

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1724
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 52 DP 1237461, 80 - 82 Mona Vale Road MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a Registered Club to enable temporary outdoor dining
Zoning:	R2 Low Density Residential SP2 Infrastructure
Development Permissible:	Yes, under Schedule 1 Additional Permitted Uses
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Pittwater RSL Club Ltd
Applicant:	Paynter Dixon Construction Pty Ltd

Application Lodged:	22/09/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	05/10/2021 to 19/10/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 0.00
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PROPOSED DEVELOPMENT IN DETAIL

Development Consent is sought for the temporary use of a portion of a car park to facilitate outdoor dining.

The car parking area in question is located northwards of the existing Pittwater RSL club building and is bound by Mona Vale Road (and its associated earthworks) to the northeast.

The application seeks to enclose this area of 32 car parking spaces with 2m high acoustic barriers and in-fill it with synthetic turf, potted landscaping, sandstone logs and 16 x 8 person timber picnic-like tables in order to facilitate the use of the space as an outdoor dining area. The area is intended to be used for dining and a license will be sought separately from the office of NSW Liquor and Gaming for

the consumption of alcohol. The area shall be furnished to comply with relevant BCA and DDA standards.

The outdoor dining area shall accommodate a maximum of 250 patrons (COVID-19 restrictions prevailing) for the following hours:

- Friday - Saturday: 11am - 11pm
- Sunday: 2:30pm - 11pm
- Special Events (i.e. Calendar Events inc. Melbourne Cup, Anzac Day): 11am - 9:30pm

The applicant contends that the proposal is in direct response to the current and on-going COVID-19 restrictions pertaining to internal patron capacities for venues noting that the existing RSL, under current restrictions, is not able to operate at its previous capacity.

Accordingly, the application seeks the use of this car parking area as an outdoor dining area for a period of 12 months only.

The assessment made herein is on that basis.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 2.5 Additional permitted uses for particular land
Pittwater 21 Development Control Plan - B5.15 Stormwater
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
Pittwater 21 Development Control Plan - C2.11 Signage
Pittwater 21 Development Control Plan - C2.12 Protection of Residential Amenity
Pittwater 21 Development Control Plan - C2.21 Food Premises Design Standards
Pittwater 21 Development Control Plan - C5.20 Liquor Licensing Applications

SITE DESCRIPTION

Property Description:	Lot 52 DP 1237461 , 80 - 82 Mona Vale Road MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site is legally identified as Lot 52 in DP 1237461 and is known as 80-82 Mona Vale Road, Mona Vale, but is more colloquially known as the Pittwater RSL.</p> <p>The site is generally triangular in shape and located on the corner of Mona Vale Road and Foley Street.</p> <p>The site accommodates an existing club building with a total public floor area of approximately 4155sqm and 450 car parking spaces.</p> <p>The site is zoned R2 Low Density Residential pursuant to the Pittwater Local Environmental Plan 2014 but also benefits from an Additional Permitted Use as described later in this report.</p>

Map:



SITE HISTORY

The site has been the subject of many development applications pertaining to various elements of the RSL Club, however none of those applications are relevant to the assessment of this current development application.

On 14 October 2021 the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 was updated to permit, under certain circumstances, the use of the premises of a registered club as an outdoor dining area associated with a lawful food and drink premises (Clause 20C). The amendment to the SEPP occurred post lodgement of this application.

However, as this application seeks consent for both the use of a space as an outdoor dining area and physical works it is considered that the proposal goes beyond the scope of what is permitted under the

SEPP (in that physical works are proposed). Therefore, notwithstanding the amendment to the SEPP midway through the assessment of this application, the development shall be assessed against the applicable clauses of the PLEP and P21DCP and a determination will be made that stands separate to any works or operation permitted by the SEPP.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development,	(i) Environmental Impact The environmental impacts of the proposed development on the

Section 4.15 Matters for Consideration'	Comments
including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	One submission was received objecting to the development application. See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 05/10/2021 to 19/10/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Kevin John Lee	89 Mona Vale Road MONA VALE NSW 2103
Ms Amanda Marlene Taylor	57 Emma Street MONA VALE NSW 2103

The following issues were raised in the submissions and each have been addressed below:

- **Noise**
- **Lighting**

The matters raised within the submissions are addressed as follows:

- **Noise**

Concern has been raised in submissions that the development will generate an unreasonable level of noise to residential receivers. The application is accompanied by an Acoustic Report which is supported by Council's Environmental Health team, subject to conditions.

The application is accompanied by an Operational Plan of Management which outlines, in part, that the Club will ensure:

- *Patrons will be requested to vacate the rooftop terrace and doors will be secured prior to the expiry of proposed trading hours detailed for 'Rooftop Terrace'.*
- *No public broadcast system will be installed on the outdoor terrace, for the broadcasting of Club announcements.*
- *Any live music performer shall be orientated away from the Mona Vale Road residences and no closer than 3.0m from the newly erected acoustic barrier.*
- *Management will monitor and control sound levels with a sound system limiter with noise not to exceed 75dB no more than 1.0m from audio speakers.*

The Club has also committed to providing security guards who will supervise the roof terrace to ensure that patrons are quiet and in good order.

A submission also requests that the external stairway adjacent to the subject outdoor dining area have sound-attenuating fencing added for the length of those stairs. The stairway is not a place of congregation and is anticipated to be used significantly less than the dining space itself. Acoustic impacts from the stairway are acceptable.

- **Lighting**

A submission requests that existing and proposed lighting installed to the car park should be shielded to stop glare from residential properties on the opposite side of Mona Vale Road. The application does not seek to alter existing lighting and no new lighting is sought.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Industrial)	<p>General Comments</p> <p>Amenity impacts of the proposal for temporary outdoor dining on the Northern car park of Pittwater RSL have been assessed by Environmental Health. We have no objections to the proposal based on the location of the dining area, or the acoustic report which outlines some simple and practical noise mitigation measures that must be followed.</p>
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>Environmental Health has no objections to the proposal. There are no particular food safety or hygiene concerns as food will be prepared in the kitchen, in an already approved area.</p>

Internal Referral Body	Comments
Landscape Officer	<p>This application is for the temporary use of an existing car park area for outdoor dining.</p> <p>Councils Landscape Referral section has considered the application against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D14.12 Landscaped Area - General <p>The Statement of Environmental Effects provided with the application notes that no trees, vegetation or landform is to be removed as a result of proposed works. This statement is largely supported by the Architectural Plans as it is evident proposed works are confined to an existing car park area, hence no impacts on the natural environment are expected.</p> <p>It is noted a number of trees and palms are proposed in planters within the new outdoor dining area. These planters appear to provide some visual amenity for future patrons, privacy from the adjoining roadway, whilst also softening the built form and providing a barrier to the edge of the car park. The completion of these proposed landscape works is necessary to satisfying controls C1.1 and D14.12 as key objectives of these controls seek to ensure "landscape enhances habitat and amenity value", "landscape reflects the scale and form of development", as well as that the desired future character of the Locality is achieved".</p> <p>The landscape component of the proposal is therefore supported subject to the completion of landscape works as proposed on the Landscape Plan.</p>
Traffic Engineer	<p>The proposal is to convert an area of the car park structure to allow the area to be used as an outdoor addition to the venue to support the business in response to the requirements of current pandemic.</p> <p>The works result in the temporary (12 month period) removal of 32 parking spaces for conversion to outdoor dining space, but still provides 418 parking spaces on site.</p> <p>The supplied traffic impact assessment has been reviewed as part of the review of supporting documentation.</p> <p>The application is supported for a period of 12 months.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are</p>

External Referral Body	Comments
	recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. The application is limited to temporary works atop of an existing elevated concrete car park. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Pittwater Local Environmental Plan 2014

Is the development permissible?	No
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After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	<0.5m extension in height to existing car park walls, <8.5m and less than existing building	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.5 Additional permitted uses for particular land	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

2.5 Additional permitted uses for particular land

Schedule 1 Additional Permitted Uses (11) permits the use of land identified as "Area 9" being 80-82 and 84 Mona Vale Road, Mona Vale and 22 Jubilee Avenue, Warriewood for the purpose of a registered club, subject to development consent. A registered club means a club that holds a license under the Liquor Act 2007. Pittwater RSL holds such a license and seeks to extend that license to the subject development area (under a separate application to the office of NSW Liquor and Gaming).

Thereby pursuant to the existing use of the site and subclause (11) of Schedule 1, the development is capable of being permitted with consent.

Pittwater 21 Development Control Plan

Built Form Controls

The works sought under the development application do not alter the existing level of built form compliance achieved by the building (front, side and rear setback, building envelope and landscaped area). The physical works are limited to a <0.5m extension in height to the existing fence which is addressed under the Principal Development Standards above. Accordingly no further assessment is required against the built form controls.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C2.1 Landscaping	Yes	Yes
C2.2 Safety and Security	Yes	Yes
C2.5 View Sharing	Yes	Yes
C2.7 Building Facades	Yes	Yes
C2.8 Energy and Water Conservation	Yes	Yes
C2.9 Waste and Recycling Facilities	Yes	Yes
C2.10 Pollution Control	Yes	Yes
C2.11 Signage	Yes	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.20 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C2.21 Food Premises Design Standards	Yes	Yes
C5.20 Liquor Licensing Applications	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.3 Building colours and materials	Yes	Yes

Detailed Assessment

B5.15 Stormwater

The scope of works proposed does not alter the existing stormwater systems nor warrants any further assessment.

B6.3 Off-Street Vehicle Parking Requirements

The development application has been made in response to the current COVID-19 pandemic and the restrictions which have been placed on venues to limit both the indoor and outdoor capacity of patrons.

The existing Pittwater RSL Club is a large venue and accommodates 450 car parking spaces on site in various areas. This application seeks to remove 32 of those spaces for a period of 12 months thereby providing 418 spaces on site available for patrons during that period.

The submitted Traffic and Parking Assessment report details that, pre-COVID on a Friday in mid-January the car park generally had a peak occupancy of 65%.

The restrictions on venue capacity combined with patron reluctance to return to venues in the imminent future results in the conclusion that the temporary loss of 32 car parking spaces will have a negligible impact on the availability of parking in the venue itself, and in turn is unlikely to have any impacts on the surrounding road networks. It is found that the proposed retained parking provision will be adequate to accommodate peak parking demands.

Council's Traffic Engineer has reviewed the application and the Traffic and Parking Assessment and raises no objections to the provision of off-street car parking, subject to conditions as recommended.

C2.11 Signage

The proposal does not seek consent for the erection of any signage.

C2.12 Protection of Residential Amenity

Utilisation of the subject car park area for outdoor dining is not anticipated to create any adverse or unreasonable visual privacy impacts to neighbouring residential occupiers as:

- the outdoor dining area is to be surrounded by 2m high acoustic shielding;
- neighbouring dwellings are located northwards across Mona Vale Road and its associated construction area, resulting in a spatial separation of approx. 45m between the edge of the dining area and the dwellings front boundaries, and an approx. 50 - 55m separation to the front walls of the houses; and
- in the unlikely event that the above two factors were not sufficient to ameliorate overlooking, views from the dining area would only be to the front gardens of the neighbouring houses and not towards their private open spaces in rear gardens.

The works thereby provide an adequate level of visual privacy to neighbouring residential occupiers.

C2.21 Food Premises Design Standards

The development application does not seek to modify the existing kitchen or preparation areas within the RSL.

C5.20 Liquor Licensing Applications

The development area is proposed to be licensed to allow for the consumption of alcohol by patrons. Accordingly, a separate application for an on-site license, or modifications to the conditions of the existing RSL Club license shall be pursued separately by the application through NSW Liquor and Gaming.

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.

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/1724 for Alterations and additions to a Registered Club to enable temporary outdoor dining on land at Lot 52 DP 1237461, 80 - 82 Mona Vale Road, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-01 Issue A	13 September 2021	Curtin Architects

DA-02 Issue A	13 September 2021	Curtin Architects
DA-03 Issue A	13 September 2021	Curtin Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise Emission Assessment	17 September 2021	Acoustic Dynamics
Operational Plan of Management	17 September 2021	JSF Consulting
Traffic and Parking Assessment Issue B	September 2021	Transport and Traffic Planning Associates

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-04 Issue A	13 September 2021	Curtin Architects

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

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

2. **Temporary Consent**

(i) The consent is limited to use of the car parking area as shown on the Approved Stamped Plans as an outdoor dining area for a maximum period of twelve (12) months from the date of first commencement.

(ii) Council shall be notified in writing (to council@northernbeaches.nsw.gov.au) a minimum of seven (7) calendar days prior to the first date of commencement.

(iii) The consent shall expire twelve (12) months from the date of first commencement.

Reason: To ensure the development operates in accordance with the terms of the consent.

3. **Prescribed Conditions**

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

Authority for the work, and

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

- (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) 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.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) 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.
- (e) 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.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.
- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

5. Noise Controls

Section 5 "Recommendations & Advice" made in the acoustic report prepared by Acoustic Logic dated 17 September 2021 (Reference 5360R001.LB.210917) must be implemented in order to achieve compliance with noise amenity criteria.

Reason: To maintain acoustic amenity of the surrounding area.

6. 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.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation.

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

7. Acoustic design incorporated into plans

Section 5 "Recommendations & Advice" made in the acoustic report prepared by Acoustic Logic dated 17 September 2021 (Reference 5360R001.LB.210917) must be implemented into the plans prior to issuing the Construction Certificate in order to achieve compliance with noted conditions of this consent.

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

Reason: To maintain amenity of the surrounding area. (DACHPCPC6)

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

8. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

9. Acoustic Report

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with Section 5 "Recommendations & Advice" made in the acoustic report prepared by Acoustic Logic dated 17 September 2021 (Reference 5360R001.LB.210917).

Any recommendations made by the consultant must be implemented prior to issuing the occupation certificate.

Prior to the issue of any occupation certificate documentation is to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To protect the acoustic amenity of neighbouring properties.

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

10. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

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

Reason: to maintain local environmental amenity.

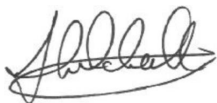
11. **Parking provision - On site**

The venue shall maintain a minimum of 418 off-street parking spaces for the duration of the temporary approval of the outdoor dining area.

Reason: To ensure that adequate parking is retained on site to manage impact on the surrounding area.

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

Signed



Adam Mitchell, Principal Planner

The application is determined on 21/10/2021, under the delegated authority of:



Tony Collier, Manager Development Assessments