken by an acoustic consultant. Details of the design, selection and placement of plant items and required acoustic treatments are to be supplied to the Certifier.

The elements of Section 7.2., MECHANICAL PLANT of the approved Noise Impact Assessment need to be considered when satisfying the above requirement.

The cumulative assessment must demonstrate that the predicted operational noise levels do not exceed those that were modelled within the approved Noise Impact Assessment referenced in Condition 1 of this consent.

Reason: To ensure noise impacts of plant are mitigated by design.

30. Compliance with Standards

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

31. External Finishes to Roof

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

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

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

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

32. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

33. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

a. Detailed plans showing that the waste storage rooms identified on the stamped plans will be capable of being accessed from the designed access roadway by a Heavy Rigid Vehicle (HRV) in accordance with AS2890.2, and that a loading area is available for the vehicle when collecting waste that meets the following requirements:

- i. Within 6.5 metres of all waste storage rooms or temporary holding area;
- ii. A dedicated parking area for the collection vehicle;
- iii. Include an extra 2 metres at the rear of the vehicle loading area: and

b. Certification from a suitably qualified engineer that the route of travel, loading area and entry and exit points will be constructed so as to support the following loading requirements:

- i. Heavy Rigid Vehicle can enter and exit the site in a forward position with a maximum 3 point turn;
- ii. 30 tonne waste collection vehicles;
- iii. Length of 10.5 metres;
- iv. Clearance height of 4.5 metres.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification application to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

34. Tree Removal and Retention

a) This consent approves the removal of trees 3 to 12 inclusive, trees 21 to 28 inclusive and trees 30 to 32 inclusive as identified in the approved Arboricultural Impact Assessment referenced in Condition 1 of this consent.

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

c) This consent requires the retention of trees 1 to 2 inclusive, trees 13 to 20 inclusive, tree 29 and trees 34 to 40 inclusive as identified in the approved Arboricultural Impact Assessment referenced in Condition 1 of this consent.

Reason: To enable authorised development works.

35. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones are monitored and installed correctly.

36. **Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>.

Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

Restrictions will apply on School Days due to the proximity of the site to Forestville Public School. No heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted during school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).

Additional restrictions may apply during the major commuter peak times following a review of the proposed DTMP.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites".

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

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

37. **Pre-Construction Dilapidation Reports**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below within 20 metres of the excavation perimeter, both internally and externally, including walls, ceilings, roof, structural members and other similar items. The reports must be prepared for the following properties:

- 18 Melwood Avenue, Forestville (Lot 30 DP 366454)
- 28 Melwood Avenue, Forestville (Lot 2697 DP 752038)
- 17 Forestville Avenue, Forestville (Lot CP SP 68546)

The dilapidation report(s) are to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

38. **Site Preparation**

Before demolition work commences the following requirements must be in place until the demolition work and demolition waste removal are

complete:

- o Protective fencing and any hoardings to the perimeter on the site
- o Access to and from the site
- o Construction traffic management measures
- o Protective measures for on-site tree preservation and trees in adjoining public domain
- o Onsite temporary toilets
- o A garbage container with a tight-fitting lid

Reason: To protect workers, the public and the environment

DURING BUILDING WORK

39. **Site Contamination**

All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination: Protection of the Environment Operations Act 1997; and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To protect human health and the environment.

40. **Aboriginal Heritage**

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

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

Reason: Preservation of significant environmental features.

41. **Protection of Existing Street Trees**

a) All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS 4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

b) All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

42. **Tree and Vegetation Protection**

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

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

b) Tree protection shall be undertaken as follows:

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

c) The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

43. 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.

44. 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.

45. No Access Through Land Owned or Managed by Council

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

46. Storage of Materials on Land Owned or Managed by Council Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

47. Protection of Council's Public Assets

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: To protect and/or restore any damaged public asset.

48. Implementation of Demolition Traffic Management Plan

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

49. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

50. Implementation of Construction Traffic Management Plan

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

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

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

51. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

52. Removing, Handling and Disposing of Asbestos

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

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

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

53. Geotechnical Requirements

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

Reason: To ensure geotechnical risk is mitigated appropriately.

54. Demolition Works - Asbestos

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

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

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

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

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

55. 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 Certifier.

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

56. Maintenance of Sediment and Erosion Controls

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

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

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

- at least each week
- immediately before site closure

- immediately following rainfall events that cause runoff.

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

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

57. Site Maintenance

While demolition work is being carried out, the following requirements must be maintained until the demolition work and demolition waste removal are complete:

- Protective fencing and any hoardings to the perimeter on the site
- Access to and from the site
- Construction traffic management measures
- Protective measures for on-site tree preservation and trees in adjoining public domain
- Onsite temporary toilets
- A garbage container with a tight-fitting lid

Reason: To protect workers, the public and the environment.

58. Requirement to Notify about New Contamination Evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifier.

Reason: To protect human health and the environment.

59. Compliance with Detailed Site Investigation and Remedial Action Plan

The requirements of the Detailed Site Investigation and Remedial Action Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of a final Occupation Certificate.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

60. Off-site Disposal of Contaminated Soil - Chain of Custody

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the subject site to a lawful waste facility

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Reason: For protection of environment.

61. Cut and Fill

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

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

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

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

62. Dust Minimisation

The applicant must take all reasonable measures to minimise dust generated during all works authorised by this consent. During construction, the applicant must ensure that:

- a) All trucks entering or leaving the site with loads have their loads covered.
- b) Trucks associated with the development do not track dirt onto the public road network.
- c) Public roads used by these trucks are kept clean.
- d) Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Reason: To minimise the environmental impacts of construction works.

63. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with updated Waste Management Plan including any addendums referenced in Condition 1 of this consent.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

64. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

65. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

66. Registration of Food Business

The food business must be registered with the appropriate regulatory authority prior to the Occupation Certificate for Stage 1 being issued.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of an Occupation Certificate for Stage 1.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

67. Street Tree Planting

a) Street tree planting shall be installed in accordance with the following:

i) 3 x *Lophostemon confertus* shall be installed as shown on drawing L-02 by Space Landscape Designs.

b) All street trees shall be a minimum pre-ordered planting size of 200 litres, and shall meet the requirements of AS2303 – Tree Stock for Landscape Use. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2.0 metres from driveways/paths, and shall generally be evenly spaced to allow a full mature canopy.

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

Reason: to maintain environmental and streetscape amenity.

68. Landscape Completion

a) Landscape works are to be implemented in accordance with the approved amended Landscape Plan(s), and inclusive of the following conditions:

i) landscape works are to be contained within the legal property boundaries,

ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,

iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,

iv) tree planting along the western boundary adjacent to the club building shall be located 2 metres from the building and 1 metre from the common boundary; all other tree planting in deep soil shall be located at least 3.0 metres from buildings, and at least 1.5 metres from common boundaries,

v) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,

vi) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

b) Prior to the issue of the relevant Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

69. Post-Construction Stormwater Assets Dilapidation Report (Council stormwater assets)

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Reason: Protection of Council's infrastructure.

70. Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the relevant Occupation Certificate.

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

71. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment.

The certificate shall be submitted to the Certifier prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

72. Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

73. Stormwater Treatment Measures Operation and Maintenance Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

74. Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifier prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

75. Signage and Linemarking – Implementation

The Applicant is to install all signage and linemarking in accordance with the amended plans.

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

Reason: To ensure that the car park operates according to its intended use.

76. **Loading Dock Management Plan**

A Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by the Principal Certifier prior to the issue of the Occupation Certificate for Stage 1.

The Plan will need to demonstrate how the loading dock will be managed and how safe servicing arrangements including waste collection will be undertaken. The management plan shall include a requirement for truck access to only be permitted by reversing into the Loading Bay and exiting in a forward direction.

A "No Left Turn Vehicles Over 6m" restriction is to be imposed to ban the left turn movement for longer vehicles exiting the driveway. The sign must be clearly visible and located within the property boundary at the exit point.

Reason: To ensure the loading dock is managed appropriately and do not impact access or parking.

77. **Allocation of Parking Spaces (strata title)**

With the exception of the visitor parking spaces, all car parking spaces in the Basement 1 seniors car park are to be assigned to individual units. All residential units must be assigned a minimum of one parking space.

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

Reason: To ensure parking availability for residents.

78. **Accessible Parking Spaces**

Where accessible parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

79. **Shared Zone Bollard**

A bollard is to be provided at the shared zone between accessible parking spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

80. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

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

Reason: To maintain proper records in relation to the proposed development.

81. **Re-location of Cenotaph**

The cenotaph must be re-located to a suitable location either within the front setback area of the site (i.e. between the front boundary and the RSL Club) or within the public domain prior to the issue of an Occupation Certificate for the Stage 1 development.

If re-located within the public domain, the cenotaph must be approved via way of a Section 138 Roads Act Approval and the re-located area must be endorsed by Council's Executive Manager, Parks & Open Space. If re-located internally within the site, the re-located area must be endorsed

by Council's Executive Manager, Development Assessment.

Reason: To ensure that the cenotaph is retained in association with the new RSL Club.

82. Occupation of Seniors Housing or Housing for Persons with a Disability

A positive covenant pursuant to Section 88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the residential components of the development are only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. (Note: Under State Environmental Planning Policy (Housing) 2021): Seniors are people aged 60 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Occupation Certificate relating to the occupation of the residential components of the development.

Reason: Statutory requirements.

83. Right of Carriageway

The applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) for the pathway that provides pedestrian access from 17 Forestville Avenue through the subject site to Melwood Avenue. This right of carriageway shall be in favour of 17 Melwood Avenue and burden the subject site.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Occupation Certificate for Stage 2.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

84. Extinguishment of Easement and Right of Carriageway

The right of carriageway and easement for electricity purposes located around Lot 11 DP 626916 must be extinguished with the NSW Land Registry Services.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of an Occupation Certificate for Stage 2.

Reason: To ensure that redundant easements and right of carriageways are extinguished.

85. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The application shall include the original completed request forms (NSW Land Registry standard forms 13PC) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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 Certifier prior to the issue of the relevant Occupation Certificate.

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

86. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction 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 the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. 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 Certifier prior to the issue of the relevant Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

87. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifier, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports referenced in Condition 1 of this consent have been completed:

- (a) Remediation Action Plan

- (b) Detailed Site Contamination Investigation
- (c) Waste Management Plan and Waste Management Letter
- (d) BCA Capability Report
- (e) BASIX Certificate
- (f) Noise Impact Assessment
- (g) Geotechnical Investigation Report
- (h) Arboricultural Impact Assessment Report
- (i) Accessibility Design Report

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

Reason: To ensure compliance with standards.

88. Validation for Remediation

A Validation and Site Monitoring Report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

The Validation and Site Monitoring Report must demonstrate that the site has been satisfactorily remediated to the Health Investigation Level (HIL) B.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of an Occupation Certificate for Stage 2.

Reason: To ensure environmental amenity is maintained.

89. Mechanical Ventilation Certification

Prior to the issuing of the relevant Occupation Certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Certifier.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

90. Kitchen Design, Construction and Fit Out of Food Premises Certification

Prior to the issue of the Occupation Certificate for Stage 1, certification is to be provided to the Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

91. Mechanical Ventilation Certification

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification must be prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the Occupation Certificate for Stage 1.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

92. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed for all stages of development, 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 Certifier prior to the issue of a final Occupation Certificate.

Reason: To ensure bushland management.

93. Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Occupation Certificate.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

94. Unit Numbering for Multi Unit Developments

The units within the development are to be numbered in accordance with NSW Address Policy and User Manual.

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

95. Lighting Compliance

Prior to the issue of the relevant Occupation Certificate, the Certifier must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard 1158.3:2020 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: To protect public health and amenity.

96. Visitor and Delivery Parking

The visitor and delivery parking areas are to be accessible at all times, with a sign post erected at the vehicular entry point(s) of the development, indicating the location of the visitor and delivery parking.

Appropriate wayfinding signage is to be provided indicating the location of resident visitor parking on Basement 1 of the seniors car park, with additional signage installed within the car park if required.

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

Reason: To advise that visitor and delivery parking has been provided and is available within the development.

97. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

98. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

99. Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of the Occupation Certificate for the Stage 1 development, requiring the proprietor of the land to provide access to the waste storage facilities.

The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), 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 covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

100. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the relevant Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. A Compliance Certificate, issued by the Certifying Authority, shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

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

101. Deliveries, waste and recycling collection hours

Deliveries, waste and recycling collection from the site is to be carried out between 7.00am and 10.00pm only to minimise noise.

Reason: To minimise noise to residential receivers.

102. Noise Mitigation Measures

The following noise mitigation measures must be adhered to during operation of the premises:

- Operable walls within RSL club operations are to be closed after 10.00pm.
- Music sound limiters are to be installed for any amplified music systems (other than low level (<70 dB(A)) background music systems). The limiters are to be set at a level as deemed appropriate to an acoustic consultant so as not to cause offensive or intrusive noise to external or internal receivers.
- No music is to be played in outdoor areas from 10.00pm onwards.

Reason: To preserve the amenity for external and internal receivers.

103. Restriction on Outdoor Dining Areas

All outdoor dining areas (excluding alfresco gaming areas) must be vacant after 10.00pm during operation, except for minor patron numbers (no more than 10 patrons) for smokers.

Reason: To protect the amenity of the surrounding neighbourhood.

104. Compliance with Operational Plan of Management

The Operational Plan of Management referenced in Condition 1 of this consent must be complied with at all times during operation of the development.

Reason: To ensure compliance with regulations and minimise amenity impacts.

105. Landscape Maintenance

- a) If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.
- b) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.
- c) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.
- d) A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.
- e) The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

106. Maintenance of Stormwater Treatment Measures - Major

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

107. Service Vehicle Area

The area designated as manoeuvring areas must be kept clear of obstructions at all times. Vehicles must not be required to queue on public roads at any time.

Reason: To ensure compliance with Australian Standards and prevent obstructions to traffic flows.

108. Traffic Management

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Reason: To ensure pedestrian safety and continued efficient network operation.

109. Landscaping adjoining vehicular access

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1 metre.

Reason: To maintain unobstructed sight distance for motorists.

110. Sight lines within carparks

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

111. Dedicated Use of Loading Bay on Waste Collection Day

The loading bay is to be reserved for servicing of the waste bins on collection day (Thursday). Parking of vehicles or the storage of goods and materials within the loading bay is to be prohibited on collection day.

Reason: To ensure waste truck access to the site for collection of bins

112. Geotechnical Recommendations

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

Reason: To ensure geotechnical risk is mitigated appropriately.

113. Graffiti removal

During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.

Reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

114. Mechanical Plant Noise

Any mechanical plant including the lifts shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

115. Operational Waste Management (Ongoing)

The Operational Waste Management Plan and addendums referenced in Condition 1 of this consent outlines the primary roles and responsibilities of the respective stakeholders in the development.

The Strata, Body Corporate or Management will coordinate waste management throughout the site.

A Building Manager will coordinate domestic waste, recycling, organics and bulky waste to facilitate collections and provide education for all residents.

Club management and staff will arrange private contractor collections for club waste, provide education for all staff and will manage general waste and recycling within their tenancy. Collections for club waste not to occur on the same day as domestic waste collection.

The Developer will provide all equipment required to implement the Operational Waste Management Plan prior to the occupation of the building for use by the Strata or Body Corporate.

Reason: To ensure club and domestic waste are managed and collected separately and without conflict.

116. Hours of Operation

The hours of operation of the RSL Club are to be restricted to:

- Sunday to Wednesday - 11.00AM - 12.00AM (Midnight)
- Thursday to Saturday - 11.00AM - 3.00AM

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

117. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

118. Parking Enclosure

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

119. Hours for Waste Collection and Deliveries

Deliveries, waste and recycling collection from the site is to be carried out between 7.00am and 10.00pm only to minimise noise.

Reason: To ensure that residential amenity is appropriately maintained.

120. Bicycle Parking and End of Trip Facilities

The development is to maintain all proposed end of trip facilities and minimum number of bicycle parking allocation for the life of the development:

- a) 26 x resident bicycle parking spaces within the secure room/enclosure of the Basement 1 Seniors car park
- b) 6 x resident visitor bicycle parking spaces outside the resident bicycle parking area of the Basement 1 Seniors car park
- c) 18 x Club staff bicycle parking spaces within the secure room/enclosure of the Basement 2 Club car park
- d) 18 x Club visitor bicycle parking spaces located near the at-grade parking area.

All spaces are to be maintained and appropriately identified by linemarking and/or signage. Manoeuvring areas must be kept clear of obstructions at all times.

Reason: To ensure the appropriate management of bicycle parking on site.

121. **Seniors Parking**

The development is to maintain the following parking allocation within the Basement 1 seniors car park for the life of the development:

- a) 62 x resident parking spaces (3.2m wide x 5.4m long) marked with the number of the respective unit
- b) 12 x resident accessible parking spaces (AS2890.6), marked with the number of the respective unit
- c) 11 x visitor parking spaces (including 1 accessible)
- d) 3 x motorcycle parking spaces (1.2m wide x 2.5m long)
- e) 26 x resident bicycle parking spaces
- f) 6 x resident visitor bicycle parking spaces

All spaces are to be maintained and appropriately identified by linemarking and/or signage. Manoeuvring areas must be kept clear of obstructions at all times.

Reason: To ensure the appropriate management of the seniors parking on site.