

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH_391
DA Number	DA2022/2081
LGA	Northern Beaches Council
Proposed Development	Demolition works and construction of a golf club house and associated facilities
Street Address	292 Condamine Street, NORTH MANLY NSW 2100
Applicant/Owner	Warringah Golf Club Limited Northern Beaches Council
Date of DA lodgment	14 February 2023
Number of Submissions	Seventy-one (71) submission. This includes fifty-seven (57) in support of the proposal, and fourteen (14) objecting to the proposal.
Recommendation	Deferred Commencement Consent
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	The proposal is located on Council owned land with a Capital Investment Value of more than \$5 million.
List of all relevant s4.15(1) (a) matters	Warringah Local Environmental Plan 2011 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Warringah Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Draft Conditions of Consent • Attachment 2: Plans (architectural, landscape and stormwater) • Attachment 3: Preliminary Site Investigation • Attachment 4: Acid Sulphate Assessment • Attachment 5: Acid Sulphate Management Plan • Attachment 6: Aboricultural Impact Assessment • Attachment 7: Flora and Fauna Assessment Report and Waterway Impact Statement • Attachment 8: Aboriginal Due Diligence Assessment Report • Attachment 9: Applicants RFI response • Attachment 10: District Park Plan of Management • Attachment 11: Traffic Impact Assessment • Attachment 12: Warringah Golf Club advice on clubhouse permissibility
Clause 4.6 requests	Nil
Summary of key submissions	Permissibility Traffic and Parking Reliance on the Warringah Recreation Centre Masterplan
Report prepared by	Scott McInnes, Independent Planner
Responsible Officer	Louise Kerr, Director, Planning and Place

Report date	04 November 2023
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Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

Not applicable

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions

Not applicable

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Yes

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The proposed development seeks consent to demolish all above ground structures and construct a clubhouse for the Warringah Golf Club (WGC) on part of the land at 292 Condamine Street, North Manly.

The development includes facilities for the Golf Club including a pro shop, meeting rooms, dining/function room, amenities and landscaping works, and a realigned drainage swale.

The development will rely upon the construction of driveway access as part of the Warringah Recreation Centre Master Plan, which is a Council led project. This development is planned to occur concurrently.

Given that the proposed clubhouse has not proposed a temporary access, it will rely on another development for vehicular access, a deferred commencement condition has been recommended to ensure the proposed development begins construction at the same time as the Warringah Recreation Centre.

The proposed Golf clubhouse land use is ancillary to the existing recreation facility (outdoor) given that it is subordinate and subservient to the dominant land use, which is permissible within the RE1 zone. The clubhouse could not be characterised as an independent use, as it integrates spatially and operationally with the primary functions of the WGC.

The proposal satisfies the relevant planning controls in *Warringah Local Environmental Plan 2011*, and the *Warringah Development Control Plan 2011*.

The proposed Golf clubhouse is located within the District Park Plan of Management (PoM) and is also classified as community land within the meaning of the *Local Government Act 1993*. The PoM anticipates a future replacement Golf clubhouse within the District Park which will provide opportunities for social interactions, community support, cultural heritage protection and creative expression in a safe environment. The proposed development is a step towards realising this objective.

The proposal is a Council related development (landowner) and has a capital investment value of more than \$5 million. Consequently, the proposal is regionally significant development pursuant to clause 2.19 and schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises:

1. Staged demolition involving demolition of all existing sports courts and squash courts and remove existing trees along the northern and western boundary (Stage 1) and the demolition of the recreation clubhouse (Stage 2).
2. Construction and use of a two-storey clubhouse including a (refer to **Figures 1 and 2**):
 - Pro shop
 - Garden lounge (enclosed)
 - Meeting rooms
 - Sports bar
 - Dining/function room;
 - Ground and first floor terrace areas, and
 - One illuminated building identification sign.
3. Loading / servicing areas, nine (9) car parking spaces, and pick-up / drop-off area and part of the internal access.
4. Earthworks involve raising the ground level for the clubhouse from 0.36m to 0.92m, and up to 0.97m for the eastern carpark.
5. Trading hours:

Use	Hours of operation	Days
Pro Shop	Winter: 6.30am - 6.00pm Summer: 6.00am - 7.00pm	Monday - Sunday
Commercial Office/Meeting	9.00am - 5.00pm	Monday - Friday
Garden Lounge	7.00am – 10.00pm	Monday - Sunday
Dining & Function Rooms	12.00pm – 10.00pm	Monday – Sunday
Bar	10.00am – 10.00pm	Monday – Sunday

6. Stormwater engineering works include removing the practice bunker and relocating and upgrading a swale to the north of the retained practice green with a new concrete headwall adjacent to the Pittwater Road boundary connecting to Brookvale Creek. The roof will capture and convey stormwater to a 20,000-litre rainwater reuse tank for flushing internal toilets and providing outdoor irrigation. The tank will surcharge via an outlet pipe/ gross pollutant trap to an absorption trench with a level spreader, a separate pipe will convey overflow stormwater during sustained heavy rainfall to a legal point of discharge into Brookvale Creek, the outlet will comprise rock armouring. Other impervious areas are to be graded to convey stormwater via rain scaping into the lawn and garden.
7. Landscape works include the removal of 51 trees, which include 39 native species. Landscape works also include 39 replenishment trees and riparian improvement works, adjacent to the swale including a pedestrian bridge connecting the clubhouse to the practice green.

Note: The proposed carpark will be accessed via combined entry and exit access driveways onto Kentwell Road, at the locations of the existing vehicular driveway crossings. It is noted that no design assessment has been undertaken for these areas under this application and it is reported in the Traffic Impact Assessment (refer to **Attachment 11**) that these driveways, all internal circulation roadways and turning heads, will be subject to approval under a separate application to be lodged following the favourable determination of this application, A deferred commencement consent has been recommended to ensure that formal access is constructed concurrently.

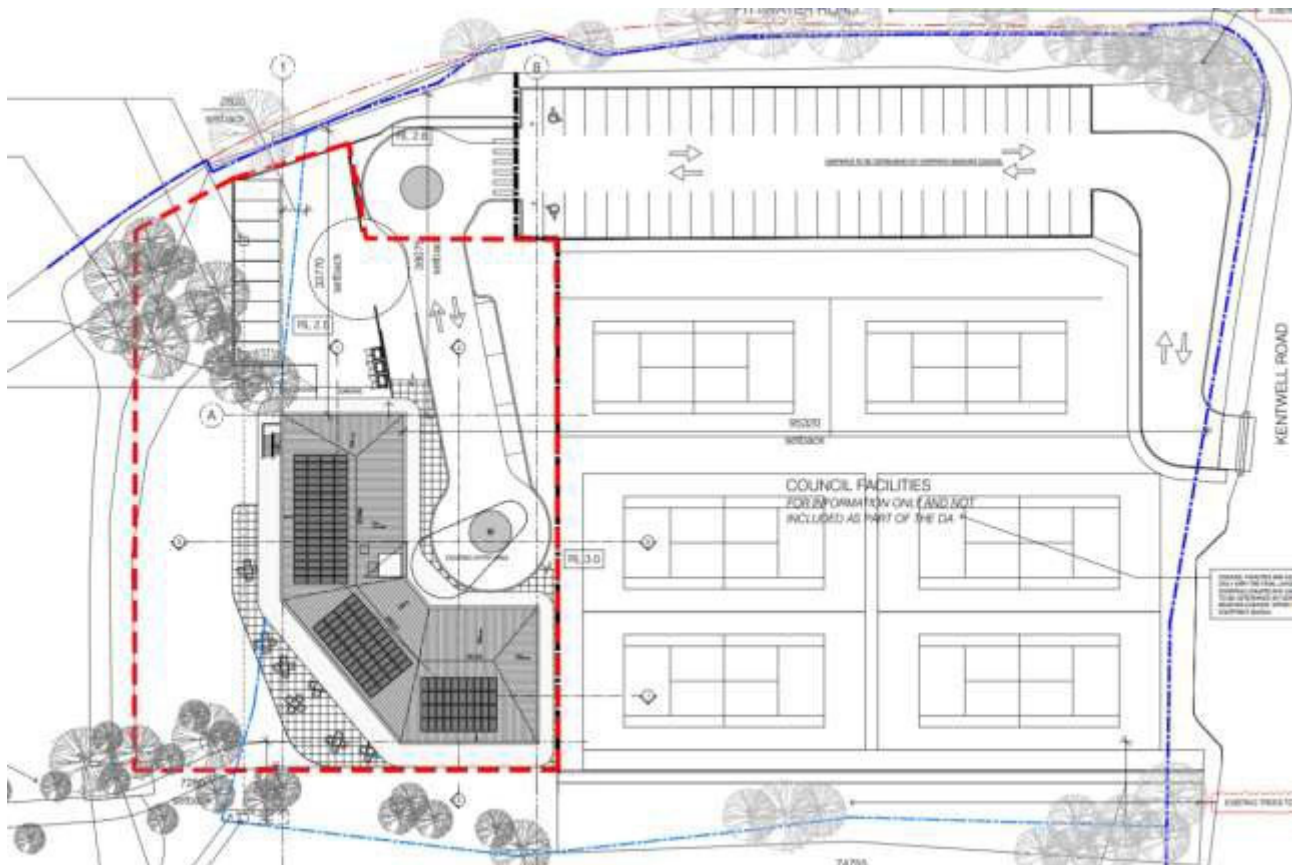


Figure 1: Proposed site plan (site delineated in red)

Source: Group Architects

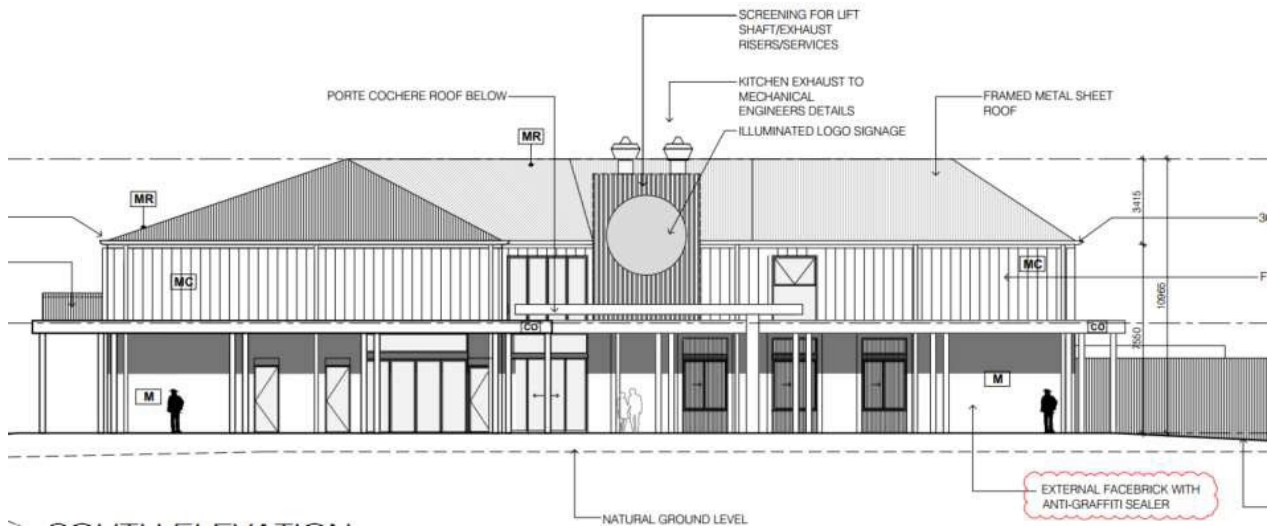


Figure 2: Proposed Southern Elevation

Source: Group Architects

Amended Plans

During this assessment of this application, Council requested further details including the provision of increased tree replenishment, a stormwater absorption system, graffiti resistant materials and additional information to enable Council to complete its assessment relating to Biodiversity, Landscaping, Aboriginal Heritage, Riparian Lands, Management of the Clubhouse, Trading Hours, Land Use Permissibility and the Public Interest.

The applicant provided these requested details to Council and the assessment in this report includes that new information. The changes did not necessitate the re-notification of the application which satisfies the requirements of the Northern Beaches Community Participation Plan.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan – C2 Traffic, access and safety

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan – D20 Safety and Security
 Warringah Development Control Plan – E1 Preservation of Trees and Bushland Vegetation
 Warringah Development Control Plan – E2 Prescribed Vegetation
 Warringah Development Control Plan – E8 Waterways and Riparian Lands Warringah
 Development Control Plan – E10 Landslide Risk
 Development Control Plan – E11 Flood Prone Land

SITE DESCRIPTION

Property Description:	Lot 2742 DP 752038
Detailed Site Description:	<p>The subject site consists of one allotment located on the corner of Pittwater Road and Kentwell Road (refer to Figure 3).</p> <p>The site is irregular in shape with a frontage of approximately 80m to Kentwell Road and 120m to Pittwater Road. The site has a surveyed area of 10,224.6m².</p> <p>The site is located within the RE1 Public Recreation zone and accommodates six (6) tennis courts with synthetic grass and clay surfaces, and a dedicated 'Hot Shots' court. In addition, there are two (2) new synthetic grass futsal courts and three (3) squash courts. There is also a clubhouse with refreshments, pro shop and changing rooms with showers.</p> <p>There are two (2) vehicular access points to the site off Kentwell Road, one is approximately 75m and the other approximately 40m from the intersection with Pittwater Road. Off street car parking is available along both internal access driveways within the southern and eastern sections of the site. On-street 90- degree parking is located on the southern side of Kentwell Road.</p> <p>The site is bordered by vegetation on its western, northern and eastern boundaries. Riparian vegetation to the west adjacent to Brookvale Creek has been identified as poor-moderate quality Estuarine Swamp Oak Forest (refer to Figures 4 and 5).</p> <p>The site is relatively level.</p> <p>The site is identified on Council's Flood Hazard Map as a medium risk precinct and the adjoining riparian corridor is identified as a high-risk precinct.</p>



Figure 3: Location map
Source: NSW Planning Portal



Figure 4: Photograph of Brookvale Creek and the Site
Source: Ozark



Figure 5: Photograph of the Site and the practice green

Source: Narla Environmental

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a mixture of land use types.

The site is bounded by the Brookvale Creek to the west, Pittwater Road to the east, Kentwell Road to the south and the adjacent golf course to the north. The golf course extends to the south of Kentwell Road along with Nolan Reserve.

There is a service station and mixed-use development immediately opposite the site on the eastern side of Pittwater Road with residential development located further to the east and north.

The former North Manly Bowling club is located opposite the site on the southern side of Kentwell Road.

The existing Warringah Golf Club clubhouse is located on the western side of Condamine Street, approximately 100m north of the intersection of Condamine Street and Kentwell Road. The existing clubhouse is surrounded by low density residential dwellings on its northern, western and southern boundaries.

SITE HISTORY

A Pre-Lodgement Meeting (PLM) was held with Council officers, the applicant, and members of their project team on 19 May 2022 in relation to the proposal.

Council's records show a history of applications relating to the site as follows:

Type	Application	Description	Decision	Date
DA	DA2008/1742	Construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works.	Approved	16/05/2011
S4.55	MOD2014/0285	Alternative design to modify the culvert design underneath Condamine Street where it connects to the existing drainage infrastructure.	Approved	04/05/2015
S4.55	MOD2015/0247	The removal of 41 trees along the Pittwater Road / Condamine Street frontage.	Approved	05/04/2016
S4.55	MOD2017/0253	Construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works.	Approved	23/11/2017

The land has been used for outdoor recreational purposes for an extended period.

Planning Proposal PEX2023/0002 lodged on 11 May 2023 by Council is proposing to add a 'registered club' to the Additional Permitted Use clause in the WLEP 2011. Council's intention is to avoid any ambiguity around the permissibility of the land use and to enable the operation of the Warringah Golf Club in its own right. In the event this application is approved, the applicant would need to lodge a Development Application seeking to change the use from an ancillary use to a 'registered club'. The Planning Proposal has been publicly exhibited.

Despite the above, the applicant has put forward an argument that despite the Planning Proposal, the proposed clubhouse is ancillary to a recreation facility (outdoor) being the Warringah Golf Club which is discussed within this report.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.

Section 4.15 'Matters for Consideration'	Comments
<p>Section 4.15 (1) (a)(iv) – Provisions of the regulations</p>	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allowed Council to request additional tree replenishment, a stormwater absorption system, graffiti resistant materials and additional information to enable Council to complete its assessment regarding Biodiversity, Landscaping, Aboriginal Heritage, Riparian Lands, Management of the Club, Trading Hours, Land Use Permissibility and the Public Interest</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>In summary, it is found that the development will not have any negative or detrimental impacts on the watercourse and the riparian corridor subject to recommended conditions.</p> <p>(ii) Social Impact The proposed development does not include late night trading, and subject to the implementation of the Plan of Management, will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>

Section 4.15 'Matters for Consideration'	Comments
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 mapped as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979*, EP&A Regulation 2021, and the relevant Development Control Plan.

As a result of the public exhibition process, Council is in receipt of 71 submission/s. This includes 57 submissions in support of the proposal, and 14 in objection.

The submissions are listed below, with the issues raised following the table:

Name:	Address:
Mr Graeme McMullan	39 Thomas Street, North Manly 2100
Mr Patrick Catteau	20 May Road, Dee Why 2099
Mrs Barbara Myers	20/8 Lady Penrhyn Drive, Beacon Hills 2100
Mr Toby Bolderston	Addison Road, Manly 2095
Mr Lucas Frigo	9/16 Campbell Parade, Manly Vale 2093
Mr Andrew Campbell	33a Austral Avenue, North Manly 2100
Mr Scott Campbell	33a Austral Avenue, North Manly 2100
Mrs Jenine Campbell	33a Austral Avenue, North Manly 2100
Mr Wayne Boyd	12 Wedgewood Crescent, Beacon Hills 2100
Mr Christopher Gorman	19 Wyarama Street, Allambie Heights 2100
Mr Alex Ralec	42 Pacific Parade, Manly 2095
Mr Ian Thomson	25/4-8 Hilltop Crescent, Fairlight 2094
Mr Herman Van Hummel	60 Bradleys Head Road, Mosman 2088
Mr Paul Benbow	5 James Street, Allambie 2100
Mr Nathan Knox	5 Robert Avenue, North Manly 2100
Mr Pat Daley	16 Hope Avenue, North Manly 2100
Mr Frank Marcar	11 Tuscan Place, Beacon Hill 2100
Mr Chris Pederson	6 Edgecliffe Esplanade, Seaforth 2092

Name:	Address:
Mr Chris Catteau	292 Condamine Street, North Manly 2101
Mr Peter Donnelly	6a Radio Avenue, Balgowlah Heights 2093
Mr Mark Downey	7 Patrick Street, Beacon Hill
Mr John Mason	8/38 Wyuna Avenue, Freshwater 2096
Mr Laurie McCourt	505/11 Wentworth Street, Manly 2095
Mrs Ros McCourt	505/11 Wentworth Street, Manly 2095
Mr Andy Nicholls	3/186 Woodland Street North, Balgowlah 2093
Mr Derek Ponsford	2/22 Addison Road, Manly 2095
Mrs Liz Sheather	5/16 The Crescent, Dee Why 2099
Mrs Louise Alexander	6a Charles Street, Freshwater 2096
Mr David Bailey	28 Knightsbridge Avenue, Belrose 2085
Mrs Belinda Boyle	52 Southern Cross Way, Allambie Heights 2100
Mr Stanley Briggs	292 Condamine Street, North Manly 2100
Mr Greg Britton	77 William Street, North Manly 2100
Mr Gregory Campbell	127 Victor Road, Dee Why 2099
Mr Michael Clark	407 Condamine Street, Allambie Heights 2100
Mr Graeme Dossetor	3 Coles Road, Freshwater 2096
Mr Nicholas Dowler	9 Sylvan Avenue, Balgowlah 2093
Mrs Mary English	Not provided
Mr John Flower	2/20 Bonner Avenue, Manly 2095
Mrs Narelle Floyd	49 Brighton Street, Curl Curl 2096
Mr Bradley Floyd	49 Brighton Street, Curl Curl 2096
Mr Raymond Ford	17a Mills Place, Beacon Hill 2100
Mr Iain Gallacher	6 Wandella Road, Allambie 2100
Mr Geoffrey Gidley	12 Mundara Place, Narrabeena 2099
Mrs Robyn Gidley	12 Mundara Place, Narrabeena 2099
Ms Susan Higgs	45 Corrie Road, North Manly 2100
Mr Nik Hobbs	34/1-3 Funda Place, Brookvale 2100
Mr Barry Hodge	5 Gardere Ave, Curl Curl 2096
Dr Alison Hunt	15 Monash Ave, Great Mackerel Beach 2108
Mrs June Jennison	Not provided
Ms Kylie Johnson	Address redacted
Mrs Michaelle Martin OAM	Not provided
Alexandria Mawhinney	2 Bennett Street, Curl Curl 2096
Jenny Miller	Not provided
Norma Munro	Not provided
Mr John Myers	20/8 Lady Penrhyn Drive, Beacon Hills 2100
Mr Gregory Nicholls	18 Pozieres Parade, Allambie Heights 2100
Mr Robert Heard	3 Henricks Place, Beacon Hill 2100
Mr Derek Ponsford	2/22-26 Addison Road, Manly 2095
Mr Robert Poole	Not provided
Mr Ian Redfern	1000-1008 Pittwater Road, Collaroy 2097
Mrs Alison Roberts	Address redacted

Name:	Address:
Mr Jerry Rosier	27/1-5 Collaroy Street, Collaroy 2097
Mrs Ann Sharp	77 Brighton Street, Curl Curl 2096
Mr Christopher Sheehan	53 McIntosh Road, Dee Why
Mrs Maureen Shimmins	4/1 Cerretti Crescent, Manly 2095
Ava Shirley	546 Pittwater Road, North Manly 2100
Mr Kaspar Sollberger	4 Hargraves Street, Allambie Heights 2100
Mrs Margaret Springall	1b Cassino Close, Allambie Heights 2100
Mr Steven Springall	1b Cassino Close, Allambie Heights 2100
Mr Mark Stamopoulos	292 Condamine Street, Manly Vale 2099
Mr Leigh Trompp	21 Yallaroi Road, Narrabeena 2099
Mr Laurie Zanella	82 Grace Avenue, French's Forest East 2086

The submissions raised the following issues:

- **Traffic and Parking**

Comment: Neither the RMS Guide nor RMS Guide Update include traffic generation rates for clubhouse developments. The traffic generation of the proposed clubhouse has been determined by considering the 'first principles' approach and modal split. This approach will result in a net increase in traffic generation of 39 vehicle trips/hour, which will then be distributed to the west and east of Kentwell Road as motorists seek to access Pittwater Road and Condamine Street and split in both directions.

The proposal therefore will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance. The application is supported both by Council's Traffic Engineering and TfNSW subject to recommended conditions.

The Traffic Impact Assessment has also confirmed that the surrounding areas provide sufficient supply for any parking demand in the event the Warringah Recreation Centre Master Plan carpark is not constructed.

- **Loss of facilities**

Comment: This application relates to a new Golf clubhouse only, the future development of the southern part of the site is subject to the Warringah Recreation Centre Master Plan which is in the planning stage and subject to public consultation.

- **The extent of excavation for the Warringah Recreation Centre Master Plan is unclear**

Comment: The extent of excavation of the Warringah Recreation Centre Master Plan is unknown at this stage. However, the proposed development comprises a maximum cut of 0.91m for the eastern carpark and 0.80m fill for the eastern side of the clubhouse which is acceptable.

- **Does the proposal include the demolition of the squash courts, futsal and tennis courts and the club building**

Comment: Staged demolition involving demolition of all existing sports courts and squash courts and remove existing trees along northern and western boundary (Stage 1) and the demolition of the recreation clubhouse (Stage 2).

- **Flooding risk**

Comment: The site is identified on Council's Flood Hazard Map as a medium risk precinct and the adjoining riparian corridor is identified as a high risk precinct. Council is satisfied that the proposed levels and general design minimises the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the flood function and behaviour on the land, subject to recommended conditions.

- **Excessive tree removal**

Comment: The Arborist Report indicates removal of 51 trees from the site. As the works proposed under this DA relate to the construction of a new clubhouse, it is considered that trees that aren't required to be removed for these works should be retained. Council's Landscape Officer has identified that an additional 8 trees adjacent to the existing building can be retained via a recommended condition, reducing tree removal to 43, which is satisfactory. Further, Council is supportive of the quantum of replacement plantings.

- **The site forms part of a vegetated riparian corridor and should be protected**

Comment: Council's Riparian Lands & Creeks and Water Management Officer is satisfied the proposal and works within the riparian corridor have been designed to minimise direct impacts to Brookvale Creek, subject to the imposition of a condition requiring a Vegetation Management Plan and satisfying the General Terms of Approval imposed by the Department of Planning and Environment.

- **Soil disturbance as a result of significant fill at proposed main building will result in environmental risk due to Acid Sulfate Soils being present in-situ soil materials up to 3.0 metres below ground level.**

Comment: The applicant has considered the potential for encountering Acid Sulfate Soils (ASS) is probable and has prepared an ASS Management Plan to mitigate the impacts of exposure. Council's Environmental Health Officer supports the proposal subject to the implementation of the ASS Management Plan.

The Warringah Recreation Centre Masterplan will change the use of the site.

Comment: This application relates to a new Golf clubhouse only, the future development of the southern part of the site is subject to the Warringah Recreation Centre Master Plan which is at the planning stage and subject to public consultation.

- **The Construction Lease appears to contravene The Local Government Act No 30 (the "Act") Chapter 6, Part 2, Division 2, Section 47B which covers leases and licences in respect of a natural area. It stipulates that a lease must not be granted to authorise the erection or use of a building or structure (except for walkways, pathways, etc.) Consequently, the erection of a golf clubhouse and related facilities is illegal.**

Comment: The application is seeking development consent under the EP&A Act, no mention of the term 'natural area' has been identified within any relevant environmental planning instrument as an affectation applicable the site.

The WGC is located within the District Park Plan of Management (PoM) which notes that the site is community land within the meaning of the *Local Government Act 1993*. Part 4.2.2 of the PoM anticipates a future clubhouse within the District Park which will provide opportunities for social interactions, community support, cultural heritage protection and creative expression in a safe environment. The development of community land for a clubhouse does not appear to contravene the *Local Government Act 1993*.

The proposal includes poker machines

Comment: A gaming room including poker machines is not proposed. The Heads of Agreement between the Council and WGC specifically excludes poker machines within the clubhouse.

REFERRALS

Internal Referral Body	Comments
<p>Building Assessment</p>	<p><i>Supported, with recommended conditions</i></p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premise Standards. Issues such as these however may be resolved at the Construction Certificate stage.</p> <p>The proposal is supported subject to recommended conditions.</p>
<p>Environmental health-Contaminated Lands</p>	<p><i>Supported, with recommended conditions</i></p> <p>Council's Environmental Health Officer has considered the potential for the site to be contaminated and have considered the findings in the Preliminary Site Investigation N6898, prepared by Neo Consulting, dated 1 February 2023 (refer to Attachment 3) which concludes:</p> <p><i>NEO Consulting considers that the potential for significant contamination of soil to be low and find that the site can be made suitable for the proposed development and land use, provided the recommendations within Section 13 are undertaken.</i></p> <p>The application is supported from a contaminated land perspective subject to implementing the requirements of the Preliminary Site Investigation, which from a recommended consent condition.</p> <p>For a response to pre-condition clause 4.6(1) of the State Environmental Planning Policy (Resilience and Hazards) 2021 refer below to the header 'Environmental Planning Instruments'.</p>
<p>Environmental health-Acid Sulfate Soils</p>	<p><i>Supported, with recommended conditions</i></p> <p>Councils Environmental Health Officer has considered the potential for encountering Acid Sulfate Soils (ASS) based on the site being identified as Class 2 and Class 5 on the WLEP 2011 Acid Sulfate Soils Map and an Acid Sulphate Assessment 60025-IDF, prepared by Ideal Geotech, dated November 2022 which encountered ASS (refer to Attachment 4) which concludes:</p> <p><i>Ideal Geotech has undertaken a Preliminary Acid Sulphate Soils Assessment for the proposed commercial development at Warringah Golf Club; 433 Pittwater Road, North Manly. Our preliminary site investigation included site observation of the soil retrieved from the borehole and sampling of soil for laboratory testing. Upon completion of our onsite investigation and laboratory analysis the following conclusions are made:</i></p>



Internal Referral Body	Comments
	<ul style="list-style-type: none">➤ <i>An exposure classification of A2 for concrete with the soil mildly aggressive to concrete and non-aggressive to steel structures.</i>➤ <i>Laboratory sample analysis indicates that test levels exceeded the action criteria in SPOCAS testing and it has been determined that an acid sulphate management plan will be required for excavation activities on the site.</i> <p>An ASS Management Plan has been provided (refer to Attachment 5).</p> <p>The application is supported from an environmental health perspective subject to the implementation of the ASS Management Plan and recommended conditions.</p> <p>For a response to pre-condition clause 6.1(3) of the WLEP 2011 refer below to the 'Environmental Planning Instruments'.</p>
Environmental health-Industrial use	<p><i>Supported, with recommended conditions</i></p> <p>Council's Environmental Health Officer has considered the potential for acoustic and light spill impacts in accordance with Part D3 and D12 of the WDCP 2011 resulting from the proposal.</p> <p>The application is supported from an environmental health perspective subject to recommended conditions.</p>
Natural environment-Coastal	<p><i>Supported, with recommended conditions</i></p> <p>Council's Natural Environment Officer has assessed the application in accordance with the <i>Coastal Management Act 2016, State Environmental Planning Policy (Resilience and Hazards) 2021</i> and has also been assessed against the requirements of the WLEP 2011 and WDCP 2011.</p> <p>Coastal Management Act 2016</p> <p>The subject site has been identified as being within the coastal zone and therefore the <i>Coastal Management Act 2016</i> is applicable to this DA. The proposed development is considered to be largely consistent with the objects, as set out under Part 1 Section 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the <i>State Environmental Planning Policy (Resilience & Hazards) 2021</i> (RH SEPP). As such, Divisions 3, 4 and 5 of RH SEPP applies to this DA. On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Willowtree Planning dated 23 November 2022, the application satisfies, requirements under Divisions 3, 4 and 5 of the RH SEPP.</p>

Internal Referral Body	Comments
	<p>As such, it is considered that the application does comply with the relevant provisions of the <i>State Environmental Planning Policy (Resilience & Hazards) 2021</i>, subject to recommended conditions.</p> <p>WLEP 2011 and WDCP 2011 No other coastal planning or development controls relevant to the subject DA were identified.</p> <p>The application is supported from a natural environment perspective subject to recommended conditions.</p> <p>For a detailed response to the RH SEPP refer below to the 'Environmental Planning Instruments'.</p>
<p>Natural Environmental-Flood</p>	<p><i>Supported, with recommended conditions</i></p> <p>Council's Natural Environment Unit Officer has considered the application against clause 5.21 of the WLEP 2011 and Part 11 of the WDCP 2011. The site is located within the 1% AEP and PMF flood extent.</p> <p>The proposed DA generally complies with the flood controls in the WLEP 2011 and WDCP 2011.</p> <p>The application is supported from a flooding perspective subject to recommended conditions.</p> <p>For a response to pre-condition clause 5.21(2) of the WLEP 2011, refer below to the 'Environmental Planning Instruments'.</p>
<p>Natural Environment-Bushland and Biodiversity</p>	<p><i>Supported, with recommended conditions</i></p> <p>Council's Bushland and Biodiversity Assessment Officer has assessed the application against the <i>Biodiversity Conservation Act 2016</i>, it's supporting Regulation, Part E2 and E6 of the WDCP 2011, and considered the Flora and Fauna Assessment Report and Waterway Impact Statement prepared by Narla Environmental dated September 2023 (refer to Attachment 7), Arboricultural Impact Assessment, prepared by Abnoba Arbor Arboricultural Services dated 14 June 2023 (refer to Attachment 6) and the Landscape Plan, prepared by Serencescape Landscape Designs, Rev E, dated 29 August 2023 (refer to Attachment 2).</p> <p>The Flora and Fauna Assessment Report quantifies the area of generally poor-quality native vegetation to be cleared as 0.19ha. The report calculates that the proposed development will not exceed the Biodiversity Offsets Scheme (BOS) threshold. Assessments of Significance have also concluded that a significant impact to the endangered ecological community, threatened species and their habitats is unlikely, and a Species Impact Statement or Biodiversity Development Assessment Report is not required. The Report recommends several mitigation and management measures to further reduce the potential environmental impacts.</p> <p>The updated Arboricultural Impact Assessment has identified a total of 51 trees proposed for removal comprising 39 native species and 12 exempt/weed/dead species. The proposed replacement tree</p>

Internal Referral Body	Comments
	<p>planting includes 39 replacement native and endemic tree species within five landscape zones to replace those removed for construction providing a 1:1 replacement ratio. Additional landscaping including a range of native shrubs, groundcovers and grasses is also provided.</p> <p>The application is supported from a Biodiversity perspective subject to recommended conditions.</p>
<p>Natural Environment- Riparian Lands and Creek Management</p>	<p><i>Supported, with recommended conditions</i></p> <p>Council's Riparian Lands & Creeks and Water Management Officer has assessed the application against Part E8 of the WDCP, Council's Protection of Waterway and Riparian Land Policy and considered the Flora and Fauna Assessment Report and Waterway Impact Statement prepared by Narla Environmental dated September 2023 (refer to Attachment 7) and the Landscape Plan, prepared by Serencescape Landscape Designs, Rev E, dated 29 August 2023 (refer to Attachment 2).</p> <p>A Waterway Impact Statement has been provided which includes a waterway analysis, an assessment of impacts, an assessment of compliance with the DCP, and the provision of mitigation measures.</p> <p>As shown in the amended Stormwater Management Plans prepared by Stellen Consulting, Rev 3 and dated 25 September 2023, the stormwater overflow outlet pipe from the infiltration trench to Brookvale Creek is to be constructed as per the NSW Department of Planning and Environment - <i>Controlled activities – Guidelines for outlet structures on waterfront land</i> and is supported from a riparian perspective subject to recommended conditions imposed by Council and the General Terms of Approval provided by the Department of Planning and Environment- Water.</p>
<p>Landscape</p>	<p><i>Supported, with recommended conditions</i></p> <p>Council's Landscape Officer has assessed the application against Part E1, E2 and E3 of the WDCP and considered the Arboricultural Impact Assessment, prepared by Abnoba Arbor Arbicultural Services dated 14 June 2023 (refer to Attachment 6) and the Landscape Plan, prepared by Serencescape Landscape Designs, Rev E, dated 29 August 2023 (refer to Attachment 2).</p> <p>The Arborist's Report indicates removal of 51 trees from the site. As the works proposed under this DA relate to the construction of a new clubhouse, it is considered that trees that aren't required to be removed for these works should be retained.</p> <p>Of particular note is the proposed removal of 8 trees adjacent to the existing building (which is to be retained at this stage of works) as identified in the Construction Management Plan. It is apparent that Trees 62-69 can be kept for this stage of works. The existing driveways are to be used for truck movements and there appears to be sufficient room to enable the truck egress without removal of the trees. (refer to Figure 6 below).</p>

Internal Referral Body	Comments
	<p>The Arborist's Report also indicates that three <i>Casuarina glauca</i> trees to the north of the site are to be removed, however, it appears that the carpark works can be undertaken without removal of these trees, which provide a partial landscape buffer to Pittwater Road.</p> <p>Given the number of trees to be removed to accommodate the new clubhouse, retention of trees that are not required to be removed for this stage of works would be beneficial in terms of environmental considerations pending future stages of works. Consequently, it is recommended that Trees 1-3 and 62-69 shall be retained.</p> <div data-bbox="603 667 1243 1167" data-label="Image"> </div> <p>Figure 6: Retention of trees 62-69 (centre of photo)</p> <p>It is considered likely that other existing trees marked for retention may be impacted by the proposed works, as identified in the Arborist's Report.</p> <p>It is therefore recommended that a Project Arborist be engaged to oversee tree protection and works adjacent to trees to be retained, which has been included in the recommended conditions.</p> <p>The Landscape Plans show <i>Eucalyptus robusta</i> and other shrub and groundcover planting in the location of a 20kl rainwater tank depicted on the Stormwater Plans. This is a particularly prominent location and the provision of planting as indicated on the Landscape Plans would be a superior visual outcome. The location of the rainwater tank is not supported and it is recommended that Stormwater Plans be amended to relocate the tank to a less prominent location.</p> <p>Additional larger shrub planting is recommended adjacent to the carpark to the east of the clubhouse to assist in screening. Conditions have been included to amend the Landscape Plans accordingly.</p> <p>It is noted that additional planting will be required in future stages to provide a suitable buffer to Pittwater Road and improve the environmental and visual outcomes of the overall project, which are outside of this application will need to be addressed by the Warringah Recreation Centre Master Plan</p>

Internal Referral Body	Comments
	<p>The application is supported from a landscape perspective subject to recommended conditions.</p>
<p>Water Management</p>	<p><i>Supported, with recommended conditions</i></p> <p>Council's Water Management Officer has assessed the application against relevant legislation and policy relating to water quality, waterways, riparian areas, and groundwater.</p> <p>The proposed strategy for the operational management of the stormwater quality and balance is satisfactory. The Proponent supplied amended stormwater plans addressing issues such as MUSIC modelling, overflow outlet pipe from infiltration trench and disposal of overflows.</p> <p>As shown in the amended Stormwater Management Plans prepared by Stellen Consulting, Rev 3 and dated 25 September 2023 (refer to Attachment 2), the stormwater overflow outlet pipe from the infiltration trench to Brookvale Creek is to be constructed as per the NSW Department of Planning and Environment - <i>Controlled activities – Guidelines for outlet structures on waterfront land</i> and is supported from a Water Management perspective subject to recommended conditions imposed by Council and the General Terms of Approval provided by the Department of Planning and Environment- Water.</p>
<p>Traffic Engineer</p>	<p><i>Supported, with recommended conditions</i></p> <p>Council's Traffic Engineer has assessed the application against the RMS Guide to Traffic Generating Developments and considered the Traffic Impact Assessment, prepared by PDC Consultants, dated 15 November 2022.</p> <p>There were a number of traffic concerns raised in the Pre-Lodgement meeting (PLM) traffic referral comments dated 19 May 2022, which have not been addressed in the Traffic Impact Assessment (TIA) Report. The comments are mainly related to the proposed off-street carparks design, proposed roundabouts design, bus bay and raised marked foot crossing on Kentwell Road. It is however reported in the TIA report that Council was preparing separate design and technical documentation for a wider Masterplan. As part of the Council Masterplan, Council would deliver two (2) off-street carpark areas to serve the proposed development and the wider Council facilities (Warringah Recreation Centre).</p> <p>It is also noted that there are no proposed changes to the existing golf course, and it is anticipated patronage numbers and operations will remain unchanged.</p> <p><u>Parking requirements and design:</u></p> <ul style="list-style-type: none"> Warringah DCP applies to the subject site. Under the DCP, there are no designated parking rates applicable to Golf Clubhouse and associated facilities. It states <i>"The Club shall undertake patronage and user surveys of the existing Club facilities and similar club developments. Additional peak traffic generation is to</i>



Internal Referral Body	Comments
	<p><i>be assessed using the RMS Guide to Traffic Generating Developments, and surveys undertaken by the Club.'</i></p> <ul style="list-style-type: none">• According to the TfNSW Guide to Traffic Generating Developments, analysis of such developments should be based on surveys of similar developments. If this is not possible, a first-principles analysis is required.• The 'first principles' approach has been used in the Traffic report involving the adoption of an average car occupancy rate (2.0 persons per car) for patrons attending the site. This has been derived from surveys undertaken for similar developments.• It is noted that the 85th percentile peak demand is assessed for recreation and restaurant component of the development, according to the RMS Guide which recommends that these sites should not be assessed at maximum capacity, and rather use a lower site occupancy rate. This is considered acceptable.• Car parking surveys and patronage surveys were undertaken by the consultant on a typical weekday and on weekend (Saturday operations) along Kentwell Road, within the Warringah Recreation Centre car park, and at the vacant bowling green / Council's car park. The surveys included counts every 90 minutes on the times of day that the proposed clubhouse would be expected to generate its peak car parking demand. The surveys were undertaken to gain an understanding of the existing parking demands within the vicinity of the site.• At the survey days, it was observed by the consultant that Kentwell Road parking was typically occupied by users of the golf course, Warringah Recreation Centre parking was typically occupied by patrons utilising the tennis, futsal and squash courts, and the Bowling Green / Council Car Park was used primarily by dog walkers / sports teams using Council pitches south of Kentwell Road.• Based on the surveys undertaken, it was concluded that in the vicinity of the site, there was an abundance of spare car parking spaces on both a typical weekday and Saturday; users of the proposed clubhouse therefore would likely be able to park their car in those locations.• Two (2) scenarios have also been assessed in the Traffic report based on the proposed operations of the clubhouse as below:<ul style="list-style-type: none">○ Typical Operations. When the proposed clubhouse operates under typical day-to-day activities and accommodates up to a maximum of 182 patrons on-site.○ Function Events. When the proposed clubhouse operates under typical day-to-day activities plus holds a function event at the same time and accommodates up to a maximum of 302 patrons on-site.• Under the 'first principles' approach, and the 85th percentile peak demand assessment, the development is assessed to generate a demand for 58 car parking spaces during 'typical operations' and 73 car parking spaces during infrequent function events.• The proposed clubhouse has provided nine (9) on-site car parking spaces within its property boundary. As outlined in the TIA, the remaining car parking spaces will be provided by Council

Internal Referral Body	Comments
	<p>within the two off-street car parks (approximately 50 and 70 off-street car parking spaces) which will serve the proposed clubhouse and the proposed adjacent Council facilities.</p> <ul style="list-style-type: none"> • The TIA has also confirmed that the surrounding areas provide sufficient supply for any parking demand in the event the Masterplan carpark is not constructed. • Although the proposed nine (9) parking space dimensions (minimum space width of 2.5 metres and length of 5.4 metres, with a minimum aisle width of 5.8 metres) and internal driveway width (6.1 metres between kerbs) presented in the report are compliant with Australian Standard requirements, the parking space widths within the carpark and the driveway width have not been dimensioned on the architectural plans. It will be conditioned that dimensioned plans be submitted for the parking area including the driveway width to confirm that parking bays and the driveway are appropriately sized. • A single loading bay has been proposed on the north-east corner of the building which accommodates service vehicles up to and including an 8.8-metre-long Medium Rigid Vehicle (MRV). As outlined in the Traffic report, the development would generate a minimal demand for service vehicle parking with only 1-2 deliveries expected per day. • Swept path plots (for an 8.8-metre MRV) demonstrating satisfactory access to and from the service vehicle parking are included in the traffic report. However, it is conditioned that the turning paths of B85 vehicles accessing the last two (2) parking spaces adjacent to the parked MRV are also included in the Traffic report. • The WDCP 2011 does not stipulate bicycle or motorcycle parking rates for clubs and the subject DA did not provide any bicycle or motorcycle parking spaces. • For the retail/office component of the development, bicycle parking stands are required in line with DCP requirements i.e., 1 high-security space for each 200m² of GFA and 1 customer space for every 600m² of GFA. It is conditioned that a minimum of two (2) bicycle parking spaces and one (1) motorcycle parking space be provided on the Architectural Plans to promote sustainable transport mode options for journeys to and from the site. • The proposed car parks will be accessed via combined entry and exit access driveways onto Kentwell Road, at the locations of the existing vehicular driveway crossings. It is noted that no design assessment has been undertaken for these areas under the subject DA and it is reported in the TIA that these driveways, all internal circulation roadways and turning heads, will be delivered by Council. <p><u>Traffic Impact</u></p> <ul style="list-style-type: none"> • Neither the RMS Guide nor RMS Guide Update include traffic generation rates for clubhouse developments. The traffic generation of the proposed clubhouse has been determined by considering the 'first principles' approach and modal split. This approach will result in a net increase in traffic generation of 39 vehicle trips/hour, which will then be distributed to the west and

Internal Referral Body	Comments
	<p>east of Kentwell Road as motorists seek to access Pittwater Road and Condamine Street and split in both directions.</p> <ul style="list-style-type: none"> The proposal therefore will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance. <p>The application is supported from a traffic engineering perspective subject to recommended conditions.</p>
Waste Management	<p><i>Supported, with recommended conditions</i></p> <p>Council's Waste Management Officer has assessed the application against Parts C8 and C9 of the WDCP 2011 and considered the Waste Management Plan, prepared by Auswide Consulting dated July 2023.</p> <p>The application is supported from a waste management perspective subject to recommended conditions.</p>

External Referral Body	Comments
Aboriginal Heritage Office	<p><i>Supported, with recommended conditions</i></p> <p>The Aboriginal Heritage Office has reviewed the Aboriginal Due Diligence Assessment Report prepared by Oz Ark, dated August 2023 (refer to Attachment 8).</p> <p>The AHO agrees with the findings and recommendations made by the report which include a condition requiring works to stop and Heritage NSW be notified if Aboriginal objects are found.</p>
Ausgrid	<p>Supported, subject to a recommended condition requiring compliance with the Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p>
NSW Police (Crime Prevention Officer)	<p>NSW Police Crime Prevention Unit support the application subject to recommended conditions.</p>
NSW Police (Licensing Unit)	<p>NSW Police Licensing Unit support the application subject to recommended conditions.</p>
Transport for NSW	<p>TFNSW has reviewed the submitted application and raises no objection to the proposal, subject to recommended conditions.</p>
Department of Planning and Environment- Water	<p>Under the provisions of section 4.46 of the <i>Environmental Planning and Assessment Act 1979</i>, the proposal is integrated development on the basis that it requires development consent from Northern Beaches Council as well as a Controlled Activity Approval under the <i>Water Management Act 2000</i>.</p> <p>The Department of Planning and Environment issued General Terms of Approval (GTA) on 1 May 2023.</p> <p>The GTAs are incorporated into the Draft Conditions of Consent (refer to Attachment 1).</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and

Council Policies have been considered in the merit assessment of this application.

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

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

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)

State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* applies to the proposed development as the site is located within a 'coastal environment area' and a 'coastal use area'.

In accordance with Clause 2.10 of the SEPP, development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following matters:

Clause 2.10 Development on land within the coastal environment area	
Provisions	Response
2.10 (1) a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment	The proposal is to occur over previously disturbed areas. It is expected that the proposal will have minimal impact on the integrity and resilience of the biophysical, hydrological, and ecological environment.
b) coastal environmental values and natural coastal processes	For the reasons listed above, it is not expected that the proposal would create adverse impacts on coastal environmental values and natural coastal processes.
c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1	The proposed development will not impact on the water quality of the marine estate. The proposal will not impact on any sensitive coastal lakes noting the site is not located adjacent to a sensitive coast lake in Schedule 1.
d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	For the reasons discussed above the proposal is to be located in a previously disturbed area and will not have any unacceptable impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, or rock platforms.
e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The development will not impede upon any existing access points to the foreshore.
f) Aboriginal cultural heritage, practices and places	The subject site is not identified as containing any Aboriginal cultural and built environmental heritage.
g) the use of the surf zone	The site is not located adjacent to or within the surf zone.

2.10(2) a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	Refer to discussion above.
b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or	The proposal will not have any adverse impacts.
c) if that impact cannot be minimised - the development will be managed to mitigate that impact	The proposal will not have any adverse impacts.

In accordance with Clause 2.11 of the SEPP, development consent must not be granted to development on land that is within the coastal use area unless the consent authority is satisfied that the following matters for consideration have been addressed:

Clause 2.11 Development on land within a coastal use area	
Provisions	Response
2.11(1)(a) i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	The development will not change access arrangements to the edge of the foreshore or Brookvale Creek for members of the public.
ii) overshadowing, wind funnelling and the loss of views from public places to foreshores	The proposed two-storey building is generously setback from all boundaries and topographically lower than the adjacent residential zones and will therefore not create any unreasonable overshadowing, unusual wind funnelling impacts, and will not impact on existing views to the public foreshore.
iii) the visual amenity and scenic qualities of the coast, including coastal headlands	The proposal is not located directly adjacent to the coast and is not located on a coastal headland, given that proposal is located at a lower level to adjacent development, particularly to the east and west, unreasonable impacts to visual amenity and scenic quality are unlikely. .
iv) Aboriginal cultural heritage, practices and places	The subject site is not identified as containing any Aboriginal cultural heritage, practices and places.
v) cultural and built environment heritage	The development will not impact on the cultural and built environment heritage of the site.
2.11(b) i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Refer to discussion above.
ii) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or	The proposal will not have any adverse impacts.

iii) if that impact cannot be minimised - the development will be managed to mitigate that impact, and	The proposal will not have any adverse impacts.
14(c) Has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development	The proposed development is consistent with the size and scale of adjoining development.

Chapter 4 Remediation of land

Clause 4.6 requires a consent authority to consider the contamination status of the land and be satisfied that the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

Council has considered the potential for the site to be contaminated and have reviewed the findings in the Preliminary Site Investigation N6898, prepared by Neo Consulting, dated 1 February 2023 (refer to **Attachment 3**) which concludes:

NEO Consulting considers that the potential for significant contamination of soil to be low and find that the site can be made suitable for the proposed development and land use, provided the recommendations within Section 13 are undertaken.

Based on the above findings the site is suitable for the proposed use subject to recommended conditions and satisfies clause 4.6(1) of the RH SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clauses 2.119 of the TI SEPP applies as the site is located adjacent to two Classified Roads, that is Pittwater Road to the east and Kentwell Road to the south.

The requirement in clause 2.119 of the SEPP is a pre-condition to the granting of development consent, see extract from SEPP below:

2.119 Development with frontage to classified road

(1) The objectives of this section are—

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) 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.

The application has been referred to Transport for NSW (“TfNSW”). TfNSW raised no objection to retaining the vehicular access off Kentwell Road, subject to conditions (refer to **Attachment 1**). With regards to subclause 2.119(c), the proposed building is setback 33.7m from Pittwater Road and 74.75m from Kentwell Road, which is considered a sufficient distance to ameliorate potential traffic noise or vehicle emissions within the site.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the IE SEPP applies to all signage that under an environmental planning instrument can be displayed with or without development consent and is visible from any public place or public reserve. The application was amended to include an above awning illuminated sign on the southern elevation (refer to **Attachment 1**); however, no details regarding the logo have been provided, and the applicant has not addressed the assessment criteria contained in Schedule 5 of the SEPP and Part D23 of the WDCP 2011.

Given this lack of information, a condition has been recommended stating that separate development consent must be obtained for any signs which are either externally fitted or applied, prior to the erection of any such signs.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Is the development permissible?	Yes (as ancillary to the Recreation Facility - Outdoor)
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Clause 5.10 Heritage conservation	Yes

Detailed Assessment

Zoning and permissibility

The site is zoned RE1 Public Recreation under the *Warringah Local Environmental Plan 2011* (WLEP 2011). The proposal seeks development consent for a partial change of use of the building for a clubhouse (ancillary use) for the purpose of an existing recreation facility (outdoor) (dominant use). The proposal could be considered a *Licensed Premises* or a *Registered Club*, which are both prohibited uses in the RE1 zone, if it was characterised as a dominant or independent use.

As part of the applicants RFI response the following justification has been provided regarding permissibility, it is important to acknowledge that the below passage includes some typographical errors despite this the subject matter is understood and quoted verbatim (refer to **Attachment 9**):

The classification of the proposed clubhouse as ancillary depends on whether it will be service to or serve as a means of furthering the predominant purpose of the site – Warringah Golf Course; and accordingly, does not, and cannot, by definition, operate as a use independent to that of the primary Warringah Golf Course on-site. The predominate use of the subject site is to operate for the purposes of an Outdoor Recreation Facility, being a Golf Course, for which the proposed Ancillary Clubhouse would be supportive of and also contemplated under the WLEP 2011. The proposed development is located on the same land as the existing Golf Course and directly adjacent to the existing Chipping Green.

This position is reflected in the following recent determination of DA2022/0581 by the by the North Sydney Planning Panel (NSPP) on 7th September 2022. A summary of the determination of DA/2022/0581 and the permissibility of the ancillary clubhouse use is outlined below.

- *DA/2022/0581 – Alterations and Additions to a Recreation Facility Outdoor (Mona Vale Golf Club).*
- *The Mona Vale Golf Clubhouse is situated on the same land as the golf course, despite being contained within a separate lot to the Golf Course.*
- *The proposed development (clubhouse) DA/2022/2081 is situated on the same land as the Warringah Golf Course, being Lot 2742 DP752938.*
- *The SNPP determined that as DA/2022/0581 is made in relation to the lots comprising the Golf Course and the Mona Vale Golf Club has a lease over the subject site, the clubhouse which sits on the same site, is ancillary to the Mona Vale Golf Course.*
- *This arrangement is reflected in the proposed development DA/2022/2081 as Warringah Golf Club holds a current 20-year lease that commenced on 01/09/2020 for the Warringah Golf Course and the HoA in Appendix 3 between WGC and Council covers the lease of Lot 2742 DP752038 (WRC).*
- *The NSPP determined that the proposed development pursuant to DA/2022/0581 is appropriately defined as ancillary development to a ‘Recreation Facility (Outdoor)’ which is a permissible use within the RE1 Public Recreation zone under the LEP.*

Based on a consideration of the principles, as set out above, the proposed clubhouse under DA222/2081 supports and subserves the primary Warringah Golf Course use on-site and is properly characterised as ancillary given the lease arrangement and both the Golf Course and Clubhouse are located on the same land, being Lot 2742 DP752938.

The applicant has advanced their permissibility position in the legal advice letter dated 3 October 2023 prepared by Mills Oakley (refer to **Attachment 12**).

Comment:

For the purpose of this assessment, the proposed Golf clubhouse land use is considered to be ancillary to the existing recreation facility (outdoor), given that it is subordinate and subservient to the dominant land use, which is permissible within the RE1 zone. The clubhouse could not be characterised as an independent use, as it integrates spatially and operationally with the primary functions of the WGC, based on:

- The proposed clubhouse is located within the Golf course grounds unlike the previous clubhouse at 397 Condamine Street which was located on the opposite side of the street and given this proximity is an improved outcome for the WGC.
- The use of the rooms on the ground floor and first floor serve to demonstrate the nexus between the Golf course and the Golf clubhouse. Upon arrival at the clubhouse members and visitors can utilise the carpark and drop off/pick up area, upon entering the clubhouse the pro-shop is proposed for servicing and purchasing equipment, refreshments will be available from the ground floor bar/kitchen prior to playing a round of Golf or undertaking club business within the meeting room or garden lounge. Following a round of Golf the showers and change rooms within the bathrooms can be used.
- The uses accommodated on the first floor promote socialising and relaxation after a round of Golf, this is demonstrated by the provision of a sports bar, covered terrace and dining/function area which are traditionally accessed in the afternoon and evening. It is likely that these uses will occur after the Golf course has closed; however, they provide a social utility function that is common with all recreational clubs and are serviced by a commercial kitchen and a licensed premises. The trading hours for licensed premises within Lawn Bowls, Golf and Surf Clubhouses do operate after the outdoor activity has concluded and is not uncommon. For example, Mona Vale Golf course and Surf clubhouses are subject to conditions of consent that require their weekly trade to conclude at 9.00pm and 10.00pm respectively. They also provide opportunities for club business to be discussed at the end of the working day, given that WGC Boards of Directors are volunteers and are not generally available during the working day.

- Externally, the proposed landscape plan includes a direct pedestrian path to the practice green, this nexus serves to demonstrate that a clubhouse member and/or visitor can practice on their putting prior to and after a round of Golf, returning to the clubhouse for refreshments, socialising and or a coaching de-brief at the pro-shop.
- The 'L' shaped two-storey building envelope and generous use of glass openings on the northern, north-east and western elevations are design choices made to connect the Golf course and practice green with the clubhouse which suggests a passive nexus between the clubhouse and the Golf course. An independent or opposing land use is unlikely to be designed with passive design features as described above.
- The Plan of Management is titled 'Warringah Golf Club' serves to demonstrate the operational nexus between the clubhouse and the Golf course and is the same entity.

The objectives of this zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

Comment:

For the following reasons the proposed development is consistent with the objectives of the zone:

- The proposal retains the existing public open space areas for recreational purposes and complements those activities.
- The proposal complements and enhances the use of the surrounding recreational activities by relocating the club house onto the Golf course.
- The proposal is predominantly sited within previously disturbed land and will not have a negative impact on the natural environment.
- The proposal enhances the adjacent riparian area maintains the ecological, scientific, cultural or aesthetic values of the land.

Clause 5.21 Flood planning

The site is mapped as being within the flood planning area.

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, to avoid adverse or cumulative impacts on flood behaviour and the environment and to enable the safe occupation and efficient evacuation of people in the event of a flood.

The flooding assessment concludes that the proposed development meets the objectives of the control and is therefore consistent with the requirements of the WLEP 2011, subject to recommended conditions.

Clause 5.23 Public bushland

The proposal will require approximately 0.19ha of public bushland to be cleared to accommodate the building, supporting structures, and stormwater infrastructure.

The landscape and biodiversity assessment concludes that the proposed quantum of replacement planting, which includes 39 replacement native and endemic tree species within five landscape zones, to compensate for those removed for construction, providing a 1:1 replacement ratio, is satisfactory. Additional landscaping, including a range of native shrubs, groundcovers and grasses is also proposed. The proposed revegetation is to enhance the long-term survival of the community present protect retained vegetation during construction, and satisfies subclause 5.23(3) of the WLEP 2011.

Clause 6.1 Acid Sulfate Soils

The objective of this clause is to ensure that development does not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. The site is mapped as Class 2 and Class 5 land by the ASS map. Development consent is required for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The proposal is subject to this clause as the works are within 500m of Class 2 land, requiring the preparation of an ASS management plan. The application has been accompanied by an ASS management plan (refer to **Attachment 5**) which has been endorsed by Council's referral officers subject to recommended conditions of consent, and therefore satisfies subclause 6.1(3) of the WLEP 2011.

Clause 6.2 Earthworks

The proposed development comprises a maximum cut of 0.91m for the eastern carpark and 0.80m fill for the eastern side of the clubhouse. The proposed development will not restrict the existing or future use of the site, adversely impact on neighbouring amenity or on the quality of the water table or disturb any known relics. Additionally, the fill to be removed will be disposed of appropriately. The proposal is considered satisfactory having regard to the requirements of this clause.

Clause 6.4 Development on sloping land

The site is located within Area A on the Landslip Risk Map. Council's Environmental Health officers have considered the potential for the site to be contaminated and have reviewed the findings in the Geotechnical Report prepared by Ideal Geotech, dated 25 July 2023, which concludes:

The site is currently in a stable condition, based on a "Very Low to Low" Risk Level of instability relating to shallow soil slips and active or deep-seated land slide. With reference to the supplied drawings prepared by Group Architects, it is our assessment that the site is suitable for the proposed development and will not be subject to subsidence, slip, slope failure or erosion, provided all construction is carried out in accordance with good engineering and hill slope practices.

The soil profile consists of high permeability silty sands and stormwater discharge will not cause significant detrimental impacts as it is understood absorption trenches are to be installed in conjunction with the high permeability soils. Due to the soil profile consisting of sand and minimal excavation is proposed, subsurface flow conditions will not be impacted.

Based on the above findings, the site is suitable for the proposed use and satisfies clause 6.4(3) of the WLEP 2011.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011

Compliance Assessment

Built Form Controls

None relevant.

Compliance Assessment

Relevant Parts:

Parts	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, access and safety	Yes	Yes
C3 Parking facilities	No	No (see discussion below)
C3(A) Bicycle parking and end of trip facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	N/A	N/A
C7 Excavation and landfill	Yes	Yes
C8 Demolition and construction	Yes	Yes
C9 Waste management	Yes	Yes
D3 Noise	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building bulk	Yes	Yes
D10 Building colours and materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and reflection	Yes	Yes
D14 Site facilities	Yes	Yes
D18 Accessibility and adaptability	Yes	Yes
D20 Safety and security	Yes	Yes
D21 Provision and location of utility services	Yes	Yes
D22 Conservation or energy and water	Yes	Yes
D23 Signs	N/A	N/A
E1 Preservation or trees or bushland vegetation	Yes	Yes
E2 Prescribed vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities	Yes	Yes
E4 Wildlife Corridors	N/A	N/A
E5 Native vegetation	N/A	N/A
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip risk	Yes	Yes
E11 Flood prone land	Yes	Yes

Detailed Assessment

C3 Parking facilities

The proposed clubhouse has provided nine (9) on-site car parking spaces within its property boundary representing a deficit of 50 spaces. However, as outlined in the Traffic Impact Assessment (refer to **Attachment 11**), the remaining car parking spaces will be provided by Council within the two off-street car parks (approximately 50 to 70 off-street car parking spaces) which will serve the proposed clubhouse and the proposed Warringah Recreation Centre. The TIA has also confirmed that the surrounding areas provide sufficient supply for any parking demand in the event the Warringah Recreation Centre carpark is not constructed.

Council's Traffic Engineering referral supports the above carparking arrangement subject to recommended conditions.

C3(A) Bicycle parking and end of trip facilities

A clubhouse is not captured by the above control; however, Council's Traffic Engineer has recommended a condition requiring a minimum of two (2) bicycle parking spaces and one (1) motorcycle parking space should be provided on the Architectural Plans to promote sustainable transport mode options for journeys to and from the site.

D3 Noise

The proposal is accompanied by an DA Acoustic Assessment Report, prepared by Acoustic Logic, dated 12 October 2022. The report has been reviewed by Council's Environmental Health (Acoustic) Officer, who has raised no objections to the proposal subject to recommended conditions.

The report recommends several measures be undertaken to mitigate the potential acoustic impacts. This includes:

- Operating hours for the licensed premises, not to exceed 7am to 10pm, Monday to Sunday.
- Speakers for the proposed bar are to be vibration isolated from the building structure.
- Maximum patrons to be 320 and distributed for each space as recommended.
- Music speakers within the internal spaces not to exceed spatially averaged sound pressure level of 75dB(A)L10.
- External disposal of bottles and waste including mechanical collection should be done prior to 10pm and not before 7am.
- Signage to be displayed at the entrance/ exit reminding patrons to minimise noise from departing premises.
- A complaint register is to be maintained on site to monitor and act on any complaints.
- A staff managing people congregating in the carpark at night.

Included in the recommendation of this report are consent conditions requiring compliance with the recommendations of the DA Acoustic Assessment Report.

D18 Accessibility and adaptability

A BCA and Access Report was submitted with the application and states that:

Based on our review of the provided design and other documentation listed in ATTACHMENT B: Basis, it is our considered opinion that compliance with the BCA can be achieved.

Council's Building Assessment team supports the application subject to recommended conditions.

D20 Safety and security

The proposal was referred to NSW Police for comment. The application was amended in response to their comments and consent conditions have now been included based on the NSW Police's Crime Prevention and Liquor Licensing referral recommendations.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The site is not mapped as containing threatened and high conservation habitat. The proposal has been sited to avoid those areas and is considered satisfactory in this regard.

The proposal has been reviewed by officers in Council's Natural Environmental Unit who have raised no objections subject to recommended conditions.

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Subject to the inclusion of conditions recommended by the NSW Police Crime Prevention Officer, the proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

7.12 CONTRIBUTIONS

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of **\$79,500** is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$7,950,000.00.

DISTRICT PARK PLAN OF MANAGEMENT

The WGC is located within the District Park Plan of Management (PoM) and is also classified as community land within the meaning of the *Local Government Act 1993* (refer to **Attachment 10**). Part 4.2.2 of the PoM anticipates a future Golf clubhouse within the District Park as an opportunity which will provide opportunities for social interactions, community support, cultural heritage protection and creative expression in a safe environment. The proposed application is a step towards realising this objective and is therefore consistent with PoM.

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 Environmental Planning Instruments and draft EPI's;
- Warringah Local Environment Plan 2011;
- Warringah Development Control Plan 2011; and
- Codes and Policies of Council.

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*
- Consistent with the aims of the District Park Plan of Management

PLANNING CONCLUSION

This proposal is for demolition works and construction of a gold course club house and associated facilities and has been referred to the Sydney North Planning Panel because the proposal is located on Council owned land with a Capital Investment Value of more than \$5 million.

The concerns raised in the objections have been addressed and resolved by amended plans and conditions of consent.

The critical assessment issues regarding land use permissibility, planning proposal PEX2023/0002, timing of vehicular access and the off-street carparking deficit have been resolved as follows:

- The development will rely upon the construction of driveway access as part of the Warringah Recreation Centre Master Plan (Council led project). A deferred commencement consent has been recommended to ensure that formal access is constructed concurrently.
- The proposed Golf clubhouse land use is ancillary to the existing recreation facility (outdoor) given that it is subordinate and subservient to the dominant land use, which is permissible within the RE1 zone. The clubhouse could not be characterised as an independent use, as it integrates spatially and operationally with the primary functions of the WGC.
- Despite Planning Proposal PEX2023/0002 proposing to add a 'registered club' to the Additional Permitted Use clause in the WLEP 2011 the applicant has put forward a well-founded argument that despite the Planning Proposal, the proposed clubhouse is ancillary to the Warringah Golf Club.
- Despite an off-street carparking deficit, the proposed Warringah Recreation Centre (Council led project) will provide 50 to 70 spaces which is considered sufficient. In the event that Warringah Recreation Centre is not constructed the surrounding on-street car parking supply is adequate to support the clubhouse.

Overall, the development is a high-quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has therefore been recommended for approval.

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

- A. Accordingly the Sydney North Planning Panel, on behalf of Northern Beaches Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2022/2081 for demolition works and construction of a golf club house and associated facilities at Lot 2742 DP752038, 292 Condamine Street, North Manly, subject to the conditions attached to this report.
- B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

C.

1. Warringah Recreation Centre

The Development Consent will not operate until the Notice of Commencement for the Warringah Recreation Centre is issued to Council.

Reason: To ensure vehicle access is provided to the Warringah Golf clubhouse prior to the approved land use becoming operational.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

GENERAL CONDITIONS

SCHEDULE B: Conditions of consent:-

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
GA2020-023-001	12	Title page	Group Architects	25/08/2023
GA2020-023 D01	12	Demolition Plan	Group Architects	25/08/2023
GA2020-023-101a	12	Site plan	Group Architects	25/08/2023
GA2020-023-102	12	Ground floor plan	Group Architects	25/08/2023
GA2020-023-103	12	First floor plan	Group Architects	25/08/2023
GA2020-023-104	12	Roof plan	Group Architects	25/08/2023
GA2020-006-200	12	South and East Elevations	Group Architects	25/08/2023
GA2020-023-201	12	North, West, South-West Elevations	Group Architects	25/08/2023
GA2020-006-300	12	Sections 1,2,3	Group Architects	25/08/2023
L-01 of 9	E	Landscape Design Location Plan	Sernescapes Landscape Designs	29/08/2023
L-02 of 9	E	Landscape Design Site Plan/ Scope of Works	Sernescapes Landscape Designs	29/08/2023
L-03 of 9	E	Landscape Design Existing Tree Management Plan	Sernescapes Landscape Designs	29/08/2023
L-04 of 9	E	Landscape Design Zone A- Planting Plan	Sernescapes Landscape Designs	29/08/2023
L-05 of 9	E	Landscape Design Zone B- Planting Plan	Sernescapes Landscape Designs	29/08/2023
L-06 of 9	E	Landscape Design Zone C- Planting Plan	Sernescapes Landscape Designs	29/08/2023
L-07 of 9	E	Landscape Design Zone D- Planting Plan	Sernescapes Landscape Designs	29/08/2023
L-08 of 9	E	Landscape Design Zone E- Planting Plan	Sernescapes Landscape Designs	29/08/2023
L-09 of 9	E	Landscape Design Zone E- Planting Plan	Sernescapes Landscape Designs	29/08/2023
DR-000	1	Legend	Stellen Consulting	21/10/2022
DR-001	3	Pipe Layout & Catchment Plan	Stellen Consulting	25/09/2023
DR-002	1	Roof layout	Stellen Consulting	21/10/2023
DR-003	1	Details	Stellen Consulting	21/10/2023
SD-001	0	Sediment & Erosion Control Plan	Stellen Consulting	21/10/2023
LT-200	0	As Noted	Stellen Consulting	25/09/2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Warringah Golf Club- Plan of Management	--	Not stated	August 2023
Arboricultural Impact Assessment	-	Liam Strachan	14 June 2023
Waste Management Plan	1.3	Auswide Consulting	July 2023
Acid Sulphate Management Plan	-	Idealgeotech	11/2022
DA Acoustic Assessment Report	1	Acoustic Logic	12/10/2022
BCA & Access Compliance Report	Final	DPC	07/02/2023
Flood Management Report	-	Stellan Civil Engineering	09/11/2022
Preliminary Site Investigation	-	Neo Consulting	01/02/2023

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

In the event of any inconsistency with 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	N/A
Department of Planning and Environment	IDAS-2023-10149	1 May 2023

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

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

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site as a clubhouse (ancillary) detailed on the approved plans for any land use of the site for the purpose of a recreational facility (outdoor), in accordance with the Dictionary of the recreational facility (outdoor), Warringah Local Environmental Plan 2011, as follows:

means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

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

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

4. Prescribed Conditions

- (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);
 - (i) 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 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.

- (c) 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.

- (d) 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.

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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's

footpaths, roadways, parks or grass verges without Council Approval.

- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), 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.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred 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 offstreet parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the carpark, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local 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. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$79,500.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$7,950,000.00.

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

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

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

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

9. 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).

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

10. Amended Landscape Plan

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

- a) Provision of additional screen planting to the carpark located on the northern edge of the works. A minimum of 10 large shrubs such as *Callicoma serratifolia* are to be provided along the length of the carpark in the proposed planting beds.
- b) Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

11. Flooding

In order to protect property and occupants from flood risk the following is required:

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 3.3m AHD.

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of 3.6m AHD shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Probable Maximum Flood of 5.69m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level 3.3m AHD must have residual current devices installed to cut electricity supply during flood events.

Floor Levels – C1

New floor levels within the development shall be set at or above the Flood Planning Level of 3.3m AHD.

Car parking – D4

Vehicle barriers or restraints are to be installed so as to prevent vehicles leaving the site. Protection must be provided for all events up to the 1% AEP flood event.

Perimeter walls/louvres installed as vehicle barriers or restraints are to be designed to allow flood waters to pass through and are to have a minimum of 50% open area from the natural ground level up to the 1% AEP flood level.

Fencing – F1

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level 3.3m AHD. Openings should be a minimum of 75mm x 75mm.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 3.6m AHD unless adequately protected from floodwaters in accordance with industry standards.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

12. **Emergency control and evacuation plan**

An emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au>

The plan is to be certified by the Certifier prior to issue of the Construction Certificate.

Reason: Public Safety

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

All pre-construction biodiversity-related measures specified in Table 14 of the Flora and Fauna Assessment Report and Waterway Impact Statement (Narla Environmental dated 31 August 2023) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures are to be certified by the Project Ecologist and provided to the Certifier prior to issue of the Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

14. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

15. Plans of Kitchen Design, construction and fit out

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

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

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

16. Vegetation Management Plan

Prior to issue of the any Construction Certificate, a Vegetation Management Plan must be prepared to the satisfaction of Manager Bushland and Biodiversity of Northern Beaches Council and submitted to the Certifier. The Plan should be prepared with reference to the Biodiversity Requirements for Development Applications Guideline 3: Biodiversity Management Plans (BMPs) available on Council's website, as well as other current best practice industry standards for VMPs. The Vegetation Management Plan may form part of a Construction Environmental Management Plan.

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

17. On-Site Stormwater Disposal Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater disposal in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Stellen Consulting, drawing number DR -001, DR-002, DR-003, dated 28/8/2023. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

18. Design of Stormwater Outlet Structure to Creek

Stormwater outlet structures to the creek must be designed in accordance with DPE Water's Guidelines for Outlet Structures on Waterfront land.

No mortar is to be used on the outlet. Rocks must be placed using an interlocking system with varying rock sizes. Rock size should range from 80-300mm and be placed to 300mm deep (with a keystone downslope) according to the following specifications:

Dmin	20mm
=	
D10	80mm (i.e. only 10% smaller than 80mm)
=	
D50	150mm
=	
D90	300mm
=	

The surface should be a textured finish to break up and dissipate sheet flows.

This design is to be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: To protect the surrounding creek bank from the effects of localised erosion.

19. **Vehicular Swept Paths**

Vehicular manoeuvring paths must be provided to demonstrate that the B85 vehicles can enter or depart from the last two (2) parking spaces by no more than a 3 point turn without encroaching on adjacent loading dock area. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of the construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

20. **Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by a TfNSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion Kentwell Road, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion

and noise in the area, with no access across public parks or reserves being allowed. 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 the 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 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.

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

21. **Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken:

- Dimensioned plans to be submitted for the parking area including the driveway width to confirm that parking bays and the driveway are appropriately sized.
- A minimum of two (2) bicycle parking spaces and one (1) motorcycle parking space should be provided on the Architectural Plans to promote sustainable transport mode options for journeys to and from the site.

These amendment(s) must be clearly marked on the plans submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicle. Further, to ensure compliance with Council's DCP and adequate provision for active travel to/from the site.

22. **Building Code of Australia Fire Safety Requirements**

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA and Access Compliance Report prepared by DPC, dated 7/2/2023, Final Rev. is to be considered as part of the assessment for any Construction Certificate.

Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

23. **Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with Flora and Fauna Assessment Report and Waterway Impact Statement, prepared by Narla Environmental, dated September 2023 (reference).

The Project Ecologist must have one of the following memberships / accreditation:

Practising member of the NSW Ecological Consultants Association

(<https://www.ecansw.org.au/find-a-consultant/>) OR

- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

24. **Stormwater Management**

Stormwater shall be disposed of in accordance with Council's Policy. The stormwater management plan is to be implemented to ensure that there is no increase in stormwater pollutant loads arising from the approved development. Details demonstrating compliance are to be submitted to the Certifier for approval prior to issue of the Construction Certificate.

Reason: To make appropriate provision for stormwater management and disposal arising from development, ensuring that the proposed works do not negatively impact receiving waters.

25. **Compliance with Standards**

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

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

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

26. Sydney Water "Tap In"

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

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

- "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.

27. Waste and Recycling Requirements

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

28. Project Arborist

a) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the Arboricultural Impact Assessment dated 14.06.23 prepared by Abnoba Arbor and Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection.

b) The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works unless approved by the Project Arborist.

c) Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.

d) All tree protection measures specified must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

e) The Project Arborist shall provide certification to the Principal Certifier that all recommendations listed for the protection of the existing trees have been carried out satisfactorily to ensure no impact to the health of the trees. Photographic documentation of the condition of all trees to be retained shall be recorded including at commencement, during the works and at completion.

Note: i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be

pruned or removed.

- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

29. **Tree Removal Within the Property**

This consent approves the removal of the following trees within the property as numbered in the Arboricultural Impact Assessment dated 14.06.23 prepared by Abnoba Arbor:

- Trees numbered 4 through to 42 inclusive.

Reason: To enable authorised building works.

30. **Work Zones and Permits**

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

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

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

31. **Road Occupancy Licence**

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Condamine Street, Pittwater Road or the operation of the signalised intersections of Kentwell Road with these two streets.

Reason: Requirement of TMC for any works that impact on traffic flow.

32. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment and receiving waters from the effects of sedimentation and erosion from the site

DURING BUILDING WORK

33. **Requirement to notify about new Acid Sulfate Soils evidence**

Any new information revealed during excavation works and further sampling and testing, 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.

34. **Site Contamination – Acid Sulfate Soils**

All stockpiles of potentially contaminated soil must be stored in a secure area in a way that is not likely to cause pollution or be a public health risk.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines.

Copies of all test results and disposal dockets must be retained by whom? for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997;
- ii) Environment Protection Authority, Waste Classification Guidelines (2014);
- iii) Water Quality Australia, National Acid Sulfate Soils Guidance (2018); and
- iv) Acid Sulfate Soil Advisory Committee, Acid Sulfate Soil Manual (1998).

Reason: To protect environment and public health.

35. **Protection of Sites of Significance**

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

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

Reason: Preservation of significant environmental features.

36. **Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site not approved for removal.
For clarity, the following trees as numbered in the Arboricultural Impact Assessment dated 14.06.23 prepared by Abnoba Arbor are to be retained: Trees Numbered 1, 2, 3 and 43 through to 114 inclusive,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated 14.06.23 prepared by Abnoba Arbor and Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,

- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with the Project Arborist including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

37. **Condition of Trees**

- a) During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from the Project Arborist during the works.
- b) In this regard all protected trees shall not exhibit:
 - i) a general decline in health and vigour,
 - ii) damaged, crushed or dying roots due to poor pruning techniques,
 - iii) more than 10% loss or dieback of roots, branches and foliage,

- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

c) Any mitigating measures and recommendations required by the Arborist are to be implemented.

d) The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

38. Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction in accordance with Table 14 of the Flora and Fauna Assessment Report and Waterway Impact Statement (Narla Environmental dated 31 August 2023).

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

39. Dead or Injured Wildlife

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

Reason: To protect native wildlife.

40. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

41. Relocation of Logs and Coarse Woody Debris – Certified by Ecologist

All logs and branches are to be salvaged from cleared trees and reused as fauna habitat within areas of retained native vegetation on the site.

Reason: To protect wildlife habitat.

42. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Erosion and Sediment Control Plan prepared by Stellen Consulting, dated 21/10/2022 prior to

commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

43. **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.

44. **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.

45. **Geotechnical Requirements**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

46. **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.

47. **Potential Contamination -Management**

The requirements of the Preliminary Site Investigation by NEO Consulting (N6898) are to be fully implemented from commencement of any excavation, demolition or development works including :

- The demolition of structures and excavation activity on site be undertaken in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements;
- Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014); and
- A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered.

Additionally the principal Certifying Authority is to be notified and ensure that all contamination/contaminated soil is appropriately managed.

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

48. **Pollution Control**

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste and debris is to be removed off site and disposed of as frequently as required in accordance with applicable regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not leave the construction site.

49. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated [INSERT].

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

50. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

51. Acid Sulfate Soil Management Confirmation

Details demonstrating compliance with the approved Acid Sulfate Soil Management Plan by Ideal Geotech dated November 2022 ref. no Job No: 60025A-IDF is to be submitted to the satisfaction of the principle certifier prior to the issue of the occupation certificate.

Reason: To ensure management of potential acid sulfate soils.

52. Required Tree Planting

a) Trees shall be planted in accordance with the following: All trees indicated on Landscape Plans Dwg Nos L-01 through to L-09 Revision E dated 29/08/2023 prepared by Serenscapes.

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

Reason: To maintain environmental amenity.

53. Landscape Completion

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

Prior to the issue of any Occupation Certificate details from a qualified landscape architect or landscape designer shall be submitted to the Principal Certifier certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

54. Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate a report prepared by the Project Arborist shall be submitted to the Principal Certifier assessing the health and impact on all existing trees required to be retained including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

55. Compliance with Ecologist's Recommendations – Post Construction

All biodiversity-related measures are to be implemented at the appropriate stage of development in accordance with Table 14 of the Flora and Fauna Assessment Report and Waterway Impact Statement (Narla Environmental dated 31 August 2023).

Satisfactory establishment/initiation of post-construction measures is to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

56. Protection of Habitat Features

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

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

Reason: To protect wildlife habitat.

57. Relocation of Logs and Coarse Woody Debris – Certified by Ecologist

All logs and branches are to be salvaged from cleared trees and reused as fauna habitat within areas of retained native vegetation on the site.

Details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To protect wildlife habitat.

58. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

59. Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

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

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

60. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans prepared by Stellen dated 25/9/23. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

61. Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

62. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water disposal as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

63. Outdoor lighting

Prior to the issue of Occupation Certificate, the Principal Certifier must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: To protect public health and amenity.

64. Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

65. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

66. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

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

67. Landscape Maintenance

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

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

Reason: To maintain local environmental amenity.

68. Compliance with Ecologist's Recommendations – Ongoing

All ongoing biodiversity-related measures are to be implemented in accordance with Table 14 of the Flora and Fauna Assessment Report and Waterway Impact Statement (Narla Environmental dated 31 August 2023) and these conditions of consent.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

69. Maintenance of Stormwater Treatment Measures - Minor

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

70. Stormwater Pollution Control Pits

The Registered Proprietors of the property must maintain on a regular basis (every six months or after heavy rain events) stormwater pollution control pits, grated drains and inlet pits including the clearing of silt, debris and rubbish, in perpetuity. The Registered Proprietors must ensure the effective operation of pollution control pits to prevent pollution of receiving waters by stormwater

generated onsite.

Reason: To ensure appropriate provision is made for the treatment and management of stormwater generated by the development for the protection and preservation of the aquatic habitats and biota within receiving waters.

71. **Noise Management ongoing**

Compliance with acoustic engineers recommendations (Acoustic Logics Project 20221047.1), including :

- Operating hours for the licensed premises, not to exceed 7 am to 10 pm, Monday to Sunday.
- Speakers, for the proposed bar are to be vibration isolated from the building structure.
- Maximum patrons to be 320 and distributed for each space as recommended.
- Music speakers within the internal spaces not to exceed spatially averaged sound pressure level of 75dB(A)L10.
- External disposal of bottles and waste including mechanical collection should be done prior to 10 pm and not before 7 am.
- Signage to be displayed at the entrance/ exit reminding patrons to minimise noise from departing premises,
- A complaint register to be maintained on site to monitor and act on any complaints.
- Staff managing people congregating in the carpark at night.

The Plan of Management being updated to include the above measures.

Reason: To minimise noise to neighbouring residential receivers.

72. **Separate consent for signage**

Development Consent must be obtained for any signs which are either externally fitted or applied, prior to the erection of any such signs. This does not apply to signs which are classified as being "Exempt Development".

Reason: To protect residential amenity.

73. **CCTV footage on premises:**

The Licensee shall maintain a CCTV system that meets the following minimum requirements:

1. A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
 - a. the person represents not less than 100% of the screen height, and
 - b. there is an unobstructed view of the person's face.
2. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - a. all other public entrances and exits, whether or not in use at the time,
 - b. staircases,
 - c. all portions of the floor area accessible to the public where entertainment is provided,
 - d. toilet external entrances,
 - e. all public accessible areas within the premise excluding toilets
3. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

4. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
5. Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.
6. When the venue is open and trading, at least one person shall be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
7. Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, OLGR Inspectors or other regulatory officers upon request

Reason: Public safety

74. **Maximum Patron Capacity**

- i. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main principle entry to the premises. The signage shall state:

Approved patron capacity is limited to 320

- ii. A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table/bench space generally in accordance with the approved plans.

Reason: Public safety

75. **Neighbourhood Amenity**

The management of the premises:

- i. Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- ii. Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- iii. Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.

Reason: Public safety

76. **Crime Scene Preservation**

Immediately after the person in charge of the Licensed Premises become aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:

- i. Take all practical steps to preserve and keep intact the area where the act of violence occurred
- ii. Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police

- iii. Make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident and
- iv. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

Reason: Public safety

77. Plan of Management

The licensee is to operate the business in accordance with the Warringah Golf Club Plan of Management dated August 2023.

Reason: Public safety

78. Licensed Premises

The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.

Reason: Public safety

79. Hours of Operation

The hours of operation are to be restricted to:

Use	Hours of operations	Days
Pro Shop	6.00am to 7.00pm	Monday to Sunday
Office	9.00am to 5.00pm	Monday to Friday
Garden lounge	7.00am to 10.00pm	Monday to Sunday
Dining and function rooms	12.00pm to 10.00pm	Monday to Sunday
Bar	12.00pm to 10.00pm	Monday to Sunday

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

80. Patrons

The maximum number of patrons within:

- The ground-floor outdoor seating area (Garden lounge) shall not exceed 50 at any time.
- The first-floor dining/function area (including the terrace) shall not exceed 60 at any time.
- The first-floor function area (including the terrace) shall not exceed 60 at any time.
- The first-floor sports bar (including the terrace) shall not exceed 50 at any time.

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

FINAL DECLARATION

Consultant Name: Scott McInnes from Creative Planning Solutions Pty Ltd

In submitting this report to Council, I declare that I do have a conflict of interest in making this recommendation.