

22 April 2025



Geoffrey Mark Bonus  
1/597 Darling Street  
ROZELLE NSW 2039

Dear Sir/Madam

**Application Number:** DA2023/0998  
**Address:** Lot 1 DP 909023 , 9999 The Esplanade, FRESHWATER NSW 2096  
**Proposed Development:** Alterations and additions to a Community Facility. Crown land - Part Lot 2797 DP820312, Lot 1 DP909023 & Lots 21 to 23 Section 2 DP975183 - Part Reserves D500403 and R64997 for Public Recreation - Freshwater Surf Life Saving Club

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Rodney Piggott  
**Manager Development Assessments**

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application Number:</b>	DA2023/0998 PAN-353376
<b>Applicant:</b>	Geoffrey Mark Bonus 1/597 Darling Street ROZELLE NSW 2039
<b>Property:</b>	Lot 1 DP 909023 9999 The Esplanade FRESHWATER NSW 2096
<b>Description of Development:</b>	Alterations and additions to a Community Facility. Crown land - Part Lot 2797 DP820312, Lot 1 DP909023 & Lots 21 to 23 Section 2 DP975183 - Part Reserves D500403 and R64997 for Public Recreation - Freshwater Surf Life Saving Club
<b>Determination:</b>	Approved Consent Authority: Sydney North Planning Panel
<b>Date of Determination:</b>	31/03/2025
<b>Date from which the consent operates:</b>	22/04/2025
<b>Date on which the consent lapses:</b>	22/04/2030

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

### Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

## Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be lodged to and determined by the consent authority within 6 months from the date that the original determination was registered on the NSW Planning Portal. Prospective applicants for a Review of Determination are encouraged to lodge a review application with Council as soon as possible, to enable a full review and determination.

## Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

## Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

## Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

**Signed** On behalf of the Consent Authority



Name Rodney Piggott, Manager Development Assessments

Date 31/03/2025

**NOTE:** Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 31/03/2025.

## Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA200	B	Location Plan	Bonus + Associates	14.11.2024
DA202	D	Site Plan	Bonus + Associates	14.11.2024
DA203	C	Level 1 -Demolition Plan	Bonus + Associates	14.11.2024
DA204	C	Level 2 -Demolition Plan	Bonus + Associates	14.11.2024
DA205	C	Level 3 - Demolition	Bonus + Associates	14.11.2024
DA206	B	Roof Demolition Plan	Bonus + Associates	14.11.2024
DA207	D	Level 1 Floor Plan	Bonus + Associates	14.11.2024
DA208	D	Level 2 Floor Plan	Bonus + Associates	14.11.2024
DA209	D	Level 3 Floor Plan	Bonus + Associates	14.11.2024
DA210	D	Roof Plan	Bonus + Associates	14.11.2024
DA211	D	SE and NE elevations	Bonus + Associates	14.11.2024
DA212	D	NW and SW elevations	Bonus + Associates	14.11.2024
DA213	D	Section AA and BB	Bonus + Associates	14.11.2024
DA214	D	Section CC and DD	Bonus + Associates	14.11.2024

DA215	D	Detailed Section AA	Bonus + Associates	14.11.2024
DA219	C	GFA plans and schedule	Bonus + Associates	14.11.2024
DA220	A	Staging Plan	Bonus + Associates	14.11.2024
ES1	P2	Erosion and Sediment Control Plan	Woolacotts	22.02.2023
SW1	P2	Stormwater Management Plan	Woolacotts	28.06.2023
L-01	A	Demolition Plan	Newscape	15.11.2024
L-02	A	General Arrangement Plan	Newscape	15.11.2024
L-03	A	Planting Plan	Newscape	15.11.2024
L-04	A	Planting schedule	Newscape	15.11.2024
L-05	A	Materials Palette	Newscape	15.11.2024
L-06	A	Landscape Sections 1	Newscape	15.11.2024
L-07	A	Landscape Sections 2	Newscape	15.11.2024
L-08	A	Landscape Details and Specifications	Newscape	15.11.2024
L-09	A	Landscape Details and Specifications	Newscape	15.11.2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Statement of Environmental Effects		GSA Planning	Jun 2023

BASIX Certificate A501926		Building Sustainability Assessments	19.07.2023
Access Design Review		Mckenzie Group	2.05.2023
Traffic Impact Assessment		Traffix	22.03.2023
Traffic Advice Letter		Traffix	15.11.2024
Visual and view impact assessment		Bonus + Associates	15.11.2024
Noise Emission Assessment		GHD	15.11.2024
Regulatory Compliance Report	A	Mckenzie Group	15.5.2023
Draft Operational Management Plan	D01	Freshwater SLSC	Undated
Loading Dock Management Plan	V01	Traffix	15.11.2024
Coastal Assessment Report		Royal Haskoning DHV	31.01.2023
Heritage Impact Statement		NBRS	01.06.2023
Arboricultural Report		Growing My Way	June 2023
Geotechnical Report		Geotechnique	22.02.2023
Stormwater Report		Woolacotts	15.06.2023
Construction Management Report		Woolacotts	17.03.2023
Waste Management Plan		Dickens Solutions	May 2023

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

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	29.08.2023
Aboriginal Heritage Office	Referral response - Aboriginal Heritage Office	
NSW Police - Licensing (Clubs, Hotels, Pubs)		20.9.2023

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

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

3. **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 'community facility' and 'restaurant' land use, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

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

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

**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.

The premises are not to be used for functions unless ancillary to the approved community facility use and not as an independent use.

Any variation to the approved land use beyond the scope of the above definition will require a new development application to be submitted to the council.

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

#### 4. Land Uses not approved

No approval is granted under this Development Consent for 'museum' or 'function centre' land uses. 'Museum' is included in the definition for 'information and education facility' as defined in the dictionary of the Warringah Local Environmental Plan 2011, as follows:

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

The definition of 'function centre' is:

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

'Information and education facility' and 'function centre' are prohibited in the RE1 Public Recreation zone.

The display of historical items in the foyer of the surf club does not constitute a separate land use categorized as museum requiring approval under the Warringah Local Environmental Plan 2011.

Reason: To ensure compliance with the relevant Local Environmental Plan.

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

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

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

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in 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.

## 7. Compliance with Standards (Crown Land Only)

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

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

## FEES / CHARGES / CONTRIBUTIONS

## 8. **Policy Controls**

### Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$102,248.66 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 \$10,224,866.00.

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

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

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

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

## 9. **Security Bond**

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

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

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

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

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

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

## 10. **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.

**11. Amended Construction Management Report**

The Construction Management Report under section 7.4 Pedestrian Movement does not outline how the NE-SW pedestrian connection behind the Surf Club will be managed during construction. The Construction Management Report shall outline the management of this highly utilised connection, and resolve any conflicts that arise from the proposed construction site layout plan.

Construction materials must not be stored on land owned or managed by Council unless approval is provided by Council. Safe pedestrian access free of trip hazards must be maintained at all times on or adjacent to any public access routes connected to land owned or managed by Council.

Furthermore, the following shall be included in the Construction Management Report:

- i) methods to prevent material being tracked off the site onto surrounding roadways,
- ii) dust control measures.

During works, the site management measures must remain in place and be maintained until the completion of works.

Reason: to protect the surrounding environment from the effects of the construction activities.

**12. Construction Traffic Management Plan**

a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencement of works. The CTMP to detail how the fitout and signage works will be undertaken and how pedestrian safety and amenity will be managed during the managed. CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

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

Reason: To ensure vehicular access and pedestrian safety are appropriately managed.

**13. 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.

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.

**14. Building Code of Australia Upgrade requirements and Fire Safety Upgrade**

The Building Code of Australia works and fire upgrading measures to upgrade the building as detailed and recommended in the Building Code of Australia Regulatory Compliance Report prepared by McKenzie Group), dated 15/5/2023, Report Ref No. T-6000-BCA-001/V1/16/12/2022, Rev A, in particular the proposed Performance Solutions, are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

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

**15. Heritage Architect**

A suitably qualified and experienced heritage architect must be appointed for this project. Details of the appointment of this heritage architect are to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage conservation best practice.

**16. Temporary Protection Plan**

A Temporary Protection Plan including a statement of significance with documentary and physical evidence on the existing situation and original fabric of the heritage items and requirements and measures to retain necessary to retain the significance of the item should be prepared by a suitably qualified heritage architect to ensure all retained original fabric of the 1935 clubhouse is protected during works and to guide the protection of the surrounding heritage fabric during construction works. The Temporary Protection Plan is to be submitted to Council's Heritage Officer for approval prior to the issuing of the Construction Certificate.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority

Reason: To ensure the protection and retention of significant heritage fabric and the significance of the heritage item.

**17. Plans of Kitchen Design, construction and fit out**

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

The plans must detail adequate provision for storage including separate storage of food,



equipment, chemicals and personal belongings.

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

**18. 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.

**19. Provision of Temporary Facilities**

Temporary toilet, shower and changing facilities are to be provided for beach users from the commencement of construction until the completion of the Surf Life Saving Club works. Details are to be submitted to Council’s Executive Manager, Development Assessment for approval.

Reason: To ensure continued provision of community facilities.

**20. Low Level Coastal Inundation Risk Design**

All development must be designed and constructed to achieve a low risk of damage and instability due to coastal inundation, wave impact and foreshore erosion hazards.

Reason: Relevant coastal hazards to be accommodated in the design of affected development.

**21. 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.

**22. Sydney Water "Tap In"**

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

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

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

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

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

**23. Schedule of External Materials and Colours**

An updated full schedule of external materials and colours are to be provided to Council's Heritage Officer for approval prior to the issuing of a Construction Certificate. This must include details of all materials and colours to the 1935 clubhouse building.

Details demonstrating Compliance with this condition are to be submitted to the Principal Certifying Authority.

Reason: To ensure external materials and colours are appropriate for the heritage item.

**24. Photographic Archival Recording**

A photographic archival record of the site is to be made of all existing buildings and structures associated with the surf club (including interiors and exteriors and their immediate setting), generally in accordance with the guidelines issued by Heritage NSW (Photographic Recording of Heritage Items Using Film or Digital Capture, 2006). This recording including a digital copy and 1 physical copy must be submitted to Council's Heritage Officer for approval prior to the issuing of the Construction Certificate. 1 physical copy of the archival recording once approved must also be provided to Council's Local Studies at Dee Why Library.

The photographic record should be made using digital technology, and must 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.
- Photos of each elevation, interior room, significant features and moveable heritage.
- Physical copies must be submitted on archival quality paper

Details demonstrating compliance with this condition must be provided to the Principal Certifying Authority.

Reason: To provide an archival photographic record of the site, including any buildings and landscape elements, prior to any works.

**25. Conservation Management Plan**

A Conservation Management Plan is to be prepared for the site by a suitably qualified and experienced built heritage specialist in accordance with Heritage NSW Guidelines (including but not limited to Statement of best practice for conservation management plans and Guidance on developing a conservation management plan). The plan must be submitted to Council's Heritage Officer for approval prior to the issuing of the Construction Certificate. The plan must include:

- The history of the site and building.
- The heritage significance of the site and building, including its interior and exterior fabric with significance grading.
- Policies for the ongoing management, maintenance and protection of the heritage item and its significance.
- Policies for the ongoing management, maintenance and protection of moveable heritage and their significance.



- An updated statement of significance.

Details of compliance with this condition are to be submitted to the Principal Certifying Authority.

Reason: Protection of heritage significance and ongoing maintenance of the heritage item.

**26. Waste and Recycling Requirements**

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

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

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

**27. Amendments to the approved plans:**

The following amendments are to be made to the approved plans:

- Updated details of the proposed North and South Verandahs showing a reduction in the extent of the battens/sunshades, to the satisfaction of the the Project Heritage Architect.
- The details of the internal design of the proposed enlarged Freshwater Room, including elevations and floor and ceiling plans, to the satisfaction of the Project Heritage Architect.

The applicant is to submit amended plans to the satisfaction of Executive Manager Development Assessment reflecting this condition prior to the issue of a Construction Certificate:

Reason: To ensure the protection and the significance of the heritage item.

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

**28. Project Arborist**

a) a Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

i) the installation and maintenance of all tree protection measures for the duration of the works.

c) All tree protection measures specified must:

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

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the recommendations listed for the protection of

the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

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

Reason: Tree protection.

**29. Tree Removal Within the Reserve**

a) this consent approves the removal of existing trees on the subject site as listed below:

i) tree 2 - *Banksia integrifolia*, *Banksia serrata*, *Schefflera arboricola*.

b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal. Trees shall only be removed after site establishment has been completed.

Reason: To enable authorised development works.

**30. Working and Access on Reserves Permit**

Works (undertaken by principal contractors working without Council supervision) on land owned or managed by Council require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

Reason: Public safety and the protection of Council infrastructure.

**31. 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, 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.

**32. 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.

**33. Road Occupancy Licence**

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.

**34. Road Occupancy Licence**

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows.

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

**35. Heritage Induction**

Prior to the commencement of any works, all contractors, trades persons and the like shall be given a site induction. This induction must be delivered by the appointed Heritage Architect and shall ensure that all contractors, trade persons and the like are made aware that:

- The site is a heritage item
- There is a Temporary Protection Plan and Conservation Management Plan for the site to retain and protect heritage significance fabric and heritage significance
- There are statutory obligations under the *National Parks and Wildlife Act 1974* and *Heritage Act 1977* for all works to cease and Council and Heritage NSW to be notified of any unexpected built archaeological or Aboriginal archaeological finds during works.

Reason: To ensure all persons undertaking works on the site are aware of the heritage items and obligations

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

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

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

**37. Tree and Vegetation Protection**

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

- i) all trees within the site 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 AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- 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 AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

**38. Condition of Trees**

- a) during the construction period the applicant is responsible for ensuring all existing trees

required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

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

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

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

Reason: Protection of trees.

#### 39. **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.

#### 40. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

#### 41. **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. **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.

**43. Implementation of Construction Traffic Management Plan**

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

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

**44. Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

**45. Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- 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.
- 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.
- 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.



**46. Implementation of Temporary Protection Plan**

The approved Temporary Protection Plan is to be adhered to during demolition and construction works. The appointed Heritage Architect will be responsible for ensuring that the Temporary Protection Plan is to adhered to.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority

Reason: To ensure the protection and retention of significant heritage fabric and the significance of the heritage item.

**47. Heritage Architect during works**

The nominated heritage architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording, demolition and excavation. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. The heritage architect are also to ensure that the policies outlined in the Temporary Protection Plan and Conservation Management Plan are adhered to.

Details demonstrating compliance with this condition must be provided to the Principal Certifying Authority.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage conservation best practice.

**48. Removal of All Temporary Structures/Material and Construction Rubbish (crown land only)**

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 Council.

Reason: To ensure bushland management.

**49. Unexpected Finds – Non Indigenous Archaeology**

As required by the Heritage Act 1977, in the event that historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including any the statutory requirements under the Heritage Act 1977.

Note: The Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

Reason: Statutory requirements for the protection of archaeology

**50. Traffic management procedures**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Principal Certifier.

Reason: To ensure pedestrian safety and continued efficient network operation.

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

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

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

**52. 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.

**53. Aboriginal Heritage**

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 and Environment.

Any works 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, required a permit from the Director of the Department of Planning and Environment.

Reason: Aboriginal Heritage Protection

## **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**54. 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.



**55. 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.

**56. Landscape Completion**

a) landscape works are to be implemented in accordance with the approved Landscape Plan(s), and inclusive of the following conditions:

- i) all tree planting shall be a minimum pre-ordered planting size of 75 litres; meet the requirements of AS2303 – Tree Stock for Landscape Use; 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 at least 3.0 metres from buildings or more; and located either within garden bed or within a prepared bed within lawn,
- ii) mass planting shall be installed at minimum 200mm container size at planting for shrubs or as otherwise scheduled if greater in size, and at 140mm container size at planting for groundcovers 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,
- iii) substitute all *Pennisetum* species (with a suitable alternate strappy leaf grass) as this species is deemed an environmental threat.

b) prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) 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.

**57. Condition of Retained Vegetation**

a) 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 on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

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

Reason: Tree and vegetation protection.

**58. 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.

**59. 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.

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

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

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

Reason: To protect reserve amenity and public safety.

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

Post-Construction Dilapidation Report of the land under Council's care control, including photos of any damage evident at the time of inspection, must be submitted after the completion of works.

The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, the evidence of like for like replacement to the satisfaction of Council.

Copies must also be lodged with 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.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issuing of an Occupation Certificate.

Reason: Protection of Council's assets.

**62. 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.

**63. 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:

- Statement of Environmental Effects dated 23 June 2023, prepared by GSA Planning.
- Acoustic report ,dated 15.11.2024, prepared by B Plus A Pty Ltd
- Regulatory Compliance Report No. (A), dated (15.5.2023), prepared by McKenzie Group

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.

**64. Mechanical Ventilation**

Prior to the issuing of an Occupation Certificate, a detailed mechanical plant noise emission assessment should be undertaken by a qualified acoustic consultant o ensure compliance with Warringah DCP noise criteria for mechanical plant.

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

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

**65. 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 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.

**66. 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.

**67. Complaints management**

If during operations, a complaint has been lodged from any of the nearby sensitive receivers, the following process should be followed to ensure all complaints are dealt with in an appropriate manner:

- All complaints should be documented and responded to in a timely, consistent, and sensitive manner.
- A staff member will be nominated to deal with complaints from the community.

- All complaints will be logged within a complaint register that details the nature of the complaint and the actions taken to address the complaint.
- The complaint register should be reviewed at regular intervals to identify any common and recurring complaints and measures should be actively taken to reduce the number of complaints.

Reason: To prevent noise nuisance to any neighbouring residential receiver.

#### 68. **Licensed café management measures**

The following mitigation and management measures should be included in the plan of management and design of the development in order to ensure that the acoustic amenity of the surrounding area can be preserved:

- Patrons should not be allowed to congregate in large numbers outside of the venue after 10 pm.
- The erection of clear signage at all entries and exits advising patrons/members that they must not generate excessive noise when entering and leaving the premises;
- A member of staff should be designated onsite to monitor patron behaviour in, and in the vicinity of, the premises. Practical steps should be taken to ensure the quiet and orderly behaviour of patrons in the venue and also particularly in departing the licensed venue after the conclusion of night time operations
- To avoid the potential for sleep disturbance, waste disposal activities such as the disposal of glass bottles, recycling and food waste into bins is to be completed before 10pm, or not until after 7am the following day.

Reason: To prevent noise nuisance to any neighbouring residential receiver.

#### 69. **Gymnasium management measures**

Following the guideline for acoustic assessment of gymnasiums and exercise facilities, the following mitigation and management measures are to be implemented:

- The erection of clear signage at all entries and exits advising patrons/members that they must not generate excessive noise when entering and leaving the premises.
- Staff monitoring the behaviour of patrons/members within the subject premises and as they enter/exit to ensure noise emission of patrons/members is kept to a minimum;
- The noise level of background music should be kept to an appropriate level, to enable speech intelligibility.
- To ensure patrons/members are not required to raise their voices; – Installation of impact sound absorbing flooring (such as REGUPOL everroll and sonusfit construction) to reduce the regenerated noise and vibration in areas where high levels of impact are expected. This includes; free-weights areas; any area where free-weights are otherwise used or stored; functional training areas; and pin- and plate-loaded machine areas.

Reason: To prevent noise nuisance to any neighbouring residential receiver.

#### 70. **Ancillary Function Management**

The ancillary functions are to be operated in accordance with the following:

- Any amplified music (assumed to be vocal and acoustic) must be restricted during the hours of 10:00am and 10:00pm. Noise levels to be limited to 90 dBA Sound Power Level (or equal to 73 dBA @ 3m) when measured as a sound pressure level.
- No outdoor amplified music
- All doors and windows are to remain shut after 10:00pm and not opened before 7:00am and anytime amplified music is used. Low level background music is permitted to be played with windows open.
- Removal of glass or waste should be done internally and must not be externally of the

- premises after 8:00pm and before 7:00am.
- Signs must be displayed at all exits reminding patrons to be mindful of noise when leaving the premise.
- A revised Plan of Management (PoM) is to be prepared based on the following conditioned amendments:
  - Amended Operating Hours
  - Amplified and background music requirements Opening of windows

Reason: To maintain reasonable levels of amenity to residential neighbouring properties.

**71. Mechanical plant further works**

Once exact mechanical plant and façade constructions are known (such as prior to the issue of a Construction Certificate) a detailed mechanical plant noise emission assessment should be undertaken to ensure compliance with the Warringah DCP noise criteria for mechanical plant.

Reason: To prevent noise nuisance to any neighbouring residential receiver.

**72. Garbage and Recycling Facilities**

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

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

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

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

**73. Waste and Recycling Facilities Certificate of Compliance**

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

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

Reason: To ensure waste and recycling facilities are provided.

**74. Waste/Recycling Compliance Documentation**

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

Reason: To ensure waste is minimised and recycled.

**75. Public Art Plan**

A detailed Public Art Plan, prepared by a suitably qualified and experienced public art consultant, consistent with the Northern Beaches Public Art Policy shall be submitted to, and approved by, Council prior to the issue of the Occupation Certificate.

Reason: To achieve public art which is consistent with the Council's Public Art Policy

**76. Installation of Public Art**

The public art identified in the Public Art Plan approved for the site by Council shall be installed

within 6 months of the Occupation Certificate being issued and maintained for the life of the development. Any future amendments or changes to the Public Art shall be in accordance with the relevant Public Art Policy in place at the time.

Reason: To achieve public art which is consistent with the Council's Public Art Policy

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

### **77. Acoustic Requirements - On-going**

Compliance with the recommendations within the Acoustic Assessment by titled "noise emission assessment" by B Plus A Pty Ltd dated 15 November 2024 and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver

### **78. Landscape Maintenance**

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) 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.

c) 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 Plan(s) and any conditions of consent.

Reason: To maintain local environmental amenity.

### **79. Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

### **80. Implementation of Loading Dock Management Plan**

All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) is not permitted.

Reason: To allow for vehicular access.

### **81. 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.

### **82. Proposed Outdoor Dining Condition**

No outdoor dining is approved in this consent. Any proposed outdoor dining must be consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Any outdoor dining that is consistent with the SEPP shall be the subject of a separate Outdoor

Dining Application to Council's Property team.

Reason: To ensure that outdoor dining is assessed and approved under the appropriate regulatory framework and legislation.

### 83. **Ongoing Maintenance of Stormwater Absorption Trench**

The stormwater absorption trench and associated system in the public reserve approved in this consent are to be maintained in perpetuity by the property owners benefiting from the structures.

Reason: To ensure ongoing maintenance of the drainage system in public reserve

### 84. **Implementation of Conservation Management Plan**

The approved Conservation Management Plan is to be adhered to over the life of the development. This includes policies and guidance for:

- The protection and ongoing maintenance for the building and significant fabric
- Moveable heritage, and
- Any interpretation elements

### 85. **Waste Collection Procedure**

Waste and recycling bins are not to be placed outside the dedicated waste storage room awaiting collection.

Waste collection arrangements must include a procedure whereby the collection contractor enters the property to retrieve the bins from the dedicated bin storage area and then returns the bins to the dedicated bin storage area immediately after emptying.

Reason: To maintain the amenity of public reserve adjacent to Freshwater S.L.S.C.

### 86. **Maximum Capacity for Seating**

Patrons at the premises must not exceed 310 on any occasion.

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

### 87. **Hours of Operation**

The hours of operation are to be restricted to:

Use	Hours	Days	Max No of Patrons
Activities associated with surf lifesaving	5 am to 9 pm	7 days per week	-
Members' lounge	8 am – 10 pm 10am – 12am	Sunday – Thursday Friday - Saturday	60
Balcony	7am – 10pm	7 days per week	20
Functions (Koolooro Room)	8 am – 10 pm 10am – 12am	Sunday – Thursday Friday - Saturday	140



Functions (Freshwater Room)	8 am – 10 pm 10am – 12am	Sunday – Thursday Friday - Saturday	90
Board Room	10am – 10pm	7 days per week	15
Gymnasium	5am – 9pm	7 days per week	-
Café/kiosk	7am – 10pm	7 days per week	70

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 the amenity of the surrounding locality is maintained.

**88. Doors Closed after 10pm**

All doors and windows are to remain shut after 10:00pm and not opened before 7:00am and anytime amplified music is used.

No access to verandah/balconies or any outdoor areas is permitted past 10pm.

Reason: To maintain reasonable levels of amenity to residential neighbouring properties.

**89. Noise Controls**

At all times, the operation of Freshwater SLSC must comply with recommendations in Section 5 of the acoustic report entitled “Freshwater SLSC”, prepared by GHD, referenced 12655507, dated 15/11/2024.

Reason: To protect noise amenity of surrounding residents, operate in accordance with acoustic report recommendations, WDCP Noise Controls, and Protection of Environment Operations (Noise Control) Regulation 2017.

**90. Emergency Contact Sign**

A sign with minimum A3 dimensions shall be erected on all elevations of the building providing emergency contact details.

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

**91. Final Operational Plan of Management**

A Plan of Management containing details of the ongoing operation of the premises (including the requirements in conditions of this development consent) shall be prepared to the satisfaction of Council’s Executive Manager, Development Assessment prior to the issue of any Occupation Certificate.

The Operational Plan of Management shall be updated to incorporate the ‘**shared use principle**’ (as required by the Coastal Lands Plan of Management) into the ‘responsibilities’ and ‘objectives’ sections of the FSLC Operational Plan of Management. An acceptable level of general community use of the building (as required by the CLPOM) is to be included as an objective.

The Operation Plan of Management is to include details of which areas of the building will have general community access. All internal floor areas not directly associated with surf lifesaving



activities should be available for public access and/or general community use.

The Freshwater SLSC shall operate in accordance with the Coastal Lands Plan of Management at all times.

Reason: To ensure an acceptable level of general community use of the building (as required by the Community Lands Plan of Management).

## 92. **Annual Review of Operational Plan of Management**

The Operational Plan of management for the Freshwater Surf Life Saving Club building shall be reviewed on an annual basis. Changes shall be submitted to Council's Executive Manager, Development Assessment, for approval prior to adoption.

The Operational Plan of Management must continue to be in accordance with the Coastal Lands Plan of Management.

Reason: To ensure appropriate management of building.

## **General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

## **Dictionary**

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Northern Beaches Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.