

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0468
<b>Responsible Officer:</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 13 DP 7022, 31 Moore Road FRESHWATER NSW 2096 Lot 1 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 2 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 3 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 4 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 5 DP 7022, 29 Moore Road FRESHWATER NSW 2096
<b>Proposed Development:</b>	Alterations and additions to a Hotel
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
<b>Development Permissible:</b>	Yes, under Clause 2.5 of the WLEP
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	DDP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Harbord Hotel Holdings Pty Ltd
<b>Applicant:</b>	Boston Blyth Fleming Pty Ltd
<b>Application Lodged:</b>	12/05/2020
<b>Integrated Development:</b>	No

<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	19/05/2020 to 02/06/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	6
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 3,000,000.00
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## EXECUTIVE SUMMARY

The proposal is for alterations and additions to the existing hotel which includes internal alterations, changes to windows and changes to stairs.

The hotel is listed as a heritage item and is also located within a residential zone. Under the WLEP, the hotel is an additional permitted use for the zone.

There have been 6 submissions made in relation to ongoing disturbance of neighborhood amenity and concern for operations of the hotel. Conditions have been imposed to mitigate impacts caused by upgrade on neighborhood amenity. Conditions also ensure there will be improvements made to the acoustic treatment of the hotel.

The assessment concludes that the proposed design is appropriate for the given the heritage context, and that conditions will provide an improvement to residential amenity.

Therefore, it is recommended that the application be approved, subject to conditions.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal involves alterations and additions to the existing hotel. In detail this includes:

- Internal reconfiguration with replacement of kitchen, bar and bathroom
- Demolition of external stairs
- Addition of lighting to the courtyard
- New access from Charles Street
- Replacement and upgrading of windows
- Replacement of exhaust and mechanical ventilation

## ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

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

## SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 2.5 Additional permitted uses for particular land  
 Warringah Local Environmental Plan 2011 - 5.10 Heritage conservation  
 Warringah Development Control Plan - D3 Noise

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 13 DP 7022 , 31 Moore Road FRESHWATER NSW 2096 Lot 1 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 2 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 3 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 4 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 5 DP 7022 , 29 Moore Road FRESHWATER NSW 2096
<b>Detailed Site Description:</b>	<p>The subject site consists of an allotment located on the corner of Moore Road and Charles Street.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a hotel on site.</p> <p>The site contains a courtyard to Moore Road and a car park entrance to Charles Street.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by residential development.</p>

Map:



## SITE HISTORY

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

- DA1986/209- Alterations to the Harbord Beach Hotel involving tiling of front entrance, additional driveway, games area, new bar and counter space approved on 29 July 1986
- DA2001/0614- Retractable awnings to garden area approved on 16 October 2001.
- DA2005/912- Enclosed vergola over courtyard approved on 26 July 2006.
- DA2006/1130- Addition of a Terrace approved on 19 July 2007.
- DA2015/0061- Alterations and additions to existing commercial building (hotel) approved on 6/05/2015 (replacement of timber lattice with glass structure)

## PLM2020/0069

A Pre-Lodgement meeting was held on 16 April 2020. Advice was given in regard to acoustic treatment of the hotel and presentation of the hotel in relation to heritage. There has been adequate consideration of this advice given in the proposed fit out and treatment of the building.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land).

Section 4.15 Matters for Consideration'	Comments
environmental planning instrument	Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. / This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

### BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

### NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Mr Jeffrey Kenneth Bembrick	3 / 27 Moore Road FRESHWATER NSW 2096
Anonymous	N/A
Ms Gloria Sunnie Isabel Wright	20 Moore Road FRESHWATER NSW 2096
Withheld Withheld	NSW
Pam Young Barry Young	Address Unknown
Mr Talofa Ki Pangai Pouli	234 Warringah Road BEACON HILL NSW 2100

The matters raised within the submissions are addressed as follows:

- Works that have started prior to a decision being made on this application.**  
Comment:  
 A site visit conducted by the assessment officer found no evidence of works requiring a consent that were being carried out. Any evidence of works being carried out without a consent (unless accordance with the SEPP Exempt and Complying Development Code 2008), should be sent to Council's Compliance team.
- SEE does not represent potential intensification of use and likely disturbance of neighborhood amenity; SEE does not satisfy requirements of Environmental Planning and Assessment Act; full extent of changes is not clear**  
Comment:  
 The full extent of changes are provided on the architectural plans. This includes red markings for demolition and hollow black lines for proposed walls. It has been found that the Statement of Environmental Effects sufficiently relates to the proposal and architectural plans.
- Increase to gaming/ poker machines; suggestion that more bathroom facilities could be provided instead of gaming area**  
Comment:  
 The proposed plans do not involve new poker machines. To provide clarity, a condition has been imposed to state that this consent does not provide approval new poker machines.
- Noise impacts; lack of acoustic glazing along Charles Street; noise impacts from the northern and western windows; noise impact from Charles Street access/entry; Noise**

**impact from front courtyard area at night; Request to maintain existing access arrangement**

Comment:

Council's Environmental Health officer has provided conditions to ensure appropriate mitigation of acoustic impacts. One of these conditions involves a requirement for windows to be appropriately acoustically treated. Furthermore, a requirement has been put in to the Plan of Management which involves air locking doors while there is entertainment at the hotel. This provides an improvement to acoustic treatment at the hotel.

- **Concern regarding noise caused by patrons leaving the pub**

Comment:

There is no change to the time that patrons will leave the pub. However, the acoustic mitigation measures and the Plan of Management (with airlocks on the doors) will contribute to providing an improved situation in regard to cumulative noise.

- **Hazardous beer glass disposal**

Comment:

The Plan of Management requires all waste to be stored in refuse areas.

- **Clarification regarding upper balcony usage**

Comment:

The proposal does not involve any change to the upper level.

- **Outdated acoustic report; request for updated acoustic report and also a social impact statement**

Comment:

Council's Environmental Health officer has provided a number of conditions which require certification of acoustic standards prior to the issue of an Occupation Certificate. This is to be resubmitted to Council's Environmental Health team.

- **Hours of operation (beyond midnight)**

Comment:

The proposal does not involve any change to hours of operation.

- **Ongoing disturbance issues caused by the pub; request for repair of give way sign**

Comment:

A request has been sent to Council's Maintenance team for repair of the give way sign. Any further ongoing disturbance issues can be reported to Council.

**REFERRALS**

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as</p>

Internal Referral Body	Comments
	this however may be determined at Construction Certificate Stage.
Environmental Health (Industrial)	<p><b>Comments:</b> Council's Environmental Health Team have been engaged to review this referral relating to noise from subject premises, the 'Freshwater Hotel'.</p> <p>While Council is not in receipt of any recent complaints regarding noise, concerns have been raised in submissions regarding the noise generated from the premises. In particular the concerns relate to live/amplified music and noise from 'intoxicated' patrons. Liquor &amp; Gaming NSW are the Appropriate Regulatory Authority (ARA) for noise generated by the premise.</p> <p>An acoustic report was prepared by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC, to assess potential noise impacts of the development and provide specific recommendations to address internal noise and mechanical plant noise.</p> <p>The noise assessment for the acoustic report has been taken under unusual circumstances, during a closure of the subject premises due to the current COVID-19 restrictions. For this reason only available point source for sound was the mechanical plant which is to operate up to 10pm. The night period as define in the NSW Industrial Noise Policy occurs between 10pm and 7am and is where noise concerns and potential sleep disturbance is of greatest concern.</p> <p>The report provides recommendations to significantly improve sound attenuation, the specifications of which will be conditioned.</p> <p>Patron noise and noise at the boundary of affected residents will be regulated under the existing liquor license LIQH400102917, while Council DA conditions will address Mechanical Plant, internal limitations to Live/Amplified Music, sound attenuation upgrades throughout the premise and operational restrictions in certain areas after 9pm to be consistent with LIQH400102917 and to further protect public amenity from potential sleep disturbance.</p> <p>The acoustic assessment has made assumptions referencing acoustic amplified entertainment and a 'DJ' in the 'courtyard'. The premises advertises a wide variety of live music involving multiple instruments and musicians. An additional item will be added in conditions to comply with the acoustic recommendations that addresses dB(C) for low frequency sound.</p> <p>An assessment of noise in the 'beer garden' or 'courtyard' was not undertaken as part of the assessment and can be regulated under conditions in the existing liquor license LIQH400102917. Notwithstanding, use of a sub-woofer will be not be permitted outdoors to limit low frequency noise impacts.</p>



Internal Referral Body	Comments					
	<p>A noise assessment of existing operations couldn't be undertaken due to premises closure. Therefore, the conditions for this development will include confirmation of sound attenuation measures prior to OC to ensure compliance can be achieved and that the use will be able to satisfy noise conditions in LIQH400102917.</p> <p><b>Further comment 09/06/2020:</b> Council's Environmental Health Team were provided with an amended Plan of Management on 9 June 2020 confirming that airlocks on the Moore Road and Charles Street access would be in place during any entertainment.</p> <p>A condition to comply with amended POM should be included in this development approval.</p> <p><b>Recommendation:</b> Approval, subject to conditions</p>					
Environmental Health (Food Premises, Skin Pen.)	<p>Comments: Environmental Health have reviewed the food premises component of this development. Sufficient detail regarding the fit-out of bars and kitchens have been provided to demonstrate that they will be able to comply with relevant Australian Standards While there are no objections, it must be noted that the AS4674:2004 applies to all food and beverage preparation areas including the kitchen and bar(s). Details of mechanical ventilation exhaust aren't provided however location, operation and power out-put will be addressed in a condition ensuring compliance with AS1668. Sound output to be addressed in a separate condition.</p> <p>Recommendation: Approval - Subject to conditions.</p>					
Strategic and Place Planning (Heritage Officer)	<table border="1"> <thead> <tr> <th data-bbox="518 1525 1430 1563">HERITAGE COMMENTS</th> </tr> </thead> <tbody> <tr> <td data-bbox="518 1563 1430 1601">Discussion of reason for referral</td> </tr> <tr> <td data-bbox="518 1601 1430 1809"> <p>This application has been referred as it is a listed heritage item, being Item <b>174 - Harbord Beach Hotel, 29 Moore Street, Freshwater</b>, which is listed in Schedule 5 of Warringah Local Environmental Plan 2011.</p> </td> </tr> <tr> <th data-bbox="518 1809 1430 1848">Details of heritage items affected</th> </tr> <tr> <td data-bbox="518 1848 1430 2130"> <p>Details of this heritage item, as contained within the Warringah Heritage Inventory, are:</p> <p><b>174 - Harbord Beach Hotel, 29 Moore Street, Freshwater</b> <u>Statement of Significance</u> A rare example of an inter-war hotel building which shows influences of the californian bungalow style. Historically provides evidence of the early development of social &amp; recreational facilities</p> </td> </tr> </tbody> </table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>This application has been referred as it is a listed heritage item, being Item <b>174 - Harbord Beach Hotel, 29 Moore Street, Freshwater</b>, which is listed in Schedule 5 of Warringah Local Environmental Plan 2011.</p>	Details of heritage items affected	<p>Details of this heritage item, as contained within the Warringah Heritage Inventory, are:</p> <p><b>174 - Harbord Beach Hotel, 29 Moore Street, Freshwater</b> <u>Statement of Significance</u> A rare example of an inter-war hotel building which shows influences of the californian bungalow style. Historically provides evidence of the early development of social &amp; recreational facilities</p>
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Internal Referral Body	Comments		
	<p>to serve the growing population. Local landmark.</p> <p><u>Physical Description</u> Two storey building with rendered masonry walls. Tiled hipped, jerkin headed &amp; gabled roof. Terrace on first floor supported by arcaded verandah. A number of modifications include surrounding wall, beergarden, bottle shop extension &amp; window modifications.</p>		
	<p><b>Other relevant heritage listings</b></p>		
	<p>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</p>	<p>No</p>	<p>Comment if applicable</p>
	<p>Australian Heritage Register</p>	<p>No</p>	
	<p>NSW State Heritage Register</p>	<p>No</p>	
	<p>National Trust of Aust (NSW) Register</p>	<p>No</p>	
	<p>RAIA Register of 20th Century Buildings of Significance</p>	<p>No</p>	
	<p>Other</p>	<p>No</p>	
	<p><b>Consideration of Application</b></p>		
	<p>This application proposes refurbishment works to the Harbord Hotel, within are largely internal. Exterior changes are limited to the addition of a new entry door on the Charles Street facade (replacing a window); festoon lights over the open courtyard areas fronting Moore Street and replacement of glazing on the western and northern facades with double glazing for noise reduction. Internal works are removing most existing fittings and construction of new bars, kitchens, restaurant area etc. It is noted that all internal fabric is not original, with the exception of the stairs to the first floor, which are proposed to be reinstated and restored. It is proposed to repaint the exterior white (as existing) with a 50mm strip around the building facade in Dulux Sunbound. No signage is proposed with this application and it is understood this will be subject to a further application.</p>		
	<p>The application was accompanied by a Heritage Impact Statement by Weir Phillips Heritage and Planning, dated April 2020, which has been reviewed and the conclusions of this report are agreed with.</p>		
	<p>The proposed works are largely internal and based on the fabric assessment included within the HIS, are not affecting any original fabric. It is noted that the work will reveal and restore the detailing of the existing staircase to the 1st floor, which is supported. External charges on Charles Street to introduce an entrance door are considered acceptable, given that it is replacing a modern window, and the fact that originally there was an entrance on Charles Street which was removed in previous renovations. The introduction of festoon lighting is also considered acceptable from a</p>		

Internal Referral Body	Comments
	<p>heritage point of view, as it is a removable addition to the facade treatment and will not affect original fabric. Replacement of glazing with double glazing will not have an impact on the streetscape presence of this heritage building. Proposed external repainting is in keeping with the building and is acceptable. Full details have not been provided on kitchen exhaust and other mechanical equipment, however conditions are proposed to ensure that these structures will not be visibly dominant.</p> <p>The Harbord Hotel has operated continuously as a hotel for nearly 100 years (since 1928) and these alterations will assist in the building continuing to operate as a local hotel and local landmark. In doing so, the social and historical significance of this building will be retained and enhanced. Its aesthetic heritage qualities, as an inter-war hotel, will not be affected by these proposed works.</p> <p>Even though the interior is largely not original, it is recommended that a photographic record be required prior to any works commencing.</p> <p><b>Therefore, no objections are raised on heritage grounds, subject to a number of conditions requiring:</b></p> <ul style="list-style-type: none"> <li>• a full photographic record of the building (including interiors) prior to construction commencing;</li> <li>• roof mounted mechanical plant to be screened;</li> <li>• kitchen exhaust to located in same location and be painted white where it extends beyond the building.</li> </ul> <p><u>Consider against the provisions of CL5.10 of WLEP 2011</u>            Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A            Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>

**ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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

**(SREPs)**

**SEPP 55 - Remediation of Land**

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

**SEPP (Coastal Management) 2018**

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

**11 Development on land in proximity to coastal wetlands or littoral rainforest**

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The alterations would not have an unreasonable impact on coastal wetlands or rainforest.

**12 Development on land within the coastal vulnerability area**

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
  - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure*

*that  
there  
are  
appropriate  
responses  
to, and  
management  
of,  
anticipated  
coastal  
processes  
and  
current  
and  
future  
coastal  
hazards.*

Comment:

The proposal will not have a detrimental impact on the above.

**13 Development on land within the coastal environment area**

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*

Comment:

The proposal will not have an adverse impact on the above.

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

- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The proposal is sufficient for impact to be minimised.

As such, it is considered that the application does not comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

**Warringah Local Environmental Plan 2011**

Is the development permissible?	No
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
2.5 Additional permitted uses for particular land	Yes
5.10 Heritage conservation	Yes
Schedule 5 Environmental heritage	Yes

Detailed Assessment

**2.5 Additional permitted uses for particular land**

Under Clause 14 of Schedule 1 on the Warringah LEP, pubs are an additional permitted use for 29 Moore Road, Freshwater.

**5.10 Heritage conservation**

Council's Heritage Officer finds the proposal acceptable subject to conditions. The proposal is predominantly for internal works and the external works including the exhaust will not provide a bulk, colour or design that would have a detrimental impact on the heritage significance of the item.

**Warringah Development Control Plan**

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes

### Detailed Assessment

#### **D3 Noise**

In conjunction with the internal upgrade of the building, Council's Environmental Health officer has provided conditions to ensure noise emission associated with the hotel does not unreasonably diminish the amenity of the area.

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

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

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

#### **POLICY CONTROLS**

##### **Northern Beaches Section 7.12 Contributions Plan 2019**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$30,000 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$3,000,000.

#### **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- 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 consideration of the development, the proposal is considered to be:

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

**Conclusions on the Assessment of the Application**

The proposal involves changes to the hotel that will not cause an unreasonable impact on surroundings (subject to conditions).

On balance, the proposal should be approved as the changes do not result in an intensification that is unsuitable for the site and area. Furthermore, acoustic design and conditions imposed will assist in providing improvements to neighbourhood amenity.

Therefore, the application is recommended for approval.

It is considered that all processes and assessments have been satisfactorily addressed and that proposed development constitutes the proper and orderly planning for the site or the locality. It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

**RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2020/0468 for Alterations and additions to a Hotel on land at Lot 13 DP 7022, 31 Moore Road, FRESHWATER, Lot 1 DP 7022, 29 Moore Road, FRESHWATER, Lot 2 DP 7022, 29 Moore Road, FRESHWATER, Lot 3 DP 7022, 29 Moore Road, FRESHWATER, Lot 4 DP 7022, 29 Moore Road, FRESHWATER, Lot 5 DP 7022, 29 Moore Road, FRESHWATER, subject to the conditions printed below:

**DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

1. **Approved Plans and Supporting Documentation**  
The development must be carried out in compliance (except as amended by any other condition of consent) with the following:
  - a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-AXX-001- Site & Roof - Existing and Demolition Plan	20/04/20	Alexander and Co
DA-A00-001- Ground Floor- Existing and	20/04/20	Alexander and Co



Demolition Plan		
DA- A01-001- First Floor - Existing Plan	20/04/20	Alexander and Co
DA- D00-011- Ground Floor - General Arrangement Plan	20/04/20	Alexander and Co
DA- EXX-001- Overall Building - External Elevations 01	20/04/20	Alexander and Co
DA- EXX-002- Overall Building - External Elevations 02	20/04/20	Alexander and Co
DA- FXX-001- Overall Building -Section AA	20/04/20	Alexander and Co
Construction Management Plan	20/04/20	Alexander and Co

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Plan of Management	April 2020	Applicant
Acoustic Report	26 April 2020	The Acoustic group
Access Statement	27 April 2020	Morris Goding Access Consulting
Construction Management Report	-	Applicant

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

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

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

## 2. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the

work relates (not being the Council) has given the Council written notice of the following information:

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

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

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

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

Reason: Legislative requirement.

### 3. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether



the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall

notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2008
  - (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.

#### 4. **Plan of Management**

The proposal is to comply with the *"Plan of Management For Operations of Harbord Beach Hotel"* dated April 2020.

It is noted that this version includes "Point 36" which requires airlocks on Moore Road and Charles Street.

Reason: To ensure continued appropriate operation of the hotel premises and to reduce amenity impact to neighbouring properties.

## FEES / CHARGES / CONTRIBUTIONS

#### 5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$30,000.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning &

Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$3,000,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

## 6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

### 7. **Photographic Archival Record**

A photographic archival record of the site is to be made of all existing buildings and structures (including interiors and exteriors and their setting), generally in accordance with the guidelines issued by Heritage NSW, Department of Premier & Cabinet.

This record must be submitted and approved by Council's Heritage Advisor prior to commencement of any demolition or works on-site and prior to the issuing of a Construction Certificate.

The photographic record should be made using digital technology, submitted on archival quality CD-R disc, and should include:

- Location of property, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets.
- As most changes are to the interior, this photographic record must include full details of all internal areas subject to change as a result of the proposed works.

Reason: To provide an historical record of the heritage building, in particular the interiors, prior to its alteration.

8. **Screening of roof mounted mechanical plant**

Any roof mounted mechanical plant is to be located within the existing screened mechanical plant area.

Reason: To ensure that the visual impact of roof mounted mechanical plant on the heritage building, is minimised.

9. **Kitchen exhaust location and colour**

The kitchen exhaust is to be located in the same position as existing and to be painted white.

Reason: To minimise the impact of the kitchen exhaust on the heritage building.

10. **Noise fixtures, fittings and equipment prior to CC**

Details of the fixtures being used for the windows, internal ceilings, mechanical plant and external doors are to be provided to the PCA for approval prior to the issuing of any Construction certificate. Fixtures are to meet the following minimum requirements as specified in the acoustic report by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC;

- Windows on Western and Northern façade to be fixed/inoperable double glazing of 10.5mm Viridian VLam Hush or the like, with a 40mm air gap and 8.5mm VLam Hush or the like.
- Acoustic ceiling in the gaming room(s) and Charles Street access way, capable of a Noise Reduction Coefficient of 0.85.
- External doors to be installed with self-closing mechanisms and fitted with perimeter acoustically rated seals.
- Acoustic screening for mechanical plant that achieves sound contributions less than 37 dB(A) at sound assessment locations 1&3, and 38dB(A) at location 2.
- A central noise limiter calibrated to limit amplified entertainment sound.

Reason: To protect surrounding residence from any noise generated by the operation of the development

11. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

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

12. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

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

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

13. **To Ensure Adequate Building Code of Australia Access Upgrade Requirements**

The Building Code of Australia works and access upgrading measures to upgrade the building as detailed and recommended in the Access Report prepared by Morris Goding Access Consulting, dated 27 April 2020 are to be carried out to the building.

Details demonstrating implementation and compliance are to be submitted to the Principal Certifier prior to the issue of any Interim or Final Occupation Certificate.

Reason: To ensure adequate provision is made for Access for building occupant safety.

ate provision is made for fire safety in the premises for building occupant safety.

14. **Registration of Food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

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

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

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) 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.

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

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

16. **Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from

the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

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

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

17. **Certification of minimum acoustic standards**

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations in the report by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC, including but not limited to:

- Windows on Western and Northern façade to be fixed/inoperable double glazing of 10.5mm Viridian VLam Hush or the like, with a 40mm air gap and 8.5mm VLam Hush or the like.
- Acoustic ceiling in the gaming room(s) and Charles Street access way achieves a Noise Reduction Coefficient of 0.85.
- External doors have self-closing mechanisms and are fitted with perimeter acoustically rated seals.
- The mechanical plant which is to be located on existing plant room decks is acoustically screened to ensure the sound contribution of any plant does not exceed 37dB(A) at sound assessment locations 1&3, and 38dB(A) at location 2.
- A calibrated noise limiter, centrally controlled by hotel management and set to a maximum of 80dB(C) for entertainment noise when measured 5m in front of point source, in addition to dB(A) recommendations in the report, 50.4539.R2:MSC.

The updated acoustic assessment is to be submitted to the satisfaction of Council's Environmental Health Team before providing to the PCA for certification.

Reason: To ensure the premises will satisfy conditions under liquor license LIQH400102917 protect surrounding residence from any noise generated by the operation of the development.

18. **Removal of All Temporary Structures/Material and Construction Rubbish**

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

19. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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



20. **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 the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade 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 Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

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

21. **Outdoor music**

In addition to compliance with noise conditions under liquor license LIQH400102917, the use of a sub-woofer for any amplified music outdoors is not permitted.

Reason: To limit low frequency sound emission and protect surrounding residence from any noise generated by the operation of the development.

22. **Poker Machines**

This consent does not provide approval for new poker machines.

Reason: To provide clarity of proposed internal works.

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

**Signed**

**Steven Findlay, Manager Development Assessments**

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

**Steven Findlay, Manager Development Assessments**