

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2024/0013
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<b>Responsible Officer:</b>	Danielle Deegan, External Consultant (DM Planning)
<b>Land to be developed (Address):</b>	Lot B DP 376822, 219 - 227 Ocean Street NARRABEEN Lot 1 DP 339162, 219 - 227 Ocean Street NARRABEEN Lot 2 DP 339162, 219 - 227 Ocean Street NARRABEEN Lot 6 DP 5768, 219 - 227 Ocean Street NARRABEEN Lot 8 DP 5768, 219 - 227 Ocean Street NARRABEEN
<b>Proposed Development:</b>	Alterations and additions to an existing community facility (North Narrabeen Surf Life Saving Club)
<b>Zoning:</b>	Warringah LEP2011 - Land zoned RE1 Public Recreation
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Determination Level</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Northern Beaches Council
<b>Applicant:</b>	Northern Beaches Council

<b>Application Lodged:</b>	23/01/2024
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Community facility
<b>Notified:</b>	02/02/2024 – 01/03/2024
<b>Advertised:</b>	02/02/2024 – 01/03/2024
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$3,686,465.20
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### EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to the North Narrabeen Surf Life Saving Club (SLSC) comprising an extension to the northern side of the building, enclosure of part of the existing balcony to provide for additional dining area, a new entrance foyer, a general refurbishment including façade upgrade, drainage works and a new bin store.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the Council is the landowner and Applicant. The application is subject to Council's policy for the Management of Council related Development Applications, which provides strategies for the management of conflicts for development on Council owned or managed land. The application has been managed and assessed in accordance with this policy and satisfied the requirements under the plan.

The application was exhibited between 2 February 2024 to 1 March 2024. No submissions were received.

Critical assessment issues include potential environmental impacts, potential traffic and car parking impacts and potential residential amenity impacts. The assessment finds that as the new works are generally within the existing building footprint and any detrimental impacts are negligible.

This report concludes with a recommendation that the NBLPP grant approval to the application, subject to conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The development application seeks consent for alterations and additions to the North Narrabeen SLSC comprising of :

### **Ground floor alterations and additions:**

- An extension to the northern side of the building to provide;
  - a larger meeting room, with a kitchen and store, for the North Narrabeen Boardriders, and
  - a minor increase in the size of the existing gym,
- An enlarged paved area to the north of the building.

### **First floor alterations and additions:**

- An extension to the northern side of the building to provide additional internal and external floor space,
- A new covered entrance foyer to provide access to the balcony without the need to pass through the existing cafe seating area and bar,
- Minor internal alterations, and
- New balcony balustrades

### **External changes:**

- Designated ambulance bay,
- New finishes to the external façade of the building,
- Construction of a new bin store adjacent to the access driveway,
- Installation of rainwater tanks, and
- Stormwater drainage works.

There is no change to the internal seating capacity or existing hours of operation.

## **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

SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management  
Warringah Local Environmental Plan 2011 – 6.5 Coastal Hazards  
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 – D7 Views  
Warringah Development Control Plan – E4 Wildlife corridors  
Warringah Development Control Plan – E5 Native vegetation

## SITE DESCRIPTION

<b>Property Description:</b>	<p>The North Narrabeen SLSC building is located at 225-229 Ocean Street, Narrabeen, and comprises the following five (5) allotments (the site):</p> <ul style="list-style-type: none"> <li>• Lots 6 and 8 Section 63, DP 5768;</li> <li>• Lots 1 and 2, DP339162; and</li> <li>• Lot B, DP376822.</li> </ul>
<b>Detailed Site Description:</b>	<p>The site forms part of Birdwood Park which extends to the north of the site.</p> <p>The site is irregular in shape and is bound by Narrabeen Beach to the east, Ocean Road to the west, a public car park to the south and Birdwood Park to the north. The site has a surveyed area of 0.77Ha.</p> <p>The site is located within the RE1 Public Recreation zone under WLEP 2011 and accommodates the surf club building, playground, car park and parkland.</p> <p>The existing SLSC building contains boat storage, a gym, boardriders room, café, a bar, a function area and a large deck on the first floor.</p> <p>Parts of the site are identified on Biodiversity Values Mapping, Wildlife Corridors mapping and Threatened Species Mapping.</p> <p>The vegetation occurring around the SLSC building comprises landscaping, including three Norfolk Pines and a banksia tree planted near the southern façade of the building. No impacts to threatened species are anticipated.</p>

Map:

Adjoining and surrounding development is characterised by mixed-use developments and low to medium-density residential development.

The land has been used as a community facility for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA2005/0970 for erection of covered deck and access ramp to an existing registered club was approved by Council on 4 May 2006.
- DA2014/1083 for use of premises as a café was approved by Council on 16 December 2014.
- Pre-lodgement meeting PLM2023/0107 to discuss alterations and additions to North Narrabeen Surf Life Saving Club was held on 31 August 2023.

The subject application has been publicly exhibited from 02/02/2024 to 01/03/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Supported, subject to conditions</b></p> <p>The application has been investigated with respects to aspects relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p>

Internal Referral Body	Comments
	<p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Acid Sulfate)	<p><b>Supported, subject to conditions</b></p> <p>This application is seeking consent for alterations and additions to North Narrabeen Surf Life Saving Club building. An Acid Sulfate Soils Assessment prepared by JK Environments dated 14 July 2023 has stated:</p> <p>Soil disturbance is expected to be limited to the extent necessary for foundation works. Bulk excavation is not proposed as part of the proposed development. Based on the weight of evidence collected and evaluated for this assessment, there is considered to be a low potential for ASS materials (AASS or PASS) to be disturbed to a depth of approximately 2mBGL during the proposed development described in Section 1.2 of this report. On this basis, an ASSMP is not considered necessary for the proposed development.</p>
Environmental Health (Industrial)	<p><b>Supported, subject to conditions</b></p> <p>This application is seeking consent for alterations and additions to North Narrabeen Surf Life Saving Club building.</p> <p>An acoustic report has been prepared by GHD Pty Ltd dated 6.11.2023, project number 12618094. The report has assessed the following likely noise sources:</p> <ul style="list-style-type: none"> <li>• Noise from mechanical plant and other noise generating equipment (if any)</li> <li>• Noise from patrons and music within the function spaces of the SLSC, including the upstairs outdoor balcony area, and upstairs enclosed space.</li> <li>• Noise from the café, including patrons.</li> <li>• Any other relevant sources of noise.</li> </ul> <p>The acoustic report has determined, based on the results of the noise modelling, and where noise from the proposed operations exceeds the relevant criteria, recommendations for noise mitigation have been provided in order to reduce noise emissions to compliant levels.</p> <p>The acoustic report identified live music is to be played outside on the open balcony however this currently operates and there is no expected increase to the number of outdoor live music events.</p> <p>Environmental Health recommends approval subject to conditions</p>
Environmental Health (Food Premises)	<p><b>Supported without conditions</b></p> <p>This application is seeking consent for alterations and additions to North Narrabeen Surf Life Saving Club building. This includes;</p> <p>- an extension to the northern side of the building to facilitate a larger meeting room, with kitchen and store, and a minor increase to the size of the existing gym.</p> <p>Clarification has been sought and this kitchen is proposed to be a kitchenette to be used by operators of the SLSC but not to prepare food or to serve food for public consumption. No further assessment is required.</p>
Landscape Officer	<p><b>Supported, subject to conditions</b></p> <p>The application seeks consent for alterations and additions to an existing community facility (North Narrabeen Surf Life Saving Club). The plans</p>



Internal Referral Body	Comments
	<p>indicate that no significant landscape features are affected by the proposed works. No trees are to be removed.</p>
<p>NECC (Bushland and Biodiversity)</p>	<p><b>Supported, subject to conditions</b></p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021 clause 2.10 Development on land within the coastal environment area</li> <li>• Warringah Development Control Plan 2011 – Controls <ul style="list-style-type: none"> <li>E1 Preservation of Trees or Bushland Vegetation</li> <li>E2 Prescribed Vegetation</li> <li>E3 Threatened species, populations, ecological communities listed under State or</li> </ul> </li> <li>• Commonwealth legislation, or High Conservation Habitat <ul style="list-style-type: none"> <li>E4 Wildlife Corridors</li> <li>E5 Native Vegetation</li> </ul> </li> </ul> <p>Portions of the site are now identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).</p> <p>However, the portions of the site added to the BV Map have been added in the last 90 days and the submitted plans and documentation indicate that the proposed works are located outside of the BV Map area and will not require the removal of native vegetation. Therefore, the proposal will not trigger entry into the BOS.</p> <p>As the proposed alterations and additions would take place in previously disturbed areas with a hardstand it is unlikely that native flora and fauna would be impacted. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
<p>NECC (Coast and Catchments)</p>	<p><b>Supported without conditions</b></p> <p>The proposed development is considered to be consistent with management of the coastal environment and coastal hazards as outlined in the Coastal Management Act and SEPP State Environmental Planning Policy (Resilience and Hazards). Noting that the purpose of the proposed alterations and additions is to improve the functionality of a community facility and support the activities of groups including North Narrabeen SLSC and North Narrabeen Boardriders.</p> <p>As the building is expected to have a functional life of up to 2050 before major renovations are required it is appropriate that the coastal assessment considers the impact of coastal hazards and coastal processes up to 2050 for the proposed activity. The proposed alterations and additions will not extend the building beyond its current footprint.</p> <p>As noted in the Statement of Environmental Effects as well as the Coastal Assessment and Management Report the risk to the building from coastal hazards is acceptably low. Additionally, the exposure the building and those using it to coastal hazards is not increased as a result of the proposed alterations and additions. This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Coastal Management Act 2016;</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021 and</li> <li>• Relevant LEP and DCP clauses</li> </ul>

Internal Referral Body	Comments
	<p><b>Coastal Management Act 2016</b> The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to this DA. The proposed development is considered to be consistent with the objects, as set out under Part 1 Section 3 of the Coastal Management Act 2016.</p> <p><b>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</b> The subject land has been included on the and 'Coastal Use Area' and 'Coastal Environment' maps under the State Environmental Planning Policy (Resilience &amp; Hazards) 2021. Hence, Clauses 2.10, 2.11 and 2.12 apply for this DA. On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report the DA satisfies requirements under clauses 2.0, 2.11 and 2.12.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience &amp; Hazards) 2021</p> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b> The works are assessed as complying with clauses 6.5 of WLEP and E9 of WDCP</p>
NECC (Development Engineering)	<b>Supported, subject to conditions</b>
NECC (Riparian Lands and Creeks)	<b>Supported, subject to conditions</b>
NECC (Water Management)	<p><b>Supported, subject to conditions</b></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Northern Beaches Water Management for Development Policy (WMD Policy); and</li> <li>• Relevant LEP and DCP clauses</li> </ul> <p>Proposal is for alterations and additions. It is noted that the proposal includes rainwater tanks and renewal of the existing absorption system.</p> <p>On review of the proposal, no objections regarding water management. The proposal is therefore supported</p>
Parks, reserves, beaches, foreshore	<b>Supported, subject to conditions</b>
Strategic and Place Planning (Heritage Officer)	<p><b>Supported without conditions</b></p> <p>This application has been referred as the property is in the vicinity of two locally listed significant heritage items listed in Schedule 5 of Warringah LEP 2011:</p> <p><b><i>Item I93 - Stone wall, Ocean Street near Malcolm Street, Narrabeen;</i></b></p> <p><b><i>Item I91 - Group of Washington Palms (Washingtonia robusta), Malcolm St and Lagoon St, Narrabeen</i></b></p> <p>Details of the heritage items affected by the proposal and contained within the heritage inventory as follows:</p> <p><b><i>Item I93 - Stone wall, Ocean Street near Malcolm Street, Narrabeen</i></b> <u>Statement of significance</u> A good representative example of stone retaining walls of which there are a number in the study area. Historically representative of public works in the locality.</p>

Internal Referral Body	Comments														
	<p><u>Physical Description</u> Coursed sandstone wall with a maximum height of 5 metres</p> <p><b>Item I91 - Group of Washington Palms (<i>Washingtonia robusta</i>), Malcolm St and Lagoon St, Narrabeen</b></p> <p><u>Statement of Significance</u> Historically &amp; culturally significant as remnants of the original vegetation in the area &amp; as the largest group of Washington Palms in the study area. Aesthetically a prominent landscape feature of the area.</p> <p><u>Physical Description</u> Group of approx. 24 Washingtonia Robusta (Washington Palms), 15 - 17 metres in height. Remnant planting Detail what heritage items are affected by the proposal and outline why these items are of heritage significance (include the Statement of Significance from the Heritage Inventory Sheet).</p> <table border="1" data-bbox="467 784 1145 1099"> <thead> <tr> <th colspan="2">Other relevant heritage listings</th></tr> </thead> <tbody> <tr> <td>SEPP (Biodiversity and Conservation) 2021</td><td>No</td></tr> <tr> <td>Australian Heritage Registe</td><td>No</td></tr> <tr> <td>NSW State Heritage Register</td><td>No</td></tr> <tr> <td>National Trust of Aust (NSW) Register</td><td>No</td></tr> <tr> <td>RAIA Register of 20<sup>th</sup> Century Buildings of Significance</td><td>No</td></tr> <tr> <td>Other</td><td>No</td></tr> </tbody> </table> <p><b>Consideration of the Application:</b></p> <p>The proposal seeks consent for alterations and additions to the North Narrabeen Surf Club building, including: a ground floor extension on the northern side to facilitate a larger meeting room with kitchen and store, a minor increase of the existing gym and an enlarged paved area; and a first floor extension on the northern side to provide additional internal and external floor space, enclosure of part of the existing balcony and a new covered entrance foyer.</p> <p>The heritage items in the vicinity are the sandstone retaining walls on adjacent Ocean Street and trees on private property, located along the edge of Narrabeen Lagoon. The proposed works, while visible from Ocean Street, will not adversely impact upon the heritage significance of the wall, which is located approximately 60 metres from the proposed works. The heritage listed trees are located even further away and have no direct visual connection with the site.</p> <p><b>Therefore, no objections are raised on heritage grounds and no conditions required.</b></p> <p><u>Consider against the provisions of CL5.10 of WLEP 2011:</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N/A</p>	Other relevant heritage listings		SEPP (Biodiversity and Conservation) 2021	No	Australian Heritage Registe	No	NSW State Heritage Register	No	National Trust of Aust (NSW) Register	No	RAIA Register of 20 <sup>th</sup> Century Buildings of Significance	No	Other	No
Other relevant heritage listings															
SEPP (Biodiversity and Conservation) 2021	No														
Australian Heritage Registe	No														
NSW State Heritage Register	No														
National Trust of Aust (NSW) Register	No														
RAIA Register of 20 <sup>th</sup> Century Buildings of Significance	No														
Other	No														
Strategic and Place Planning (Urban Design)	<p><b>Supported without conditions</b></p> <p>This advice is provided as an internal referral from the Urban Design Unit to the Development Assessment Officer for consideration and coordination with the overall assessment.</p>														



Internal Referral Body	Comments
	<ol style="list-style-type: none"> <li>1. The application seeks consent to:</li> <li>2. Alterations and additions to the ground floor of the building</li> <li>3. Alterations and additions to the first floor of the building</li> <li>4. New finishes to the external façade of the existing building, Construction of a new bin store adjacent to the access driveway,</li> <li>5. Installation of rainwater tanks, and</li> <li>6. Stormwater drainage works.</li> </ol> <p>Urban Design raise no objection to the proposed development. Please note: Regarding any view impacts and any impacts on solar amenity and overshadowing these matters will be dealt with under the evaluation of Council Planning Officer. Any impacts of non-compliances regarding heritage will be dealt with under the evaluation of Council Heritage Officers, and any Landscape non-compliances will be dealt with under the evaluation of Council Landscape Officers.</p> <p>The proposal is therefore supported.</p>
Traffic Engineer	<p><b>Supported, subject to conditions</b></p> <p><u>Further comments – dated May 2024</u></p> <ul style="list-style-type: none"> <li>• It is noted that an updated traffic report is provided to address the concerns raised in the original traffic referral comments.</li> <li>• The report in page 10, section 3.2, mentions that the swept path of an ambulance is shown in figure 3.3. Figure 3.3 is a half cut snippet of a vehicle (vehicle profile not shown). This swept path is not acceptable in its current form. However, Council accepts the tight manoeuvring space for ambulance, given the rare use of ambulance.</li> <li>• In the last paragraph of section 3.2, page 11, the traffic report states that the largest truck accessing the site is Council's waste collection vehicle, which will reverse along the access way. Other SRV trucks will also need to do so as there is insufficient overhead clearance for them to turn around at northern end of the accessway. This is acceptable given the low volume of such movements.</li> <li>• It is noted that 12 horizontal bicycle parking spaces within 6 double sided hoops have been provided at the south-eastern corner of the existing playground. However, no dimensions of these spaces are shown in the architectural plans. This will be conditioned.</li> <li>• It is noted that a parking occupancy survey has been undertaken on Sunday 21st April from 7 am till 3pm in the two carparks near the club. The occupancy survey reveals that there is an adequate amount of spaces within the two carparks to cater for any additional parking demand generated by the proposed alterations and additions</li> </ul> <p><u>Original comments – dated April 2024</u></p> <ul style="list-style-type: none"> <li>• The Warringah DCP 2011 applies to the subject site. The subject site is a community facility land use type consisting of café, bar, nippers room, gym and boardriders room. The DCP does not provide any rate neither for a community facility nor for a café/bar or boardriders development. However, it refers to the Roads and Traffic Authority's Guide to Traffic Generating Development for uses that do not have a parking requirement in the DCP. And, for a Community Facility, DCP mentions that the comparisons must be drawn with developments for a similar purpose. The Austroads Guide to Traffic Generating Development also does not have any rate for café and boardriders.</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• The proposed development is an alteration and addition to an existing North Narrabeen Surf Life Saving Club, owned by Northern Beaches Council. The proposal includes a minor addition to the existing boardriders use in ground floor and partial enclosure of northern part of the first floor area to extend bar/café area in first floor. The Traffic report mentions that the boardriders room is being increased by 44 m2 and café dining area by 151 m2, which would result in a total increased area to be 195 m2, however the SEE report states that the total increased floor area is 182 m2 (page 41) The discrepancy in the details should be clarified and consistent information detailed on the architectural plans and the accompanying reports.</li> <li>• It is noted that a Traffic report has been submitted with the DA. The section 2.2 of the Traffic report mentions that “there are 123 (approximately 8 unlined parallel) regular spaces and 4 accessible parking spaces with paid parking treatment.” A site inspection suggests that the total parking includes 71 spaces in the upper carpark (including 4 disabled spaces), 49 spaces in the lower carpark, 7 parallel spaces along the site’s driveway and 1 ambulance bay. Irrespective of the above no changes to the existing parking supply are proposed and the proposed development will continue to rely upon the existing public car parks in the surrounding area. It is suggested that a parking occupancy survey be undertaken in the surrounding carparks at the peak times of operation of the surf club facilities in order to demonstrate peak parking demands and occupancy rates and to show that there is spare capacity to support the proposed alterations and additions.</li> <li>• It is noted that the Traffic report provides a SIDRA analysis of the Malcolm Street and Ocean Street roundabout. It is shown that the survey has been undertaken during AM and PM peaks on Friday. However, the peak times are not mentioned. The SIDRA analysis has been done for the current year (2023) and the traffic volume has been projected for 10 years time with an assumed growth rate of 1.7% per annum. This is acceptable.</li> <li>• It is noted that the existing ambulance bay has been relocated to the No Parking area in parallel parking spaces, for the construction of waste room. The dimensions of this ambulance bay along with an ingress and egress swept path of the ambulance must be provided together with details of proposed signposting for "No Parking Ambulance Excepted".</li> <li>• Section 3.1.2 of the Traffic report must be updated to provide more details on the size of anticipated service vehicles and outline how loading and unloading will be facilitated.</li> <li>• It is noted that the existing bins have now been enclosed into a closed bin room and the arrangements are acceptable to the Waste Services team</li> <li>• It is noted that Section 2.5 of the Traffic report states that bicycle facilities are provided through the site, and it is shown on figure 2.5. According to Warringah DCP 2011, bicycle parking facilities must be provided for new buildings and for alterations or additions to existing buildings. In the case of alterations or additions to existing buildings, bicycle parking facilities are required for the additional floor area only. The architectural plans and Traffic report must be updated to show the existing locations of bicycle parking and to provide additional bicycle parking to support the proposal.</li> <li>• It is noted that a CTMP has been provided however as a contractor will not yet be appointed. The CTMP can be viewed as indicative only and an updated CTMP will be required prior to the construction phase.</li> </ul>

Internal Referral Body	Comments
	<p><b>Traffic Impact</b> The proposal will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance.</p> <p><b>Conclusion</b> The application is not supported at this stage with further information as outlined above required prior to further consideration of the proposal.</p>
Waste Officer (Council Land)	<p><b>Supported, subject to conditions</b></p> <p>A suitably sized and located bin storage facility has been provided.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021,s2.48	<p><b>Supported, subject to conditions</b></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>
Aboriginal Heritage Office	<p><b>Supported, subject to conditions</b></p> <ul style="list-style-type: none"> <li>• An Aboriginal Heritage Due Diligence Assessment was completed by Coast History &amp; Heritage in December 2023. The Aboriginal Heritage Office agrees with the recommendations outlined in the report:</li> <li>• An Aboriginal heritage induction should be provided for workers involved in excavation works for the new development. This should be developed and delivered by a representative from the Metropolitan LALC and archaeologist/heritage consultant. The induction will address the legal protections afforded to Aboriginal objects under the National Parks &amp; Wildlife Act 1974. It will also include procedures for the recommended monitoring, and for 'stop work' protocols for dealing with unexpected finds (such as human or animal bone, shell material or stone artefacts).</li> <li>• Consideration should be given to minimise any unnecessary impact. For instance, where possible, services should be installed within existing service routes and reducing the length of the northern brick wall to the extent of the BBQ and providing a timber log barrier to the sides that matches the dune fence.</li> <li>• Monitoring and direction of the excavation by a suitably qualified archaeologist/heritage consultant and a representative from the Metropolitan LALC should be undertaken during any works that exceed the depth of the current ground level. This is largely contained to the northeast side of the current SLSC building.</li> <li>• It is assumed excavation will be undertaken by machine, however, where determined to be appropriate by the monitoring LALC representative and archaeologist, hand excavation by the contractor may be necessary. This will also be monitored by a suitably qualified archaeologist/heritage consultant and a representative from the Metropolitan LALC.</li> <li>• If the footprint, depth and or scope of the proposed works is amended, further investigation and assessment should be undertaken to assess the potential Aboriginal heritage impact.</li> <li>• If any human remains or other Aboriginal archaeological remains are encountered during site works, the 'unexpected finds' procedures set out below must be followed.</li> <li>• Ground disturbance outside the footprint of the proposed works should be avoided, for instance by using existing hard stand for site compounds and access.</li> </ul>

NSW Police - Crime Prevention Office (Local Command matters)	<p><b>Supported, subject to conditions</b></p> <p>The NSW Police have a crucial interest in ensuring the safety of the community and their property. NSW Police hope that by using the recommendations contained in this document, criminal activity will be reduced, and the safety of the community and their property will be increased. It does, however, not guarantee that all risks have been identified or that the area evaluated will be free from criminal activity if its recommendations are followed. Police DO NOT OBJECT to the overall application. Police do seek conditions to address; Plan of Management, CCTV footage, Crime Scene Preservation, Venue Theme, Neighbourhood Amenity and Security, be added to the development application for the purpose of Public Safety.</p>
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## 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 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to traffic and carparking.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>(including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (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><b>(i) Environmental Impact</b> 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, the development will not have any negative or detrimental impacts on the fragile coastal ecology of the site or on coastal processes.</p> <p><b>(ii) Social Impact</b> The proposed development will have a beneficial social impact on the greater Northern Beaches community by providing an upgraded community facility that can serve as a SLSC, Boardriders club and community recreational facility. It is not anticipated that the development will have any adverse social impacts.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

## CROWN LAND MANAGEMENT ACT 2016 and LOCAL GOVERNMENT ACT 1993

The land is owned by the Crown and is dedicated for the purpose of Public Recreation. Northern Beaches Council is the Crown Land Manager of the land.



Under section 3.21 of the Crown Land Management Act 2016, Council, as the Crown Land Manager, is authorised to classify and manage the land as if it were public land within the meaning of the Local Government Act 1993. The site is classified as 'community land' and is part of a public reserve managed by the Northern Beaches Council under the *Warringah Coastal Lands Plan of Management (POM)*.

The Action Plan for Recreational Values included in the POM states the management action for the North Narrabeen SLSC building is to '*investigate and consider extensions and/or modifications*'. The proposal is therefore consistent with the POM.

## **COASTAL MANAGEMENT ACT 2016**

The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to this application. The proposed development is consistent with the objects as set out under Part 1 Section 3 of the Coastal Management Act 2016.

As the building is expected to have a functional life of up to 2050 before major renovations are required, it is appropriate that the coastal assessment considers the impact of coastal hazards and coastal processes up to 2050.

The proposed alterations and additions will not extend the building beyond its current footprint. As noted in the Statement of Environmental Effects and the Coastal Assessment and Management Report, the risk to the building from coastal hazards is acceptably low during the nominated design life. Additionally, the exposure the building and those using, it to coastal hazards is not increased as a result of the proposed alterations and additions.

Council's Coastal Engineer has assessed the compliance of the proposal with the NSW Coastal Management Act 2016 and finds that the proposal is consistent with the objects of the Act, as set out under Part 1, section 3.

## **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)**

### **SEPP (Transport and Infrastructure) 2021**

#### Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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

### **Chapter 2 – Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

#### **2.10 Development on land within the coastal environment area**

- 1) *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:*
  - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - b) *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,*
  - d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and 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,*
  - f) *Aboriginal cultural heritage, practices and places,*
  - g) *the use of the surf zone.*

#### **Comment:**

The proposed development is unlikely to cause any adverse impacts on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, or marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.

The proposed development is also unlikely to cause an adverse impact on existing public open space and safe access to and along the foreshore and beach for members of the public, including persons with a disability.

The subject site has not been identified as containing any Aboriginal cultural heritage, practices or places, however, a condition is recommended to ensure that if any Aboriginal engravings or relics are found as part of the proposed development, works will cease immediately and the relevant authorities notified.

The proposal is supported by consultant's report relating to Coastal Impacts. The proposed additions are sited on the area occupied by the existing SLSC building. The application has been reviewed by Council's technical officers with regards to the biodiversity, coastal impacts, landscape and land contamination and no objections have been raised by those technical officers. In summary, the proposal satisfies the matters for consideration.

The proposed development has been designed, sited and can be managed to avoid adverse impacts upon the relevant matters identified in section 2.10(1).

- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
  - b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The proposed development has been designed, sited and can be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause 1.

## 2.11 Development on land within the coastal use area

1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

- a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
  - iii) *the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and*
- b) *is satisfied that:*
  - i) *the development is designed, sited and will be managed to avoid an*
  - ii) *adverse impact referred to in paragraph (a), or*
  - iii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
    - i. *if that impact cannot be minimised—the development will be managed to*
    - ii. *mitigate that impact, and*
- c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The proposed development maintains the existing, safe access to and along the foreshore and beach.

The proposal does not result in any overshadowing of residential properties and the adjoining public open space retains excellent access to sunlight. Views from public places to the foreshore are maintained as the buildings are located on the site of the existing surf lifesaving club and associated buildings.

The proposal has been designed to complement the scenic values of the coast. It is set within the existing building footprint to reduce its visual impact. The building additions have been architecturally designed and are aesthetically attractive and appropriate in the setting.

As noted above, while the subject site has not been identified to contain any Aboriginal cultural heritage, practices or places, a condition will be recommended to require that if any Aboriginal engravings or relics are found as part of the proposed development, works will cease immediately and the relevant authorities will be notified. The proposed development will also not have an adverse impact on cultural or built environmental heritage.

Overall, if the proposed development has been designed, sited and will be managed to avoid an adverse impact on the aforementioned cultural and environmental aspects. Additionally, the proposed development is consistent with the surrounding coastal and built environment, which consists primarily of low to medium density residential development, and is of an appropriate bulk, scale and size.

## **2.12 Development in coastal zone generally—development not to increase risk of coastal hazards**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

### Comment:

The land has been identified as being within the area of wave impact and slope adjustment, as well as an area for reduced foundation capacity, on the Coastline Hazard Map under the WLEP 2011. Council's Coastal Engineer has reviewed the proposed development and is satisfied that the development is not likely to cause increased risk of coastal hazards on the subject site or other surrounding land.

## **2.13 Development in coastal zone generally—coastal management programs to be considered**

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

### Comment:

The site is located within 'Area 1: Collaroy-Narrabeen Beach North of Devitt Street' in the 2016 *Coastal Zone Management Plan* (CZMP). The CZMP requires that development seaward of the Zone of Reduced Foundation Capacity (ZRFC) is to have piled foundations. While the site is seaward of the ZRFC, the requirement for piled foundations is intended to apply to new development and therefore not applicable.

Council's Coastal Engineer has assessed the proposal under the applicable management plans and has found the proposed development to be consistent with management of the coastal environment and coastal hazards as outlined in the Coastal Management Act and SEPP (Resilience and Hazards). Noting that the purpose of the proposed alterations and additions is to improve the functionality of a community facility and support the activities of groups including North Narrabeen SLSC and North Narrabeen Boardriders.

As the building is expected to have a functional life of up to 2050 before major renovations are required, the coastal assessment has considered the impact of coastal hazards and coastal processes up to 2050. The proposed alterations and additions will not extend the building beyond its current footprint.

The risk to the building from coastal hazards is acceptably low. Additionally, the exposure the building and those using it to coastal hazards is not increased as a result of the proposed alterations and additions.

The proposal is found to comply with the requirements of Chapter 2 – Coastal Management of the SEPP (Resilience and Hazards) 2021.

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

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

of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the community land use.

## WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Is the development permissible?	Yes
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
6.1 Acid Sulfate Soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

### Detailed Assessment

#### Zone RE1 Public Recreation

The proposed works are associated with the existing surf lifesaving club building, defined as a “community facility” under WLEP 2011 as follows:

**community facility** means a building or place—

- owned or controlled by a public authority or non-profit community organisation, and
- used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The use is permissible in the RE1 Public Recreation zone.

### Objectives of the zone

- 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:

The development is found to be consistent with the relevant objectives of the zone as follows:

- 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.
- The proposal is sited within the footprint of the existing surf lifesaving club and will not have a negative impact on the natural environment.
- The proposal maintains the ecological, scientific, cultural or aesthetic values of the land.

## Acid sulfate soils

The site is in an area identified as Acid Sulfate Soil Class 4, as indicated on Council's Acid Sulfate Soils Planning Map.

The development proposes only minor excavation of the site below natural ground level for drainage upgrade works. A Preliminary Acid Sulfate Soil Assessment (PSSA) has been undertaken by JK Environment. The PSAA concludes that there is a low impact for potential disturbance of Acid Sulfate Soils. Consequently, an Acid Sulfate Soil Management Plan is not required.

The PSSA was referred to Council's Environmental Health Officer who concurred with the findings and recommended a condition to require the applicant to notify the principal certifying authority of any new evidence of the presence of acid sulfate soils.

This condition and the recommendations made in the PSSA have been included in the recommendation of this report.

## Earthworks

Development consent is required for earthworks unless the work is ancillary to other development for which consent has been given.

The proposal involves only minor earthworks to construct upgraded stormwater drainage. These works would be ancillary to the development.

## Coastline Hazards

Parts of the site are located within the Zone of Reduced Foundation Capacity (ZRFC), as shown on the Coastline Hazard Map of WLEP 2011.

The proposed development and the continued use of the SLSC building satisfy the provisions of clause 6.5(3) as follows:

*(a) will not significantly adversely affect coastal hazards*

Comment: The proposal is not expected to adversely affect coastal hazards either on the site or on adjacent land, noting there would be no change to the building footprint and that the stormwater drainage upgrades are not expected to contribute to additional erosion.

*(b) Will not result in significant detrimental increases in coastal risks to other development or properties*

Comment: The proposal is not expected to result in increased coastal risk to other development or properties.

*(c) Will not significantly alter coastal hazards to the detriment of the environment*

Comment: The incorporation of rainwater tanks in the design of the proposal will reduce the amount of stormwater runoff. The associated stormwater drainage upgrades will result in stormwater from the development draining to the coastline from the northern and southern extents of the SLSC building. The stormwater upgrades are not expected to increase the risk of erosion.

*(d) Incorporates appropriate measures to manage the risk to life from coastal risks*

Comment: The SLSC building is projected to remain outside the active coastal zone until at least 2074. By 2050, which aligns with the building's design life, there is approximately a 1% chance of an erosion event impacting part of the SLSC due to the ZRFC. Given the critical role of the SLSC in beach surveillance and



surf life-saving, this is considered a manageable low risk. This risk can be effectively handled through the adopted Coastal Erosion Emergency Action Subplan for Beaches in Warringah, which includes advance warnings for affected landholders before and during storms.

*(e) avoid or minimises exposure to coastal hazards*

Comment: As noted above, exposure to coastal hazards is an acceptably low risk during the building's design life.

*(f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks*

Comment: The proposal retains the existing North Narrabeen SLSC building in its current location. The design life of the building would not be extended by the proposed works and as evaluated under Council's asset management system, is expected to correspond to the 2050 planning horizon due to the retention of the majority of the existing building. Given this low level of risk from coastal hazards, no modifications of the building (e.g. piling works) are proposed as part of the development. No specific provision has been made for relocation or removal of the building up until this time.

It is noted that the NSW Coastal Design Guidelines 2023 identify that development on coastal dunes and foreshores should be avoided unless it is for 'essential public purposes, such as surf life-saving club buildings' (DPE, 2023). As the proposal would support the ongoing use of the building as a SLSC up until the end of its design life, this is considered an acceptable level of risk.

## WARRINGAH DEVELOPMENT CONTROL PLAN

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C3(A) Stormwater	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E9 Coastline Hazard	Yes	Yes

#### Detailed Assessment

### **C2 Traffic, access and safety and C3 Parking Facilities**

The proposal is accompanied by a Parking and Traffic Impact Assessment report, prepared by Barker Ryan Stewart, dated 02.04.2024, that finds the site is suitable for the proposed development in relation to the impact of traffic, car parking provision, access and safety considerations.

With regards to car parking, the report finds that the existing 129 parking spaces including 4 accessible spaces surrounding (to be retained) is ample off-street parking to cater for any additional parking demand that may be generated from the proposed alterations and additions to the SLSC building.

The existing ambulance bay has been relocated to the 'No Parking' area adjacent to the parallel parking spaces. The dimension of the ambulance bay is proposed to be 6200mm x 2400mm which is considered satisfactory.

As part of the proposed redevelopment, new bicycle parking racks providing 12 bicycle parking spaces have been proposed at the south-eastern corner of the existing playground. This is a sufficient amount of bicycle parking spaces to cater for the SLSC.

The proposed additional facilities are not expected to generate a significant increase in traffic demand, as the primary trip generator for the site will continue to be North Narrabeen beach, particularly during peak season. The estimated generation will not significantly affect the surrounding street network.

The proposal has been reviewed by Council's Traffic Engineer who supports the proposal subject to conditions.

### **D3 Noise**

The proposal is accompanied by an Acoustic Impact Assessment report, prepared by GHD, dated 06.11.2023. The report has been reviewed by Council's Environmental Health Officer who has no objections to the proposal subject to conditions.

The report recommends several measures be undertaken to mitigate the potential acoustic impacts of the use of the proposed buildings. This includes limits on live music, closing doors between the function area and the outside deck from 10.00pm and procedures for complaints management.

Included in the recommendation of this report are conditions requiring compliance with the recommendations of the Acoustic Impact Assessment report and restrictions around live music.

## **D7 Views**

Residential developments (including dwelling houses and residential flat buildings) on the opposite side of Ocean Street appear to enjoy ocean views in an easterly direction. Some views are obtained across and over the site.

The view analysis presented in the Statement of Environmental Effects assesses potential impacts on view corridors from five buildings (209-211, 212-214, 216, 220, 224 and 226 Ocean Street). The analysis notes that the proposed enclosed lobby and the enclosed seating area on the first floor have the potential to impact upon views currently available across the open balcony of the SLSC towards the ocean in an easterly direction.

The analysis finds that the potential impact is limited to a minor portion of the extensive views available. Given the minor nature of the works proposed, the impact on views from surrounding properties is found to be negligible and reasonable.

The proposal complies with the relevant planning controls and has been skilfully designed in terms of its siting and scale. It is concluded that the proposal provides for reasonable view sharing and satisfies the requirements of clause D7 of WDCP 2011 and the Land and Environment Court's planning principle (*Tenacity Consulting v Warringah Council* [2004] NSWEC 140).

## **E4 Wildlife corridors**

The site is identified as being within a wildlife corridor. As the proposed development is contained within an existing disturbed area and the proposal does not involve the removal or modification of any native vegetation (which would otherwise trigger a requirement for a Biodiversity Development Assessment Report), there will be no impact on the existing wildlife corridor. The proposal has been reviewed by officers in the Council's Natural Environmental Unit who raise no objections subject to conditions included in the recommendation of this report.

## **E5 Native vegetation**

Areas of Birdwood Park in the vicinity of the proposed development have been mapped as containing native vegetation. The proposal has been reviewed by officers in Council's Natural Environmental Unit who have raised no objections subject to conditions included in the recommendation of this report.

The proposal has been sited to avoid areas mapped as containing native vegetation and is considered satisfactory in this regard.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

Areas of Birdwood Park in the vicinity of the proposed development have been mapped as containing threatened and high conservation habitats. The proposed additions have 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 conditions included in the recommendation of this report.

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

## **7.12 CONTRIBUTIONS**

No contribution is payable under the Northern Beaches Section 7.12 Contributions Plan 2019 because the proposal is for public infrastructure and Council is the applicant (clause 2.5 of Northern Beaches Section 7.12 Contribution Plan 2019).

## CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2011, Warringah Development Control Plan 2011, the Coastal Plan of Management and the relevant 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

## PLANNING CONCLUSION

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the Council is the landowner. The application is subject to Council's policy for the Management of Council related Development Applications, which provides strategies for the management of conflicts for development on Council owned or managed land. The application has been managed and assessed in accordance with this policy and satisfied the requirements under the plan.

The critical assessment issues are environmental considerations, potential traffic and parking impacts and potential residential amenity impacts.

The purpose of the proposed alterations and additions is to improve the functionality of the community facility and support the activities of community groups including North Narrabeen SLSC and North Narrabeen Boardriders Club. The facility also provides an appropriate café and function facility at the beach location.

The proposed development is contained within the existing building footprint and therefore potential impacts to flora and fauna, coastal processes, views, and visual impacts are avoided.

The proposal will not increase demand for off-street car parking or generate additional traffic impacts on the surrounding street network.

The public notification resulted in no submissions.

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.

## REASON FOR DETERMINATION

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2024/0013 for Alterations and additions to an existing community facility (North Narrabeen Surf Life Saving Club) on land at Lot B DP 376822, 219 - 227 Ocean Street, NARRABEEN, Lot 1 DP 339162, 219 - 227 Ocean Street, NARRABEEN, Lot 2 DP 339162, 219 - 227 Ocean Street, NARRABEEN, Lot 6 DP 5768, 219 - 227 Ocean Street, NARRABEEN, Lot 8 DP 5768, 219 - 227 Ocean Street, NARRABEEN, Lot 1 DP 339162, 225 – 227 Ocean Street, NARRABEEN, subject to the conditions printed below:

## Terms and Reasons for Conditions

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

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
22467	D	Survey Plan (6 sheets)	CMS Surveyors	13.07.2023
DAS02	D	Sediment control plan	Building Assets-Planning Design and Delivery	Nov 2023
DEM01 D	D	Demolition works – existing ground floor	Building Assets-Planning Design and Delivery	Nov 2023
BCDEM 02D	D	Demolition works – existing upper floor	Building Assets-Planning Design and Delivery	Nov 2023
DA01	E	Site Plan	Building Assets-Planning Design and Delivery	Apr 2024
DA07	D	Ground floor plan	Building Assets-Planning Design and Delivery	Nov 2023
DA08	D	First floor plan	Building Assets-Planning Design and Delivery	Nov 2023
DA09	D	roof plan	Building Assets-Planning Design and Delivery	Nov 2023
DA10	D	Elevations	Building Assets-Planning	Nov 2023

			Design and Delivery	
DA11	D	Elevations	Building Assets-Planning Design and Delivery	Nov 2023
DA12	D	Detailed sections	Building Assets-Planning Design and Delivery	Nov 2023
DA13	D	Detailed sections	Building Assets-Planning Design and Delivery	Nov 2023
DA14	D	External materials and finishes	Building Assets-Planning Design and Delivery	Nov 2023
DA01	A	Stormwater Management – Notes	NB Consulting Engineers	20.10.2023
DA02	A	Stormwater Drainage	NB Consulting Engineers	20.10.2023
DA03	A	Stormwater Drainage	NB Consulting Engineers	20.10.2023
D04A	A	Drainage Details	NB Consulting Engineers	20.10.2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Statement of Environmental Effects	1	Rhelm	Jan 2024
Traffic and Parking Impact Assessment	3	Barker Ryan Stewart	02.04.2024
Coastal Assessment and Management	-	Baird	22.12.2023
Preliminary Acid Sulfate Soil Assessment	-	JK Environments	14.07.2023
BCA Compliance Assessment Report	2	Absolute	24.11.2023
Accessibility Compliance	2	Absolute	24.11.2023
Section J Energy Efficiency Report	2	Certified Energy	14.11.2023
Acoustic Assessment	0	GHD Pty Ltd	6.11.2023
Geotechnical Investigation	-	JK Geotechnics	28.07.2023
Construction and Demolition Waste Management Plan	B	Elephants Foot Consulting	July 2023

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

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

## 2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	25 August 2021
NSW Police Force	Response NSW Referral	2 February 2024
Aboriginal Heritage Office	Response Aboriginal Heritage Office Referral	23 May 2024



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

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

### 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

### 4. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

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

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

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

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

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

## 5. Operational Management Plan

An Operational Management Plan (OMP) for the North Narrabeen Surf Club development is required to be prepared and submitted to Council detailing the operation of the function areas of the club as a "community facility" as defined in Warringah Local Environmental Plan 2011. The OMP shall include, but not be limited to the following:

- a. Types of events and activities permitted.
- b. The maximum number of persons to attend the premises having regard to the requirements of the Building Code of Australia and the Acoustic Assessment by GHD dated 06.11.2023.
- c. The days per week when events can be booked, which are to be consistent with any other condition of consent.
- d. Hours of operation for the carrying out of functions/events, which are to be consistent with any other condition of consent in relation to hours.
- e. Management of the external areas of the club building and car parking areas.
- f. The types of events where security is required and details of the security to be provided.

- g. Complaints management process (maintenance of a log of complaints received, contact person for receiving and actioning any complaints and a process for dealing with the complaint).
- h. Noise management/mitigation measures, including details of restrictions on live bands and amplified music, which are to be consistent with the mitigation measures in Part 6 of the Acoustic Assessment by GHD dated 06.11.2023.
- i. Truck and/or van delivery and departure times for goods and equipment to be used for events.
- j. Waste management for events.
- k. The conditions and requirements of any liquor licence issued for the premises.

Details demonstrating compliance with the above requirements are to be submitted to Council and written approval of the OMP is to be obtained prior to the issue of any Occupation Certificate. Any changes to the OMP are to be submitted to Council for approval. The function areas of the club are to operate in accordance with the approved OMP.

Reason: To ensure that the function areas of the surf club operate only as ancillary uses to the surf club operations, meet relevant performance standards and provide minimum disruption to the nearby residential amenity, other beach goers and users of the public reserve area.

## FEES / CHARGES / CONTRIBUTIONS

### 6. **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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

### 7. **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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

8. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) , indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments.

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

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

9. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

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

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

Reason: Protection of the receiving environment.

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

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

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

11. **Boundary Identification Survey**

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

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

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

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

**12. Access and Facilities for Persons with Disabilities**

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the Accessibility Compliance Assessment Report prepared by Absolute BCA and Accessibility Consulting dated 24/11/2023 is to be taken into consideration as part of the assessment of the Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

**13. 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 Compliance Assessment Report prepared by Absolute BCA & Accessibility Consulting, dated 24/11/2023, Report No 23\_03\_BCA including any required Performance Reviews, are 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.

**14. 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.

**15. Sydney Water "Tap In"**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

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



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

16. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address the 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.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
  - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
  - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
  - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles.
  - Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
  - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
  - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
    - Compare the post-construction report with the pre-construction report,

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

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

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

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

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

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

#### 17. **Bicycle Parking Spaces**

The dimensions of proposed bicycle parking spaces must be annotated in the architectural plans to confirm appropriate spacing. The bicycle parking spaces must be designed in accordance with AS2890.3:2015.

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

Reason: To ensure bicycle parking spaces are designed as per Australian Standards

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

N/A

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 18. Requirement to notify about new Acid Sulfate Soils evidence

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

Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

### 19. Protection of Sites of Significance

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

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

Reason: Preservation of significant environmental features.

### 20. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all trees within the site,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
  - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
  - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
  - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
  - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites, the activities listed in section 4.2 of AS4970-2009 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,
- ix) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- x) 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 arboricultural works listed in a) and b) are undertaken and complaint to AS4970- 2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

## 21. Condition of Trees

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works.

In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

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.

## 22. Wildlife Protection

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

Reason: To protect native wildlife.

**23. 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.

**24. Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

**25. 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 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.

**26. Protection of Council's Public Assets**

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

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

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

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

**27. 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.

**28. 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.

**29. 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.

**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.

**30. 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.

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

**31. Native Landscaping**

Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

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

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

**32. No Weeds Imported On To The Site**



No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) 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.

**33. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

**34. Removal of All Temporary Structures/Materials and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds are to be removed from the site.

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

Reason: To protect reserve amenity and public safety.

**35. Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**36. Registration of food Business**

The food business must be registered with the appropriate regulatory authority, prior to the Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

**37. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

**38. Mechanical Ventilation certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

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

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

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

39. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

40. **Control of Domestic Dogs/Cats – Caretaker's Flat**

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the caretaker's flat, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.

41. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

42. **Live Music**

During live music operations within the enclosed area, sliding doors to the balcony are to be partially closed after 6pm.

During live music operations within the enclosed area, sliding doors to the balcony are to be fully closed after 10pm.

The sliding doors are to be partially/fully closed as shown in Figure 4.1 of the Acoustic Report dated 6 November 2023 prepared by GHD Pty Ltd, project number 12618094.

Live music operations **within the enclosed area** should not exceed an internal reverberant sound pressure level of 90 dBA and 97 dBC (base in sound single).

Reason: To ensure acoustic compliance in an operational situation.

**FINAL DECLARATION**



Consultant Name: Danielle Deegan, DM Planning

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.