

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0032
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Responsible Officer:	Kye Miles
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 (Pittwater RSL Club) including business identification signage
Zoning:	R2 Low Density Residential SP2 Infrastructure
Development Permissible:	Yes, under under Schedule 1 Additional Permitted Uses
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Pittwater RSL Club Ltd

Application Lodged:	29/01/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	11/02/2025 to 25/02/2025
Advertised:	11/02/2025
Submissions Received:	4
Clause 4.6 Variation:	4.3 Height of buildings: 35.2%
Recommendation:	Approval

Estimated Cost of Works:	\$ 7,458,723.80
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### EXECUTIVE SUMMARY

This application seeks consent for alterations and additions to a registered club (Pittwater RSL Club), including business identification signage.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the proposed development has a maximum building height of 11.49m, representing a 35.2% variation to Clause 4.3 of the *Pittwater Local Environmental Plan 2014*, which prescribes a maximum building height of 8.5m for the subject site. Variations exceeding 10% to a principal development standard for a Class 2-9 building must be referred to the NBLPP in accordance with the *Local Planning Panel Directions* and Council's delegation protocols.

The applicant has submitted a written request pursuant to Clause 4.6 of the *Pittwater Local Environmental Plan 2014* to justify the contravention of the development standard. The request argues that the height and scale of the proposal is compatible with the existing building and surrounding developments. Additionally, the request states that the non-compliant portions of the building will not result in unreasonable impacts, as the design incorporates appropriate street setbacks and articulation. Furthermore, the non-compliant portions of the building will not create adverse residential amenity impacts in relation to view sharing, privacy or solar access.

Council's assessment has concluded that the applicant's written request has adequately addressed the jurisdictional matters within Clause 4.6 of the Pittwater Local Environmental Plan 2014. Compliance with the development standard is considered unreasonable and unnecessary in this instance, and sufficient environmental planning grounds exist to justify the variation.

The application was publicly exhibited and advertised, receiving four (4) submissions in objection. The concerns raised relate to; visual impact, views, signage, and pedestrian safety. These issues have been considered as part of the assessment and do not constitute grounds for refusal of the application.

Key assessment considerations include; the proposal's compliance with the relevant provisions of the *Pittwater Local Environmental Plan 2014* (PLEP 2014), *Pittwater 21 Development Control Plan* (P21DCP), *SEPP (Industry and Employment) 2021*, and the *SEPP (Transport and Infrastructure) 2021*. The proposal aligns with the desired future character, environmental conditions, and site constraints. It is also compatible with the existing built environment and contributes to a high standard of commercial development in the area. No adverse impacts on neighborhood character, public spaces, or environmental values are anticipated.

Overall, the development is consistent with applicable environmental planning instruments and regulatory provisions and is considered to be in the public interest.

Accordingly, it is recommended that the NBLPP **approve** the application, subject to the recommended conditions outlined in this report.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal involves alterations and additions to a registered club (Pittwater RSL Club) including business identification signage.

Specifically, the proposal comprises the following:

### **Demolition works:**

- Demolition works that includes external and internal areas.

### **Basement:**

- Deletion of four (4) parking spaces to allow circulation turning area.
- Addition of three (3) accessible parking spaces.
- New lift access.
- Install security gate .

**Ground floor:**

- Construction of new foyer with new signage.
- Reconfigure undercover car park, including new drop-off and pickup zone.
- Construct a suspended ceiling
- Install new screen around existing plant.

**Level 1:**

- Alterations to existing walking and internal access.
- Construction of new entry awning with signage.
- Replacement of existing gates and screens to match the new screen.

**Roof:**

- Install new lightweight saw-tooth roof with new glazing and solar panels.
- Alterations to existing roof plant.

**Signage:**

The proposal includes three (3) new business identification signs, including:

**Business identification sign 1:** internally illuminated (south elevation)

- Awning sign.
- Height: 1500mm.
- Width: 9500mm.
- Depth: 300mm
- White lettering

**Business identification sign 2:** internally illuminated (south elevation)

- Wall sign located in ground floor car park.
- Height: 1520mm.
- Width: 4600mm.
- White lettering

**Business identification sign 3:** internally illuminated (south elevation)

- Wall sign located internally within the foyer.
- Height: 1100mm.
- Width: 3300mm.
- White lettering

**AMENDED PLANS**

Following a preliminary assessment of the application, Council issued a Request for Information (RFI) to the applicant on 8 April 2025, outlining concerns with the proposal. These concerns related to insufficient information regarding the mechanical plant and equipment.

To address these concerns, the applicant submitted amended plans on 22 April 2025, which detailed a new location of mechanical units.

### **Community Participation Plan**

The proposed amendments are not expected create additional environmental impact on adjoining properties compared to the original proposal. Therefore, in accordance with the Northern Beaches Community Participation Plan, re-notification was not required.

### **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**

Assessment - Concurrence - Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.118

Pittwater Local Environmental Plan 2014 - 2.5 Additional permitted uses for particular land

Pittwater Local Environmental Plan 2014 - Zone R2 Low Density Residential

Pittwater Local Environmental Plan 2014 - Zone SP2 Infrastructure

Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards

Pittwater 21 Development Control Plan - C2.5 View Sharing

Pittwater 21 Development Control Plan - C2.11 Signage

### **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 52 DP 1237461 , 80 - 82 Mona Vale Road MONA VALE NSW 2103
<b>Detailed Site Description:</b>	The subject site consists of one (1) allotment located on the corner of Mona Vale Road and Foley Street. The subject site is legally identified as Lot 52 in DP 1237461 and is know as 80-82 Mona Vale Road, Mona Vale, commonly known as Pittwater RSL.

The site is generally triangular in shape with a frontage of approximately 215 metres along Foley Street and 181 metres along Mona Vale Road. The site has an area of 15,354.0 m<sup>2</sup>. The site accommodates an existing multi level club building, which is located on the central and southern portions of the site, and has a total public area of approximately 4,155m<sup>2</sup>.

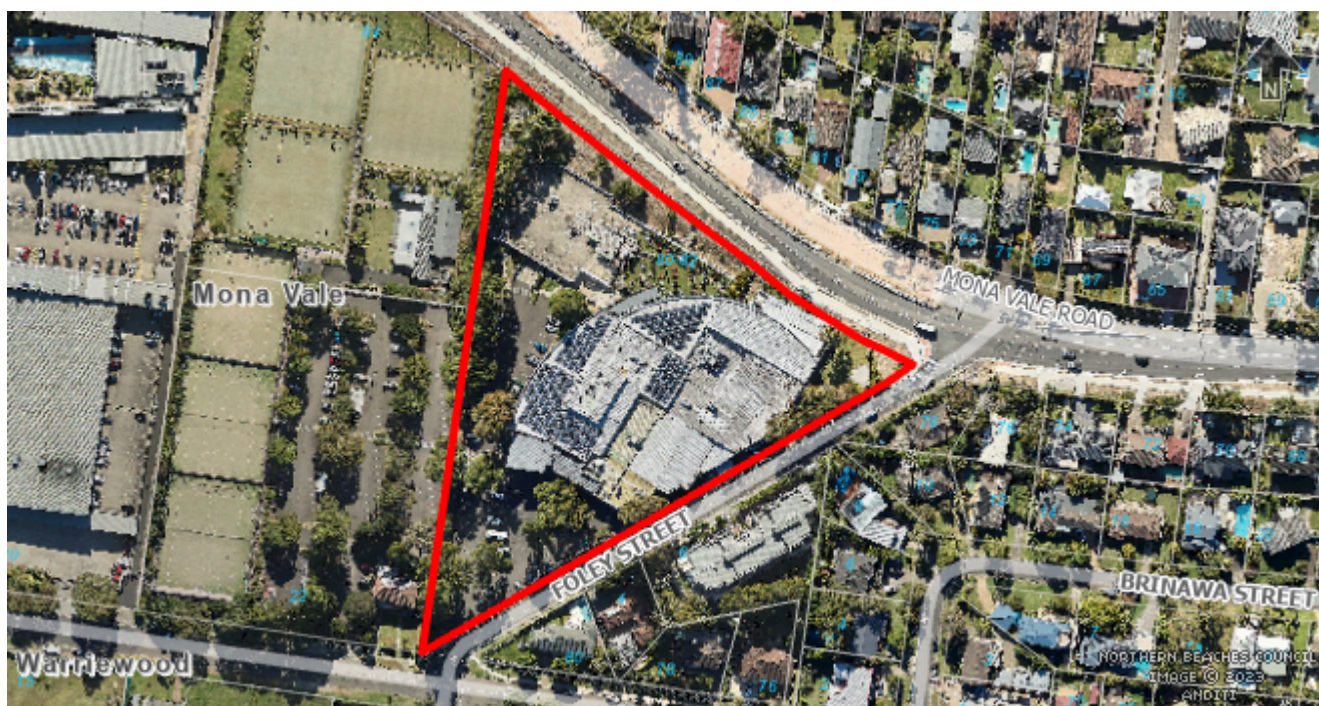
Car parking areas comprises a total 422 spaces, including open at grade and multi-storey car parking with vehicular access on the Foley Street frontages. The subject application specifically relates to the upper level car park on the north eastern side of the Club building with a frontage to Mona Vale Road which adjoins the outdoor area dining area of the RSL Club.

The site is located within the R2 Low Density Residential zone from the Pittwater LEP but benefits from an Additional Permitted Use as described later in this report. A portion of the site along the Mona Vale Road northern frontage is zoned SP2 Infrastructure trees, a number of trees are located along this frontage.

#### **Detailed Description of Adjoining/Surrounding Development**

Bowling greens and futsal courts, associated with the RSL club, are located to the immediate north of the site. Adjoining and surrounding development is characterised by commercial developments to the west, and residential developments to the south, east and north.

Map:



## SITE HISTORY

The land has been used as a registered club for an extended period of time and has been the subject of numerous previous development applications pertaining to various elements of the RSL Club.

A search of Council's records has revealed the following relevant history:

### **N0384/08**

Development Application for construction of a two-storey carpark (the area to which the application related) and new outdoor seating terrace at Pittwater RSL Club was approved on 04/05/2009.

### **N0123/09**

Development Application for Construction of six futsal courts, associated amenities building and landscaping was approved on 01/02/2010. Note this part of the RSL club is located to the immediate north-west of the subject site.

### **DA2019/0123**

Development Application for use of part of the carparking area (located to the south-west of the subject site) for the purposes of an organic food market trading hours are between 8:30am to 1:00pm on Sundays with a maximum of 100 market stalls and a maximum of events of 42 days per 12 months was approved on 19/06/2019. The application has been modified on four (4) occasions to extend the operation of the market and the consent is due to expire on 2/09/2029.

### **DA2022/1542**

Development Application for Alterations and additions to a Registered Club to enable the permanent use of an outdoor dining area (on the adjoining car park level located to the south-east of the subject area) was approved on 22/03/2023. This permits a max 250 patrons to 11pm Friday to Sunday nights. The consent does not allow for outdoor dining from Monday to Thursday.

### **DA2024/0675**

Development Application for Alterations and additions to a Registered Club and use as a recreational facility (outdoor). Specifically, consent was provided for the use of the upper level of the north eastern

car park as six (6) pickleball courts. This was approved on 20/11/2024 with a 24-month trial period.

## 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	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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a recommended condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to acoustic impacts.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia</p>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 11/02/2025 to 25/02/2025 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 4 submission/s from:

Name:	Address:
Michelle Eisele	3 / 6 Foley Street MONA VALE NSW 2103
Mr Robert James Stoddard	8 Brinawa Street MONA VALE NSW 2103
Mr Geoffrey Russell Walsh	188 Warriewood Road WARRIEWOOD NSW 2102
Ms Valerie Jensen	185 Warriewood Road WARRIEWOOD NSW 2102



The following issues were raised in the submissions:

- **Visual impact**
- **Views**
- **Signage**
- **Pedestrian safety**

The above issues are addressed as follows:

- **Visual impact**

*The submissions raised concerns with the proposed roof element's visual impact.*

Comment:

Detailed discussions on the scale of the development (which is commensurate to the lot size and surrounding developments) can be found elsewhere in this report. It is considered that the proposed works are adequately articulated and minimised to mitigate any significant visual impacts. In addition, the proposed roof addition is generously set back from the street, which will assist in reducing the impact of the built form and softening the appearance of the works when viewed from the public domain and nearby residential properties. Overall, the proposal is of an acceptable scale and design when considering the site constraints and the existing built form.

It is considered that on merit, the issue of visual impact does not warrant the refusal of the application.

- **Views**

*The submissions raised concerns that the proposal will result in unacceptable view loss.*

Comment:

This issue has been addressed in detail under Clause 'C1.3 View Sharing' in this report. In summary, a view loss assessment, in accordance with the four-part test detailed within *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, has been undertaken and is detailed elsewhere in this assessment report. The views from the affected properties have been described and the impacts assessed. In summary, the proposal will not create significant view impacts and provides for adequate view sharing.

It is considered that on merit, the issue of view loss does not warrant the refusal of the application.

- **Signage**

*The submissions raised concerns that the proposed illuminated signage will give rise to adverse traffic hazards.*

Comment:

Conditions have been imposed that will provide appropriate limitations on the illumination hours and intensity of the proposed signage. In combination with substantial spatial separation, these measures mitigate any unreasonable impact on the public domain. Furthermore, Council's Traffic Engineer has reviewed the proposal and raised no concerns regarding the impacts of the proposed signage.

It is considered that the issue has been adequately addressed through the application of suitable conditions.

- **Pedestrian safety**

*The submissions raised concerns that the proposal does not include suitable pedestrian access around the perimeter of the site.*

Comment:

Council's Traffic Engineer has reviewed the proposal and raised no concerns regarding pedestrian safety. Conditions have been recommended to assist in directing patrons to available parking during peak operational hours.

It is considered that the issue has been adequately addressed through the application of suitable conditions.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Supported - subject to conditions</b></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Acid Sulfate)	<p><b>Supported - subject to conditions</b></p> <p>In respect of the potential presence of acid sulphate soils, a specialist report supplied with the proposal documentation notes:</p> <p>The proposed development works will include:</p> <ul style="list-style-type: none"><li>• excavations for the lift pit and lift foundations; and</li><li>• excavations for the carpark pavement works.</li></ul>

Internal Referral Body	Comments
	<p>The conclusion has been made that:</p> <p>The potential for ASS to be present at the site, that may be disturbed by the proposed redevelopment works, is negligible</p> <p>The proposed development works, in the context of Clause 7.1 of the Pittwater Local Environmental Plan 2014:</p> <ul style="list-style-type: none"> <li>• Will not be carried out on land that is within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD); and</li> <li>• Will not result in the water table being lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.</li> </ul> <p>Environmental Health concurs with this opinion and supports the proposal with an appropriate condition of consent.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
Environmental Health (Industrial)	<p><b><i>Supported - subject to conditions</i></b></p> <p><b>General Comments</b></p> <p>The Proposal includes the following scope of works:</p> <p>1. Demolition Works: Accompanying demolition work plan demonstrating the internal and external demolition works to facilitate the Proposal has been provided at Appendix</p> <p>2. Reconfiguration of Basement Car Parking:</p> <ul style="list-style-type: none"> <li>• Removal of four (4) car parking spaces to allow one-way circulation.</li> <li>• Addition of three (3) accessible parking spaces.</li> <li>• Installation of security entry and exit boom gates.</li> <li>• Installation of a car reader activation point.</li> <li>• Provision of access to the new lift.</li> </ul> <p>3. Ground Floor:</p> <ul style="list-style-type: none"> <li>• Construction of a new foyer and escalator void, with installation of a new lift.</li> <li>• Installation of a new entry awning.</li> <li>• Reconfiguration of parking spaces.</li> <li>• Replacement of existing floor finishes.</li> <li>• Installation of new driveways and a suspended ceiling bulkhead.</li> <li>• Upgraded drop-off and pickup zone.</li> <li>• Installation of aluminium battens on existing windows.</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• Addition of a new suspended LED display.</li> <li>• Installation of new screening for the existing AC unit and diesel generator.</li> </ul> <p>4.First Floor:</p> <ul style="list-style-type: none"> <li>• Expansion of the walkway and corridor, including an escalator void.</li> <li>• Construction of a new steel staircase linking to the existing terrace.</li> <li>• Installation of a new awning, box gutter, and perforated screens.</li> <li>• Addition of new building signage.</li> <li>• Replacement of existing gates and screens to match the new screen around the loading dock.</li> </ul> <p>5.Roof Plan:</p> <ul style="list-style-type: none"> <li>• Installation of a new lightweight saw-tooth roof with new glazing and solar panels.</li> <li>• Installation and relocation of existing mechanical units.</li> </ul> <p>In regard to point 5 above in particular "Installation and relocation of existing mechanical units.", it is noted that the plans provided with the proposal contain the notation on page 14 "New &amp; relocated Mechanical units on existing roof to be modified to suit new works".</p> <p>The Statement of Environmental Effects, section c2.22 Plant, Equipment and Lift Overrun provides thee comment "The Proposal incorporates plant equipment and lift overruns into the building's internal layout to minimize visual impact. Soundproofing measures and strategic siting have been implemented to limit noise exposure for residents and neighbouring properties, thereby preserving acoustic privacy and enhancing overall comfort in the surrounding area."</p> <p>The above statements appear to be incongruent in that it is not clear whether the new equipment is to be provided internally or on the roof.</p> <p>It is considered that any additional plant and equipment that is intended to be installed would require an assessment by an acoustic consultant to determine what measures may be required to implemented to reduce potential noise impacts.</p> <p>No details in relation to "...Soundproofing measures.." as note in the above section appear to have been provided.</p> <p>Accordingly, the proposal is not supported at this time.</p>

Internal Referral Body	Comments
	<p><u>Amended Comments - 12/05/2025</u></p> <p>The applicant has provided updated plans in relation to this proposed mechanical ventilation units on the rooftop. A notation appears on the plans which states</p> <p>"New &amp; relocated Mechanical units. New 5.0 mts x 3.5 mts mechanical plant platform on existing roof with Perimeter acoustic louvres as required"</p> <p>Accordingly, Environmental Health supports the proposal and recommends a condition which requires acoustic assessment of the new units prior to ongoing use.</p> <p><b>Recommendation</b></p> <p>APPROVAL - Subject to conditions</p>
NECC (Development Engineering)	<p><b><i>Supported - subject to conditions</i></b></p> <p>No objections to the proposed club alterations , minimal additional stormwater works are proposed. As such no stormwater conditions are required.</p>
Strategic and Place Planning (Development Contributions)	<p><b><i>Supported - without conditions</i></b></p> <p><b>INTRODUCTION</b> The Development Contributions team (SPP3) has received a referral request for development application DA2025/0032 which seeks approval for alterations and additions including business identified signage.</p> <p><b>SUBJECT SITE</b> The site subject to the development application is 80-82 Mona Vale Rd, Mona Vale (Lot 52 DP 1237461) and comprises the multi-storey Pittwater RSL club building, a multi-storey carpark building and at-grade outdoor carparking. The majority of the site is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014, with a small section along Mona Vale Rd zoned SP2 Infrastructure.</p> <p><b>PROPOSED DEVELOPMENT</b> DA2025/0032 seeks consent for the following works: Demolition works:  <ul style="list-style-type: none"> <li>• Demolition works that includes external and internal areas.</li> </ul> Basement:  <ul style="list-style-type: none"> <li>• Deletion of four (4) parking spaces to allow circulation turning area.</li> <li>• Addition of three (3) accessible parking spaces.</li> <li>• New lift access.</li> <li>• Install security gate.</li> </ul> Ground floor:  <ul style="list-style-type: none"> <li>• Construction of new foyer with new signage.</li> </ul> </p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• Reconfigure undercover car park, including new drop-off and pickup zone.</li> <li>• Construct a suspended ceiling</li> <li>• Install new screen around existing plant.</li> </ul> <p>Level 1:</p> <ul style="list-style-type: none"> <li>• Alterations to existing walking and internal access.</li> <li>• Construction of new entry awning with signage.</li> <li>• Replacement of existing gates and screens to match the new screen.</li> </ul> <p>Roof:</p> <ul style="list-style-type: none"> <li>• Install new lightweight saw-tooth roof with new glazing and solar panels.</li> <li>• Alterations to existing roof plant.</li> </ul> <p>Signage:</p> <ul style="list-style-type: none"> <li>• 3 new business identified signs</li> </ul> <p><b>ASSESSMENT OF DEVELOPMENT APPLICATION</b>  The site is subject to the Warriewood Valley Development Contributions Plan 2022 (Amendment 16 Revision 4). The Warriewood Plan imposes development contributions on new development only, not a development proposing alterations and additions to an existing approved development like this one. Accordingly, no development contributions are required for this development since it is not new non-residential development.</p> <p><b>RECOMMENDATION</b>  A. No objection is raised to this DA.  B. DA2025/0032 does not require development contributions.  This referral response has been peer-reviewed in accordance with agreed procedures. On approval/signature by peer reviewer, the contents of the DA referral response are included into Council's ASSESS program against this DA.</p>
Traffic Engineer	<p><b><i>Supported - subject to conditions</i></b></p> <p>The DA is for alterations and additions including works to improve access to the club including new lift and escalator and reconfiguration of parking spaces including changes to accessible parking spaces to bring them into alignment with current disabled parking standards and to ensure they are located adjacent to the new lift and escalators. While the total number of parking spaces on the site will be reduced by 11 as a result of the proposed changes it is evident from parking surveys conducted on Friday evenings and Sundays (during Sunday markets operations) that there is still an excess of parking available on the site. The peak parking occupation on site was found to occur on Sundays at 10am with 214 of the 334 spaces available at that time occupied i.e 64% occupied. On Friday evenings the peak occupancy occurred at 7pm when 129 of the currently available 422 spaces occurred. Even with the reduction in parking associated with the introduction of pickleball courts (34 spaces) and the additional loss of 11 spaces associated with this DA there will still be many more parking spaces available than there are</p>

Internal Referral Body	Comments
	<p>spaces occupied. At the observed peak time (10am Sunday) there would be 214 spaces occupied from a total revised parking supply of 289 i.e 74% occupancy.</p> <p>The proposed circulation arrangements are also shown to be adequate with B99 vehicles and the club's 6.33m mini bus shown to be able to circulate throughout the relevant areas.</p> <p>To assist in directing patrons to available parking a condition of consent requiring the use of parking availability signage and traffic marshalls during peak operational hours is proposed.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><b><i>Supported - subject to conditions</i></b></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>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP (Transport and Infrastructure) 2021

#### Ausgrid

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

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

electricity power line.

Comment:

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

Transport for NSW (TfNSW)

Section 2.119 - Development with frontage to classified road states:

*The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment:

The application was referred to Transport for NSW who did not raise any objection to the proposal. In addition, the proposal was referred to Council's Traffic department, who were supportive, subject to conditions.

Section 2.120 - Impact of road noise or vibration on non-road development states:

- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
  - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
  - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Comment:

Not applicable.



Section 2.122 and Schedule 3 of this Policy requires that the following development(s) are referred to TfNSW as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road)
Premises licensed under the Liquor Act 1982 or the Registered Clubs Act 1976	200 or more motor vehicles	50 or more motor vehicles

**Note:** Under Section 2.122(2) of Chapter 2, 'relevant size of capacity' is defined as meaning:

*“(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*

*(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.”*

Comment:

The application was referred to Transport for NSW who did not raise any objection to the proposal.

## SEPP (Industry and Employment) 2021

The proposed sign involves a Business identification sign with wall mounted illuminated letters 1500mm high with the word 'Pittwater'. The sign is above the vehicle entry portico and is setback over 30 metres from the street boundary which adjoins residential land.

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
<b>1. Character of the area</b> Is the proposal compatible with the existing or	The surrounding area consists of industrial and commercial development	YES

desired future character of the area or locality in which it is proposed to be located?"The surrounding area consists of industrial and commercial development to the west, with land zoned R2 Low Density Residential located to the south and east. The proposed awning sign will replace the existing entry sign in a similar location; however, it will be illuminated and positioned higher than the current sign. Notwithstanding these changes, the proposed sign remains substantially set back from the boundary, with a distance ranging from 31.3 to 36.2 metres. Additionally, the sign is not directly opposite nearby residential properties, as it is generally positioned toward the site's southern corner, away from them. Furthermore, the visual impact of the proposed sign will be mitigated by existing trees within the car park. Overall, the proposal's compatibility with existing RSL signage, substantial separation from residential areas, orientation, and retention of existing trees ensures the signage remains sympathetic to the existing and desired future character of the area.	to the west, with land zoned R2 Low Density Residential located to the south and east. The proposed awning sign will replace the existing entry sign in a similar location; however, it will be illuminated and positioned higher than the current sign. Notwithstanding these changes, the proposed sign remains substantially set back from the boundary, with a distance ranging from 31.3 to 36.2 metres. Additionally, the sign is not directly opposite nearby residential properties, as it is generally positioned toward the site's southern corner, away from them. Furthermore, the visual impact of the proposed sign will be mitigated by existing trees within the car park. Overall, the proposal's compatibility with existing RSL signage, substantial separation from residential areas, orientation, and retention of existing trees ensures the signage remains sympathetic to the existing and desired future character of the area.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the theme of outdoor advertising within the area. The replacement and refurbishment of the signage on site is consistent with the locality.	YES
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not impact the amenity, heritage, or environmental values of the area. As noted above, the subject site is in proximity to residential areas located to the south and east. The proposed signage remains substantially set back from these residential areas and will be reasonably screened by existing trees within the car park. Furthermore, conditions imposed on the development will include appropriate limitations on the hours and intensity of illumination. Overall, the proposal represents an upgrade to the existing signage and may be considered an improvement to the visual quality of the area.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signs are located on the existing building, and will not impact any important views.	YES

Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal has been designed to to identify the business for pedestrians and vehicles at street level. The proposed signs are located below the existing building's ridge and do not dominate the skyline and reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal does not impact the viewing rights of other advertisers	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportions of the signage are similar to that of the existing signage and is consistent with the signage of the surrounding area.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The updated signage includes a slight colour theme change that is considered to provide visual interest.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage is considered to be of a simplified design and will reduce clutter.	YES
Does the proposal screen unsightliness?	The subject site is not considered to consist of any unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage would not protrude above the ridge line or tree canopy.	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage is similar to that of the existing (with slight upgrades and colour changes etc.). It is considered that the proposal compatible with the scale, proportion and other characteristics of the site and building.	YES
Does the proposal respect important features of the site or building, or both?	The site does not consist of any important features.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage demonstrates innovation and imagination in its relationship to the site and building.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The signage include LED Illumination. The illumination is not considered to result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence. Standard conditions require that the Illumination complies with AS	YES

	4282 Control of the Obtrusive Effects of Outdoor Lighting.	
Can the intensity of the illumination be adjusted, if necessary?	The level of illumination can be adjusted.	YES
Is the illumination subject to a curfew?	The proposed signage is conditioned to cease in accordance with the approved hours of operation.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage is not considered to reduce the safety for any public road, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage is not considered to reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas.	YES

### **3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground**

- (1) *This section applies to an advertisement—*  
 (a) *that has a display area greater than 20 square metres, or*  
 (b) *that is higher than 8 metres above the ground.*

#### Comment

All proposed signage is less than 8.0 metres in height. The proposed signage does not consist of any advertising with a display area that is in excess of 20 square metres. Therefore, this section does not apply.

### **3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road**

- (1) *This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.*

#### Comment

The proposed development is within 250.0 metres within a classified road, however as section 3.15 does not apply to the proposed development, therefore, neither will section 3.16.

### **3.20 Wall advertisements**

- (1) *Only one wall advertisement may be displayed per building elevation.*

#### Comment

The proposed signage is not defined as advertising but rather business identification signage. Therefore, this section does not apply.

### **3.21 Freestanding advertisements**

- (1) *The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.*

#### Comment

The proposed signage is not defined as advertising but rather business identification signage.

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of this chapter and its underlying objectives.

### **SEPP (Resilience and Hazards) 2021**

#### **Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses.

In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

### **Pittwater Local Environmental Plan 2014**

Is the development permissible?	Zone R2 : Yes Zone SP2: Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone R2 : Yes Zone SP2: Yes

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	8.5m	11.49m	35.2%	No

#### 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	No
4.6 Exceptions to development standards	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

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 a license under the Liquor Act 2007.

### **Zone R2 Low Density Residential**

#### The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

#### Comment:

Not applicable.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

#### Comment:

The existing land use as a registered club is retained and aligns with this objective. The proposal involves upgrading the building's design and functionality, supporting the continued use of the site as an additional permitted use under the PLEP.

It is considered that the development satisfies this objective.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

#### Comment:

The proposed changes largely relate to the refinement of the internal layout. The approved setbacks and overall form of the building will be reasonably retained.

It is considered that the development satisfies this objective.

### **Zone SP2 Infrastructure**

*(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:

Clause 4.3 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*

Comments:

Council is satisfied that the Applicant has demonstrated that compliance with Clause 4.3 is unreasonable or unnecessary in the circumstances of this application for the following reasons:

The Applicant's written request seeks to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard. This is the first of five common ways of establishing that compliance with a development standard might be unreasonable and unnecessary as identified in *Wehbe v Pittwater Council [2007] NSWLEC 827*. The objectives of the development standard are addressed within the 4.6 request as follows:

**4.3 Height of buildings**

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

*a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

Response from the Applicant:

*The Proposal maintains the existing height of the building, ensuring consistency with the established character of the area. The addition of the sawtooth roof with glazing and solar panels is a minor change that enhances the Club's functionality without disrupting the scale or form typical of the locality.*

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

Response from the Applicant:

*The existing building already exceeds the height limit, reaching 13.6m, and the Proposal does not increase the building's height beyond the existing maximum. The Proposal focuses solely on the addition of a new roof with glazing and solar panels to enhance energy efficiency and solar access. The upgrades respect the overall scale of surrounding developments, and the new roof design is in harmony with nearby buildings, ensuring compatibility with the existing built environment.*

*c) to minimise any overshadowing of neighbouring properties,*

Response from the Applicant:



*The design of a new roof structure minimises overshadowing by maintaining the existing building's height. The sawtooth roof and glazing will allow additional light to penetrate into the building, supporting energy efficiency and solar access without causing increased shadowing on neighbouring properties.*

*d) to allow for the reasonable sharing of views,*

Response from the Applicant:

*The Proposal does not obstruct existing views of the neighbouring properties due to the height exceedance of the new roof structure. The location and position of the new roof design ensures that neighbouring properties retain their views.*

*e) to encourage buildings that are designed to respond sensitively to the natural topography,*

Response from the Applicant:

*The Proposal respects the Site's topography by adhering to the building's existing footprint and height. No additional excavation or earthwork regarding is required, and the new additional roof design is confined within the existing roof and complements the natural landform, ensuring minimal disruption to the Site's topographical integrity.*

*f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,*

Response from the Applicant:

*The new roof structure is designed to blend with the existing architecture, limiting its visual impact. The sawtooth roof with solar panels is a sustainable addition that enhances the building's aesthetic and energy efficiency, while glazing allows for improved natural light. The Proposal does not impact any heritage conservation areas or heritage items, preserving the site's visual harmony with its surroundings.*

Assessment Officers Comments:

The justification provided by the Applicant in response to the objectives are generally concurred with. In summary, the proposed saw-tooth roof elements reasonably aligns with the height of the existing building and maintains substantial setbacks to the Foley Street boundary, offsetting any unacceptable building bulk. Additionally, the proposed height is largely a technical breach given the existing excavation for the upper ground floor, such that the extent of the breach is largely concealed within the building and notably perceived from the surrounding areas. Notwithstanding, the proposal will not give rise to any adverse amenity impacts or visual impacts on the natural environment.

*Refer to the section of this report on P21DCP Clause C2.5 View Sharing for a detailed assessment of view loss. In summary, the proposal result in a slight reduction of district views, however reasonable view sharing is maintained.*

The proposed development will not be out of character with surrounding comparable development. It is considered that the objectives of the standard are achieved despite non-compliance with the standard.

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

Assessment Officers Comments:

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.'*

The Clause 4.6 Request argues, in part:

- *The Proposal includes the innovative sawtooth roof design, which is intended to enhance natural light penetration and ventilation throughout the building. These modifications are crucial for improving the functionality of the space and addressing the needs of residents, particularly those with mobility and sensory requirements.*
- *The proposed sawtooth roof design offers a visually appealing upgrade to the building's facade, integrating with the existing streetscape. By enhancing the architectural character while preserving key aesthetic features, the Proposal contributes positively to the overall character and appearance of the locality.*
- *The additional height required for the sawtooth roof is necessary only for practical enhancements and does not significantly alter the building's scale or introduce excessive bulk. The Proposal ensures an efficient use of the existing height limit while maintaining the existing building's architectural integrity.*
- *The Proposal does not significantly obstruct views from neighbouring properties. The additional height does not introduce new visual or privacy issues, and therefore aligns with the zone objective of minimising negative impacts on adjacent properties.*
- *The proposed upgrades foster a sense of community and support local planning goals by promoting sustainable building practices and encouraging the use of natural resources.*

The arguments provided by the Applicant are generally concurred with. Council is satisfied that the Applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of Clause 4.3 Height of Buildings for the following reasons:

- 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, thereby satisfying objects 1.3(c) and (g) of the EPA Act.
- Flexibility in the application of the development standard will allow adaptation and reuse of existing built form for the changing needs of owners and occupants. This promotes ecologically sustainable development and the orderly development of land, thereby satisfying objects 1.3(b) and (c) of the EPA 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 EPA Act.

#### **Conclusion:**

Council is satisfied as to the matters set out in Clause 4.6 of the PLEP 2014.

As demonstrated above, the proposed development **satisfies** the relevant considerations under Clause 4.6 of the PLEP. Therefore, the contravention to Clause 4.3 of the PLEP is **supported** in this instance.

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	10.0m - Mona Vale Road	18.2m (External stair)	N/A	Yes
	5.0m - Foley Street	7.5m (Roof element)	N/A	Yes
Side building line	2.5m - West	22.0m (Signage)	N/A	Yes
Building envelope	3.5m - West	Outside envelope (No change)	N/A	N/A

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C2.5 View Sharing	Yes	Yes
C2.7 Building Facades	Yes	Yes
C2.9 Waste and Recycling Facilities	Yes	Yes
C2.10 Pollution Control	Yes	Yes
C2.11 Signage	No	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.22 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	Yes	Yes
D14.8 Side and rear building line	Yes	Yes
D14.11 Building envelope	Yes	Yes

## Detailed Assessment

### **C2.5 View Sharing**

#### **Merit Consideration**

One submission was received from a nearby property regarding potential view loss as a result of the proposed development. A view loss inspection was carried out at this property. The nature and impacts of view loss are described below.

An inspection of the site indicates that there are potential district view lines to the north and west from the upper level of No. 6 Foley Street. However, Council has not received any submissions from these property owners regarding potential view loss. Notwithstanding this, the proposed saw-tooth roof generally aligns with the curved metal roof on the western side of the building and maintains a similar ridge height. This design ensures that the existing view corridors to the northwest are reasonably preserved. Overall, the proposal is appropriately designed and aligns with the view sharing principles established in *Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC 140*.

The development is considered against the underlying Outcomes of the Control as follows:

- *A reasonable sharing of views amongst dwellings.*

#### Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*, are applied to the proposal.

#### **1. Nature of the views affected**

*"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".*

#### Comment to Principle 1:

No. 8 Brinawa Street: This property is located across the street on the southern side of Foley Street. There is currently a two-storey dwelling house that enjoys views to the east and west. The affected views are primarily to the west, encompassing district views. The views are reasonably obscured by existing development and landscaping.

## 2. What part of the affected property are the views obtained

*“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.*

### Comment to Principle 2:

No. 8 Brinawa Street: This property enjoys views across the front boundary to the east and the rear boundary to the west. The views are largely obtained from both standing positions within internal and external areas of the dwelling on the first floor, including, the master bedroom, study and balcony, as indicated in the following figures.



**Figure 2:** Affected view - Study/balcony facing facing west, across the rear boundary from a standing position





**Figure 3:** Unaffected view - Master bedroom facing east, across the front boundary from a standing position

### 3. Extent of impact

*“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.*

#### Comment to Principle 3:

As detailed in Step 1 and visually represented in Step 2, the views over the front boundary (east) include partial views of the ocean. These views will not be impacted by the proposed development.

As indicated in Figure 2, this property has partial district views obtained over the rear boundary and the secondary frontage (Foley Street) of the subject site, from the first floor of the dwelling. The view loss includes a negligible reduction these views. Given that the views are already obscured, limited to a district outlook, that largely consists of the existing development's roof, the view loss is considered minor within the context of the principles outlined above.

#### 4. Reasonableness of the proposal that is causing the impact

*"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."*

##### Comment to Principle 4:

As indicated in Figure 2, this property has partial district views obtained over the rear boundary. The view loss is considered negligible, given that the views are already obscured, and limited to a district outlook. Therefore, the view loss is considered minor within the context of the principles outlined above.

- *Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.*

##### Comment:

The proposal will not result in adverse view impacts from nearby public spaces.

- *Canopy trees take priority over views.*

##### Comment:

No trees are proposed for removal.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979.

Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

#### **C2.11 Signage**

##### **Description of Non-compliance**

The proposal seeks consent for three (3) new business identification signs.

- Sign 1: The proposed awning sign partially projects above the new awning and is therefore, non-compliant with this control.
- Sign 2: The proposed wall sign adjacent to the ground floor undercover car park has an area of 7.7m<sup>2</sup> and is therefore non-compliant with the maximum signage area of 4.5m<sup>2</sup>.
- Sign 3: The internal foyer wall sign is compliant with this control.

## **Merit Consideration**

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

- *Signage is compatible with the desired amenity and visual character of the locality.*

### Comment:

The proposed signage is associated with an established registered club. The proposed signage is compatible with the desired amenity and visual character of the locality.

- *Signage does not adversely impact upon any heritage item or conservation area.*

### Comment:

There are no known heritage items or conservation areas within vicinity of the subject site.

- *Signage does not result in visual clutter of the landscape.*

### Comment:

The signage will not result in visual clutter of the landscape.

- *Signage is of high quality design and finish.*

### Comment:

The proposal includes a high-quality design and finish to contribute positively to the streetscape and character.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979.

Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

## **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 2021;
- 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

Council is satisfied that the Applicant's written request under Clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify variation of the development standard contained within Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify the variation.

## **PLANNING CONCLUSION**

The application seeks development consent for alterations and additions to a registered club (Pittwater RSL Club), including business identification signage.

While the development involves a 35.2% variation to the height of buildings development standard under Clause 4.3 of the PLEP, the applicant's written request has adequately addressed the jurisdictional matters within Clause 4.6 of the PLEP, demonstrating that compliance with the development standard is considered unreasonable and unnecessary in this instance, and sufficient environmental planning grounds exist to justify the variation.

The application was publicly exhibited and advertised, receiving four (4) submissions in objection. The concerns raised relate to visual impact, views, signage, and pedestrian safety. These issues have been considered as part of the assessment and do not constitute grounds for refusal of the application.

Council is satisfied that the visual impacts and car parking/traffic impacts are appropriately resolved

through the proposal's design and that the recommended conditions of consent will appropriately mitigate any residual impacts of the development in relation to noise, lighting, traffic, water management and contamination.

Key assessment considerations include the proposal's compliance with the relevant provisions of the *Pittwater Local Environmental Plan 2014 (PLEP 2014)*, *Pittwater 21 Development Control Plan (P21DCP)*, *SEPP (Industry and Employment) 2021*, and the *SEPP (Transport and Infrastructure) 2021*. The proposal aligns with the desired future character, environmental conditions, and site constraints. It is also compatible with the existing built environment and contributes to a high standard of commercial development in the area.

No adverse impacts on neighborhood character, public spaces, or environmental values are anticipated under this proposal.

Overall, the development is consistent with applicable environmental planning instruments and regulatory provisions and is considered to be in the public interest.

Accordingly, it is recommended that the NBLPP **approve** the application, subject to the recommended conditions outlined in this report.

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

## RECOMMENDATION

That Northern Beaches Council, as the consent authority, vary the development standard contained within Clause 4.3 Height of Buildings, pursuant to Clause 4.6 of the Pittwater Local Environmental Plan 2014 because the Applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) of Clause 4.6.

Accordingly the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2025/0032 for Alterations and additions to a registered club (Pittwater RSL Club) including business identification signage on land at Lot 52 DP 1237461, 80 - 82 Mona Vale Road, MONA VALE, subject to the conditions printed below:

### Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA-001	C	Site Plan	Begstrom Architects	14 April 2025
DA-060	B	Demolition Basement Plan	Begstrom Architects	28 January 2025
DA-070	B	Demolition Ground Floor Plan	Begstrom Architects	28 January 2025
DA-080	A	Demolition Level 1 Floor Plan	Begstrom Architects	11 November 2024
DA-090	A	Demolition Roof Plan	Begstrom Architects	11 November 2024
DA-110	B	Proposed Basement Plan	Begstrom Architects	28 January 2025
DA-120	C	Proposed Ground Floor Plan	Begstrom Architects	28 January 2025
DA-130	A	Proposed Level 1 Floor Plan	Begstrom Architects	24 October 2024
DA-140	A	Proposed Roof Plan	Begstrom Architects	24 October 2024

DA-500	A	Existing & Proposed Elevations	Begstrom Architects	24 October 2024
DA-501	A	Existing & Proposed Elevations	Begstrom Architects	24 October 2024
DA-502	A	Sections	Begstrom Architects	24 October 2024
DA-503	B	Sections	Begstrom Architects	28 January 2025
DA-560	A	Signage Elevations	Begstrom Architects	24 October 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Design Development Report	B	Formiga1	5 November 2024
Geotechnical Investigation Report	-	Alliance Geotechnical	8 January 2025
Traffic and Parking Assessment	A	Transport and Traffic Planning Associates	November 2025
Waste Management Plan	-	Listed Applicant	-

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	Ausgrid Referral Response	17 February 2025

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

#### 4. **Staging**

The development is to be carried out in three (3) stages comprising the following:

(a) Stage 1 Construction:

- Remove required existing structure to Level 1 "Tuscan Cabana".
- Construct new stair and balustrade to existing terrace.
- Excavate & construct basement tunnel to lift, lift and escalator pit.
- Alter basement carparking to suit new layout.
- Truncate around future escalator voids.
- Remove existing gas fireplace.
- Install new diesel fire hydrant pump.
- Install new facade and wall finishes.

(b) Stage 2 Construction:

- Excavate & construct building envelope for new entry.
- Construct new concrete slab to upper ground floor.
- Penetrations for escalator voids.
- Install balustrading around escalator void.
- New plant platform to roof.
- Remove existing reception.
- Construct new layout for "museum.

(c) Stage 3 Construction:

- Remaining works.

Reason: To allow the orderly development of land.

#### 5. **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 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.

**6. 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 on site parking. 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 residential parking amenity.

**7. 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.

## **FEES / CHARGES / CONTRIBUTIONS**

**8. Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

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](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

**9. National Construction Code (BCA) Report (Class 2-9)**

A 'National Construction Code (BCA) Assessment Report' / 'Fire Audit Report' from an appropriately qualified Registered Certifier\* will need to be submitted with the relevant Construction Certificate application addressing the following:

The report is to detail the extent to which the existing building (relevant affected parts) does or does not comply with the deemed-to-satisfy provisions of Sections C, D, E and F of the National Construction Code (BCA). The report is to also provide recommendations with respect to the existing building / works required to ensure that the specified measures and facilities

contained in the existing building, including any modifications to be made by the proposed development are appropriate for its intended use to:

- i) restrict the spread of fire from the building to other buildings nearby, and
- ii) protect persons using the building, and to facilitate their egress from the building in the event of fire, and
- iii) where appropriate, provide access for persons with a disability, and
- iv) provide facilities and services appropriate for the development

\*To be regarded as an "appropriately qualified registered certifier" the certifier must hold the relevant level of accreditation that would enable the certifier to issue a construction certificate for the subject building.

The 'National Construction Code (BCA) Assessment Report' / 'Fire Audit Report' is to be submitted to the Certifier with the Construction Certificate application.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

10. **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.

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 Traffic Team.

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

#### 11. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, 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.

#### 12. **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 any Construction Certificate.

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

#### 13. **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](http://www.sydneywater.com.au) for:

- “Tap in” details - see <http://www.sydneywater.com.au/tapin>
- 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.

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

### **14. 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.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

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.

**15. Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),

- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of the relevant works.

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

## DURING BUILDING WORK

### 16. **Requirement to notify about new Acid Sulfate Soils evidence**

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

### 17. **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.

### 18. **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.

**19. 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.

**20. 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.

**21. 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.

**22. 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.

**23. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

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

## BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

**24. Acoustic Design Recommendations**

Prior to the issuing of the relevant Occupation Certificate, documentation from a suitably qualified acoustic consultant is to be submitted to the satisfaction of the Principal Certifier that acoustic louvres installed in conjunction with rooftop mechanical ventilation are of appropriate design which will prevent the occurrence of offensive noise from the mechanical ventilation units at nearby residential receivers

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

**25. Disabled Parking Spaces**

Where disabled 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.

**26. Shared Zone Bollard**

A bollard is to be provided at the shared zone between disabled 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.

**27. Waste Disposal Verification Statement**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

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

### **28. Hours of Illumination**

Illumination of signage at the subject premises shall cease in accordance with the approved hours of operation.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination.

### **29. Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.

### **30. Parking guidance**

The RSL shall have special measures in place, such as parking availability signage and traffic marshalls during peak operating times to direct cars to the available parking spaces.

Reason: To ensure that parking provided on site is fully utilised