

27 March 2025



Chapman Planning Pty Ltd  
Suite 8 88 Mountain Street  
ULTIMO NSW 2007

Dear Sir/Madam

**Application Number:** DA2025/0053  
**Address:** Lot 1 SP 72120 , 1 / 1 Skyline Place, FRENCHS FOREST NSW 2086  
**Proposed Development:** Use of Premises as a recreational facility (indoor)

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Ryan Fehon  
**Planner**

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application Number:</b>	DA2025/0053 PAN-488751
<b>Applicant:</b>	Chapman Planning Pty Ltd Suite 8 88 Mountain Street ULTIMO NSW 2007
<b>Property:</b>	Lot 1 SP 72120 1 / 1 Skyline Place FRENCHS FOREST NSW 2086
<b>Description of Development:</b>	Use of Premises as a recreational facility (indoor)
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	27/03/2025
<b>Date from which the consent operates:</b>	27/03/2025
<b>Date on which the consent lapses:</b>	27/03/2030

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

### Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

## Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be lodged to and determined by the consent authority within 6 months from the date that the original determination was registered on the NSW Planning Portal. Prospective applicants for a Review of Determination are encouraged to lodge a review application with Council as soon as possible, to enable a full review and determination.

## Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

## Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

## Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

**Signed**                      On behalf of the Consent Authority



Name                      Ryan Fehon, Planner

Date                      27/03/2025

## 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
DA00	A	Site Plan	PA Studio	18/07/2024
DA01	A	Level 2 Floor Plan	PA Studio	18/07/2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Noise Impact Assessment	-	Environmental Monitoring Services (EMS)	21/11/2024
Operational Waste Management Plan for 1 Skyline Place, Frenchs Forest, NSW	-	Loka Consulting Engineers	07/11/2024
Plan of Management - Recreation Facility (Indoor)	-	Chapman Planning Pty Ltd	25/07/2024

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

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

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

#### 2. Acoustic Review

Within 30 days from the operations commencing under the terms of this consent, an acoustic review of the findings and recommendations of acoustic report titled "noise Impact Assessment" by EMS reference REPORT NO EMS24 1972 dated 21/22/2024 and any additional requirements at OC 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.

### **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**3. Acoustic Design Recommendations**

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report acoustic report titled "noise Impact Assessment" by EMS reference REPORT NO EMS24 1972 dated 21/22/2024 have been implemented / incorporated into the design of the premises.

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

**4. Signage and Linemarking - Internal**

All parking spaces allocated to the gym are to be marked and signposted as such on site. Two "gym staff" spaces are to be marked in two of the buried spaces in tandem space pairs. A plan demonstrating appropriate signage and markings and a works as executed plan is to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: to ensure parking availability.

**5. Operational Management Plan**

The Operational Plan of Management Plan (POM) is to be amended to include details for the management of the parking area. Including, but not limited to:

- Management of tandem car parking spaces.
- The location and content of staff and client parking space markings and signage.
- methods for altering clients, staff or other persons that have "parked in" other clients in the tandem spaces.
- location and content of signage to direct clients to the gym parking spaces.
- delivery times and methods of control to ensure deliveries do not occur at peak operational hours.
- Waste collection arrangements to ensure waste is collected outside of peak operational hours.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

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

**6. Acoustic Requirements - On-going**

Compliance with the recommendations within the acoustic report titled "noise Impact Assessment" by EMS reference REPORT NO EMS24 1972 dated 21/22/2024 and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

**7. Site Occupancy**

That the number of (customers/visitors/guests/patrons) on the site at any one time be limited to 36.

Reason: To maximise potential for parking generated by the site to be contained on the site.

8. **No Signage Without Seperate Approval**

No signage is approved under this consent.

Any proposal to erect signage will require a separate Development Application, unless otherwise permitted under SEPP Exempt and Complying Codes.

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

9. **Plan Of Management**

The Plan of Management by Chapman Planning Pty Ltd dated 25 July 2024 is to be complied with on an ongoing basis at all times.

Reason: To mitigate potential noise impacts on nearby receivers

10. **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.

11. **Stacked Parking Spaces**

Two of the buried spaces in Stacked/tandem parking space pairs are to be assigned to gym staff.

Reason: To minimize conflicts regarding parking areas.

## General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Northern Beaches Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.