

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-446
DA Number	DA2023/1708
LGA	Northern Beaches
Proposed Development	Demolition works and construction of a Recreation Facility (indoor) with signage
Street Address	Lot 2743 DP 752038, 431 Pittwater Road NORTH MANLY NSW 2100
Applicant/Owner	Ian Hardy Northern Beaches Council
Date of DA lodgement	08/12/2023
Number of Submissions	18 submissions – 16 in support; two (2) objections.
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Section 2.19(1) and Clause 3 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Council related development over \$5 million
List of all relevant s4.15(1) (a) matters	<ul style="list-style-type: none"> • Statement Environmental Planning Policy (Biodiversity and Conservation) 2021 • Statement Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • Statement Environmental Planning Policy (Resilience and Hazards) 2021 • Statement Environmental Planning Policy (Transport and Infrastructure) 2021 • Warringah Local Environmental Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Draft Conditions of Consent • Attachment 2: Architectural Plans • Attachment 3: Landscape Plans • Attachment 4: Stormwater Plans • Attachment 5: Statement of Environmental Effects • Attachment 6: Survey Plan • Attachment 7: Acoustic Report • Attachment 8: Schedule of Materials and Finishes • Attachment 9: Plan of Management • Attachment 10: District Park Plan of Management
Clause 4.6 requests	None
Summary of key submissions	<ul style="list-style-type: none"> • Landscaping • Car park location • Café location and activation • Traffic congestion • Visibility of solar panels
Report prepared by	Darren Laybutt, GAT & Associates (External Consultant)
Responsible officer	Peter Robinson Acting Director - Planning and Place
Report date	17 July 2024

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

EXECUTIVE SUMMARY

Council is in receipt of a Development Application (DA2023/1708) seeking consent for the demolition of the existing site structures and the construction of a purpose-built gymnastics and multisport facility on the subject property together with landscaping and signage at 431 Pittwater Road, North Manly.

The site is located on the corner of Pittwater Road and Kentwell Road and is on the site of the former North Manly Bowls Club. Northern Beaches Council owns the land and is part of a broader precinct known as "District Park." The total site area of the development is 1.023ha.

The new building proposed is a single storey with mezzanine with an approximate 4,850m² gross floor area. The principal purpose of the building is a gymnastics training facility though also serves all sports involving aerial movement such as snow sports, diving, skating, surfing and acrobatics. The applicant is "Manly Warringah Gymnastics Club" who currently operate in Cromer but has leased the land from Council to construct a new, modern facility. The building will also accommodate a café and 94 additional car parking spaces within the lease area.

The land is zoned RE1 Public Recreation under the Warringah Local Environmental Plan 2011. The proposed uses are defined as recreation facilities (indoor), restaurants or cafes, and business identification signs under the Standard Instrument definitions. The proposal is permissible with consent.

The application is referred to the Sydney North Planning Panel as the development is "Council related development over \$5 million" pursuant to Section 2.19 and Schedule 6, Clause 3 of State Environmental Planning Policy (Planning Systems) 2021.

The application was lodged on 8 December 2023 and notified from 22 December 2023 to 8 February 2024. Eighteen (18) submissions were received with two (2) objections. The main matters raised in the objections related to the landscaping, car parking location, traffic congestion and the location and activation of the café. These are discussed within the body of the report.

Briefings were held with the Panel on 13 March and 1 May 2024.

The key issues within the assessment were:

- Overshadowing of Nolan Reserve – the proposal will cast a shadow over Nolan Reserve and the playing fields associated with the Manly Brothers Rugby League Football Club and various cricket clubs from the Northern Beaches Cricket Council, and an area also used for informal purposes. Internal referrals raised concern over the impact on this area of public open space. The impact primarily occurs from 3pm onward on June 21 and mostly at 4pm and 4:30pm. An assessment of the impact and the broader application matters, including building bulk, height, setbacks and car parking which have informed the location of the building, has determined that the impact is not unreasonable and can be supported.
- Landscaping of the eastern setback – the level of landscaping in the eastern setback was also raised as a concern during the assessment to buffer the development from Nolan Reserve. The proposal sought a 3m side setback (guided by pre-lodgement advice) to create an appropriate transition, however, used the setback of the building for fire egress stairs and a pathway. It was requested that the fire stairs be relocated within the building and the egress path discharge directly into Nolan Reserve. It was also requested to dedicate the remainder of the eastern building setback to landscaping. The amended landscape plan largely achieves this outcome, except where stairs are proposed outside the lease area to connect to the share path due to level differences. All works must be kept within the site. A condition of consent is recommended to require the relocation of the stairs to be wholly within the site.
- Activation and visibility of the café – the proposed café is located on the southeastern side of the building. The existing landscaping separating the lease area from the share path and broader Nolan Reserve was intended to be retained except for a 2m wide segment near the outdoor deck adjacent to the café. Concern was raised that the café was hidden within the development and would not activate or enable casual surveillance of the park. An amendment of the proposal during the assessment retained the same café location but now removes more of the existing landscaping on the boundary to create greater visual and physical connectivity between the café and the park, enabling surveillance, security and a likely more viable tenancy.
- Landscaping of the car park – the level of plantings within the car park was raised as an item of concern by a submission and the Design and Sustainability Advisory Panel. The car parking is located on the western (and southern) side of the building which will generate heat in summer. Additional tree planting was accommodated with the car park in the revised landscape plan submitted during the assessment and is now supported.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the EP&A Act, DA2023/1708 is recommended for approval subject to the conditions contained in **Attachment 1** of this report.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises the following works:

- Demolition of the existing buildings, bowling greens and 10 trees on the site.
- Construction of a purpose-built gymnastics and multisport facility.
 - Ground Floor:
 - The entry is proposed centrally on the western side of the building into a larger reception/entry foyer.
 - The northern side of the foyer consists of the main gymnastics floor (2,013m²) with an adjacent weights area, sports medicine and rehabilitation rooms, an office and a bathroom.
 - The eastern side of the foyer consists of male and female change rooms, bathrooms, a storage room, an accountant office, a kitchen, staff bicycle storage, and a café (92m²) with an outdoor deck with a canopy over.
 - The southern side of the foyer consists of a recreation gymnastics space (841m²), a waste room and a solar battery room.
 - Mezzanine:
 - Lift and stairs access the first floor.
 - The northern side of the floor consists of spectator seating, bathrooms, senior coach office, kitchen/lounge room and an office space.
 - The southern side consists of a free gymnastics area and spectator seating.
 - Roof:
 - The roof will largely consist of solar panels.
- An on-site car park is proposed on the western and southern sides of the site, including new vehicle access from the access road.
 - A total of 94 new car parking spaces are proposed, consisting of 91 standard car spaces and 3 accessible spaces.
 - 11 spaces will be used that are outside of the lease area and on the current access road.
 - A 'kiss and drop' area is proposed near the car park entry.
 - 8 x motorcycle spaces are proposed.
 - 31 x bicycle spaces
 - 3 x EV chargers are proposed.
 - A loading bay is proposed on the southern side of the building for waste collection and deliveries.
- New landscaping (including retention of the memorial garden), drainage works, and earthworks to facilitate the above.
- Business identification signage is proposed on the northern, eastern and western façades stating "MWGC" and "Manly Warringah Gymnastics Club – Centre of Excellence."

Gymnastic Equipment Requirements

- The Statement of Environmental Effects states the following clearances are required for the specific equipment:
 - *The facility has been designed to satisfy the following operational requirements of the gymnastics centre:*
 - *The minimum floor to ceiling clearance for competitive trampoline is 9 metres with the double mini tramp requiring a 6.5 metre ceiling clearance.*
 - *The Federation of International Gymnastics (FIG) requires Men's Roman Rings to have a minimum ceiling clearance of 6.8 metres with the frame located between structural roof member is to minimise overall height.*

- *Rhythm Gymnastics (Gymnastics sprung floor routine) requires a safe clearance height of 6 metres.*
- *Acrobatic Gymnastics (Gymnastics sprung floor routine) requires a safe clearance height of 6 metres.*
- *Foam pits have a minimum design depth of 1.5 metres.*

Operational Details

- The following hours of operation are sought:
 - Monday to Saturday: 6:30 am and 10:00 pm.
 - Sunday and Public Holidays: 8:00 am to 4:00 pm.
- A maximum number of students of 140 at any one time.
- Waste will be collected from the loading bay by a private contractor.

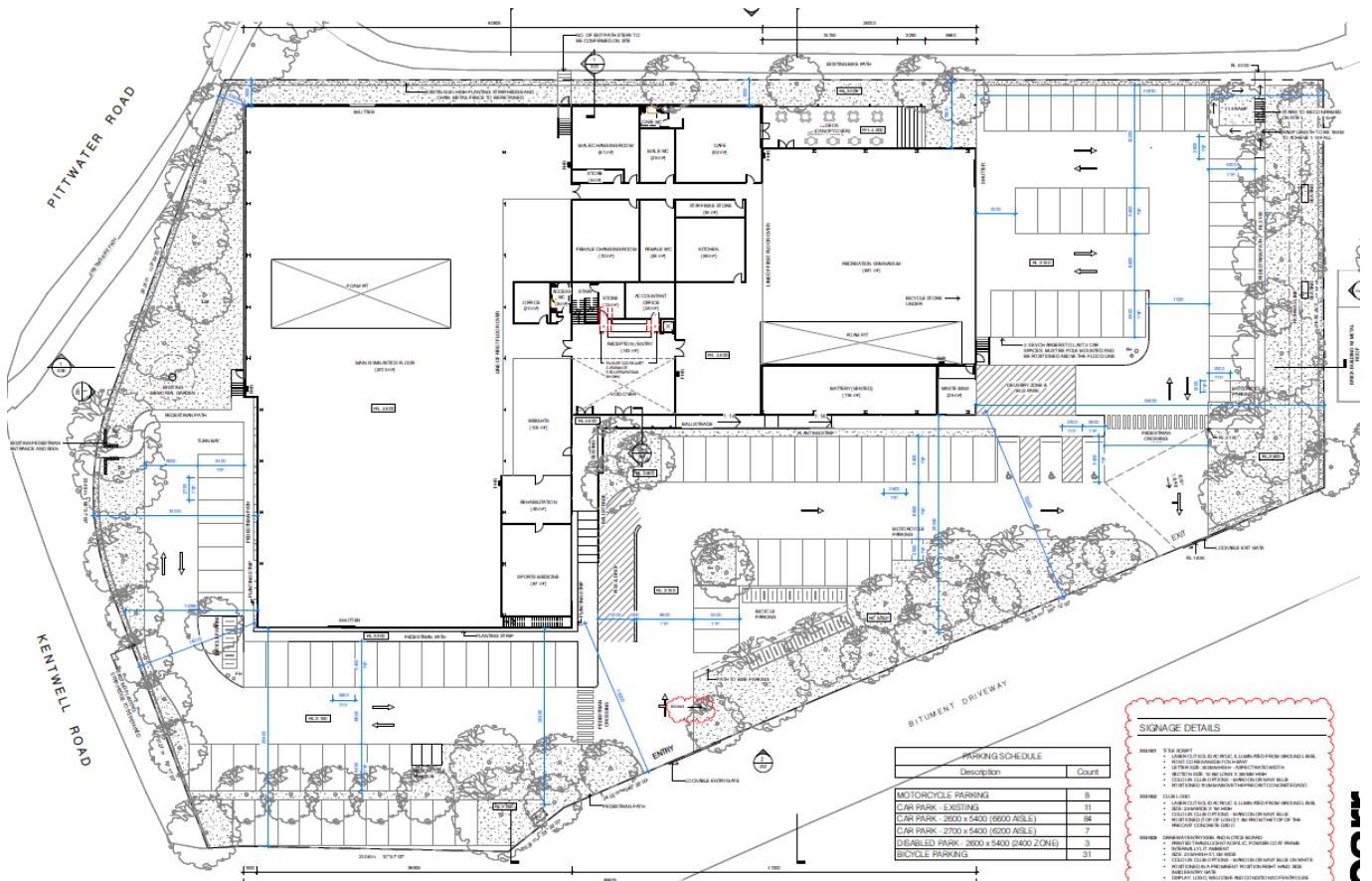


Figure 1 – Proposed Ground Floor Plan

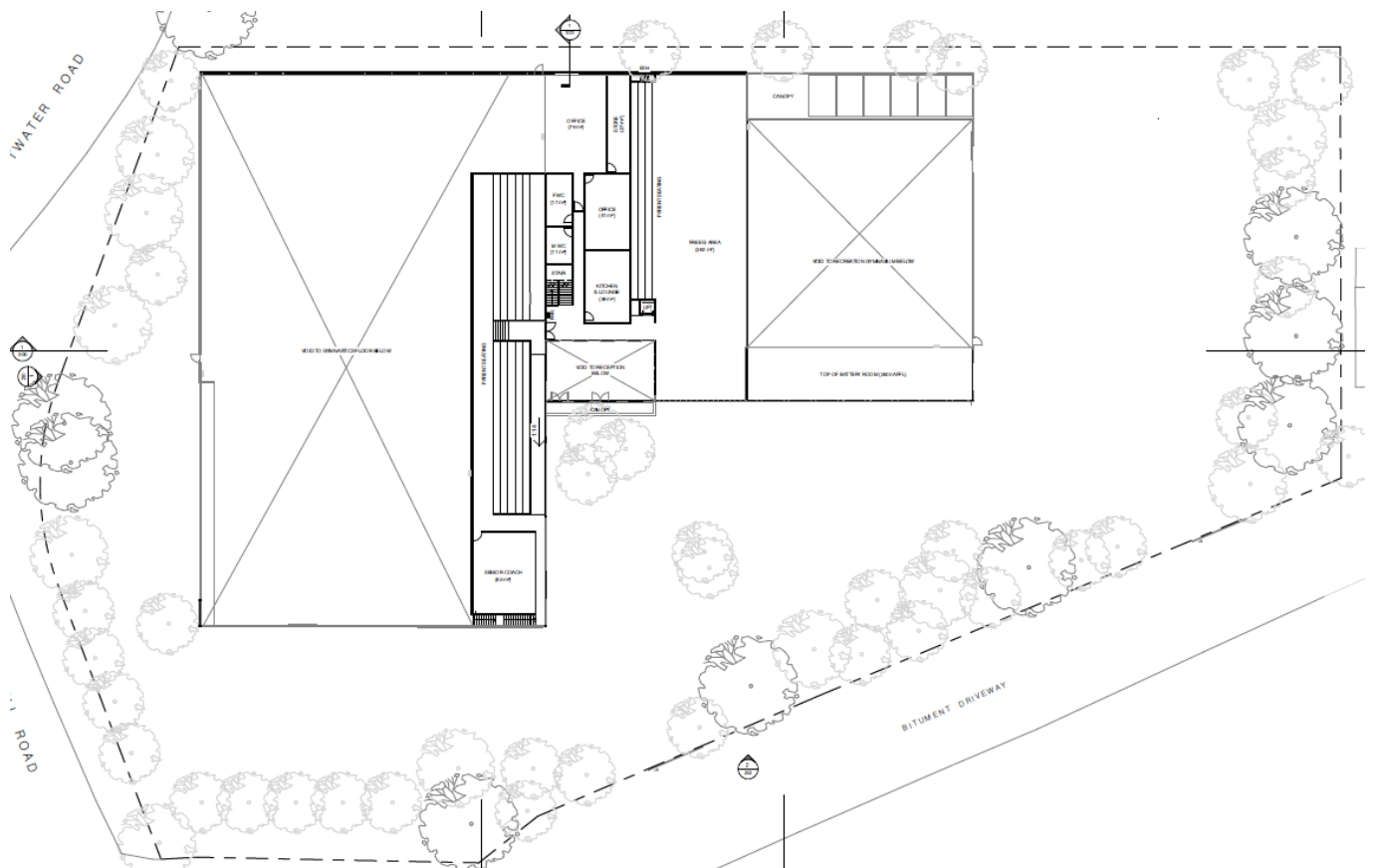


Figure 2 – Proposed Mezzanine Plan



Figure 3 – DA Lodgement Photomontage of West Elevation

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 have 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

- The overshadowing impact of the development on Nolan Reserve, particularly to the westernmost playing field used by the Manly Brothers Rugby League Football Club.
- The landscaping treatment to the eastern 3m setback.
- The activation and visibility of the café.
- The landscaping treatment to the car park.

These matters are discussed within the assessment section of this report.

SITE DESCRIPTION

Property Description:	Lot 2743 DP 752038. 431 Pittwater Road NORTH MANLY NSW 2100
Detailed Site Description:	<p>The site is commonly known as 431 Pittwater Road, North Manly, and is legally defined as Lot 2743 in Deposited Plan 752038. The portion of the site associated with the development application is located at the northern end of the lot and the southern side of the intersection of Pittwater Road and Kentwell Street. Refer to Figures 4 and 5.</p> <p>The specific area associated with the development application is identified in Figure 6 below and is henceforth referred to as the site. The site has a total area of 1.023ha by calculation.</p> <p>The land was previously the location of the North Manly Bowling Club which is now in disuse. The club and associated structures including the bowling greens remain on the site.</p> <p>Vehicle access to the site is via a driveway on the Kentwell Road frontage.</p> <p>Brookvale Creek is adjacent to the driveway to the west of the site, including its riparian zone. Nolan Reserve and playing fields are adjacent to the east, with a share path through the Reserve directly adjacent to the lease area.</p> <p>The site itself does not any riparian or environmentally sensitive lands. However, screening vegetation does separate the site and Nolan Reserve and some trees are present.</p> <p>The land is identified as being within the medium risk flood precinct. Both the adjacent driveway and Brookvale Creek</p>

and the Nolan Reserve fields are identified as high risk.

Generally, the land has a modest slope to the west toward Brookvale Creek.

The site is zoned RE1 Public Recreation and is owned by Northern Beaches Council.



Figure 4 – Site Location Map

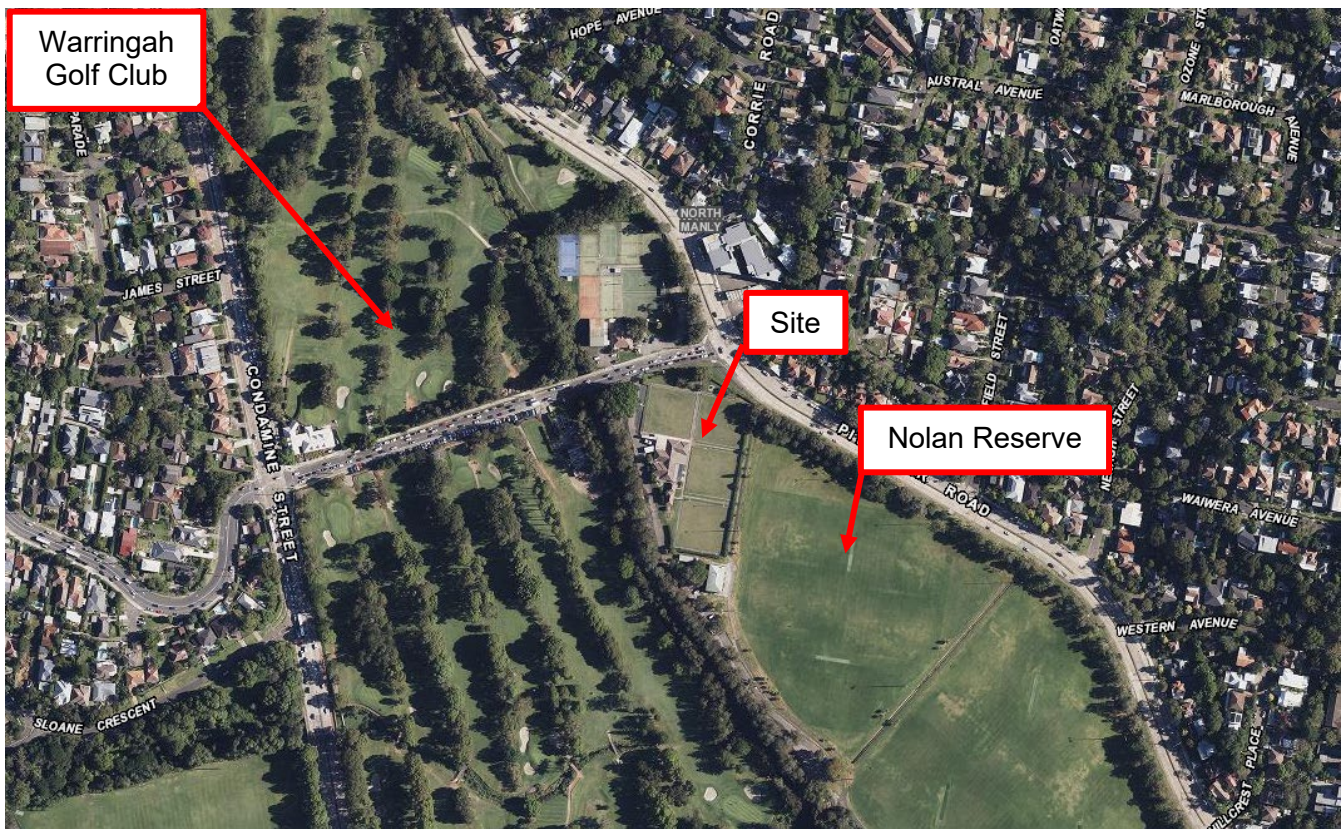


Figure 5 – Site Context Map



Figure 6 – Lease Area Context (Northern Beaches Online Mapping) (Lease area in orange)



Figure 7 - View of the site and disused bowls club building from Kentwell Street frontage



Figure 8 - View of the site from corner of Pittwater Road and Kentwell Street



Figure 9 – View of the share path to the east of the site including the boundary hedge/planting



Figure 10 – View of adjoining Nolan Reserve and associated sports fields



Figure 11 – View of the disused bowling greens south toward the Nolan Reserve amenities building



Figure 12 – View of the memorial garden in the northern setback to Pittwater Road



Figure 13 – View toward the site and the boundary hedge/vegetation with Nolan Reserve amenities building to left of image



Figure 14 – View of driveway with the site to the left and Brookvale Creek to the right of the image

Detailed Description of Locality

The site sits within a recreation land zoned precinct bounded by Pittwater Road, Condamine Street and Campbell Parade. The precinct is zoned RE1 Public Recreation.

The use of nearby land is:

- North: Over Kentwell Road is Voyager Tennis Academy and North Manly Squash Club.
- West: Over Brookvale Creek is land associated with the Warringah Golf Club.
- South: The confluence of Brookvale and Manly Creeks and Passmore Reserve.
- East: Immediately to the east is Nolan Reserve and associated sports fields. Further east across Pittwater Road is land zoned R2 Low Density Residential primarily consisting of single and two storey dwellings, with some older stock residential flat buildings up to three storeys.

SITE HISTORY

There are no previous development applications of note on the subject site relevant to the application.

The application was considered at a Pre-DA stage (PLM2023/0053) by the Design and Sustainability Advisory Panel on 25 May 2023 and Council on 13 June 2023. The primary points of the advice issued at the time were:

Design and Sustainability Advisory Panel

- Increase the setback from Pittwater Road for the building and the car park.
- Further consideration of the location of the café and its relationship to the adjoining fields and pedestrian movement patterns on adjoining lands.
- Improve tree planting around the development particularly in the car park.
- Increase the setback from nil to 3-4m to allow a better interface with the park/reserve to the east.

- Improve the car park entry, circulation and exit process for clarity and safety.
- Optimise the ease of a drop-off/pick-up area.
- Consider sustainability measures, including the number of solar panels, sloping the roof north, bicycle parking, external shading, water reuse, EV spaces, etc.
- General support was given to the use, design quality, height and form, aesthetics, internal planning and sustainability intentions.

Council Pre-DA

- Height will be assessed on merit and the objectives of the zone and WDCP controls.
- A significant car park shortfall is proposed. The car parking provision is to be assessed based on the traffic report DA submission.
- Concerns over the overshadowing of Nolan Reserve are raised. Shadow diagrams will be required for assessment.
- The building design's bulk and mass are excessive, and the visual impact is to be minimised. Increased setbacks to the roads are required to allow sufficient space for landscaping.
- A side setback to Nolan Reserve is needed to mitigate visual impacts and reduce overshadowing, with a minimum of 2m landscaping required.
- The café should be relocated to the southern part of the building for improved activation and pedestrian access from the adjoining fields.

APPLICATION HISTORY

The development application was lodged on **8 December 2023**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc.) with the application:

Date	Event
8 December 2023	DA lodged.
22 December 2023	Exhibition of the application for 48 days.
1 February 2024	Design and Sustainability Advisory Panel Meeting
20 February 2024	Formal Request for Additional Information (RFI) letter was issued to the Applicant
5 March 2024	Meeting with the applicant to discuss RFI
13 March 2024	Panel briefing
1 May 2024	Second Panel briefing
9 May 2024	Amended information submitted
15 May 2024	Second RFI issued
24 May 2024	Final additional information submission

A Request for Information was issued to the applicant on 20 February 2024 in response to key concerns raised by the planning assessment, internal referrals and the Design and Sustainability Advisory Panel, which consisted of the following aspects:

- The Design and Sustainability Advisory Panel advice including:
 - Further consideration of pedestrian address, waiting areas and how the proposal may interface to activate surrounding public spaces and read as an approachable public building.
 - Further consideration of the café presentation to the public domain.
 - Further consideration of a pedestrian network on the site to ensure clear wayfinding.
 - Enhance tree planting particularly in the car park and retain existing trees.
 - Consider further sustainability measures including e-bike and car charging, rainwater tanks, permeable paving and WSUD design to manage water.
- Landscape referral comments:
 - Concerns over the landscaping outcome in the eastern 3m setback.
 - Review hard surface layout impacting on existing prominent landscaping along the Pittwater Road and Kentwell Road intersection.
 - Consider additional shade tree planting in the car park area.
 - Remove all proposed lease boundary fencing that offends public access.
- Natural Environment – Biodiversity referral comments:
 - The landscape plan is to be amended to reflect the vegetation present in the area and provide a detailed planting schedule.
 - Landscape plan is to be amended to include which trees are to be removed and retained.
- Parks, Reserves and Foreshores referral comments:
 - The eastern side setback is to be a landscape zone that is not encroached by stairs, paths and utility services.
 - Further consideration of the overshadowing impact on the ‘spectator area’ utilised by the Manly Brothers Rugby League Football Club.
- Roads and Assets referral comments:
 - The existing car park access road and driveway crossing will need to be upgraded. Details are to be provided.
- Water Management referral comments:
 - Further information on the stormwater regime including the water quality model and WSUD features.
- A request for a Plan of Management to clarify operational details.
- A demolition plan is to be submitted clarifying tree and structures to be demolished.
- Clarification of several points on the survey, RLs on plans, how the waste room is accessed, a signage plan, shadow diagram details and bicycle parking location and quantity.

The applicant met with Council and the external planner to discuss the RFI of 5 March 2024. A briefing with the Sydney Northern Planning Panel was held on 13 March where further information was requested on the description of the land, clarification on the permissibility of the café and an assessment of the District Park Plan of Management.

A response to the RFI was submitted on 9 May 2024. Following a reassessment of the information, further information was requested on 15 May on the overshadowing impact of the park, clarification on the waste room layout, and signage details.

The final submission of additional information occurred on 24 May. This information has formed the basis of this report.

The Design and Advisory Panel comments provided during the assessment of the application are assessed within the body of this report.

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

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	An assessment of the proposal against the relevant environmental planning instruments occurs below in this report. The development is found to be satisfactory subject to conditions of consent.
Section 4.15 (1)(a)(ii) – Provisions of any proposed instrument	The following draft environmental planning instruments have been considered in the assessment in this report and found to be satisfactory: <ul style="list-style-type: none"> • Draft Environment SEPP • Draft Remediation of Land SEPP
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	An assessment of the proposal against the Warringah Development Control Plan 2011 is below in this report. The development is found to be satisfactory subject to conditions of consent.
Section 4.15 (1)(a)(iiia) – Provisions of any planning agreement	There are no planning agreements of relevance to this proposal.
Section 4.15 (1)(a)(iv) – Provisions of the regulations	The matters of the Environmental Planning and Assessment Regulation 2021 have been considered in the assessment, including the following: Clause 30B Council-related development applications: A statement specifying how the Council will manage conflicts of interest was prepared. Clause 61 Additional matters that consent authority must consider: A condition of consent will be imposed to require the demolition proposed to be in accordance with AS 2601—2011: The Demolition of Structures. Clause 69 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989: A condition of consent will be imposed to require the development to be in accordance with the National Construction Code.
Section 4.15 (1)(b) – The likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of the likely impacts of the development occurs throughout this report. In summary: <u>Natural and Built Environment</u> The environmental impacts have been assessed and are deemed acceptable, including those associated with tree removal and replacement, traffic generation, bulk and scale, overshadowing and infrastructure works, subject to conditions of consent.

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Social Impact</u> The proposed development will not have a detrimental social impact on the locality subject to conditions of consent associated with the Plan of Management, lighting and acoustic privacy.</p> <p><u>Economic Impact</u> The proposed development will not have a detrimental economic impact on the locality. Moreover, the proposal will generate additional employment opportunities.</p>
Section 4.15 (1)(c) – The suitability of the site for the development	The proposal is a recreation use appropriate for the RE1 Public Recreation zone. The development meets the zone objectives and is generally compliant with the relevant planning instruments. Consequently, the site is determined as suitable for the development.
Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or Regulations	The application was notified in accordance with Council's policies and 18 submissions were received, including two objections. An assessment of the submissions is made in the following section of this report.
Section 4.15 (1)(e) – The public interest	Subject to the conditions of consent, it is the conclusion of this report that the proposal will be in the public interest.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 22/12/2023 to 08/02/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 18 submissions with 16 in support and 2 raising objections from:

Name:	Address:
Hannah Morris	Address Unknown
Caedyn Hardy	Address Unknown
Cassie Van Veenendaal	Address Unknown
Ms Tamzin Dawn Brown	10 Aden Street SEAFORTH NSW 2092
Matt Carlisle	18 Nenagh Street NORTH MANLY NSW 2100
Pablo & Flavia Neyertz	Address Unknown
Melinda Stewart	Address Unknown
Adrian Ghiggeri	Address Unknown
Robert Steers	18 Boomerang Road COLLAROY PLATEAU NSW 2097
Bruce Wickham	14 Bennett Street DEE WHY NSW 2099
Warren LePper	44 Fisher Road DEE WHY NSW 2099
Miss Amelia Sarah Eadie	11 Selby Avenue DEE WHY NSW 2099
Riccardo Maturo	Address Unknown
Kiri Wickham	Address Unknown

Dan Gartner	Shop 1 / 510-512 Pittwater Road, North Manly NSW 2100
Olivia Gillott	Address Unknown
Alexander Hunt	Address Unknown
Renu Steggles	Address Unknown

The submissions raised the following issues:

- **Café Location and Activation**

Comment: The café was noted to be located deep within the building, mostly overshadowed and of minimal visibility.

The café as originally proposed is illustrated below. Nolan Reserve is at the top of the plan (east).

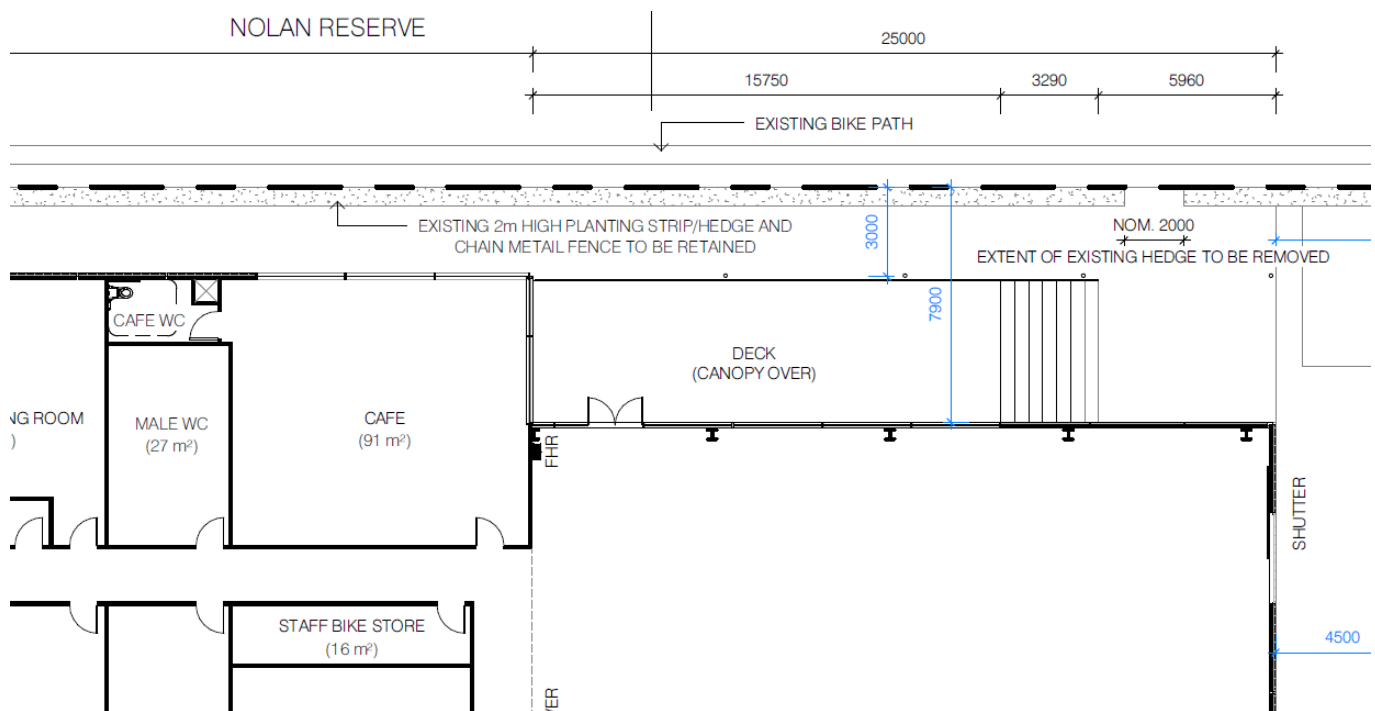


Figure 15 - Extract of DA Lodgement Ground Floor Plan

As the plan notes, only a 2m wide segment of the existing hedge was intended to be removed to facilitate connection to the broader public open space. The existing hedge in front of the café would be retained, limiting its visibility.

In response to the request for additional information issued on the application, the applicant amended the interface with Nolan Reserve to remove the current boundary landscaping for the length of the café frontage, increasing the visibility of the café. Further, removing the landscape buffer will substantially increase activation and casual surveillance between the café and Nolan Reserve resolving the main concern over its activation.

The final iteration of the landscape plan submitted proposes new landscaping along the 3m setback of the building to the lease area but will retain a wider opening to ensure visibility and connectivity.

- **Landscape Buffer to Pittwater Road and Nolan Reserve**

Comment: The concern raised was the size of the landscape buffer between the building and Pittwater
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Road or the playing fields and within the car park.

An increase in the landscaping between the building and Pittwater and Kentwell Road was facilitated by increasing the building setback by 1m in the portion of the northern elevation relating to the intersection of Pittwater and Kentwell and further west.

The final landscape plan (having been amended through the assessment) illustrates retained and new trees within the northern setback, serving to buffer the built form and car park at the street frontage. The level of planting has received support from Council's internal referral officers.

The level of planting within the car park was also discussed with the Design and Sustainability Advisory Panel. The final landscape plan has delivered a better tree planting and canopy outcome.

The 3m eastern setback to Nolan Reserve will consist primarily of plantings to soften the interface. The portion next to the café will be more open to allow for activation and casual surveillance of the park.

The landscaping on the site is supported.

- **Car Parking Location**

Comment: The concern was raised in the context of the car park landscaping and included the suggestion of elevating the building further above ground level to accommodate car parking underneath.

Reducing the number of car spaces and/or relocating the car spaces were considered, however, ultimately were not supported as options to deliver additional trees above the outcome presented in the final landscape plan. The applicant's car parking requirement has been assessed via a peak demand assessment based on surveys of the existing facility rather than strict consistency with the gymnasium car parking rate in the Warringah Development Control Plan 2011. By adopting this approach to determining the appropriate quantum of car parking, Council's Traffic Engineer has required the full provision of spaces based on that assessment to minimise the potential use of on-street parking. Therefore, a reduction in car spaces generally was not recommended.

Further elevating the building would increase the bulk and scale of the development and create additional overshadowing on Nolan Reserve playing fields, a separate concern raised during the assessment discussed later in this report. The height of the building itself is determined by the clearances required for the gymnastics equipment and already decreases to the east. Consequently, the building could be further lowered. The benefits of some additional tree planting above what has been accommodated (and now supported by internal departments) were outweighed by additional bulk and overshadowing that would occur.

Consequently, the car parking is supported in its location with the level of landscaping shown in the landscape plan.

- **Visibility of Solar Panels**

Comment: Concern was raised over the visibility of the proposed solar panels on the roof and a suggested revised roof form (e.g. sawtooth, roof fall to the north) was given.

The roof currently slopes down to the east, the interface with Nolan Reserve. This roof form was adopted to minimise overshadowing to the playing fields. However, the angle of the roof will result in more of the panels being visible to the closest residential being toward the east.

Accordingly, it is recommended that the panels be screened to reduce their visibility as a condition of consent. To ensure an appropriate outcome, it is recommended that any screening solution is forwarded to Council for their sign-off prior to the construction certificate. The screen could take the form of a parapet on the eastern elevation, timber batten or metal, non-reflective screen.

- **Size and Accessibility of the Viewing Areas**

Comment: Concern was raised over there being insufficient viewing areas and whether the building would be publicly accessible.

The proposal includes two areas on the first floor which allow for overlooking the ground level gymnasium areas. The maximum capacity envisaged by the applicant is around 250 people at a time.

As there is no specific metric for determining a sufficient spectator area for such a gymnastics training facility, the applicant's provision is deemed sufficient for an intended capacity of 140 students at one time.

The applicant has confirmed that the building will be publicly accessible, including the viewing areas. This has been stated in the Plan of Management.

- **Boundary Fencing**

Comment: Concern was raised regarding the proposal to include a fence around the site. Initially, the proposal sought to construct a 2m high spearhead visually permeable metal fence around the perimeter of the lease area.

The applicant advised that the fencing was to provide security to minimise potential defacing of the building, among other reasons.

The fence was not supported by internal referrals and the planning assessment. As the land is public land, it must remain publicly accessible.

Except for a gate over the driveway entry to the car park that serves the facility only securing it outside of hours of operation, the 2m high fence has been removed from the proposal.

- **Concerns over the Physiotherapy Portion of the Proposal**

Comment: A concern was raised over the physiotherapy portion of the proposal (i.e. sports medicine), including a matter of competition with a local business. Competition is not a matter of consideration under Section 4.15 Evaluation of the EP&A Act.

For clarity, the applicant has stated in the Plan of Management that the "sports medicine" portion will be used to treat athletes or persons utilising the Manly Warringah Gymnastic Club facilities. This is an ancillary use to the overall development and no concerns are raised by the planning assessment.

- **Traffic/Congestion Issues**

Comment: Concerns have been raised regarding the additional traffic generated by the proposal on the road network (Kentwell Road mentioned in particular).

The applicant submitted a Traffic Report which included a SIDRA analysis of the nearby intersections of Kentwell Road / Pittwater Road and Kentwell / Condamine Street. The analysis determined that Kentwell / Condamine intersection operates at an existing service level of 'C/D' (near capacity) while Kentwell /

Pittwater and the access road intersections operate at 'B' (spare capacity) at the peak periods (AM/PM weekdays and Saturday midday). The proposal was assessed and determined to maintain the levels of service per intersection.

Council's Traffic Engineer reviewed the traffic report including the traffic assessment and raised no concerns.

Both Pittwater Road and Condamine Street are classified roads and the expected motor vehicle movements met the threshold of traffic-generating development under Clause 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. Transport for NSW did not object to the proposal inclusive of traffic impacts on the classified road network.

Accordingly, the proposal is determined to not have an unreasonable additional impact and is supported on traffic grounds.

REFERRALS

The following tables include the internal and external referral comments.

Internal Referral Body	Comments
<i>Building Assessment - Fire and Disability upgrades</i>	<p>Supported, subject to conditions</p> <p><i>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application subject to inclusion of the attached conditions of approval and consideration of the notes below.</i></p> <p><i><u>Note:</u> 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.</i></p>
<i>Environmental Health (Acid Sulfate)</i>	<p>Supported, subject to conditions</p> <p><u>General Comments</u></p> <p><i>Environmental Health have been requested to consider this proposal for " Demolition works and construction of a Recreation Facility (indoor) with signage" in relation to the presence of acid sulfate soils.</i></p> <p><i>The land that is the subject of this proposal is identified as class 2 and 5 acid sulfate soils in accordance with the provisions of the Warringah Local Environmental Plan 2011.</i></p> <p><i>In reviewing the plans and Statement of Environmental Effects and geotechnical report (with associated borehole testing) supplied with proposal, it is reported no acid suplfate soils appear to be present on site.</i></p> <p><i>Accordingly, Environmental Health supports the proposal and recommends a standard condition of consent requiring appropriate management of any acid sulfate soils to be undertaken to the satisfaction of the Principal Certifier, should they be encountered during associated works such as piers, footings or other foundational works.</i></p>

Internal Referral Body	Comments
	<p><u>Recommendation</u></p> <p><i>SUPPORTED- subject to conditions</i></p>
<p><i>Environmental Health (Contaminated Lands)</i></p>	<p>Supported, subject to conditions</p> <p><u>General Comments</u></p> <p><i>This application is seeking consent for a proposed gymnastics and multisport center at Manly Warringah Gymnastics Club. Excavation is proposed to accommodate the building footings as well as to construct the basement level car parking.</i></p> <p><i>A Preliminary Site Investigation was conducted by GEOTESTA dated 9 October 2023. The recommendations provided in the report will be incorporated into conditions. Provided these recommendations are followed, the site can be made suitable for its proposed use.</i></p> <p><i>Environmental Health recommends approval subject to conditions.</i></p>
<p><i>Environmental Health (Industrial)</i></p>	<p>Supported, subject to conditions</p> <p><u>General Comments</u></p> <p><i>This application is seeking consent for a proposed gymnastics and multisport center at Manly Warringah Gymnastics Club. Excavation is proposed to accommodate the building footings as well as to construct the basement level car parking.</i></p> <p><i>An acoustic report has been prepared which has reviewed operational noise however plant/mechanical noise could not be assessed effectively as the design/locations are unknown at this stage therefore a suitable condition will apply.</i></p> <p><i>A Plan of Management dated May 2024 has been provided with addresses noise management and complaints protocol. A condition will be applied.</i></p> <p><i>Environmental Health recommends approval subject to conditions.</i></p>
<p><i>Environmental Health (Food Premises, Skin Pen.)</i></p>	<p>Supported, subject to conditions</p> <p><u>General Comments</u></p> <p><i>This application is seeking consent for demolition works and construction of a recreation facility. The proposed facility includes a cafe with a WC directly beside. It is unclear if the WC is to be located in the dining space of the cafe or close to food prep/storage. A condition will apply to ensure compliance with sanitary facilities for cafe patrons. Environmental Health recommends approval subject to conditions.</i></p>
<p><i>Landscape Officer</i></p>	<p>Supported, subject to conditions</p> <p><i>The development application is for the demolition of the existing site structures and the construction of a purpose-built gymnastics and</i></p>

Internal Referral Body	Comments
	<p><i>multisport facility. Landscape Referral assess the application against Warringah Local Environmental Plan 2011 (WLEP) and the following Warringah Development Control Plan 2011 (WDCP) clauses (but not limited to): D9 Building Bulk and E7 Development on land adjoining public open space.</i></p> <p><u><i>Updated Landscape Referral comments:</i></u> <i>In response to the previous comments and concerns from Landscape Referral, updated Landscape Plans are submitted for consideration.</i></p> <p><i>The following amendments are noted in the Landscape Plans to address the Landscape Referral concerns:</i></p> <ul style="list-style-type: none"> <i>• generally the Landscape Plans provide a scheme appropriate to the setting with trees and other planting proposed to reduce the built form and prominence of hard surfaces, however the species selections are inappropriate for the soil conditions including occasional inundation, and this is discussed in detail within this referral,</i> <i>• a 3 metre wide zone along the eastern boundary is provided to allow for suitable screen planting as a landscape buffer between the development and the public open space, and this area shall be mass planted with small trees and other planting,</i> <i>• the prominent existing planting of trees and hedges along the streetscape boundaries of Pittwater Road and Kentwell Road is retained to maintain the existing streetscape character,</i> <i>• the proposed 2 metre high 'spearhead' fencing is removed from the</i> <i>• Master Set Plans however the notation remains on the Landscape Plans and conditions shall be imposed for removal of all such references,</i> <i>• existing trees to be retained and removed are indicated on the Landscape Plans.</i> <p><i>The Landscape Referral suggestion to remove parking bays to accommodate tree planting has not eventuated, and in consideration of Council's Traffic Engineer Referral comments on the development parking provision, removal of parking bays is not considered feasible.</i></p> <p><i>The Landscape Referral suggestion to remove parking bays to accommodate tree planting has not eventuated, and in consideration of Council's Traffic Engineer Referral comments on the development parking provision, removal of parking bays is not considered feasible.</i></p> <p><i>The submitted Arboricultural Impact Assessment (AIA) provides assessment of existing trees impacted or otherwise by the proposed works and provides retention values for all identified trees. It is noted that the AIA report includes exempt species however this is incorrect as the exempt provisions of the WDCP only apply to private land and not public land. Landscape Referral raise no objections to removal of the following trees within the lease area that are impacted by the proposed works: trees identified as number T15, T16, T18, T20, T23, T27, T28, T29, T30 and T31. The following trees within the lease area and fronting Pittwater Rd / Kentwell Road shall be preserved and protected: trees identified as number T17, T19, T21 x 2, T24 and T25,</i></p>

Internal Referral Body	Comments
	<p><i>and additionally the existing Duranta shrub hedge fronting Pittwater Rd / Kentwell Road. All trees outside of the lease area and in proximity to the proposed works shall be preserved as follows: trees identified as number T1 to T14 and T25.</i></p> <p><i>The proposed exit path shown on the Master Set Plans and Landscape Plans encroaches onto the public open space beyond the lease area, and whilst connection to public land is supported to achieve a pedestrian link, stairs are to be contained wholly within the lease area and conditions shall be imposed that beyond the lease area an at-grade path only is to be constructed. The proposed lawn area eastward of the café deck is considered inappropriate as this area will be in shade and Landscape Referral require this area to be mass planted, consistent with the adjacent 3 metre wide landscape buffer to achieve a landscape transition between the development and the public open space, and conditions shall be imposed.</i></p> <p><i>In assessing the Landscape Plans and specifically the planting scheme, it is evident that the selected species are not appropriate for surviving periods on inundation and conditions shall be imposed for Amended Landscape Plans to be issued to Council for approval prior to the release of a Construction Certificate. The following species nominated on the Landscape Plans are prone to failure from high water table soil conditions / occasional inundation: Angophora, Westringia, Pimelea, Telopea, and Hibbertia, and these shall be replaced in the Amended Landscape Plans. Proposed trees shall be located appropriately based on available soil area and tree species shall vary from small to larger trees. To assist Landscape Referral provide the following suggested species list: trees – Eucalyptus robusta, Tristaniopsis laurina, Melaleuca linariifolia, Callistemon salignus, Backhousia citriodora, Elaeocarpus reticulatus, Livistona australis; shrubs - Leptospermum laevigatum, Callistemon species, dwarf Melaleuca varieties, Baeckea linifolia, Doryanthes excelsa; tall grasses - Lomandra hystrix, Dianella caerulea, Ficinia nodosa, Juncus kraussii. In principle to assist with the planting scheme, trees and groundcovers are the typical planting association for areas prone to inundation with shrubs in less occurrence.</i></p> <p><i>Along the eastern 3 metre wide landscape buffer zone, the following planting is suggested: Eleaocarpus at 3 metre centres and other selected understorey planting as selected, and conditions shall be imposed.</i></p> <p><i>All construction plans shall be amended prior to the release of a Construction Certificate to ensure no subsurface nor above ground utilities and structures within the 3 metre wide landscape buffer zone along the eastern boundary, except for the exist path connection to the public open space, and this matter is deferred to the Assessing Planning Officer for imposition of conditions.</i></p> <p><u><i>Previous Comments:</i></u> <i>The PLM2023/0053 Pre-lodgement notes expressed the following concerns relative to the landscape outcomes of the development including:</i></p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • <i>The building needs to be repositioned to increase the setback of the building further back from Kentwell Road and Pittwater Road to allow sufficient space for landscaping to help reduce the visual bulk of the building,</i> • <i>Impacts upon the landscape character, public use, visual appearance, and enjoyment of the adjoining reserve sports field areas and the prominence of the building within the open space landscape character of the recreational areas of Nolan Reserve,</i> • <i>Prominent built form to the streetscape of Kentwell Road and Pittwater Road,</i> • <i>To establish a landscape outcome to satisfy D1 and generally provide a suitable landscape outcome, the northern (Pittwater Road) and western (Kentwell Road) streetscape frontage should provide the majority of landscape area, whilst the southern lease area may not necessarily require landscape areas,</i> • <i>That the existing landscaped buffer character be maintained and that adequate garden bed width is provided to retain the existing planting if feasible; or mass plant with small trees and tall shrubs,</i> • <i>The landscape buffer along both Pittwater Road and Kentwell Road street frontage shall be preserved.</i> <p><i>Landscape Referral have reviewed the submitted Arboricultural Impact Assessment (AIA) report and Landscape Plans. Given the concerns as listed below, Landscape Referral shall withhold from the assessment of the AIA report and the Landscape Plans at this stage, as amendments are sought that will require adjustments to the AIA report and the Landscape Plans.</i></p> <p><i>Landscape Referral raise concerns regarding the site planning layout that consequently impacts upon the landscape outcome that, based on the presented documents is unable to deliver an appropriate development outcome when in consideration of the impacts to streetscape amenity and impacts to the adjoining recreational open space land, and the following issues are expressed:</i></p> <ul style="list-style-type: none"> • <i>Overall the site planning distribution of building and the car park hard surfaces as proposed results in an inadequate landscape transition from the development site to the streetscape and to the recreation land, and the outcome is a prominent built form as presented to the streetscape and to the recreational land.</i> • <i>It is considered that a re-arrangement of the layout is required to enable achievement of the landscape outcomes desired by WLEP and WDCP including relocating the building away from the playing fields of Nolan Reserve, and car parking away from Pittwater Road and Kentwell Road streetscape.</i> <p><i>In detail, the concerns relate to:</i></p> <ul style="list-style-type: none"> • <i>Whilst the Plans including the Landscape Plans indicate retention of the existing vegetation planting along the eastern common boundary with Nolan Reserve, an overlay prepared by Landscape Referral (refer figure 1) indicates that the documentation is not accurate in locating the existing elements relative to the proposed works, as the existing vegetation is in fact located in close proximity to the proposed building wall alignment such that expected construction scaffolding and access will require removal</i>

Internal Referral Body	Comments
	<p><i>of all the existing vegetation. It is noted that the AIA report lists the existing vegetation as exempt species however this is incorrect as the exempt provisions of the WDCP only apply to private land and not public land. Furthermore as the setback zone of 3.0 metre is subject to structures such stairs, paths for fire egress, and most likely utility services, the available width for replacement planting with small trees and other vegetation is not likely to establish in a zone interrupted by structures.</i></p> <ul style="list-style-type: none"> • <i>Whilst the Plans including the Landscape Plans indicate retention of the existing vegetation planting along the streetscape boundaries of Pittwater Road and Kentwell Road, an overlay prepared by Landscape Referral indicates that the documentation is not accurate as the existing trees and other vegetation are impacted by the proposed works.</i> • <i>The existing landscape buffer frontage to Pittwater Road and Kentwell Road is a prominent landscape feature that should be preserved and it is noted that the AIA report notes the following trees: T2 and T22 (Swamp Cypress), T24 (Weeping Bottlebrush) as high retention value trees and these shall be preserved through limiting encroachment into the tree protection zone. The Plans including Landscape Plans do not indicate retention. Additionally Landscape Referral consider that T24 (Crepe Myrtle) located within the vegetation hedge is worthy of retention and note that the exempt provision for the species does not apply. For information, contrary to the Plans and including Landscape Plans, the AIA report identifies the following trees for retention: 1, 2, 5, 8, 9, 10, 11, 14, 17, 20, 21, 22 and 24, and all plans and reports shall be co-ordinated.</i> • <i>The extent of hard paved surfaces does not equate to a environmentally sensitive site planning layout and car parking shall incorporate tree planting.</i> • <i>The proposal for a 2 metre high 'spearhead' fence and entry gate along the lease boundary privatises the development and is not necessary for a public facility on public land.</i> <p><i>To achieve a reasonable solution to meet the objectives and requirements of WLEP and WDCP clauses D9 and E7, the following advise is suggested:</i></p> <ul style="list-style-type: none"> • <i>Review of the built elements that will be located within the 3.0 metre setback zone adjoining Nolan Reserve to provide at least an unobstructed 2.0 metre wide landscape buffer zone to support small tree planting and understorey vegetation.</i> • <i>Review hard surface layout impacting the existing prominent landscape tree and vegetation buffer along the streetscape of Pittwater Road and Kentwell Road to preserve this existing landscape buffer.</i> • <i>Consider shade tree planting to car parking areas, and it is suggested that parking bays should be removed to accommodate tree planting.</i> • <i>Remove all proposed lease boundary fencing that offends public access.</i> <p><i>The proposal is therefore supported.</i></p>

Internal Referral Body	Comments
<p>NECC (Bushland and Biodiversity)</p>	<p>Supported, subject to conditions</p> <p><u>AMENDED COMMENTS</u></p> <p><i>An amended landscape plan has been submitted with the application and clearly indicates retained trees, trees proposed for removal and trees to be planted. A total of 57 native trees are proposed for planting as well as a suitable range of species for understory and groundcovers. No further objections are raised from a Biodiversity perspective.</i></p> <p><i>Conditions are recommended were the application to be approved in its current form.</i></p> <p><i>The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</i></p> <p><u>ORIGINAL COMMENTS</u></p> <p><i>The proposal seeks approval for Demolition works and construction of a Recreation Facility (indoor) with signage.</i></p> <p><i>The comments in this referral relate to the following applicable controls and provisions:</i></p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • Warringah DCP – Clause E2 Prescribed Vegetation • Warringah DCP – Clause E3 Threatened species, populations, ecological communities listed under • State or Commonwealth legislation, or High Conservation Habitat • Warringah DCP – Clause E4 Wildlife Corridors • Warringah DCP Clause E6 Retaining unique environmental features <p><i>The proposal has been submitted with an accompanying Arboricultural Impact Assessment that has assessed the condition of 31 trees and recommended the removal of a total of 14 trees of which 11 are found to be native. The assessment has recommended the removal of T15 by stating it has an exemption by species which is inaccurate as it is a Melaleuca quinquenervia which is a prescribed native species. The specimen is also over 5 metres and therefore, cannot be removed under the species and height exemption rules. However, Appendix 2 – Tree Inspection Schedule - indicates that the tree can be removed due to a proximity exemption. No objection is raised in relation to the removal based on proximity to an existing building (as long as the tree is less than 2 metres away from a building).</i></p> <p><i>A landscape plan has been submitted with the application. The planting schedule is inconsistent with vegetation present in the area and will have to be amended in order to include species that are in line with the appropriate classification of remnant vegetation (i.e Casuarina glauca to replace Allocasuarina littoralis). Additionally, a planting schedule with numbers of trees and tube stock must be included with the proposal to quantify the number of trees, shrubs and groundcovers being planted. The landscape plan has not identified which trees are to be removed and which trees are to be retained, the legend has used</i></p>

Internal Referral Body	Comments
	<p><i>the same icon for both purposes. This will have to be amended and consistent with the recommendations set out in the submitted Arboricultural Impact Assessment.</i></p> <p><i>The Biodiversity Referral will recommence once the amended plans and documents have been submitted with the application.</i></p> <p><i>The proposal is therefore supported.</i></p>
<p>NECC (Coast and Catchments)</p>	<p>Supported, subject to conditions</p> <p><i>This application was assessed in consideration of:</i></p> <ul style="list-style-type: none"> • <i>Supplied plans and reports;</i> • <i>Coastal Management Act 2016;</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021 and</i> • <i>Relevant LEP and DCP clauses</i> <p><i>General Comments</i> <i>This referral provides comment in relation to the proposed development and consideration of natural coastal processes as well as coastal hazards. Comments related to potential impacts of the proposal on the hydrological (surface and groundwater) and ecological environment in relation to compliance with the State Environmental Planning Policy (Resilience and Hazards) 2021 are included in the NECC (Riparian Lands and Creeks) referral.</i></p> <p><i>Coastal Management Act 2016</i> <i>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.</i></p> <p><i>State Environmental Planning Policy (Resilience & Hazards) 2021</i> <i>The subject land has been included on the and 'Coastal Use Area' and 'Coastal Environment' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP). Hence, Clauses 2.10, 2.11 and 2.12 of apply for this DA.</i></p> <p><i>On internal assessment and DA satisfies requirements under clauses of State Environmental Planning Policy (Resilience and Hazards) 2021 in relation to natural coastal processes and coastal hazards.</i></p> <p><i>Warringah LEP 2011 and Warringah DCP 2011</i> <i>No coastal related issues identified. As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.</i></p> <p><i>The proposal is therefore supported.</i></p>
<p>NECC (Development Engineering)</p>	<p>Supported, subject to conditions</p> <p><u>16/05/2024:</u> <i>Amended plans are provided, Development Engineering have no objections to approval subject to conditions as recommended.</i></p>

Internal Referral Body	Comments
	<p><u>Previous Comments</u></p> <p>The subject site is flood affected and as such OSD is not required. The submitted stormwater management plan is acceptable. The proposed outlets to Brookvale Creek will need to be assessed and conditioned by Council's Coast and Catchment Team.</p> <p>The proposed access driveways adjoin the existing bitumen access driveway to the sports field and are not located within the public road. The widths of the driveways has been supported by Council's Traffic Team.</p> <p>It is noted that Council's Road Asset Team have requested amended plans to upgrade the footpath and existing bitumen access. If amended plans are submitted to address these issues then the amended plans will need to be reassessed by Development Engineering.</p> <p>Development Engineering support the proposal, subject to conditions as recommended.</p>
NECC (Flooding)	<p>Supported, subject to conditions</p> <p>The proposal is for the demolition of the existing site structures and the construction of a purpose-built gymnastics and multisport facility with associated carpark and landscaping. A hydraulic bin lift has been proposed to access the waste room in the report prepared by Boston Blyth Fleming Town Planning dated 7 May 2024.</p> <p>The development is affected by the identified Medium and High Risk Flood Precincts. The site has the following flood planning characteristics:</p> <p>1% AEP Flood Level: 3.21m AHD 1% AEP Hydraulic Category: Fringe, Storage & Floodway Flood Planning Level: 3.71m AHD Probable Maximum Flood (PMF) Level: 5.70m AHD PMF Life Hazard Category: H5</p> <p>Subject to the following conditions, council is generally satisfied that the proposal is compliant with Section 5.4.3 Flood Prone Land from the Manly DCP 2013 and Clause 5.21 of the Manly LEP 2013. The proposal is therefore supported.</p>
NECC (Riparian Lands and Creeks)	<p>Supported, subject to conditions</p> <p>Supported</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021*; • Water Management Act 2000; • Water Management (General) Regulation 2018; • Relevant LEP and DCP clauses; • Protection of Waterways and Riparian Land Policy; • Northern Beaches Water Management for Development Policy (WMD Policy)

Internal Referral Body	Comments
	<p><i>*In particular, Clause 2.10 (1) whether the proposed development is likely to cause an adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.</i></p> <p><i>The site is within 40 metres of Brookvale Creek and within the catchment for Manly Lagoon. The proposal is for demolition and the construction of a gymnastics and multi-sport facility. As the proposal is within 40 metres of a watercourse mapped under the Water Management (General) Regulation 2018 Hydro Line spatial data, it is on waterfront land. Construction of a stormwater outlet constitutes an activity on the bed, or land lying between the bed and the mean high watermark of a watercourse and so a controlled activity permit is required from the Department of Planning and Environment (DPE) – Water, and the proposal is integrated development. A referral from DPE – Water has been provided issuing the General Terms of Approval (GTAs).</i></p> <p><i>The proposal includes two 375mm stormwater pipes connecting to the nearby watercourse via concrete headwall outlets with scour protection apron at R.L. 0.6 metres. The revised documentation is generally satisfactory.</i></p> <p><i>The riparian corridor impacted by the construction activity is to be restored with suitable native riparian planting.</i></p> <p><u><i>Superseded</i></u> <i>On review, there is insufficient information to complete the riparian assessment. The drawing set lacks detail on the connection of the proposed stormwater outlets with the creek, including topographical information (survey) of creek bed and banks. No information has been provided to demonstrate that the potential for erosion or sedimentation impacts on the creek bed and opposite bank during construction and operation of the outlets has been considered and mitigated. Note, Council only permits a single discharge point to a watercourse from a development as per the WMD Policy section 4.4C requirement. Site constraints such as watercourse depth, bed and bank sediment character, and tidal inundation may be used to justify the need for an additional outlet. Details on the postconstruction remediation of the riparian area are absent.</i></p> <p><i>Therefore, Council requires an improved design rationale and supporting documentation to properly assess the potential impact to the riparian area and creek. This must include a) outlet cross-section with relevant outlet and creek levels; b) flow information to confirm appropriate scour protection sizing and dimensions, including justification of the angle of outlet connection (ideally a 45 degree angle downstream); and c) restoration plan including riparian replanting species list.</i></p> <p><i>The proposal is therefore supported.</i></p>
NECC (Water Management)	<p><i>Supported</i></p> <p><i>This application was assessed in consideration of:</i></p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Supplied plans and reports; • Northern Beaches Water Management for Development Policy (WMD Policy), and; • Relevant LEP and DCP clauses; <p>The proposal is for a gymnastics and multi-sport facility.</p> <p>The revised documentation for water quality management is satisfactory.</p> <p><u>Superseded</u></p> <p>Insufficient information has been provided to demonstrate that the proposal will achieve the required water management outcomes. The stormwater plan is not supported by a water quality model, and the design is lacking in water sensitive urban design features.</p> <p>Section 4.0 of the WMD Policy applies. Water sensitive urban design, water reuse and infiltration into the soil, and the resulting quality of stormwater leaving the site are interconnected concepts that guide a merit-based assessment under the section. The proposed stormwater plan does not include features to retain water and encourage infiltration. As indicated in the PLM notes, water conservation (retention) on site for reuse must be investigated and if not adopted then a sufficient explanation provided as to why not. Examples of water sensitive urban design features include permeable pathways and driveways, infiltration trenches, rain gardens, and vegetated swales.</p> <p>Section 4.1 of the WMD Policy applies. Under this section, the proposal is required to meet Table 4 – Stormwater Quality objectives. As described in the PLM notes, a MUSIC model is required. For target parameters, the proposal can refer to Table 5 – General Stormwater Quality Requirements.</p>
Parks, reserves, foreshore	<p>Does not support overshadowing, has provided conditions</p> <p>The development application is for the demolition of the existing site structures and the construction of a purpose-built gymnastics and multisport facility.</p> <p>The development site is located within the District Park Plan of Management, and a Sports Community Club Facility is identified within the Landscape Concept Plan for District Park upon this site. It is noted that appropriate environmental set-backs are listed for consideration in the Landscape Concept Plan. The proposed development site adjoins the Nolan Reserve sporting fields utilised by sporting clubs including Manly Brothers Rugby League Football Club (formerly Christian Brothers) and various cricket clubs from the Northern Beaches Cricket Council, as well as informal recreational use. The land is zoned RE1 Public Recreation.</p> <p>Parks Reserve and Foreshores Referral assess the application against Warringah Local Environmental Plan 2011 (WLEP) and the following Warringah Development Control Plan 2011 (WDPC) clauses (but not limited to): D6 Access to Sunlight; D9 Building Bulk; E7 Development on land adjoining public open space.</p>

Internal Referral Body	Comments
	<p><u>Updated comments:</u> <i>Upon the review of updated Master Set Plans, and in assessment of the comments from Landscape Referral regarding an improved landscape buffer zone between the development and the public open space, subject to imposed conditions from Landscape Referral, it is considered that WDCP clauses D9 Building Bulk and E7 Development on land adjoining public open space, are able to be satisfied.</i></p> <p><i>However the matter of WDCP clause D6 Access to Sunlight, remains of concern, as the development footprint casts significant shadow over public open space during the winter afternoon months, including the sports field, grassed areas beyond the sports field, and to the existing share path, all utilised by the community for active and passive recreation as raised in previous comments. Parks Reserves and Foreshores Referral are unable to support the application due to the impact of development upon the community for active and passive recreation. Should the Assessing Planning Officer determine merit acceptance of the development scheme, Parks Reserves and Foreshores Referral provide standard conditions.</i></p> <p><u>Previous Comments:</u></p> <p><i>The PLM2023/0053 Pre-lodgement notes expressed the following concerns from Parks Reserves and Foreshores Referral:</i></p> <ul style="list-style-type: none"> <i>• The shadow resulting from the building is over the 'spectator area' utilised by the Manly Brothers Rugby League Football Club (formerly Christian Brothers) that occupy this area in large numbers impacting use and enjoyment for spectators, and does not consider D6.1 requirements that 'Development should avoid unreasonable overshadowing any public open space'.</i> <i>• The proposed development at the eastern lease alignment impacts upon the landscape character, public use, visual appearance, and enjoyment of the adjoining reserve sports field areas; and the building is prominent within the open space landscape character of the recreational areas of Nolan Reserve, in consideration of D9 and E7.</i> <p><i>Parks Reserve and Foreshores Referral, following on from issues raised in PLM2023/0053, and in review of the development application documents continue to raise concerns regarding the shadows from the proposed building structure over recreation land utilised by Manly Brothers Rugby League Football Club (formerly Christian Brothers) and other sporting groups. The winter shadows are cast over the full area from lease boundary to the football field sideline, and in particular afternoon periods, utilised by game officials and spectators watching competition rugby league games during the weekend and school competition games during school days. The current solar access enjoyed by sporting groups is therefore impacted and the proposal thus fails to achieve the objectives of WDCP clause D6.1 requirements that 'Development should avoid unreasonable overshadowing any public open space'.</i></p> <p><i>Additionally the site planning layout of building and car parking does not respond to the recreational landscape setting of District Park, and rather the site planning provides an urban setting at the prominent road</i></p>

Internal Referral Body	Comments
	<p>corridors of Kentwell Road and Pittwater Road that represents urban built form without adequate landscape setting transition, and visually dominates the open space interface with Nolan Reserve sport fields contrary to the objectives of WDCP clause E7. Any cafe proposal shall be connected to public open space and be accessible.</p> <p>It is noted that recently scattered planted native trees are in place along the existing share path between the development site and the playing field however these are sited at a distance from the development site to not provide sufficient visual relief of the bulk and scale of the proposed building facade from the Nolan Reserve sporting fields.</p> <p>WDCP clause D6.1 indicates that the building setback should increase irrespective of what landscape zone width requirement is advised.</p> <p>To achieve a reasonable solution to meet the objectives and requirements of WDCP clauses D6, D9 and E7, the following advice is suggested:</p> <ul style="list-style-type: none"> • the eastern site boundary from the lease boundary to the building wall shall support a landscape zone that is not encroached by stairs, paths and any utility services, and the area is to support only vegetation including tree planting. • the eastern site boundary from the lease boundary to the building setback shall consider cast shadow impacts over the 'spectator area' utilised by the Manly Brothers Rugby League Football Club (formerly Christian Brothers) that may require building form alteration or building setback review. <p>The proposal is therefore unsupported.</p> <p><u>Planner Comment:</u></p> <p>The Parks, Reserve, and Foreshore internal referral advice has been taken into consideration in the assessment. The level of overshadowing has been assessed and ultimately considered acceptable on its the merits of the case and as insufficient in isolation to warrant a recommendation for refusal. A detailed discussion on this is provided under the relevant control, D6 Access to Sunlight, in the DCP assessment section of this report.</p>
Roads and Assets	<p>The intensified use will require an upgrade to the existing car park access road and driveway crossing.</p> <p>It will be necessary to ensure pedestrian safety with improved access (perhaps pedestrian/vehicle separation) along the car park driveway (western frontage). Development Concrete pedestrian footpath and cycling connections are to be established in Kentwell Road between Pittwater Road and the driveway entry, as well as any other pedestrian access points.</p> <p>Amended plans to be submitted addressing these issues.</p> <p>Engineering to ensure conditions of approval for civil works to council's car park.</p> <p>The proposal is therefore unsupported.</p>

Internal Referral Body	Comments																		
	<p><u>Planner Comment:</u> The amended plans have addressed the concerns raised and relevant conditions are imposed under the engineering referral.</p>																		
<p>Strategic and Place Planning (Heritage Officer)</p>	<p>Supported</p> <p><u>Discussion of reason for referral</u> This application has been referred as the site contains a local heritage item, being Item I142 - Timber jetty remnants and marine bollards - Within Manly Lagoon, adjacent to Passmore Reserve, Manly Vale, listed in Schedule 5 of Warringah LEP 2011.</p> <p><u>Details of heritage items affected</u> Details of this heritage item, as contained within the Heritage Inventory, are: Item I142 - Timber jetty remnants and marine bollards</p> <p><u>Statement of significance</u> The bollards and jetty remains are visual representation of possible recreational activities that were once carried out on Manly Lagoon in the vicinity of Passmore and Nolan Reserves.</p> <p><u>Physical description</u> Cast iron bollards and hardwood jetty piers (upright on the bank/in the water)</p> <p><u>Other relevant heritage listings</u></p> <table border="1" data-bbox="496 1160 1417 1413"> <thead> <tr> <th>SEPP (Biodiversity and Conservation) 2021</th> <th>No</th> <th>Comment if applicable</th> </tr> </thead> <tbody> <tr> <td>Australian Heritage Register</td> <td>No</td> <td></td> </tr> <tr> <td>NSW State Heritage Register</td> <td>No</td> <td></td> </tr> <tr> <td>National Trust of Aust (NSW) Register</td> <td>No</td> <td></td> </tr> <tr> <td>RAIA Register of 20th Century Buildings of Significance</td> <td>No</td> <td></td> </tr> <tr> <td>Other</td> <td>No</td> <td></td> </tr> </tbody> </table> <p><u>Consideration of application</u> This application proposes a new gymnastics and multisport facility to be located on the northwestern corner of Nolan Reserve, with access off Kentwell Road. The site is currently occupied by the former North Manly Bowling and Recreation Club which is proposed to be demolished.</p> <p>The site sits on a much larger lot which encompasses Nolan Reserve and Passmore Reserve, which are separated by the upper reaches of Manly Lagoon. The local heritage item on this site is located within this watercourse, located adjacent to the Passmore Reserve children's playground and the bridge which connects Passmore Reserve to Nolan Reserve. As this heritage item is located approximately 280 metres from the proposed development site, there will be no physical or visual impact upon the heritage significance of this heritage item.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</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</p>	SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable	Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	No	
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Other	No																		

Internal Referral Body	Comments
	<p>been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N/A</p> <p>The proposal is therefore supported.</p>
Traffic Engineer	<p>Supported, subject to conditions</p> <p><u>Amended comments relating to amended report and plan (14/05/2024)</u></p> <p>The Traffic team has reviewed the Supplementary SEE prepared by Boston Blyth Fleming Pty Ltd on 07 May 2024, the Amended Master Set plans designed by Carr on 09/05/2024, and the Operational Plan of Management dated May 2024.</p> <p>There were a number of conditions raised in the traffic referral comments dated 12/02/2024, which have been addressed in the Supplementary SEE.</p> <ul style="list-style-type: none"> • The plans have been amended to enhance pedestrian access to and within the site. • A formal pedestrian pathway has been provided, starting from the existing access road along the western boundary of the property. The pathway includes improved internal pedestrian access, and a through-site link has also been introduced at the southern end of the development. Additionally, an accessible path of travel from Nolan Reserve into the development site has been established. • Bicycle parking spaces have been provided adjacent to the entrance of the development with clear access to such parking. <p>The only minor item which has not been addressed is included as follows:</p> <ul style="list-style-type: none"> • In Attachment B of the original Traffic report, the entry and exit driveway widths were proposed to be 4.5metres and 9.3 metres respectively to accommodate the turning paths, it however was measured to be approximately 6.4 metres wide on the Architectural plans. It will be conditioned that dimensioned plans be submitted for the driveway width to confirm that the driveways are appropriately sized. <p><u>Conclusion</u> The modified SEE and the modified plans can be supported on traffic grounds. Apart from the condition outlined above, no new conditions are proposed with previously imposed conditions to remain in place.</p> <p><u>Comments dated 12/02/2024</u> Proposal description: Demolition works and construction of a Recreation Facility (indoor) with signage</p> <p>The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> • Traffic Impact Assessment (TIA), Reference 12217/3, prepared by Colston Budd Rogers & Kafes Pty Ltd dated December 2023, • The Statement of Environmental Effects prepared by Boston Blyth Fleming Pty Ltd, dated November 2023, • Plans (Master Set) – Revision 1, designed by Carr, dated 23/10/2023,

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • TfNSW referral letters (ref: SYD23/01391 dated 12 January 2024, and • Pre-Lodgement Advice (PLM2023/0053) dated 13 June 2023. <p>There were a number of traffic concerns raised in the Pre-Lodgement meeting (PLM) traffic referral comments dated 13 June 2023, which have been addressed in the Traffic Impact Assessment (TIA) Report. The comments were mainly related to the proposed off-street car parking requirement/design, proposed bicycle parking spaces, bus bay, access driveways, Shared Path and traffic modelling.</p> <p><u>Parking requirements and design</u></p> <ul style="list-style-type: none"> • The site is zoned RE1 Public Recreation under the Warringah Local Environmental Plan 2013. • Warringah DCP applies to the subject site. The DCP parking rate for a gymnasium use is 4.5 spaces /100m² GFA and for a Café is 15 spaces/100m² GFA. For this site, with a GFA of 4750m² for the gymnasium club and about 100m² for the café component, this would equate to 228.7 spaces (rounded up to 229 spaces). The development proposes 105 car spaces including 11 existing parking spaces alongside the Bitumen Access Road. The parking provision is well under the DCP requirement. This parking shortfall is however considered acceptable given that: <ul style="list-style-type: none"> ○ The café on the site is considered ancillary to the development. Although the café is open to the general public, due to its small size and its location (on the Pittwater Road frontage of the site which is not convenient for on-site parking), any external customers would be walk-in trade from the adjacent residential area or playing fields. The café therefore is not expected to generate any traffic or parking. ○ According to the Traffic report, the proposed gymnasium does not provide the facilities found in a typical fitness centre/gymnasium; it provides training for athletes in gymnastics. Analysis of such developments therefore should be based on surveys of similar developments. If this is not possible, a first-principles analysis is required. ○ Surveys of parking demand were undertaken by the consultant at the existing Manly Warringah Gymnastics Centre (MWGC) which operates a gymnastic training facility at Cromer. ○ Car parking surveys were undertaken on a typical weekday and on weekend (Saturday operations) on-site, and in the adjacent street. The surveys included counts every 30 minutes on the times of day that the proposed gymnasium centre would be expected to generate its peak car parking demand. The surveys were undertaken to gain an understanding of the existing parking demands within the vicinity of the site. ○ The surveyed parking demand at Cromer was increased by 20% to take into account the practical capacity of the classes (the classes at the time of the surveys were at their 80% capacity). Additionally, the peak parking demand at Cromer was increased by 40% given that the proposed MWGC at North Manly will have 40% additional capacity compared to the existing centre at Cromer.

Internal Referral Body	Comments
	<ul style="list-style-type: none"> ○ Under this approach, the development was assessed to generate a demand for 96 car parking spaces during 'typical operations' and 102 car parking spaces during the weekend. The proposal has provided 105 on-site car parking spaces which can accommodate the proposed gymnasium centre parking demand. ○ Based on the surveys undertaken, it was concluded that in the vicinity of the site, there was also an abundance of spare car parking spaces on both a typical weekday and Saturday; users of the proposed gymnasium therefore would likely be able to park their car in those locations. ○ A Green Travel Plan (GTP) has been included in the Traffic report as part of this DA to be circulated among the staff/gymnasium centre users to reduce and shift the use and dependency away from single occupancy private vehicle use. The use of a Green Travel Plan will be of use in reducing private motor vehicle trips and its use is supported. ● The proposed parking space dimensions (a minimum space width of 2.6 metres and length of 5.4 metres, with a minimum aisle width of 6.6 metres and some seven (7) parking spaces with a minimum space width of 2.7 metres and length of 5.4 metres, with a minimum aisle width of 6.2 metres) are compliant with Australian Standard requirements. ● It is noted that the architectural plans show the location of 12 existing 90-degree angle parking spaces alongside the Bitumen Access Road. ● Three (3) accessible parking spaces are proposed. The design of the accessible parking space should be in accordance with the Australian Standard AS2890.6:2009 Parking Facilities-Off Street Parking for People with Disability. Space should be provided with a clear width of 2.4m and located adjacent to a minimum shared area of 2.4m. The width of the accessible parking spaces is 2.6m, which is in excess of the required 2.4m by 200mm. This is, however, considered acceptable. ● Bollards are conditioned to be provided for the disabled shared area as shown in Figure 2.2 of the Australian Standard AS2890.6:2009 Parking Facilities-Off Street Parking for People with Disability. ● Dimensioned plans are submitted for the parking area and confirm that all parking bays and aisles are appropriately sized. ● It is noted that a raised traffic island at the kiss&drop area has been proposed separating persons alighting from vehicles from circulating/reversing traffic. ● A single loading bay has been proposed on the southern side of the building, which accommodates service vehicles up to and including a 10.7-metre-Long Rigid Vehicle (SLRV). As outlined in the Traffic report, the development would generate a minimal demand for service vehicle parking with only 1-2 deliveries expected per day. ● Swept path plots for a B99 and a 10.7-metre SLRV demonstrating satisfactory access to and from the site/loading bay are included in the traffic report. ● The turning paths of a 12.5 metre Bus show that the exit movement would require the driver to stop and turn on spot; it also requires the driver to undertake 4 and 5-point turns to exit in a forward

Internal Referral Body	Comments
	<p>direction. During the time of bus operation, some parking spaces need to be made vacant as the exit turning movement for buses encroaches them. The Traffic report mentions that no other classes will be operating during the weekday early afternoon period (12.00pm to 3.00pm) when the facility will be used by schools and other groups arriving and departing by bus. Although the turning plots show that access for 12.5m buses is constrained and may cause inconvenience for bus drivers, this is acceptable and the facility will still be operational during those specified time (12.00pm to 3.00pm).</p> <ul style="list-style-type: none"> • In Attachment B of the Traffic report, the entry and exit driveway widths are proposed to be 4.5 metres and 9.3 metres respectively to accommodate the turning paths, it however is measured to be approximately 6.4 metres wide on the Architectural plans. It will be conditioned that dimensioned plans be submitted for the driveway width to confirm that the driveways are appropriately sized. • The WDCP 2011, clause C3(A) requires the provision of one (1) secure bicycle parking space per 4 employees plus 1/1500 spectator seats for a recreational facility. Further, one (1) casual bicycle parking space per 200m² plus 1 per 250 spectator seats should be provided. This would result in a requirement of 9 secure spaces and 25 casual spaces. The plan shows bicycle parking for 22 bike racks at two (2) locations. As outlined in the PLM referral comments, bicycle parking compliant with the DCP should be provided with bicycle parking ideally located where bikes will be protected from the weather, particularly spaces for high/medium security use. This will be conditioned. • The WDCP 2011 does not stipulate motorcycle parking rates for recreational facility (gymnastic centre), however, the subject DA has proposed eight (8) motorcycle parking spaces to offset the shortfall in parking and facilitate alternate travel modes. • An extension of the existing Shared Path is noted to/though the site to facilitate safe access to the bicycle parking. • It will be conditioned that the footpath links from the nearest bus stops (on the north and south side of Pittwater Road) to/from the foyer area separated as much as possible from cars undertaking parking manoeuvres be provided and submitted to Council. <p><u>Traffic Impact</u></p> <ul style="list-style-type: none"> • The proposal will generate traffic up to 170 vehicle movements (two-way) in the peak weekday afternoon. • The operation of the key intersections within the study area was assessed using SIDRA INTERSECTION software. Based on the sidra modelling outputs included in Attachment A of the report, the surrounding intersections would continue to operate satisfactorily with generally less than 50 seconds per vehicle average delay and some moderate increase to 95th percentile queue lengths. The LOS of each intersection would operate well with spare capacity. The LOS for the signalised intersection of Condamine Street and Kentwell Road would operate satisfactory (LOS D), nearing capacity. • It is noted that no discount for the traffic generated by the existing bowling club was applied to the assessment, therefore the Sidra analysis is considered conservative. Surveys of a bowling club (with three bowling greens) in Cromer found a traffic generation of

Internal Referral Body	Comments
	<p>some 54 vehicles per hour (two way) in the weekday afternoon peak hour.</p> <ul style="list-style-type: none"> The modelling has been completed for the intersections at Condamine Street / Kentwell Road, Kentwell Road/ Pittwater Road and Access Road/ Pittwater Road. The intersections are closely spaced intersections; therefore a network-wide process (Sirda Network Model) was assessed by the consultant. This determines the backward spread of congestion as queues on downstream lanes block upstream lanes (queue spillback), and applies capacity constraint to oversaturated upstream lanes, thus limiting the flows entering downstream lanes. The modelling found that while queues on Kentwell Road can, on occasions, extend back past the Access Road, the queues are clearing each cycle which allows traffic to turn right out of the Access Road onto Kentwell Road. It is also noted that TfNSW has reviewed the submitted application and raises no objection as the proposed development is unlikely to have a significant impact on the classified road network. <p><u>Conclusion</u> Subject to conditions, the application can be supported on traffic grounds.</p> <p>The proposal is therefore supported.</p>
Waste Officer (Council Land)	<p>Supported, subject to conditions</p> <p>Waste Management Assessment - Amended Plans (submitted 9/5/24) Supported, subject to conditions.</p> <p>Waste Management Assessment Supported, subject to conditions.</p> <p>The proposal is therefore supported.</p>

External Referral Body	Comments
Aboriginal Heritage Office	Support is given to the proposal subject to the imposition of conditions relating to works harming unrecorded Aboriginal sites.
Ausgrid	Ausgrid does not object to the proposed development and provides recommendations for any works near electric network assets.
Department of Planning and Environment – Water	General Terms of Approval have been provided.
Transport for NSW	Recommended conditions have been provided.

All referrals have returned with support subject to conditions, except for Parks, Reserves and Foreshore. The concern of overshadowing is discussed later in this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

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

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many

provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

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

State Environmental Planning Policies (SEPPs)

- **State Environmental Planning Policy (Planning Systems) 2021**

Chapter 2 State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it meets the criteria in Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is development on Council owned land with a capital investment value of more than \$5 million. Accordingly, the Sydney North Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

- **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the proposal as it seeks tree removal on land within a non-rural area of the State. The proposal seeks the removal of 10 trees within the lease area.

Council's Landscape and Natural Environment Biodiversity officers have reviewed the submitted arborist report and the landscape plan and are supportive of the removal of the trees subject to conditions of consent to secure new tree planting and retention of other trees. Consequently, the proposal is supported under Chapter 2.

- **State Environmental Planning Policy (Industry and Employment) 2021**

Chapter 3 Advertising and Signage

Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021 applies to the proposal as it seeks three (3) instances of two business identification signs for a total of six (6) individual signs. The Chapter aims to ensure that signage is compatible with the desired amenity and visual character of the area, is effective and of a high quality.

As noted, the proposed signage is defined as business identification signage and occurs in three instances of two signs. Refer to the below extract.

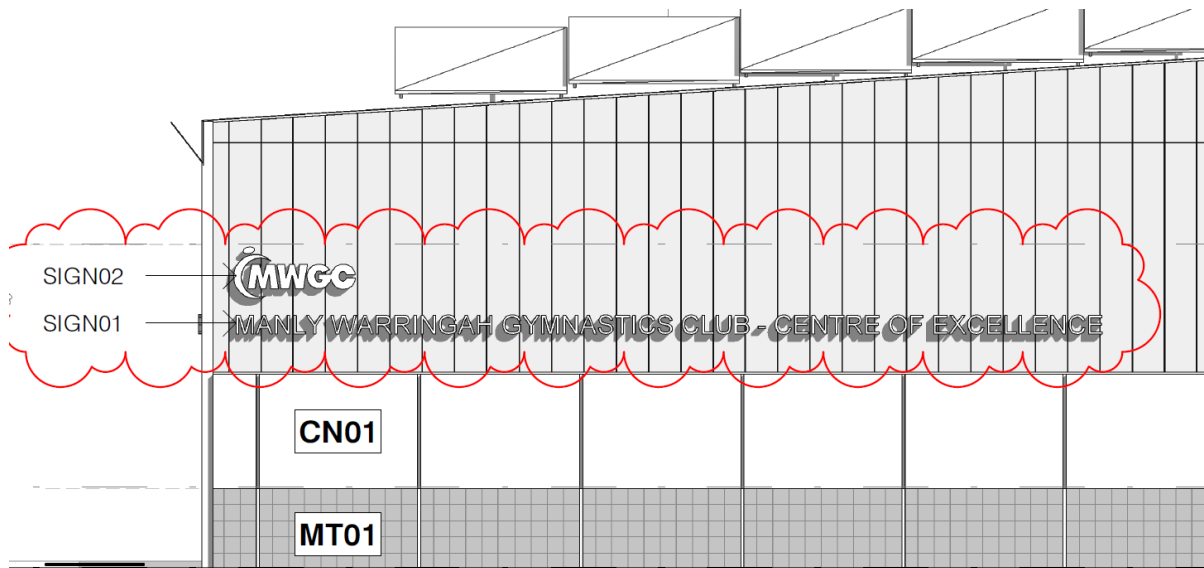


Figure 16 – Extract of the north elevation illustrating the proposed signage

The signs are proposed on the north, west and east elevations. The details of the signs (e.g., dimensions, material and colour) have been supplied on the elevation plans. Refer to the extract below.

- SIGN01 TITLE SCRIPT
- LASER CUT SOLID ACRYLIC, ILLUMINATED FROM GROUND LEVEL
 - FONT: CORE SANS D67 CN HEAVY
 - LETTER SIZE: 350MM HIGH – ASPECT RATIO WIDTH
 - SECTION SIZE: 12.6M LONG X 350MM HIGH
 - COLOUR: CLUB OPTIONS – MAROON OR NAVY BLUE
 - POSITIONED 700MM ABOVE THE PRECAST CONCRETE DADO
- SIGN02 CLUB LOGO
- LASER CUT SOLID ACRYLIC, ILLUMINATED FROM GROUND LEVEL
 - SIZE: 2.5M WIDE X 1M HIGH
 - COLOUR: CLUB OPTIONS – MAROON OR NAVY BLUE
 - POSITIONED (TOP OF LOGO) 1.4M FROM THE TOP OF THE PRECAST CONCRETE DADO

Figure 17 – Sign details

Section 3.6 requires a consent authority to be satisfied that signage is consistent with the objectives of the Chapter and that the signage satisfies the assessment criteria specified in Schedule 5. These are both assessed below.

The aims of the chapter under Section 3.1 are as follows:

This Chapter aims—

- (a) *to ensure that signage (including advertising)—*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

A response to the above is provided below.

- The proposed signage is deemed compatible with the desired amenity and visual character of the area. The signs are not excessive in size generally or out of scale with the building. The materials and finishes are suitable.
- The signs will effectively communicate the purpose of the building from the street frontages, public park and vehicle entry point. The locations, quantity and size are suitable to achieve this.
- The specified materials and finishes are of high quality.
- The signs are not business identification signs and not advertising structures.

The proposed signage meets the aims of the chapter.

The table below assesses the signs against the assessment criteria in Schedule 5.

Assessment Criteria	Proposal/Comment	Compliance
1 Character of the Area		
<ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	The site is situated within a precinct of recreation zoned land. The lease area in particular is intended to accommodate recreation land uses which inevitably require signage to distinguish the use. The signage size and materials are not excessive to detract from the visual appearance of the building or the amenity of residential land opposite Pittwater Road to the north and east.	Yes
2 Special Area		
<ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	The signs are to be situated on a new building within a recreation area. The quantity, quality, size and colours of the signs will not detract from the amenity or visual quality of the open space area.	Yes
3 Views and Vistas		
<ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? 	The signs will be located on a building, and thus do not obscure any views or vistas.	Yes
4 Streetscape, Setting or Landscape		
<ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? 	<p>The size of the signs is appropriate for the streetscape, setting and landscape. The signs are of a suitable size to fulfil their function without detracting from the streetscape.</p> <p>The signs do not screen unsightliness or require ongoing vegetation management.</p>	Yes
5 Site and Building		
<ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the 	The size of the signs is compatible with the scale and proportion of the building each	

Assessment Criteria	Proposal/Comment	Compliance
site or building, or both, on which the proposed signage is to be located? <ul style="list-style-type: none"> Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	elevation, being modest but functional for their purpose.	
6 Associated Devices and Logos with Advertisements and Advertising Structures		
<ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The signs themselves are not illuminated, though they will be illuminated from ground level. A condition of consent will be applied to restrict the light levels to ensure no detrimental amenity impact on residential properties opposite Pittwater Road.</p> <p>The Manly Warringah Gymnastics Club logo forms part of the signage. The scale of the logo is modest and acceptable as integral to the signage.</p>	Yes
7 Illumination		
<ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	Subject to conditions of consent, the ground illumination of the signs will be acceptable. The conditions will impose a curfew on the illumination of signs between 10pm to 7am and to minimise the intensity of illumination.	Yes
8 Safety		
<ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed signage is attached to the building. There will be no safety impacts.	Yes

Given the above assessment, the proposed business identification signage can be supported.

- State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 2 Coastal Management

Chapter 2 of State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the development as the site is located within both the coastal use area and the coastal environmental area. Clauses 2.10 and 2.11 are relevant to the proposal and are assessed in the table below.

Clause	Comment
Clause 2.10 Development on land within the coastal environment area	
<ul style="list-style-type: none"> 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— 	Referrals have been undertaken to the Department of Planning and Environment – Water and internal Water Management, Parks, Reserves and Foreshores, Natural Environment and Landscape departments. All assessments have provided support and conditions of consent relating to matters of the impact on the coastal environment and hydrological and ecological matters.

Clause	Comment
<p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(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,</p> <p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p> <ul style="list-style-type: none"> • Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that— <ul style="list-style-type: none"> (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. 	<p>It is noted that stormwater will be drained into Brookvale Creek which drains to the ocean. However, Council officers have reviewed this proposal and provided conditions of consent in support of this configuration to ensure no unreasonable impacts.</p> <ul style="list-style-type: none"> • The proposal is on already developed land. It is unlikely that there will be any notable impact on the integrity and resilience of the biophysical, hydrological and ecological environment. • It is not expected for there to be any impact on coastal environmental values or natural coastal processes. • Subject to the conditions of consent, it is not expected for there to be any impact on water quality. The site is not adjacent to a sensitive coastal lake as identified in Schedule 1. • No expected impact on marine vegetation, native vegetation and fauna, noting the site is developed. • The proposal does not impact on public open space and safe access to the foreshore. • There are no known Aboriginal sites on the land which has been previously disturbed. The Aboriginal Heritage Office has recommended conditions on unexpected finds and responsibilities for all workers. • The proposal is not located within the surf zone. • The proposal is suitably located and designed to minimise and mitigate impacts on the coastal environment area.
<p>Clause 2.11 Development on land within the coastal use area</p>	
<ul style="list-style-type: none"> • Development consent must not be granted to development on land that is within the coastal use area unless the consent authority— <ul style="list-style-type: none"> (a) has considered whether the proposed development is likely to cause an adverse impact on the following— <ul style="list-style-type: none"> (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, (iv) Aboriginal cultural heritage, practices and places, (v) cultural and built environment heritage, and 	<p>The site is not located near a foreshore area and does not have an impact on access to foreshore areas or amenity impacts (e.g. overshadowing, wind funnelling, loss of views, visual amenity and scenic qualities).</p> <p>As mentioned, there are no known Aboriginal heritage sites on the land.</p> <p>There is an item of European heritage some 280m to the south of the site, with no concerns raised by Council's Heritage officer.</p>

Clause	Comment
(b) is satisfied that— (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to 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.	

Given the assessment above and those undertaken by internal and external referrals, it is unlikely that the development will create negative impacts on the coastal use area and the coastal environment area.

Chapter 4 Remediation of Land

The provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated and, if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Targeted Preliminary Site Investigation (PSI) was prepared by Geotesta which concluded that:

“Based on the assessment undertaken, the following conclusions and recommendations can be made:

- *All the contaminant concentrations of interest within the soil samples analysed were found to be within the Site Assessment Criteria (SAC).*
- *The limited soil sampling and analysis program conducted indicated a low risk of soil and groundwater contamination.*
- *It is the opinion of Geotesta, that the site can be made suitable for the proposed Development Application (DA) in the foreseeable future pending on the results of an additional Data Gap Contamination Assessment.*
- *Due to the existence of a data-gap in this investigation, a further Data Gap Assessment post demolition of the existing structures/dwellings is recommended to address further potential AECs identified previously and to determine if any contamination hotspots exist within the footprint of the former sheds and dwellings.”*

Council’s Environmental Health officer assessed the PSI and determined the assessment was satisfactory. Consequently, the recommendations of the PSI are to be conditioned – specifically, the completion of a Data Gap Contamination Assessment – with any consent.

The development is satisfactory to Chapter 4 subject to conditions of consent.

- **State Environmental Planning Policy (Transport and Infrastructure) 2021**

Chapter 2 Infrastructure

The provisions of Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 have been considered in the development application assessment.

Clause	Comment
Section 2.48 Determination of development applications—other development	
<ul style="list-style-type: none"> • This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following— <ul style="list-style-type: none"> (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower... 	<p>A referral to Ausgrid was undertaken as part of the proposal. Ausgrid does not object to the proposal.</p>
Section 2.119 Development with frontage to classified road	
<ul style="list-style-type: none"> • The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— <ul style="list-style-type: none"> (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— <ul style="list-style-type: none"> (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. 	<p>The site has a frontage to Pittwater Road, a classified road. A referral to Transport for NSW was undertaken who have provided recommend conditions of consent.</p>
Section 2.122 Traffic-generating development	
<ul style="list-style-type: none"> • Before determining a development application for development to which this section applies, the consent authority must— <ul style="list-style-type: none"> (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— <ul style="list-style-type: none"> (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and (ii) the accessibility of the site concerned, including— <ul style="list-style-type: none"> (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and (iii) any potential traffic safety, road congestion or parking implications of the development. 	<p>The proposal is traffic-generating development as it includes a car park of 50 or more car parking spaces in proximity to a classified road and will generate more than 50 motor vehicles per hour during certain periods.</p> <p>A referral to Transport for NSW was undertaken who have provided recommend conditions of consent.</p>

The proposal is satisfactory under the provisions of Chapter 2.

- **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
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
5.23 Public bushland	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Further comments on certain clauses are provided below.

Zoning and Permissibility

The site is zoned RE1 Public Recreation pursuant to Clause 2.3 of the Warringah Local Environmental Plan (LEP) 2011. Refer to the zoning map below.

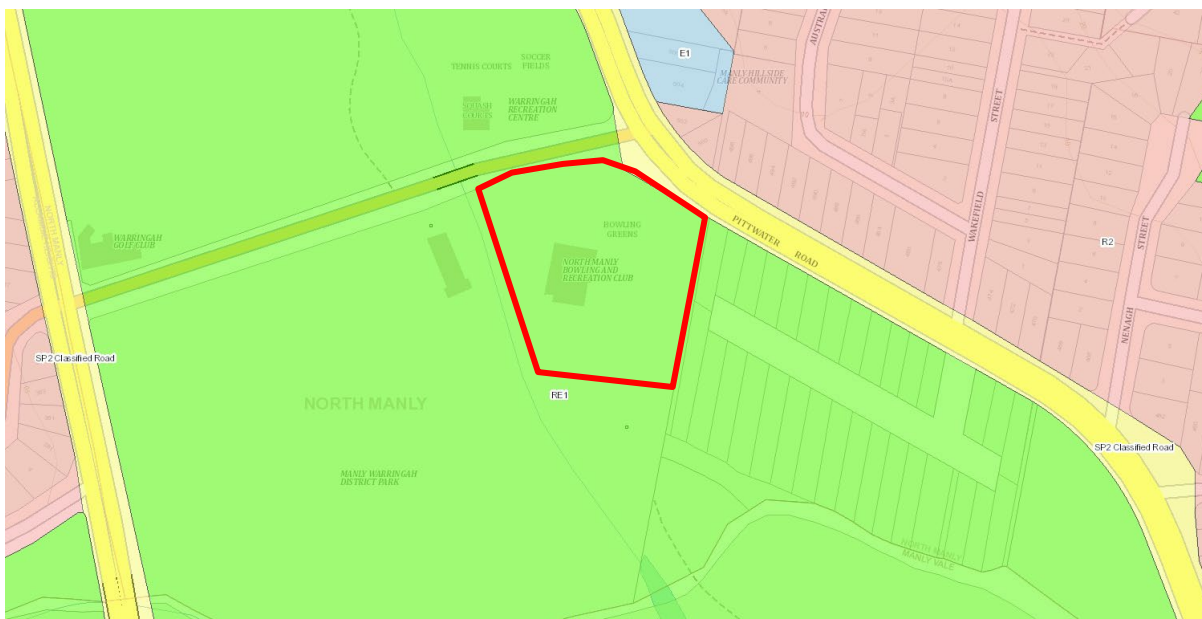


Figure 18: Land Zoning Map (Source: NSW Planning Portal Digital EPI Viewer)

The proposal consists of the following land uses:

- Recreation facility (indoor)
- Café
- Business identification signage

The uses are defined in the LEP Dictionary as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

Note—

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

business identification sign means a sign—

- (a) that indicates—

- (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note—

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

Each aspect of the proposal is consistent with its respective definition.

Recreation facility (indoor), restaurant or café and business identification signs are all nominated as permissible land uses in the RE1 Public Recreation zone. The development is permissible with consent.

The gymnastics training facility also includes a ‘sports medicine’ and ‘rehabilitation’ equal to 132m² of the internal floor area. The Plan of Management submitted during the assessment of the application states:

“The sports medicine room will be used to treat athletes or persons utilising the Manly Warringah Gymnastics Club facilities during the above operating hours.”

The sports medicine component of the proposal is not deemed to be a separate land use but ancillary to the development and is permissible in this context.

Zone Objectives

The objectives of the RE1 Public Recreation zone are as follows:

- 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.

The following is said to the zone objectives:

- The proposed gymnastics training facility is a recreation purpose.
- The site is in a broader recreation precinct that includes a golf course, tennis and squash courts, and outdoor sports fields and playgrounds. The proposal for a gymnastics training facility will further the breadth of recreational activities on the land. The use is compatible with the surrounding land uses.
- The proposal will require the removal of trees and vegetation to facilitate the proposed works. However, it will not create a detrimental impact on the surrounding natural environment subject to conditions of consent.
- The specific land associated with the lease area is not of specific ecological, scientific, cultural or aesthetic value as it has already been developed. However, the proposal will not unreasonably impact surrounding public land that has those values.
- The development is not likely to destroy, damage or otherwise have an adverse effect on public land of ecological, scientific, cultural or aesthetic value subject to conditions of consent.

Given the above, the proposal is considered to have met the zone objectives.

Clause 5.21 Flood Planning

The site is identified largely within the medium risk flood precinct. Refer to the extract of Council's flood maps below.



Figure 19: Northern Beaches Council Flood Hazard Map (Source: Northern Beaches Council Online Maps)

The gymnastics training facility has been positioned fully within the medium risk flood precinct and elevated above ground to meet the flood planning level of 3.71m AHD.

It is noted the waste room will be situated below this flood planning level. The room will be split level with a mechanical lift to ensure bins are stored above the flood planning level but can be lowered to allow collection from the adjacent loading bay. A condition of consent is to be imposed to ensure the lift is designed and constructed from flood compatible materials.

The applicant submitted a Flood Risk Management Plan prepared by Taylor Consulting which was reviewed by Council’s Flooding officer. The proposal was supported subject to conditions of consent.

The proposal is therefore consistent with the clause.

Clause 6.1 Acid Sulfate Soils

The site is identified as Class 2 and Class 5 acid sulfate soils on the Acid Sulfate Soils Map. Refer to the map below.



Figure 20: Northern Beaches Council Acid Sulfate Soils Map (Source: Northern Beaches Council Online Maps)

A Geotechnical Site Investigation prepared by Geotesta was submitted with the application. Council’s Environmental Health officer reviewed the report which stated no acid sulfate soils appear to be present on the site following borehole testing. Consequently, no management plan is required for the application.

A condition of consent is to be imposed to ensure that if any new information arises to alter the previous conclusions of the investigation, a management plan is to be prepared.

The development is therefore consistent with the clause.

Clause 6.2 Earthworks

The proposal will involve earthworks to facilitate the construction of the development.

The application was supported by a Geotechnical Site Investigation prepared by Geotesta. Subject to the recommendations of the report, it is not envisaged there would be any detrimental effect on drainage patterns, soil stability, the potential future use of the site (which was previously built up to allow for the bowling greens), or impact on amenity of adjoining properties. All excavated material will be required to be disposed of lawfully. It is unlikely for there to be relics on the site as it has been previously disturbed.

Consequently, the development is acceptable under the clause.

Clause 6.4 Development on Sloping Sites

The site is identified as Area A – a slope of less than 5 degrees – on Council’s Landslide Risk Map.

The Geotechnical Site Investigation prepared by Geotesta has provided recommendations to ensure suitable construction methods and an appropriate stormwater design has been prepared following input from Council's engineers. Subject to these being conditioned, there is deemed minimal potential for landslides, detriment impacts of stormwater discharge and impact on subsurface flow conditions.

- **Warringah Development Control Plan 2011**

Compliance Assessment

The relevant sections of the DCP that apply to the development application are:

- Part C – Siting Factors
- Part D – Design
- Part E – The Natural Environment

The relevant sections are addressed within the table below and further comments are below the table where required.

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes [refer to discussion below]	Yes
C3 Parking Facilities	Yes [refer to discussion below]	Yes
C3A Bicycle Parking and End of Trip Facilities	Yes [refer to discussion below]	Yes
C4 Stormwater	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 [refer to discussion below]	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes [refer to discussion below]	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes [refer to discussion below table]	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
<i>E2 Prescribed Vegetation</i>	Yes	Yes
<i>E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat</i>	N/A	N/A
<i>E4 Wildlife Corridors</i>	Yes	Yes
<i>E5 Native Vegetation</i>	N/A	N/A
<i>E7 Development on land adjoining public open space</i>	Yes	Yes
<i>E8 Waterways and Riparian Lands</i>	Yes	Yes
<i>E10 Landslip Risk</i>	Yes	Yes
<i>E11 Flood Prone Land</i>	Yes	Yes

C2 Traffic, Access and Safety

Vehicular Access

Vehicle access to the lease area will be from Council's driveway from Kentwell Road.

Council's Traffic Engineer has reviewed the proposal and provided conditions of consent. A condition of consent will require further demonstration of the adequacy of the service vehicle entry. The Traffic Report submitted required a 9.3m wide entry, whereas the current plans show 6.6m.

This matter is deemed appropriate to be conditioned and resolved prior to the construction certificate

On-Site Loading and Unloading

A loading bay is proposed suitable for the anticipated largest delivery vehicle and also serves as the waste collection location. The proposed vegetation will sufficiently screen this space from the park.

The vehicle may enter and exit in a forward direction.

The swept paths for the 12.5m are noted to be constrained and may require 4 and 5 point turns to exit in a forward direction. However, the Traffic Report has stated that no other classes will be operating during the weekday early afternoon period (12pm to 3pm) when buses for schools would arrive and depart the site. As such, it is deemed acceptable to Council's Traffic Engineer.

C3 Parking Facilities

Appendix 1 – Car Parking Requirements

A strict application of the car parking requirement for the gymnasium of 4.5 spaces per 100m² GFA and 15 spaces per 100m² GFA for the café would require 228.7 (i.e. 229) car spaces, based on a GFA of approximately 4,750m² for the gymnasium and 92m² for the café.

The proposed development proposes 105 car spaces, including the eleven existing spaces that may be relied upon on the driveway. Consequently, a shortfall is proposed.

The applicant submitted a Traffic Report prepared by Colston Budd Rogers & Kafes which provided an analysis of the existing operation and other comparable sites to derive a car parking requirement. As part of this, the DCP car parking rate was not considered strictly applicable to the proposed gymnastics centre as it does not provide the facilities found in a typical gym.

Council's Traffic Engineer made the following comments in relation to the car parking assessment:

“This parking shortfall is however considered acceptable given that:

- The café on the site is considered ancillary to the development. Although the café is open to the general public, due to its small size and its location (on the Pittwater Road frontage of the site which is not convenient for on-site parking), any external customers would be walk-in trade from the adjacent residential area or playing fields. The café therefore is not expected to generate any traffic or parking.
- According to the Traffic report, the proposed gymnasium does not provide the facilities found in a typical fitness centre/gymnasium; it provides training for athletes in gymnastics. Analysis of such developments therefore should be based on surveys of similar developments. If this is not possible, a first-principles analysis is required.
- Surveys of parking demand were undertaken by the consultant at the existing Manly Warringah Gymnastics Centre (MWGC) which operates a gymnastic training facility at Cromer.
- Car parking surveys were undertaken on a typical weekday and on weekend (Saturday operations) on-site, and in the adjacent street. The surveys included counts every 30 minutes on the times of day that the proposed gymnasium centre would be expected to generate its peak car parking demand. The surveys were undertaken to gain an understanding of the existing parking demands within the vicinity of the site.
- The surveyed parking demand at Cromer was increased by 20% to take into account the practical capacity of the classes (the classes at the time of the surveys were at their 80% capacity). Additionally, the peak parking demand at Cromer was increased by 40% given that the proposed MWGC at North Manly will have 40% additional capacity compared to the existing centre at Cromer.
- Under this approach, the development was assessed to generate a demand for 96 car parking spaces during ‘typical operations’ and 102 car parking spaces during the weekend. The proposal has provided 105 on-site car parking spaces which can accommodate the proposed gymnasium centre parking demand.
- Based on the surveys undertaken, it was concluded that in the vicinity of the site, there was also an abundance of spare car parking spaces on both a typical weekday and Saturday; users of the proposed gymnasium therefore would likely be able to park their car in those locations.
- A Green Travel Plan (GTP) has been included in the Traffic report as part of this DA to be circulated among the staff/gymnasium centre users to reduce and shift the use and dependency away from single occupancy private vehicle use. The use of a Green Travel Plan will be of use in reducing private motor vehicle trips and its use is supported.”

Given the above, a reduced car parking provision over the standard gym car parking rates is deemed acceptable and appropriate for the proposal.

C3A Bicycle Parking and End of Trip Facilities

The development requires the following bicycle parking:

Rate	Required	Provided
<u>High-Medium Security Level</u> 1 per 4 employees PLUS 1 per 1500 spectator places	30 employees / 4 = 7.5 (8) spaces 250 spectators = 1 spaces Total: 9 spaces	Not specified.
<u>High-Low Security Level</u> 1 per 200m ² GFA 1 per 250 spectator places	4,800m ² GFA / 200m ² = 24 spaces 250 spectators = 1 spaces Total: 25 spaces	31 spaces

A total of 31 bicycle spaces are proposed within the car park, with an internal secure store of sufficient size to accommodate 9 spaces, and an undercroft location on the southern side of the building for inclement weather parking. The proposal will provide sufficient bicycle parking spaces.

Change rooms in the facility will serve as the end of trip facilities.

D6 Access to Sunlight

“Development should avoid unreasonable overshadowing any public open space.”

The site adjoins Nolan Reserve which, in proximity to the site, is used for sports fields. Council has advised the land adjoining the site is used by sporting clubs including the Manly Brothers Rugby League Football Club and various cricket clubs from the Northern Beaches Cricket Council. It is also used for informal purposes.

Council’s Parks, Reserves and Foreshores officer is not supportive of the overshadowing impact created by the proposed development. Specifically, the referral comments on the latest plans are:

“However the matter of WDCP clause D6 Access to Sunlight, remains of concern, as the development footprint casts significant shadow over public open space during the winter afternoon months, including the sports field, grassed areas beyond the sports field, and to the existing share path, all utilised by the community for active and passive recreation as raised in previous comments.

Parks Reserves and Foreshores Referral are unable to support the application due to the impact of development upon the community for active and passive recreation.”

The applicant submitted shadow diagrams with the lodgement of the application for 9am, 12pm and 3pm on June 21. The shadow diagrams are illustrated below.

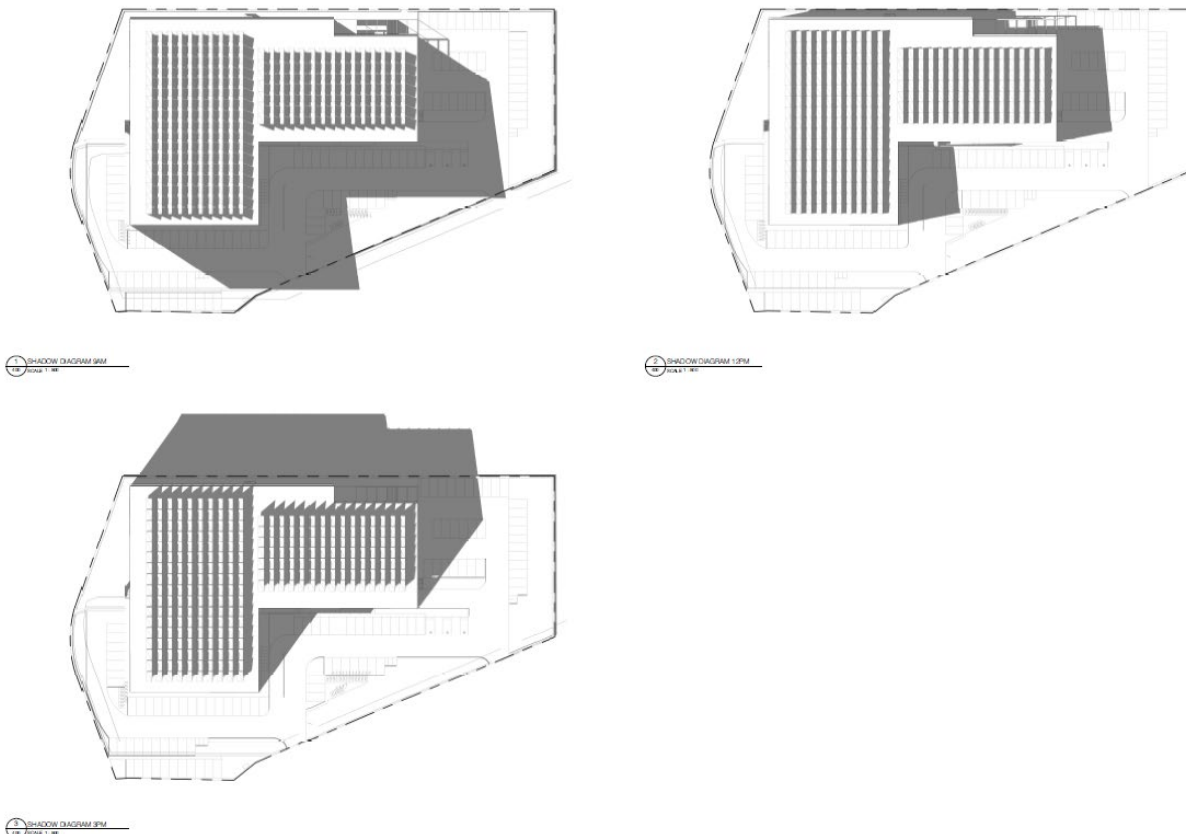


Figure 21 – Lodgement 9am, 12pm and 3pm shadow diagrams

The initial referral response raised concerns with the impact to Nolan Reserve, located to the top of the image. The 3pm shadows (the bottom of the plan) indicate some level overshadowing falls onto Nolan Reserve (and the share path, which borders the site). However, the impact was not clear due to limited

features present on the diagrams.

A request for additional information was issued regarding further detail on the overshadowing impact. The location of the field where the Manly Brothers Rugby League Football Club play during winter was provided to the applicant and the distance ground truthed by the applicant and supplied in amended shadow diagrams. Hourly shadow diagrams were requested for the afternoon.

It was also raised that the Manly Brothers typically play around 3pm to 4:30pm. Accordingly, it was requested for 3:30pm, 4pm and 4:30pm shadow diagrams to be prepared.

The final shadow diagrams are illustrated below.

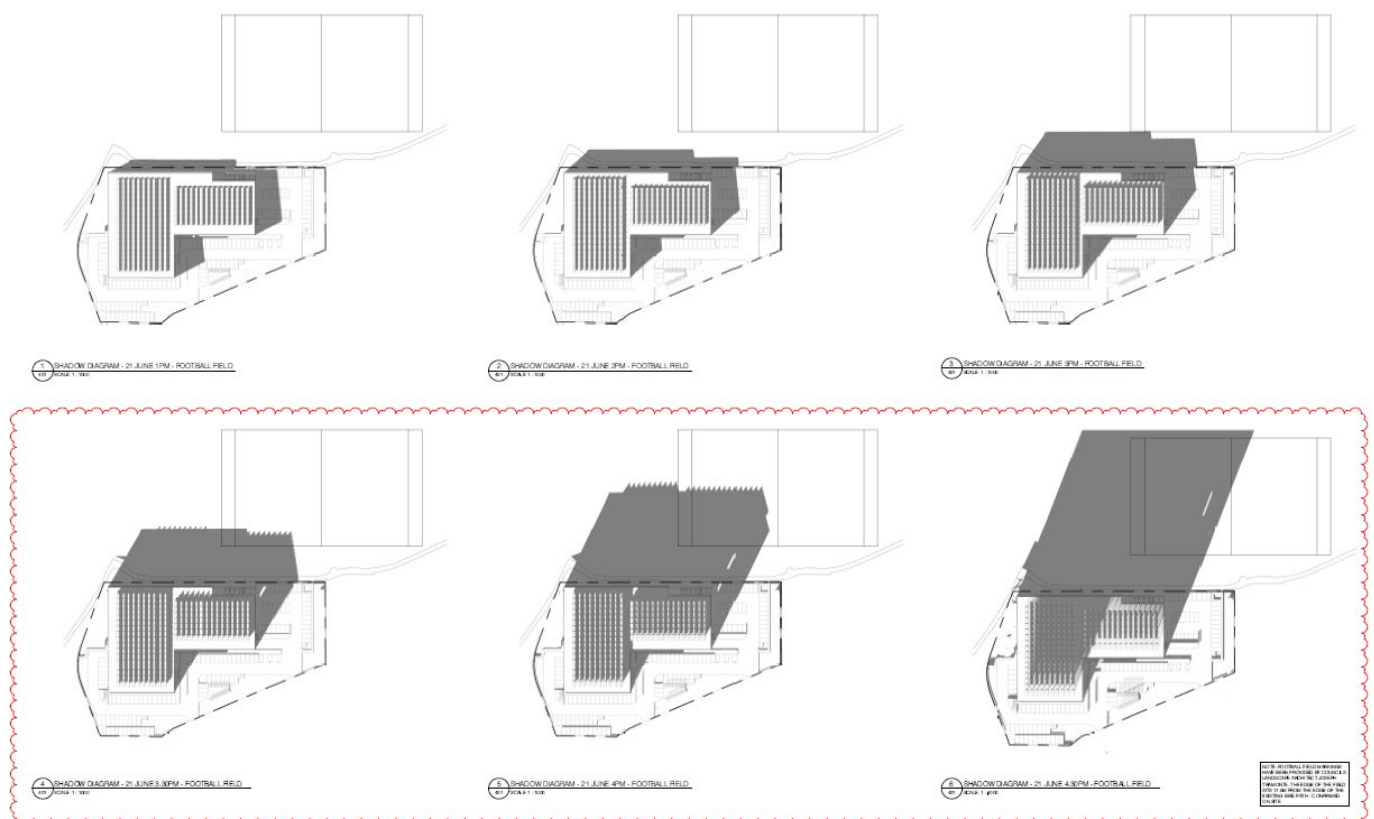


Figure 22 – 1pm, 2pm, 3pm, 3:30pm, 4pm and 4:30pm shadow diagrams on June 21

As the diagrams illustrate, the sideline on the northern end of the field will be marginally affected at 3pm, with the impact increasing to 4:30pm where almost half the field will be overshadowed. The latest referral comments were issued on these diagrams.

The DCP control does not specify a numerical quantity of open space that requires sunlight or that is acceptable to impact. The assessment to be carried out is to determine what is “unreasonable overshadowing,” a term not defined by the DCP.

In assessing the overshadowing impact, the following is noted:

- The shadow diagrams assess the worst impact possible as they are based on the winter solstice, June 21.
- The impact of overshadowing commences at 3pm to a modest portion of the sideline, remains minimal at 3:30pm, and only at 4pm onward can the impact reasonably be defined beyond ‘minimal’ to the area of assessment.
- The development has no built form controls that apply to it but adopted a 3m side setback to the

east, at the guidance of pre-lodgement advice to suit a good interface with Nolan Reserve. The 3m setback remains a suitable setback as endorsed by other internal departments and the planning assessment, per comments elsewhere in this report.

- The building itself is fixed in its height due to the clearance heights required for gymnastics equipment. The internals have already been configured to have the lowest clearance on the eastern side to reduce the overshadowing impact.
- Council has specified that car parking variations on the rate specified by the applicant's traffic assessment would not be supported. Consequently, there is no opportunity to shift the development further west and retain the quantum of spaces needed to service the development.
- The DCP control does not specify any time of day window that access to sunlight is to be assessed for. Environmental planning instruments and DCPs typically require assessment only between 9am and 3pm. Adopting the typical timeframes of assessment, the impact at 3pm is insignificant on the sideline and non-existent to the field itself and would require no further consideration.

In addition to the above, the objectives of the control are:

- *To ensure that reasonable access to sunlight is maintained*
- *To encourage innovative design solutions to improve the urban environment.*
- *To promote passive solar design and the use of solar energy.*

In response, the following can be stated regarding the assessment of the overshadowing:

- The proposal is deemed reasonable, including the access to sunlight. The proposal is for a recreation facility, a permissible use of the land. Aspects such as the eastern setback and the internal volume have been guided by Council's advice and specific clearance requirements. The resultant level of impact is limited to a late period of the day on June 21, leaving both ample portions of the day and Nolan Reserve unaffected.
- The proposal positively responds to its site and delivers a positive landscape outcome to each boundary and within the site. The resultant design will improve the urban environment.
- The proposal does adopt solar energy through the rooftop solar farm which contributes minimal additional overshadowing.

The objectives are considered to have been met.

Weighting the considerations of the existing users of the field and the reasonableness of the development itself, it is deemed that the impact is acceptable in this instance.

D9 Building Bulk

The development type on recreation land is not prescribed specific building envelope controls. Consequently, a merit assessment is required to assess the appropriateness of the building bulk.

The objectives of D9 are:

- *To encourage good design and innovative architecture to improve the urban environment*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

The development is considered to be of a good design. The proposal has adopted passive design and sustainability initiatives through the use of Suntuf Biobase translucent wall panels which provide daylight into the main areas of the facility to minimise daytime lighting, with shutters for natural ventilation. This approach has been endorsed by the Design and Sustainability Advisory Panel, specifically that "*Overall built form response is appropriate for a building of this function. The panel commends the clear articulation of the building's function and architectural resolution including passive and active energy usage reduction*"

measures.”

The Panel also supported the façade treatment and aesthetics, stating: “*An elegant and refined palette of materials is proposed to execute functions of the building and present as a calm and considered whole.*”

Given this, the first objective is achieved.

The second objective is informed by the setbacks and landscaping proposed. A setback of between 3m and 19m is proposed for Pittwater and Kentwell Street, varying due to the irregular shape of the frontage. A 3m setback to the east (Nolan Reserve) is adopted following pre-lodgement advice. The setbacks to the west are generally 18m-25m and 40m to the south. The setbacks to the west and south are significant and acceptable. The main focus of the discussion is to the north and east.

The northern setback has been marginally increased (+1m) through the assessment to allow for greater landscaping, which was raised as a concern with the initial proposal. The amended form incorporates both the existing planting at the boundary and new and retained trees, which will together achieve the minimisation of the visual impact from the intersection vantage point.

It is noted the northern setback currently contains a memorial garden. This will be retained.

The 3m eastern setback was initially questioned due to the poor landscaping outcome presented in the initial submission. The eastern setback was primarily paved which failed to achieve the reduction in bulk and scale the control seeks. Amendment through the assessment has resulted in the majority of the eastern setback being dedicated to planting, including the provision of new trees (dominantly *Banksia integrifolia*, with a 15m mature height), which will be secured through conditions of consent. The plantings will minimise the visual impact of the building from the reserve. The amended outcome has been supported by the various internal departments of Council, except for the overshadowing concern discussed earlier.

It is noted that the height of the building on the eastern side, where it is closest to a boundary, is 8.3m-8.5m, consistent with the height prescribed for the residentially zoned land opposite Pittwater Road.

It is deemed that the second objective has been achieved in the amended application.

Given the above, the building bulk is acceptable.

D21 Provision and Location of Utility Services

The building’s eastern side setback is recommended to be conditioned to be free of utility services (except for the fire egress path) to secure the landscaping outcome discussed in D9 Building Bulk. A condition of consent to this effect has been prepared by Council’s Landscape Officer and is included in Attachment 1.

It is noted that the stormwater works will involve discharging into Brookvale Creek and therefore works within the riparian corridor. Council and Department of Planning and Environment – Water have supported the proposal in its current form subject to conditions of consent and General Terms of Approval, including the replacement of any vegetation removed to facilitate the above.

The proposal is therefore acceptable regarding the provision of utility services.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

A monetary contribution of \$103,554 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$10,355,402.

District Park Plan of Management

The site is located within the “District Park” which is subject to the District Park Plan of Management (POM) dated September 2015.

The main components of the POM are discussed below.

POM	Response
<p><u>4.2.2 Vibrant Community</u> Objective: To provide opportunities for social interactions, community support, cultural heritage protection and creative expression in a safe environment</p>	<p>The proposed use is one deemed to achieve the opportunity for social interactions and community support. This proposal will not negatively impact on cultural heritage.</p>
<p><u>4.2.3 Recreation and Lifestyle</u> Objective: To provide safe and fit for purpose facilities, settings and spaces for a diverse range of traditional and emerging sporting, recreation and leisure activities which encourage a healthy lifestyle</p>	<p>The proposal will introduce a safe and fit for purpose gymnastics training facility, diversifying the available activities within District Park in an indoor setting.</p>
<p><u>4.2.4 Healthy Environment</u> Objective: To protect, preserve and enhance the natural environment (land and water) in District Park</p>	<p>The assessment within this report has determined that subject to conditions of consent, the proposal will not negatively impact the natural environment.</p>
<p><u>5.2.1 Permitted Uses and Developments</u> District Park is generally intended to be used for active sport, informal and passive recreation, social and cultural events, and preservation of natural areas.</p> <p>Any use or development that would encroach on the Park’s open space should be minimised, unless it can be shown that the proposed use or development is more efficient use of the space and is consistent with the objectives of this Plan of Management.</p>	<p>The use of the site for a recreation facility (indoor) is a permissible land use for the site.</p>
<p><u>5.2.2 Scale and Intensity of Use and Development</u> The scale and intensity of future uses and development in District Park is dependent on the:</p> <ul style="list-style-type: none"> • nature of the approved future uses. • Landscape Concept Plan (Section 4.1) and subsequent detailed Masterplans. • impact on the condition of the park and assets. • impact on adjoining residents. <p>Any proposal to use buildings, structures and spaces in District Park will be considered on merit and balanced against the need to maintain the amenity of adjoining residents and land uses.</p>	<p>The landscape concept plan identifies the site for a sports community club facility, which has not eventuated. The concept plan identifies a need for “<i>appropriate environmental setbacks.</i>”</p> <p>It is submitted that the proposal does achieve these environmental setbacks. The northern and eastern setbacks have been resolved through the assessment of the application to deliver retention of trees and new well scaled tree planting. The proposal does not immediately impact Brookvale Creek and, subject to conditions of consent, will have an acceptable impact through its stormwater discharge. The southern setback accommodates ample separation from the next use through plantings.</p>

POM	Response
	<p>There is no unreasonable impacts generated by the development on the park or adjoining residents.</p>
<p>Buildings and structures Express authorisation This Plan of Management expressly authorises development of new buildings and redevelopment of existing buildings consistent with the scale and intensity of buildings and structures as shown on the Landscape Concept Plan and subsequent detailed Masterplans.</p> <p>Design considerations Building envelopes District Park is zoned as RE1 Public Recreation. Therefore no height or building envelope controls relate to the site under WLEP 2011.</p> <p>Access Incorporate any relevant standards to new developments and refurbishment within the Park as per Australian Standard 1428 (Parts 1 – 4) Design for Access and Mobility. Seating for people with disabilities should comply with the Disability Discrimination Act and the Building Code of Australia.</p> <p>Sustainable development All facilities, infrastructure (new and renewed), and maintenance in District Park will integrate sustainability in terms of energy use, life cycle costs, source material impacts, and Water Sensitive Urban Design (WSUD). All new buildings and/or refurbishments in District Park are to be developed consistent with Council's Operational Management Standard 'Environmentally Sustainable Design and Management of Council Built Assets'.</p> <p>Parkland Intensity of use of the parkland must be monitored in terms of its impact on the condition of the land and built assets. Corrective action, such as fencing off worn grassed areas, may be implemented if the condition of the park is impacted upon.</p> <p>Traffic and parking The impact of traffic and parking associated with organised sport or events on local residents and businesses will be managed on a case-by-case basis.</p> <p>Planting</p>	<p>The scale of the development has been assessed and is acceptable in its context of the relationship to the immediate park, the nearby residential and other park uses.</p> <p>Noted. The building was assessed on its merits particular to its use case.</p> <p>An access report was submitted with the proposal and has generally been designed to comply. The development will be secured to be accessible by conditions of consent.</p> <p>The proposal has incorporated sustainability measures including solar panels, passive solar design, and has been assessed as acceptable for drainage.</p> <p>Not relevant.</p> <p>The traffic generated by the proposal has been assessed as acceptable by Council's Traffic Engineer and is also supported by Transport for NSW.</p>

POM	Response
<p>Species selected for planting in riparian areas in District Park will be endemic to the area or to Australia where possible. Elsewhere in District Park plant species which are appropriate for a highly modified and used park will be used. Planting will be undertaken on a site-specific basis as required.</p> <p>Activities It is envisaged that activities at District Park which may attract high numbers of people are sporting competitions, and special events. Applications for such activities will be assessed on a case-by-case basis.</p>	<p>The landscape plan has been generally supported subject to conditions of consent.</p> <p>The envisaged capacity of the development was assessed in the traffic generation and determined to be acceptable.</p>
<p><u>5.2.3 Assessment and Approval of Permissible Uses and Developments</u> Community land Warringah Council must expressly authorise proposed developments on community land under the Local Government Act 1993. This authorisation in a Plan of Management gives 'in principle' support for certain activities to proceed to the development assessment stage. However, this Plan does not in itself imply or grant consent for these activities. Any proposed developments which are consistent with this Plan are still subject to development consent processes.</p>	<p>Council owners consent was given to the proposed development. The development assessment was undertaken by an external consultant who has independently determined the application to be acceptable, subject to conditions.</p>
<p><u>5.3 Authorisation of Future Leases, Licences and Other Estates</u> Under Section 46 of the Local Government Act 1993, Council may lease or licence community land in a Plan of Management for purposes consistent with the categorisation and zoning of the land.</p> <p>Subleases Where a lease arrangement has been entered into with council for community land, subleasing of the land must be in accordance with the requirements of Section 47C of the Local Government Act 1993.</p>	<p>The purpose proposed is that of a recreational land use, aligning with the POM's intention for District Park.</p> <p>The café is intended to be subleased, which is in alignment with the POM subject to the requirements of Section 47C of the Local Government Act 1993. This will be subject to a separate process should consent be granted.</p>

The proposal is considered to have aligned with the District Park Plan of Management.

Design and Sustainability Advisory Panel

The Design and Sustainability Advisory Panel was referred the application and provided feedback during the assessment of the application. The following table provides their key feedback and the applicant's design response.

Panel Comment	Applicant Design Response
<p>Consider pedestrian address, waiting areas and how the proposal may interface to activate</p>	<p>Legibility of the entry has been enhanced with pedestrian paths, including an added dedicated</p>

<p>surrounding public spaces and read as an approachable public building</p>	<p>entry footpath.</p>
<p>Consider how the cafe may legibly function to serve public patrons.</p>	<p>As discussed earlier in this report, the café visibility and activation has been enhanced.</p>
<p>Develop legible pedestrian network on site to ensure clear address and wayfinding</p> <p>Develop bicycle access to site and parking near entry with consideration of e-bike charging</p> <p>Reduce parking to allow for tree planting</p>	<p>Paths throughout the car park and site generally have been introduced to create clearer pedestrian networks.</p> <p>Bicycle parking has been provided within the site in clear locations, including an inclement weather location beneath the building. E-bike charging has not been adopted due to concerns over impacts from flooding. Considered acceptable.</p> <p>Car park has not been reduced; however, tree canopy has been maximised within the car park.</p>
<p>Carpark paving materials to be light coloured to reduce absorption of heat and decrease heat Island effect.</p> <p>Utilise permeable paving and WSUD design (eg. Bioswales) to manage and collect water on site for reuse and improve water quality of run off.</p> <p>Install rainwater tanks to collect roof water.</p> <p>Plant considerably more tall native canopy trees in the carpark including central aisles to improve amenity and decrease heat Island effect. This is critical alongside west and north facing blank facades and to shade the battery storage areas. his will significantly improve passive cooling on hot days.</p> <p>Retain existing trees on site.</p> <p>Design a more amenable pedestrian experience including at entry to the site and throughout the carpark including provision of shade from canopy trees, understorey planting and change in paving materials for improved wayfinding.</p> <p>Develop detailed scheme for adjacent outdoor area to the proposed café including detail planting, paving, outdoor seating and access to the greater Parkland.</p> <p>Develop detailed scheme to the proposed memorial outdoor area including detail planting, paving, outdoor seating and access to the café and Park.</p>	<p>The car park canopy cover has been increased to reduce the heat island effect. The pavement will be light grey concrete.</p> <p>Council’s engineers have supported the current stormwater drainage.</p> <p>Concern was raised regarding the effect of flood waters on a rainwater tank and thus one was not adopted.</p> <p>Planting was introduced where possible, including 48 trees with mature heights of 15m and greater.</p> <p>Retention of trees on the site has been achieved where possible.</p> <p>The pedestrian has been revised as mentioned earlier.</p> <p>The café presentation to the park has been enhanced, including illustration of the deck used for outdoor dining with a canopy over.</p> <p>The memorial garden is being retained and pedestrian access to it.</p>

E charging for a number of car bays for parking lot.	E-charging bays have been introduced.
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Given the above, the matters of the Panel have been adequately addressed.

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 public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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

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

RECOMMENDATION

THAT Sydney North Planning Panel as the consent authority grant Development Consent to DA2023/1708 for Demolition works and construction of a Recreation Facility (indoor) with signage on land at Lot 2743 DP 752038, 431 Pittwater Road, NORTH MANLY, subject to the conditions outlined in Attachment 1.

ATTACHMENT 1

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans – Architectural Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
004	1	Demolition Plan	Carr	25/05/2024
100D	3	Ground Floor – Dimensioned	Carr	25/05/2024
101	3	First Floor	Carr	25/05/2024
102	3	Roof	Carr	25/05/2024
200	3	Material Palette	Carr	25/05/2024
201	3	Elevations	Carr	25/05/2024
202	3	Elevations	Carr	25/05/2024
300	3	Section	Carr	25/05/2024
301	3	Section Details	Carr	25/05/2024
Stormwater Plans				
STORM-1	A	Stormwater Management Plan	Taylor Consulting	9 April 2024
STORM-2	A	Stormwater Management Details	Taylor Consulting	9 April 2024
Landscape Plans				
44_MGW_C_01		Cover Page	Terraneo Landscape Design	04/05/2024
44_MGW_C_02		Plant Schedule	Terraneo Landscape Design	04/05/2024
44_MGW_C_03		Landscape Plan	Terraneo Landscape Design	04/05/2024
44_MGW_C_12		General Specification and Typical Details	Terraneo Landscape Design	04/05/2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Manly Warringah Gymnastics Club Centre of Excellence – Acoustic Development Application	R0	Pure White Noise Acoustics	1 August 2023
Building Code of Australia Assessment Report	2	Fire Risk Solutions	10.10.23

Flood Risk Management Plan		Taylor Consulting	31 October 2023
Geotechnical Site Investigation Report		Geotesta	19 November 2021
Warringah Council Hazardous Building Material Survey		Hibbs & Associates	20 November 2015
Operational Plan of Management – Manly Warringah Gymnastics and Multisport Centre		[no author]	
Targeted Preliminary Site Investigation Report		Geotesta	9 October 2023
Section J Compliance Report		Application Solutions	17/11 2023
Construction and Demolition Management Plan Manly Warringah Gymnastics Centre of Excellence		[no author]	[no date]
Waste Management Plan		Ian Hardy	27/07/2023

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

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

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

2. **Design Amendment**

The approved plans and documents must be amended in accordance with the following requirements:

- a) *The rooftop solar panels are to be screened on the eastern side by:

 - a. *A parapet of 1 metre in height above the eastern elevation gutter level, OR*
 - b. *A timber or non-reflective metal screen at a height of 1 metre.**

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

Reason: To preserve visual amenity.

3. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	[undated]
Department of Planning and Environment - Water	NSW DPE—Water Referral Response	18 June 2024
Transport for NSW	TfNSW Referral Response	12 January 2024

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

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

4. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a recreation facility (indoor) and restaurant and cafe, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

Note—

*Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.*

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

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

5. **Prescribed Conditions**

- (a) *All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).*
- (b) *BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);*
- (c) *A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:*
 - (i) *showing the name, address and telephone number of the Principal Certifier for the work, and*
 - (ii) *showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and*
 - (iii) *stating that unauthorised entry to the work site is prohibited.*

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

- (d) *Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:*

- (i) *in the case of work for which a principal contractor is required to be appointed:*
 - A. *the name and licence number of the principal contractor, and*
 - B. *the name of the insurer by which the work is insured under Part 6 of that Act,*
- (ii) *in the case of work to be done by an owner-builder:*
 - A. *the name of the owner-builder, and*
 - B. *if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.*

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

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

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

Reason: Legislative requirement.

6. General Requirements

- (a) *Unless authorised by Council:*

Building construction and delivery of material hours are restricted to:

 - *7.00 am to 5.00 pm inclusive Monday to Friday,*
 - *8.00 am to 1.00 pm inclusive on Saturday,*
 - *No work on Sundays and Public Holidays.*

Demolition and excavation works are restricted to:

- *8.00 am to 5.00 pm Monday to Friday only.*

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

- (b) *Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.*
- (c) *Should any asbestos be uncovered on site, its demolition and removal must be*

carried out in accordance with WorkCover requirements and the relevant Australian Standards.

- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.*
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.*
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.*
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.*
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.*
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.**
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.*
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.*
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.*
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.*
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected*
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place*
 - iii) Building/s that are to be demolished*
 - iv) For any work/s that is to be carried out**

v) *For any work/s that is to be demolished*

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

- (m) *A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.*
- (n) *The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.*
- (o) *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.

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$103,554.02 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan

(as amended).

The monetary contribution is based on a development cost of \$10,355,402.00.

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

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

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

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

8. Security Bond

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

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. Amended Landscape Plans

Amended Landscape Plans shall be issued to Council for approval prior to the issue of a Construction Certificate to include the following details:

- a) the exit path connection to public open space shall ensure that proposed stairs shall be wholly contained within the lease area and that only an at-grade path beyond the lease area is to be constructed,*
- b) the proposed lawn area shall be deleted and replaced as a planted landscape buffer continuing the planting along the eastern boundary, whereby the 3 metre landscape zone is planted as imposed by conditions,*
- c) the 3 metre landscape zone along the eastern boundary shall not contain any subsurface nor above ground utilities and structures, except for the fire exit path connection to the public open space,*
- d) the 3 metre landscape zone along the eastern boundary shall be mass planted with*

- small trees and other planting, including Eleocharis reticulatus at no more than 3 metre centres,*
- e) *all references to the 2 metre high 'spearhead' fencing shall be deleted from documents,*
 - f) *the following nominated species shall be deleted: Angophora, Westringia, Pimelea, Telopea, and Hibbertia; and replaced with the following suggested species: trees - Eucalyptus robusta, Tristaniopsis laurina, Melaleuca linariifolia, Callistemon salignus, Backhousia citriodora, Eleocharis reticulatus, Livistona australis; shrubs - Leptospermum laevigatum, Callistemon species, dwarf Melaleuca varieties, Baeckea linifolia, Doryanthes excelsa; tall grasses - Lomandra hystrix, Dianella caerulea, Ficinia nodosa, Juncus kraussii.*
 - g) *all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located within garden beds,*
 - h) *mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at minimum 6 plants per metre square for tall grasses of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.*
 - i) *the following existing trees to be retained shall be documented: trees identified as number T17, T19, T21 x 2, T24 and T25, and the existing Duranta shrub hedge fronting Pittwater Rd / Kentwell Road. All trees outside of the lease area and in proximity to the proposed works shall be preserved as follows: trees identified as number T1 to T14 and T25,*

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

10. Flood effects caused by development

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 3.71m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

11. Building components and structural soundness

B1 - All new development below the Flood Planning Level of 3.71m AHD shall be designed and constructed from flood compatible materials.

B2 – The shelter in place refuge must be designed to ensure structural integrity up to the Probable Maximum Flood level of 5.7m AHD, with the remainder of the new development (including the proposed hydraulic lift) to be designed to ensure structural integrity up to the Flood Planning Level of 3.71 m AHD. The forces of floodwater, debris load, wave action, buoyancy and immersion must all be considered.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 3.71m AHD, protected from flood water or have

residual current devices installed to cut electricity supply during flood events.

B4 - The proposed hydraulic bin lift proposed to access the waste room is to be designed and constructed from flood compatible materials. All electrical and hydraulic equipment, wiring and connections associated with the bin lift are to be protected from flood waters up to the FPL.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

12. Floor levels

C1 - New floor levels within the development shall be set at or above the Flood Planning Level of 3.71m AHD.

C3 - The underfloor area of the building below the 1% AEP flood level is to be designed to allow clear passage of floodwaters. At least 50% of the perimeter of the underfloor area must be of an open design from the natural ground level up to the 1% AEP flood level.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

13. Car parking

D1 - Open carpark areas and carports shall not be located within a floodway.

D2- The lowest floor level of open carparks shall be constructed no lower than the natural ground levels, unless it can be shown that the carpark is free draining with a grade greater than 1%.

D4 - Vehicle barriers or restraints such as bollards or railing are to be installed so as to prevent vehicle movement from the car parking area. Protection must be provided for all events up to the 1% AEP flood event.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

14. Emergency response

E1 - The shelter-in-place refuge must:

- a) Have a floor level at or above the Probable Maximum Flood level of 5.7m AHD; and*
- b) Have a floor space that provides at least 2m² per person; and*
- c) Be intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants without reliance on electrical means.*

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

15. Fencing

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

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

16. Storage of Goods

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 3.71m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

17. 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.

18. 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. Stormwater shall be conveyed from the site to Brookvale Creek in accordance with Council's Coast and Catchment Team requirements.

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.

19. 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:

- a) *Site Boundaries and contours*
- b) *Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)*
- c) *Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)*
- d) *Existing and proposed drainage patterns with stormwater discharge points*
- e) *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.*
- f) *North point and scale.*

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

Reason: To protect the receiving environment.

20. Construction Environment Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in the Waterway Impact Statement and must be kept in the site office.

An induction plan for site personnel must be prepared and implemented that addresses the CEMP. Induction records must be maintained and available onsite at all times.

The CEMP and site induction plan must be submitted to the Principal Certifier for approval prior to the issue of the Construction Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

21. Stormwater Outlet Structure to Creek

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

All disturbed bank area to be revegetated with suitable local native riparian species at 8 plants by square meter.

No mortar is to be used on the outlet scour protection. Rocks must be placed using an interlocking system with varying rock sizes. The surface should be a textured finish to break up and dissipate sheet flows.

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

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

22. 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

- o *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.*
- o *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.

23. Detailed Design of Stormwater Treatment Measures - Major

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Stormwater Plan from Taylor STORM 1A and STORM 2A dated 9 April 2024 and Council's Water Management for Development Policy.

The scour protection designs at the stormwater pipe outlets to the creek are to extent to the creek bed level.

The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

24. 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 following:

- o *The proposed phases of construction works on the site, and the expected duration of each construction phase.*
- o *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.*
- o *Make provision for all construction materials to be stored on site, at all times.*
- o *The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.*
- o *The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.*
- o *Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:*

Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.

Demonstrate that direct access from a public space/road is not viable for each stage of works.

An assessment to be carried out of the physical constraints of the Right of

Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.

Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.

- *No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.*
 - *How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.*
 - *If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.*
 - *A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.*
 - *A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:*
 - *Compare the post-construction report with the pre-construction report,*
 - *Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,*
 - *Should any damage have occurred, identify remediation actions taken.*
 - *Be submitted to Council with the Occupation Certificate.*
 - *The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.*
 - *Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.*
 - *Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.*
 - *Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.*
 - *The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.*
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.*

Take into consideration the combined construction activities of other development in the

surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.

- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

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

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

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

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

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

25. Vehicle Access & Parking

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

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

- dimensioned plans be submitted for the driveway width to confirm that the driveways are appropriately sized.

Plans prepared by a suitably qualified Engineer shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

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

26. 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.

27. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of new footpath connection between the existing shared path along Pittwater Road frontage to the pedestrian entry at the corner of Pittwater Road and Kentwell Road. which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

28. Mechanical ventilation Plans

Where Mechanical ventilation is required to be installed in the food premises ,prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle certifier that demonstrate compliance 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.*

These plans are to be prepared by a suitably qualified person.

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

29. Acoustic Review

Prior to the issue of any Construction Certificate details of all mechanical plant and the proposed locations are to be identified and an acoustic consultant is to review the plans and provide acoustic treatment recommendations to meet external noise levels at neighboring properties as per the Acoustic Report dated 1 August 2023 prepared by Pulse White Noise Acoustics.

Any recommendations provided by the acoustic consultant in relation to mechanical plant and other plant is to be implemented into the development.

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

Reason: To ensure potential noise impacts from plant operations are effectively managed

30. Data Gap Contamination Investigation

A Data Gap Contamination Assessment post demolition of the existing structures/dwellings is to be undertaken by a suitably qualified person to address further potential areas of Environmental concern identified previously in the Preliminary Site Investigation prepared by GEOTESTA dated 9 October 2023 and to determine if any contamination hotspots exist within the footprint of the former sheds and dwellings.

This report is to be provided to the Principal Certifying Authority for review prior to Construction Certificate.

Reason: To ensure potential contamination is identified.

31. 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

32. Tree Removal Within the Lease area

This consent approves the removal of existing prescribed trees on the subject lease area as listed below and as identified in the Arboricultural Impact Assessment:

- a) trees identified as number T15, T16, T18, T20, T23, T27, T28, T29, T30 and T31,*
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.*

Reason: To enable authorised development works.

33. Dilapidation Report of Land Owned or Managed by Council

A dilapidation report established at the commencement of the works shall contain a survey of pre-existing land features including photographic record of the Land under Council's care control and management adjoining the development (Lease area), detailing the physical condition of items such as, but not exclusively limited to, physical assets such as crossovers, driveways, footpaths, utilities, furniture, play equipment, trees, gardens, lawn areas, bushland, and any rock outcrops.

This dilapidation report shall be submitted to Council and the Certifier prior to commencement of works, and shall be the basis for rectification of any damage to Council's assets as listed in the Post Construction Dilapidation report submitted prior to the issue of the Occupation Certificate.

Any damage to these assets during the works must be replaced like for like to the satisfaction of the Certifier, and shall be subject to acceptance by Council.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by

Council to repair such damage on Council's property.

Reason: Protection of Council's assets.

34. Work Zones and Permits

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

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

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

35. Road Occupancy Licence (ROL) from Roads and Maritime Services

The developer shall apply for a Road Occupancy Licence (ROL) from the TfNSW Transport Management Centre (TMC) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified with 'Prepare a Work Zone Traffic Management' accreditation or equivalent. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TMC.

Reason: To inform the relevant Roads Authority of proposed disruption to traffic flows.

36. Demolition Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

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

The DTMP must:-

- o Make provision for all construction materials to be stored on site, at all times.*
- o The DTMP is to be adhered to at all times during the project.*
- o Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.*
- o Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.*
- o Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.*
- o Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.*
- o Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.*
- o Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of*

the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.

- o *Specify spoil management process and facilities to be used on site.*
- o *Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.*

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

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

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

DURING BUILDING WORK

37. 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.

38. Tree and Vegetation Protection

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

- i) all trees within the lease area not approved for removal, including trees and vegetation nominated for retention on the approved Plans,*
- 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, and any recommendations of an approved Arboricultural Impact Assessment under section 6,*
- 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,

ix) 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,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,

xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

39. **Pre-clearance Survey**

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife prior to its removal. If native wildlife is found within habitat to be removed, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

40. **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.

41. **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.

42. **Aquatic environment protection**

Environmental safeguards are to be used during construction to protect the aquatic environment. Appropriate methods must be installed and secured to ensure damage to the aquatic environment is minimised. Actions and recommendations of the aquatic ecology report must be followed.

Reason: To protect the aquatic environment.

43. **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.

44. **No Access Through Land Owned or Managed by Council**
Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

45. **Storage of Materials on Land Owned or Managed by Council Prohibited**
The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council (beyond the Lease area) is prohibited.

Reason: Public safety and environmental protection.

46. **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.

47. **Implementation of Demolition Traffic Management Plan**
All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

48. 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.

49. 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.

50. 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.

51. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

52. 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.

53. 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.

54. Unexpected Finds

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning, Housing and Infrastructure.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

55. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

56. Toilet Facilities

The WC for the cafe must be separated from areas where open food is handled, displayed or stored by an intervening ventilated space fitted with self-closing doors; or provided with self-closing doors and mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated.

Reason: Legislative requirement.

57. 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.

58. Landscape Completion

Landscape works are to be implemented in accordance with the approved Amended Landscape Plans.

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

Reason: Environmental amenity.

59. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained by conditions, including the following information:

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

Reason: Tree and vegetation protection.

60. Certification of Works as Executed

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

- 1. Floor levels for ground floor, shelter in place refuge and garage are set at or above the required level*
- 2. There has been no filling on the land other than what has been approved*
- 3. Openings are provided under floor areas where required for the free passage of flood waters*
- 4. Openings are provided in fencing where required for the free passage of flood waters*
- 5. Vehicle barriers or restraints have been installed.*

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

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

61. Building Components and Structural Soundness

B2 - A suitably qualified structural engineer is to certify the structural integrity of the shelter in place up to the Probable Maximum Flood level of 5.70m AHD, and the remainder of the new development (including hydraulic lift) up to the Flood Planning Level of 3.71 m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 3.71m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

B4 - The manufacturer of the proposed hydraulic bin lift is to certify that it has been designed and constructed to be protected from flood waters up to the flood planning level of 3.71m AHD.

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

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

62. 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.

63. Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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

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

64. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Civil Engineer.

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.

65. Certification for Creek Works/stormwater outlets

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the creek works have been completed in accordance with the plans construction certificate plan.

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

Reason: To ensure creek works are completed in accordance with the consent approval.

66. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction certificate approved plans . The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment.

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

Reason: Protection of the receiving environment.

67. Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

68. Stormwater Treatment Measures Operation and Maintenance Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

- 1. Detail on the stormwater treatment measures:*
 - a) Work as executed drawings*
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates*
 - c) Site detail showing catchment for each device*
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure*
 - e) Impervious area restrictions to maintain the water balance for the site*

- f) *Funding arrangements for the maintenance of all stormwater treatment measures*
 - g) *Identification of maintenance and management responsibilities*
 - h) *Maintenance and emergency contact information*
2. *Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:*
- a) *Activity description, and duration and frequency of visits*
- Additionally for vegetated devices:*
- b) *Monitoring and assessment to achieve an 80 percent survival rate for plantings*
 - c) *Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure*
3. *Maintenance schedule and procedure - ongoing*
- a) *Activity description, and duration and frequency of visits*
 - b) *Routine maintenance requirements*
 - c) *Work Health and Safety requirements*
 - d) *Waste management and disposal*
 - e) *Traffic control (if required)*
 - f) *Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)*
 - g) *Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.*

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

69. Works as Executed Drawings - Stormwater Treatment Measures

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

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

Reason: Protection of the receiving environment.

70. Post-Construction Dilapidation Report of Land Owned or Managed by Council

Rectification works to Council's assets shall be contained in a Post Construction Dilapidation report submitted to Council prior to the issue of the Occupation Certificate.

The applicant is liable for any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: Protection of Council's assets.

71. Disabled Parking Spaces

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

72. Shared Zone Bollard

A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

73. Geotechnical Certification Prior to Occupation Certificate

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

74. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifier and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Manly Warringah Gymnastics Club Centre of Excellence – Acoustic Development Application	R0	Pure White Noise Acoustics	1 August 2023
Building Code of Australia Assessment Report	2	Fire Risk Solutions	10.10.23
Flood Risk Management Plan		Taylor Consulting	31 October 2023
Geotechnical Site Investigation Report		Geotesta	19 November 2021
Warringah Council Hazardous Building Material Survey		Hibbs & Associates	20 November 2015
Operational Plan of Management – Manly Warringah Gymnastics and Multisport Centre		[no author]	
Targeted Preliminary Site		Geotesta	9 October

Investigation Report			2023
Section J Compliance Report		Application Solutions	17/11 2023
Construction and Demolition Management Plan Manly Warringah Gymnastics Centre of Excellence		[no author]	[no date]

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

Reason: To ensure compliance with standards.

75. Compliance with Contamination Management

Prior to the issue of an Occupation Certificate, if applicable, any contamination identified within the Data Gap Contamination Assessment must be managed according to the report by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: Protection of the environment and effective management of potential contamination.

76. 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.

77. 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.

78. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other

services and building, driveway or landscape design.

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

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

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

79. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Amended Landscape Plans and any conditions of consent.

Reason: To maintain local environmental amenity.

80. Flood Management

Flood Emergency Response (E1)

Appropriate access to the shelter in place refuge is to be maintained at all times from all areas within the development and it must contain as a minimum: sufficient clean water for all occupants; portable radio with spare batteries; torch with spare batteries; and a first aid kit.

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

81. Maintenance of Stormwater Treatment Measures

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

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

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

Reason: Protection of the receiving environment.

82. 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.

83. Hours of Operation

The hours of operation are to be restricted to:

- o Monday to Friday – 6:30 am to 10:00pm
- o Saturday – 6:30 am to 10:00 pm
- o Sunday and Public Holidays – 8:00 am to 4:00 pm

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

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

84. Acoustic Requirements

To ensure compliance with the project noise emission requirements identified within the acoustic report prepared by Pulse White Noise Acoustics

- Windows are to be closed after 9:30pm; and
- Music no louder than 75dB SWL to be played in the venue.

Reason: To ensure acoustic compliance in an operational situation.

85. Plan of Management

Compliance with the Plan of Management dated May 2024 in relation to noise management for the operation of the development.

Reason: To ensure the noise amenity of the area

86. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 10PM and 7AM daily.

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

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

87. Illumination Intensity and design

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

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