

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1171
Responsible Officer:	Danielle Deegan, Planning Consultant
Land to be developed (Address):	Lot 2742 DP 752038, 292 Condamine Street MANLY VALE NSW 2093
Proposed Development:	Construction of squash court building and use of premises as a recreational facility (indoor) and associated signage
Zoning:	Warringah LEP2011 - Land zoned RE1 Public Recreation WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Richard Parry

Application Lodged:	10/09/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Mixed
Notified:	17/09/2024 to 15/10/2024
Advertised:	17/09/2024
Submissions Received:	32
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 2,307,871.50
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EXECUTIVE SUMMARY

This development application seeks consent for the construction of a building for use as a recreational facility (indoor) and contains three (3) squash courts. The building forms part of the redevelopment of the Warringah Recreation Centre which is a proposal to improve recreational facilities on the site.

The proposed development relies on the construction of driveway access and car parking proposed in the Masterplan for the Warringah Recreation Centre Redevelopment. It is noted that a separate application has been made under Part 5 of the Environmental Planning and Assessment (EP&A) Act 1979 as 'development without consent' through the preparation of a Review of Environmental Factors

(REF). At the time of writing this report, the REF is undetermined.

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

The application was exhibited between 17/09/2024 to 15/10/2024. Thirty-two (32) submissions were received, all in support of the proposal. Nineteen (19) of the submissions also requested that the size of the building be increased from three (3) to five (5) squash courts. There were no objections received.

Critical assessment issues include the proposals reliance on traffic and parking measures proposed in the Warringah Recreation Masterplan and mitigating potential flood hazards. The assessment finds that the proposed development is permissible in the zone and is appropriately designed to integrate with the surrounding recreational facilities. Traffic and parking impacts have been assessed by Council's Traffic Engineer and found to be reasonable and there are no unacceptable environmental impacts. Initial flood safety concerns have been resolved by design amendments including the addition of a mezzanine level to provide an area to shelter-in-place in the event of a flood.

The proposed squash court building is located within District Park and is classified as community land within the meaning of the Local Government Act 1993. The District Park Plan of Management (POM) anticipates the upgrading of the existing squash court building and the proposal is consistent with the objectives of the POM.

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

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

PROPOSED DEVELOPMENT IN DETAIL

Construction of a building containing three (3) squash courts, external signage and landscaping works.

- Site preparation works – minor earthworks
- Construction of a 7.35m high building comprising of:
 - Total gross floor area of 340m²
 - Main entry foyer from the south;
 - Three (3) x squash courts
 - Entry corridor to courts with two tier spectator benches
 - Female, male and accessible toilets and showers;
 - A storeroom and secondary entrance from the north.
 - Mezzanine level (14m²) adjacent court 3
- Installation of signage comprising one (1) building identification sign and two (2) pylon signs. The proposed pylon signs provide directions to pedestrians to the Warringah Golf Club, squash court building, and tennis courts.

- Landscaping works including the planting of shrubs, grasses and groundcovers at the southern facades and main entrance. Three (3) shade trees to the northeastern corner of the site are also proposed with additional planting of ground covers.

Perspectives of the building are provided in Figures 1 and 2 below.



Figure 1. Visual perspective, Front entry from south-east (source: Webber Architects)



Figure 2. Visual perspective, Rear facade entry from north-east (source: Webber Architects)

There is no car parking proposed with this application. The proposal will be serviced by the car parking areas proposed in the Warringah Recreation Centre Masterplan, comprising of:

- Western Carpark: 70 spaces;
- Eastern Carpark : 55 spaces.

Four (4) bicycle parking spaces are proposed in this application.

External finishes include polycarbonate lightweight panel cladding, light coloured face brick, ribbed

lightweight metal cladding, aluminum framed windows, doors and awnings, contrast orange cladding, concrete slab.

Proposed Hours of Operation:

- Monday to Saturday – 7:00am – 10:00pm
- Sunday and Public Holidays – 8:00am – 7:00pm

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 - Zone RE1 Public Recreation
 Warringah Development Control Plan – C2 Traffic, access and safety
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan – D9 Building Bulk
 Warringah Development Control Plan – E11 Flood Prone Land
 District Park Plan of Management
 Warringah Recreation Centre Masterplan

SITE DESCRIPTION

Property Description:	Lot 2742 in DP 752038, 292 Condamine Street NORTH MANLY NSW 2100
Detailed Site Description:	<p>The subject site consists of one allotment located on the corner of Pittwater Road and Kentwell Road (refer to Map below).</p> <p>The site has an area of 17.23 ha and is bound by Pittwater Road to the east, Condamine Street to the west and Kentwell Road to the south. The development area (Figure 3 and 4) is located in the southeastern portion of</p>

the site as identified in Figure 1 below. The development area is part of the Warringah Recreation Centre which is currently a construction site. The previously existing six (6) tennis courts two (2) futsal courts, clubhouse building, building with three (3) squash courts and car parking area have recently been demolished. The remainder of the site comprises the Warringah Golf Course.

The site is located within the RE1 Public Recreation zone. There are two (2) vehicular access points to the site off Kentwell Road, one is approximately 75m and the other approximately 40m from the intersection with Pittwater Road. Off-street car parking is available along both internal access driveways within the southern and eastern sections of the site. On-street 90- degree parking is located on the southern side of Kentwell Road.

The development area is relatively level and is bordered by vegetation on its western, northern and eastern boundaries. Riparian vegetation to the west adjacent to Brookvale Creek has been identified as poor- moderate quality Estuarine Swamp Oak Forest.

The site is identified on Council's Flood Hazard Map as a medium risk precinct and the adjoining riparian corridor is identified as a high-risk precinct.

Map:





Figure 3. Location map (source: Willowtree Planning)

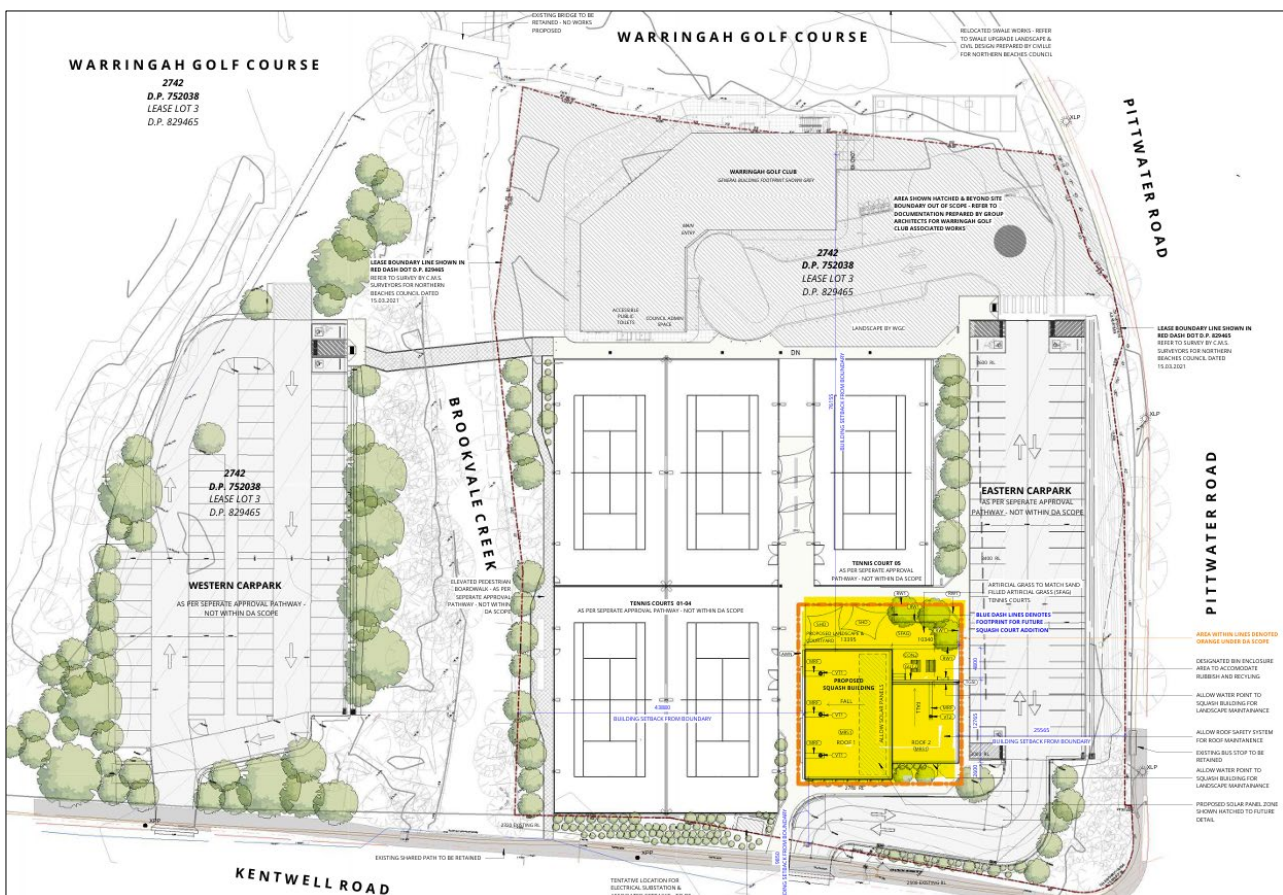


Figure 4. Site plan with proposed development highlighted (source: Webber Architects)

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a mixture of land use types. The site is bounded by Brookvale Creek to the west, Pittwater Road to the east, Kentwell Road to the south and the adjacent golf course to the north. The golf course extends to the south of Kentwell Road along with

Nolan Reserve.

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

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

SITE HISTORY

On 14 March 2024, the Sydney North Planning Panel (SNPP) approved Development Application DA2022/2081 for demolition works and construction of a golf clubhouse and associated facilities.

On 11 May 2023, the Council lodged a Planning Proposal (PEX2023/0002) which sought to amend the WLEP by including a Schedule 1 Additional Permitted Use for a 'registered club' on the site.

On 19 February 2024, Council approved DA2022/2081 for a change of use to a restaurant.

On 23 August 2024 the amendment to the WLEP to permit a registered club, on the site was gazetted.

On 6 May to 4 June 2024, the REF for the Warringah Recreation Centre Masterplan was exhibited.

On 27 August 2024, DA2023/1708 for demolition works and construction of a Recreation Facility (indoor) with signage (Warringah Gymnastics Centre), at 431 Pittwater Road, Manly Vale was approved by the Sydney North Planning Panel.

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 environmental planning instrument	None
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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed use will provide a beneficial social impact for the community by providing a recreational facility. It is not anticipated that the development will have any adverse social impacts.</p> <p>(iii) Economic Impact The proposed use will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification and 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.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 17/09/2024 to 15/10/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 32 submissions from:

Name:	Address:
Mark Anton Cohen	8 / 26 - 28 Shackel Avenue BROOKVALE NSW 2100
Mr Arno Hans Hasso Becker	27 Churchill Crescent ALLAMBIE HEIGHTS NSW 2100
Mr Richard Hugh Williams	1817 Pittwater Road MONA VALE NSW 2103
Ian Dowle	1 / 96 Brighton Street FRESHWATER NSW 2096
Scott Wallace	Address Unknown
Mr James Leslie Hingston	2 Myra Street FRENCHS FOREST NSW 2086
Nicholas Rowland Moncrieff-Hill	C/- Stone Real Estate - Manly Shop 2 10 Darley Road MANLY NSW 2095
Mr Ranjit Meher Chand Gaind	26/66-68 North Steyne MANLY NSW 2095
Mr Guillaume Pitot	67 Addison Road MANLY NSW 2095
Mrs Michelle Martin	10 A Kirra Road ALLAMBIE HEIGHTS NSW 2100
Russell Vincent Terry	26 Kitchener Street BALGOWLAH NSW 2093
Mr Blair Stewart Vincent	2 Pipino Place DEE WHY NSW 2099
Volha Hrytskevich	Address Unknown
Bruce Holloway	Address Unknown
Mr Simon Michael Smith	15 / 20 - 22 Fairlight Street FAIRLIGHT NSW 2094
Mr Jonathan Key	43 Woodland Street BALGOWLAH HEIGHTS NSW 2093
Christopher Peter Sayers	47 Carnarvon Drive FRENCHS FOREST NSW 2086
Mr Martin Raymond Polley	11 Griffin Street MANLY NSW 2095
Mr Alistair James Mann	8 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Ros Barnes	73 Essilia Street COLLAROY PLATEAU NSW 2097
Mr Daniel Clive Maher	15 Hilmer Street FRENCHS FOREST NSW 2086
Marco Novati	Novati Constructions Po Box 135 CROWS NEST NSW 1585
Jared McNaught	49 Frenchs Forest Road SEAFORTH NSW 2092

George Deubler	Address Unknown
Jared Thomas	9 / 11 Stuart Street MANLY NSW 2095
Nicholas Bentley	Address Unknown
Tyler Gill	2 / 23 Eustace Street MANLY NSW 2095
Mr Michael Graham Moynihan	1 Ainslee Place SEAFORTH NSW 2092
Vince Leung	Address Unknown
Robin Shimwell	Address Unknown
Derek Culey	Address Unknown
Tony Low	Address Unknown

Of the 32 submissions, all are in support of the proposal. Nineteen (19) of the submissions request a larger building containing at least five squash courts.

The requests for more squash courts may be in response to a comment made in the Masterplan exhibition which states that *'the current budget allows for three squash courts. However, five squash courts could be accommodated subject to additional funding becoming available.'* The District Park Plan of Management also states (at page 23) *'investigate the feasibility of additional squash courts.'*

Comment: The proposal under assessment is for a building containing three squash courts.

REFERRALS

Internal Referral Body	Comments:
Environmental Health (Acid Sulfate)	Supported, subject to conditions
Environmental Health (Industrial)	<p>Supported, subject to conditions</p> <p>Environmental Health has been requested to consider this proposal in regard to potential noise impacts.</p> <p>The proposal contains a report by an acoustic consultant who has undertaken an assessment to determine the suitability of the development to the location.</p> <p>Based on the information provided in the report, the proposal is supported with the recommendation of a number of conditions of consent recommended to mitigate noise impacts through the construction phase of the development as well as the ongoing use.</p>
NECC (Bushland and Biodiversity)	<p>Supported, subject to conditions</p> <p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:</p> <p>Warringah DCP cl. E2 Prescribed Vegetation Warringah DCP cl. E6 Retaining Unique Environmental Features SEPP (Resilience and Hazards) 2021 cl. 2.10 Development on land within the coastal environment area</p> <p>A Flora and Fauna Assessment (FFA) Report (Narla Environmental,</p>

Internal Referral Body	Comments:
	<p>August 2024) was prepared and submitted with the application. From review of the FFA it appears that one native canopy tree <i>Melaleuca quinquinervia</i> will require removal if it is in the footprint of the proposed development. It is noted that an Arboricultural Impact Assessment was not submitted with the application. This equates to 0.01ha of Swamp Oak Floodplain Forest in the NSW North Coast, Sydney Basin and South East Corner Bioregions which is listed as an Endangered Ecological Community under the Biodiversity Conservation Act 2016. A Test of Significance (5-part Test) in accordance with the BC Act was prepared by the Ecologist which concluded that the loss of 0.01ha of EEC from the site will not result in the local occurrence being placed at risk of extinction.</p> <p>Native landscaping is proposed in the vicinity of the proposed works including 2 x Eucalyptus haemastoma which is considered appropriate for offsetting the loss of canopy as part of the proposed development.</p>
NECC (Coast and Catchments)	<p>Supported</p> <p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience & Hazards) 2021 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021 The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021. Hence, Clauses 2.10, 2.11 and 2.12 apply for this DA.</p> <p>On internal assessment and as assessed in the Statement of Environmental Effects the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the State Environmental Planning Policy (Resilience & Hazards) 2021. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Warringah LEP 2011 and Warringah DCP 2011 No other coastal related issues identified.</p>
NECC (Flooding)	<p>Supported, subject to conditions</p> <p>The proposed development is for the construction of indoor squash courts, including mezzanine level. This proposal has been assessed against Section E11 of the Warringah DCP and Clause 5.21 of Warringah LEP.</p> <p>The proposal is located within the Medium Flood Risk precinct. The</p>

Internal Referral Body	Comments:
	<p>relevant flood characteristics are as follows:</p> <p>1% AEP Level: 3.30m AHD Flood Planning Level (FPL): 3.60m AHD Probable Maximum Flood (PMF) Level: 5.69m AHD Flood Life Hazard Category: H5</p> <p>A freeboard of 300mm is justified in the Flood Report.</p> <p>The Finished Floor Level of the proposal is above the FPL in the area, and the mezzanine level is deemed an appropriate shelter-in- place refuge.</p> <p>Subject to the conditions, the proposal complies with Section E11 of Warringah DCP and Clause 5.21 of Warringah LEP.</p>
NECC (Riparian Lands and Creeks)	<p>Supported, subject to conditions</p> <p>The site is located near Brookvale Creek which drains to Manly Lagoon and as such the proposed development must not significantly impact on the biophysical, hydrological or ecological integrity of receiving waters or the quantity and quality of surface and ground water flows that it receives. As the proposed development is more than 50m outside of the main riparian corridor, significant impacts to creek and waterway health are unlikely if conditions are adhered to.</p> <p><u>Sediment Management</u> Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established</p>
Traffic Engineer	<p>Supported, subject to conditions</p> <p>The proposal is for a new Squash Building within the redevelopment of the proposed Warringah Recreational Centre located at the corner of Kentwell & Pittwater Road, consisting of a new Squash building incorporating 3-5 Squash Courts, a circulation corridor, ancillary facilities and access to a car park.</p> <p>Council was preparing separate design and technical documentation for a wider Masterplan. As part of the Council Masterplan, Council would deliver two (2) off-street carpark areas to serve the proposed development and the wider Council facilities (Warringah Recreation Centre).</p> <p>It is noted that a separate application will be made under Part 5 of the Environmental Planning and Assessment (EP&A) Act 1979 as 'development without consent' through the preparation of a Review of Environmental Factors (REF). The REF will be for the remaining portions of the redevelopment of the proposed Warringah Recreational Facility, including five (5) Tennis courts, a circulation corridor and Access to car parking. It also includes a new pedestrian bridge across Brookvale Creek, an eastern/western car parking area for 125 parking spaces and a footpath connection between the proposed Warringah Recreational Centre and the approved Warringah Golfclub Building and two car</p>

Internal Referral Body	Comments:
	<p>parking areas.</p> <p>The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> • Traffic Impact Assessment (TIA), Reference 0979r01v02, prepared by PDC Consultants dated 19/07/2024, • The Statement of Environment Effects - Proposed Squash Court Building, prepared by Willowtree Planning Pty Ltd dated 27 August 2024, • Plans (Master Set), Rev E – designed by Webber Architects, dated 15/08/2024, and • TfNSW referral letters (ref: SYD24-01635/01 dated 10 October 2024. <p><u>Parking requirements and design:</u></p> <p>Warringah DCP 2011 applies to the subject site. Under the DCP, there is a parking rate of three (3) spaces applicable to each Squash court and associated facilities. The parking requirements for the development comprising 3-5 squash courts are 9-15 parking spaces. With regards to the cumulative parking requirement (taking into consideration the REF requirements), the proposed five (5) tennis courts require 15 car parking spaces also.</p> <p>Combined with the tennis courts (separate REF application) and approved Warringah Golf Club, a total demand for 103 car parking spaces is required to be accommodated.</p> <p>The provision of around 125 parking spaces under the Masterplan would cater for the required 9-15 spaces under this DA and the remaining facilities under other DAs and is compliant with Council's DCP.</p> <p>Car parking surveys and patronage surveys were undertaken by the consultant on a typical weekday and on weekends (Saturday operations) along Kentwell Road, within the Warringah Recreation Centre car park, and at the vacant bowling green / Council's carpark. The surveys included counts every 90 minutes on the times of day that the proposed clubhouse would be expected to generate its peak car parking demand. The surveys were undertaken to gain an understanding of the existing parking demands within the vicinity of the site.</p> <p>Based on the surveys undertaken, it was concluded that in the vicinity of the site, there was an abundance of spare car parking spaces on both a typical weekday and Saturday; users of the proposed squash courts, therefore, would likely be able to park their car in those locations.</p> <p>Under the 'first principles' approach and the 85th percentile peak demand assessment, the development is assessed to generate a demand for 58 car parking spaces during 'typical operations' and 73 car parking spaces during infrequent function events.</p> <p>The car parking spaces will be provided by the Council within the two off-street car parks (approximately 50 and 70 off-street car parking spaces), which will serve the proposal and the proposed adjacent Council facilities.</p>

Internal Referral Body	Comments:
	<p>The TIA has also confirmed that the surrounding areas provide sufficient supply for any parking demand in the event the proposal was constructed ahead of the Masterplan carpark areas.</p> <p>As outlined in the Traffic report, the development would generate a minimal demand for service vehicle parking with only 1-2 deliveries expected per week and it will be undertaken outside of peak times from the car parking area.</p> <p>The WDCP requires the provision of bicycle parking space at the rate of 1 space per four (4) employees and one (1) space per 1500 spectator places high-medium security level and 1 per 200m² GFA high-low security level for visitors plus one space per 250 spectators. Bicycle parking for four (4) bikes has been proposed. This provision satisfies Council's DCP requirements and caters for alternate travel mode options. This will be conditioned to be included in the plans prior to the issue of any Occupation Certificate.</p> <p>The WDCP 2011 does not stipulate motorcycle parking rates for recreational facilities and the subject DA did not provide any motorcycle parking spaces.</p> <p><u>Traffic Impact</u></p> <p>Neither the RMS Guide nor RMS Guide Update include traffic generation rates for recreational facilities developments. The traffic generation of the proposed squash courts is three (3) vehicle trips per hour during the evening peak hour, which will result in an increase in traffic generation of 15 vehicle trips/hour, which will then be distributed to the west and east of Kentwell Road as motorists seek to access Pittwater Road and Condamine Street and split in both directions. With regard to the cumulative traffic impact (taking into consideration the REF requirements), the proposed five (5) tennis courts generate 20 vehicles per hour during peak periods, totaling 35 vehicles per hour when accounting for both this DA and the REF.</p> <p>The proposal therefore will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	Support subject to conditions
Transport for NSW (Transport and Infrastructure) 2021, s2.48	Support TfNSW has reviewed the submitted application and raises no objection as the proposed development is unlikely to have a significant impact on the state classified road network (i.e. Condamine Street and Pittwater Road).

	Kentwell Road, to which the development site gains vehicle access, is a regional road that is not classified under the Roads Act 1993 and is managed by the Council. TfNSW notes that there are no changes to the vehicle access arrangements to and from Kentwell Road proposed as part of the current application.
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CROWN LAND MANAGEMENT ACT 2016 and LOCAL GOVERNMENT ACT 1993

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

District Park Plan of Management

The relevant sections of the POM are addressed below.

District Park Plan of Management	Response
<u>4.2.2 Vibrant Community</u> Objective: To provide opportunities for social interactions, community support, cultural heritage protection and creative expression in a safe environment	The proposed squash court building is consistent with this objective
<u>4.2.3 Recreation and Lifestyle</u> Objective: To provide safe and fit for purpose facilities, settings and spaces for a diverse range of traditional and emerging sporting, recreation and leisure activities which encourage a healthy lifestyle	The proposal will introduce safe and fit for purpose squash courts, diversifying the available activities within District Park, in an indoor setting.
<u>4.2.4 Healthy Environment</u> Objective: To protect, preserve and enhance the natural environment (land and water) in District Park	Subject to conditions of consent, the proposal will not negatively impact on the natural environment.
<u>5.2.1 Permitted Uses and Developments</u> District Park is generally intended to be used for active sport, informal and passive recreation, social and cultural events, and preservation of natural areas. Any use or development that would encroach on the Park's open space should be minimised,	The use of the site for a recreation facility (indoor) is a permissible land use for the site.

District Park Plan of Management	Response
<p>unless it can be shown that the proposed use or development is more efficient use of the space and is consistent with the objectives of this Plan of Management.</p>	
<p><u>5.2.2 Scale and Intensity of Use and Development</u></p> <p>The scale and intensity of future uses and development in District Park is dependent on the:</p> <ul style="list-style-type: none"> • nature of the approved future uses. • Landscape Concept Plan (Section 4.1) and subsequent detailed Masterplans. • impact on the condition of the park and assets. • impact on adjoining residents. <p>Any proposal to use buildings, structures and spaces in District Park will be considered on merit and balanced against the need to maintain the amenity of adjoining residents and land uses.</p>	<p>There is no unreasonable impacts generated by the development on the park or adjoining residents.</p>
<p><u>Buildings and structures</u> <u>Express authorisation</u> This Plan of Management expressly authorises development of new buildings and redevelopment of existing buildings consistent with the scale and intensity of buildings and structures as shown on the Landscape Concept Plan and subsequent detailed Masterplans.</p> <p><u>Design considerations</u> <u>Building envelopes</u> District Park is zoned as RE1 Public Recreation. Therefore no height or building envelope controls relate to the site under WLEP 2011.</p> <p><u>Access</u> Incorporate any relevant standards to new developments and refurbishment within the Park as per Australian Standard 1428 (Parts 1 – 4) Design for Access and Mobility. Seating for people with disabilities should comply with the Disability Discrimination Act and the Building Code of Australia.</p> <p><u>Sustainable development</u> All facilities, infrastructure (new and renewed), and maintenance in District Park will integrate sustainability in terms of energy use, life cycle costs, source material impacts, and Water Sensitive Urban Design (WSUD).</p>	<p>The scale of the development is acceptable in its open space context, nearby residential land and other park uses.</p> <p>The proposal has been designed to integrate with the Warringah Recreation Centre Masterplan.</p> <p>Noted. The building was assessed on its merits particular to its use case.</p> <p>An access report was submitted with the proposal which demonstrates compliance with the applicable requirements, subject to consent conditions.</p> <p>The proposal has incorporated sustainability measures including solar panels and passive solar design, and has been assessed as acceptable for drainage.</p>

District Park Plan of Management	Response
<p>All new buildings and/or refurbishments in District Park are to be developed consistent with Council's Operational Management Standard 'Environmentally Sustainable Design and Management of Council Built Assets'.</p> <p>Parkland Intensity of use of the parkland must be monitored in terms of its impact on the condition of the land and built assets. Corrective action, such as fencing off worn grassed areas, may be implemented if the condition of the park is impacted upon.</p> <p><u>Traffic and parking</u> The impact of traffic and parking associated with organised sport or events on local residents and businesses will be managed on a case-by-case basis.</p> <p><u>Planting</u> Species selected for planting in riparian areas in District Park will be endemic to the area or to Australia where possible. Elsewhere in District Park plant species which are appropriate for a highly modified and used park will be used. Planting will be undertaken on a site-specific basis as required.</p> <p><u>Activities</u> It is envisaged that activities at District Park which may attract high numbers of people are sporting competitions, and special events. Applications for such activities will be assessed on a case-by-case basis.</p>	<p>Not relevant.</p> <p>Council's Traffic Engineer supports the proposal, subject to conditions.</p> <p>The proposal incorporates appropriate landscaping and is supported by Council's Landscape Officer.</p> <p>The envisaged capacity of the development was assessed in traffic generation and determined to be acceptable</p>
<p><u>5.2.3 Assessment and Approval of Permissible Uses and Developments</u></p> <p>Community land Warringah Council must expressly authorise proposed developments on community land under the Local Government Act 1993. This authorisation in a Plan of Management gives 'in principle' support for certain activities to proceed to the development assessment stage. However, this Plan does not in itself imply or grant consent for these activities. Any proposed developments which are consistent with this Plan are still subject to development consent processes.</p>	<p>Council owner's consent was given to the proposed development.</p>

District Park Plan of Management	Response
<p><u>5.3 Authorisation of Future Leases, Licences and Other Estates</u></p> <p>Under Section 46 of the Local Government Act 1993, Council may lease or licence community land in a Plan of Management for purposes consistent with the categorisation and zoning of the land.</p>	<p>The proposal is for a recreational use, aligning with the POM's intention for District Park.</p>

The proposal is consistent with the District Park Plan of Management.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the proposed development as the site is located within a 'coastal environment area' and a 'coastal use area'. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - b) *coastal environmental values and natural coastal processes,*
 - c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

- d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- f) *Aboriginal cultural heritage, practices and places,*
- g) *the use of the surf zone.*

2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
- b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The proposed development has considered the site's proximity to Brookvale Creek to the west. Council's Engineering Officers support the proposal. There will be no impacts on any of the matters listed in clause (1)(a) – (g) above.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

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

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

Comment: The proposed development has considered the site's proximity to Brookvale Creek to the west. Council's Engineering Officers support the proposal. There will be no adverse impacts on the matters listed in clause(1)(a)(i) – (v) above.

The proposal complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for community purposes for a significant period.

An Acid Sulphate Soils Assessment has been prepared by Ideal Geotech. This Site Investigation provides preliminary advice on the potential for contamination to be present at the subject site and the consequent implications on the site's suitability for its intended use.

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

Transport for NSW (TfNSW)

Clauses 2.119 of the TI SEPP applies as the site is located adjacent to two Classified Roads, that is Pittwater Road to the east and Kentwell Road to the south. The requirement in clause 2.119 of the SEPP is a pre-condition to the granting of development consent, see extract from SEPP below:

Section 2.119 - Development with frontage to classified road states:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

- (ii) the emission of smoke or dust from the development, or
 (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

The application was referred to Transport for NSW (TfNSW) and they raised no objections as there are no changes to the existing vehicle access arrangements to and from Kentwell Road.

SEPP (Transport and Infrastructure) 2021

Chapter 3

Section 3.6 and 3.11 of Chapter 3 of the T&I SEPP requires Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

Matters for consideration	Comment	Complies
1 Character of the Area		
Is the Proposal compatible with the character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with the recreational character of the area.	Yes
Is the Proposal consistent with a particular theme for outdoor advertising in the area or locality?		
2 Special Areas		
Does the Proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No, the proposed signage will not detract from the significance of any environmentally sensitive areas, open space, heritage items or residential areas.	Yes
3 Views and vistas		
Does the Proposal obscure or compromise important views?	No important views or vistas are impacted by the signs.	Yes
Does the Proposal dominate the skyline and reduce the quality of vistas?	The proposed signs will not dominate the surrounding landscape.	

Matters for consideration	Comment	Complies
Does the Proposal respect the viewing rights of other advertisers?	The proposed signs will not compete with the viewing rights of other advertisers.	
4 Streetscape, Setting or Landscape		
<p>Is the scale, proportion and form of the Proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the Proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the Proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the Proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the Proposal require ongoing vegetation management?</p>	<p>The proposed scale, proportion and form of the signage is similar to what existing previously on the site and appropriate and consistent with the established recreational nature of the surrounding area.</p> <p>The proposed signage will contribute to the visual amenity of the site and the surrounding streetscape. The pylon sign will add visual interest to the street facades, will help activate the site frontages and is informative to participants.</p> <p>The signs are uncluttered and provide simple and succinct messaging.</p> <p>N/A</p> <p>The proposed signs are appropriate in height and scale, remaining below the maximum building height.</p> <p>The signage will not require ongoing vegetation management.</p>	Yes
5 Site and building		
<p>Is the Proposal compatible with the scale, proportion and other characteristics of the site or building or both on which the modified signage is to be located?</p> <p>Does the Proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The signage is compatible with the scale and proportion of the proposed building.</p> <p>The signs are designed to integrate with the features of the building.</p> <p>The signage is appropriate for the building's use and location.</p>	Yes
6 Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on	Not applicable	Yes

Matters for consideration	Comment	Complies
which it is to be displayed?		
7 Illumination		
Would illumination result in unacceptable glare?	No illumination is proposed.	Yes
8 Safety		
Would the Proposal reduce the safety for any public road? Would the Proposal reduce the safety for pedestrians or bicyclists? Would the Proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal is not likely to affect the safety of any public road, pedestrians or cyclists The signage will not result in safety risks or obscure sightlines from public areas.	Yes

Table 1. Signage assessment

Accordingly, the proposed signage is assessed to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of Chapter 3 of the T&I SEPP and its underlying objectives.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone RE1 Public Recreation

The proposal is for a recreational facility (indoor). The relevant definition under WLEP 2011 is as follows:

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

The proposed restaurant use is permissible in the RE1 Public Recreation zone.

Objectives of the RE1 zone

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

Comment:

The development is consistent with the relevant objectives of the RE1 zone as follows:

- The proposal retains the existing public open space areas for recreational purposes and complements those activities.
- The proposal complements and enhances the use of the surrounding recreational activities.
- The proposal will not have a negative impact on the natural environment.
- The proposal maintains the ecological, scientific, cultural or aesthetic values of the land.

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	No	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes

D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

C2 Traffic, access and safety

The existing vehicle access to the site from Kentwell Road will be retained. The proposal will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance. Council's Traffic Engineer has reviewed the proposal and provided conditions of consent.

C3 Parking Facilities

The WDCP does not stipulate car parking rates for recreational facilities. Accordingly, the car parking provision is assessed against the RMS Guide, which requires three (3) parking spaces per squash court. Based on this guideline, nine (9) parking spaces are required for the squash building.

While there is no car parking included in this application, the development is proposed to be serviced by the two off-street parking areas (for a total of 125 car parking spaces) proposed in the Warringah Recreation Centre Masterplan. However, as these parking areas are yet to be formally approved, a recommended condition of deferred commencement consent will require their approval prior to activation of the development consent. This will ensure that the users of the proposed squash courts have adequate access to parking.

Council's Traffic Engineer is satisfied that the car parking proposed in the Warringah Recreation Centre Masterplan, will provide adequate car parking for the proposed squash court building.

C3A Bicycle Parking and End of Trip Facilities

Bicycle parking for four (4) bikes is included in the proposal. This provision satisfies Council's WDCP requirements and caters for an alternate mode of travel.

Adequate end-of-trip facilities are provided, with bathroom, showers and change rooms all located within the squash court building.

D3 Noise

The Council's Environmental Health officer supports the proposal subject to a number of recommended consent conditions to mitigate noise impacts thought the construction phase of the development as well as the ongoing use.

D9 Building Bulk

There are no prescribed specific building envelope controls for buildings on land with a recreation zoning. Consequently, a merit assessment is required to assess the appropriateness of the building bulk.

The objectives of clause D9 are:

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

The proposed development features a contextually appropriate design, integrating with the proposed Warringah Recreation Centre Masterplan. It consists of a low-scale squash court building, proportioned to align with the surrounding recreational open space and the built environment. Its size and massing is consistent with the existing squash court building and will not appear out of scale in its surroundings.

Architectural elements such as windows, awnings, signage, and contrasting materials will break up large wall surfaces, enhancing visual interest and reducing the perception of bulk.

Additionally, landscaping, including the planting of several trees, is proposed around the building. This will soften its appearance and further mitigate building bulk.

The proposed development has a scale and massing that is appropriate for the site.

E11 Flood Prone Land

The subject site for the proposed development is identified in the Manly Lagoon Flood Study (2013) as being located in the Medium Flood Risk Precinct. Brookvale Creek and part of the proposed car park area on the western side of the Creek are identified as being within the High Flood Risk Precinct.

The proposed squash court building will have floor levels set at 3.6 m AHD, above the 1% AEP floodwater which impacts the site at 3.3 m AHD and the PMF floodwaters at 5.69 m AHD. This elevation ensures resilience against flooding events, including the Probable Maximum Flood (PMF).

Council's Natural Environment Officer (Flood) concurs that a freeboard of 300mm is justified, the Finished Floor Level of the proposal is above the FPL in the area, and the mezzanine level is deemed an appropriate shelter-in-place refuge. The proposal (as amended) is supported, subject to conditions.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$23,079 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,307,872.

CONCLUSION

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

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

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

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

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

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

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

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

PLANNING CONCLUSION

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

Critical assessment issues include the proposal's reliance on traffic and parking measures proposed in the Warringah Recreation Masterplan and potential flood hazards. The assessment finds that the proposed development is permissible in the zone and is appropriately designed to integrate with the surrounding recreational facilities. Traffic and parking impacts have been assessed by Council's Traffic Engineer and found to be reasonable. There are no unacceptable environmental impacts. Initial flood safety concerns have been resolved by design amendments including the addition of a mezzanine level to provide an area to shelter-in-place in the event of a flood.

The public notification resulted in thirty-two (32) submissions, none objecting to the proposal.

Overall, the proposal performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal is therefore recommended for approval.

REASON FOR DETERMINATION

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2024/1171 for the construction of a single storey building and use of premises as a recreational facility (indoor) and associated signage on land at Lot 2742 DP 752038, 292 Condamine Street, MANLY VALE, subject to the conditions printed below:

ATTACHMENT 1

Deferred Commencement Approval

DEFERRED COMMENCEMENT CONDITION

1. Deferred Commencement Consent Condition

This consent is granted on the condition that the applicant provides the following information to the satisfaction of the consent authority before the commencement of any development works:

i. Car parking and Access

Approval of the car parking areas and access works proposed under the Warringah Recreation Centre Masterplan, comprising of the proposed tennis court facilities, pedestrian bridge, east and west car parks and associated works, are required to be provided to, and approved by the appropriate authority, prior to activating the development consent.

Evidence required to satisfy this condition must be submitted to the consent authority (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to the consent authority via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Upon satisfaction of the deferred commencement condition the following conditions apply:

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
0202	E	Site Plan - Proposed	Webber Architects	15.08.2024
0301	I	Floor Plan - Squash Building	Webber Architects	03.02.2025
0330	C	Roof Plan	Webber Architects	15.08.2024
0401	D	Elevations – Sheet 1	Webber Architects	15.08.2024
0402	D	Elevations – Sheet 2	Webber Architects	15.08.2024
0501	F	Sections – Sheet 1	Webber Architects	03.02.2025
1001	E	Materials Palette – Sheet 1	Webber Architects	15.08.2024
C04-0001	B	Bulk excavation plan	Webber Architects	30.07.2024
C04-0001	B	Bulk excavation sections	Webber Architects	30.07.2024
C01-0101	B	Civil services – legend sheet	Webber Architects	30.07.2024
C01-0102	B	Civil services – notes sheet	Webber Architects	30.07.2024
C03-0001	B	Soil erosion and sediment control plan	Webber Architects	30.07.2024
C03-0101	B	Soil erosion and sediment control notes	Webber Architects	30.07.2024
C01-0101	B	Soil erosion and sediment control details	Webber Architects	30.07.2024
L01	D	Landscape Plan	Webber Architects	15.08.2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Flood Statement Letter		Acor	03.02.2025
Acid Sulphate Management Plan		Ideal Geotech	09.10.2024
Acoustic Assessment		Acoustic logic	09.07.2024
Statement of Environmental Effects	2	Willowtree Planning	27.08.2024
BCA Assessment Report		Credwell	30.07.2024
Flora and Fauna Assessment	1	Narla environmental	Aug 2024

Traffic Impact Assessment	2	PDC Consultants	19.07.2024
Geotechnical Assessment		Ideal Geotech	20.06.2024

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

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	Referral Ausgrid	24.10.2024
Transport for NSW	TfNSW Referral Response	10.10.2024

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

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

3. Approved Land Use

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

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

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

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

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (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.

5. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,

- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no

hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

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

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

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$23,078.72 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 \$2,307,871.50.

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.

7. **Security Bond**

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

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

inspection).

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

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Flood effects caused by development

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 3.30m AHD.

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

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

9. Building components and structural soundness

B1 - All new development below the Flood Planning Level of 3.60m AHD shall be designed and constructed from flood compatible materials.

B2 - The shelter in place refuge must be designed to ensure structural integrity up to the Probable Maximum Flood level of 5.69m AHD, with the remainder of the new development designed to ensure structural integrity up to the Flood Planning Level of 3.60m AHD. The forces of floodwater, debris load, wave action, buoyancy and immersion must all be considered.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 3.60m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

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

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

10. Floor levels

C1 - New floor levels within the development shall be set at or above the Flood Planning Level of 3.60m AHD.

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

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

Government policy.

11. **Emergency response**

E1 - The shelter-in-place refuge must:

- a) Have a floor level at or above the Probable Maximum Flood level of 5.69 m AHD; and
- b) Have a floor space that provides at least 1m² per person; and
- c) Be intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants without reliance on electrical means.

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

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

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

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, August 2024) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

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

13. **No Clearing of Vegetation**

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

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

Reason: To protect native vegetation.

14. **Erosion and Sediment Control Plan**

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

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

- North point and scale.

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

Reason: To protect the receiving environment.

15. **Construction Traffic Management Plan**

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

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on

the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.

A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:

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

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

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

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

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

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

16. Mechanical Plant and Equipment

Details of mechanical plant and equipment have not yet been provided.

When this equipment has been selected, prior to the issuing of a construction certificate, and acoustic assessment by a suitably qualified acoustic consultant is required to be undertaken to determine what acoustic treatment required to control noise emissions to satisfactory levels.

Reason: To mitigate noise impact on surrounding receivers

17. Sydney Water "Tap In"

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

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. 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.

19. 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.

20. Construction Noise and Vibration Management Plan

Prior to commencement of works, a Construction Noise and Vibration Management Plan shall be developed in accordance with the requirements of section 7 of the Acoustic Report by Acoustic Logic document reference 20240509.2/0907A/R0/PF dated 0/07/2024.

The Construction Noise and Vibration Management Plan shall be complied with throughout the duration of demolition, excavation and construction.

Reason: To reduce noise impact during the construction phase

DURING BUILDING WORK

21. Acid Sulfate Soils

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan by Ideal Geotech dated 9 October 2024 ref. no.71113A-IDF.

Reason: To ensure management of potential acid sulfate soils.

22. Off-site Disposal of Contaminated Material

Any contaminated material removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with Protection of the Environment Operations Act 1997 (NSW); and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

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

Reason: To protect the environment and public health.

23. Requirement to notify about new Acid Sulfate Soils evidence

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

Reason: To protect the environment.

24. Site Contamination - Acid Sulfate Soils

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

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

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

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

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

Reason: To protect the environment and public health.

25. Compliance with Ecologist's Recommendations – During Construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, August 2024) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

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

26. 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.

27. 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.

28. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

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

Reason: To protect the receiving environment.

29. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

30. **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.

31. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

32. **Survey Certificate**

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

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

33. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more

than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

34. **Acid Sulfate Soil Management Confirmation**

Details demonstrating compliance with the approved Acid Sulfate Soil Management Plan Ideal Geotech dated 9 October 2024 ref. no.71113A-IDF is to be submitted to the satisfaction of the principle certifier prior to the issue of the occupation certificate.

Reason: To ensure management of potential acid sulfate soils.

35. **Acoustic Design Recommendations**

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report Acoustic Logic document reference 20240509.2/0907A/R0/PF dated 0/07/2024.have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

36. **Certification of Works as Executed**

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

1. Floor levels for ground floor and shelter in place refuge are set at or above the required level
2. There has been no filling on the land other than what has been approved

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

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

37. **Building Components and Structural Soundness**

B2 - A suitably qualified structural engineer is to certify the structural integrity of the shelter in place up to the Probable Maximum Flood level of 5.69m AHD, and the remainder of the new development up to the Flood Planning Level of 3.60m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 3.60m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

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

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

38. Compliance with Ecologist's Recommendations – Post Construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, August 2024) are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

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

39. Replacement of Canopy Trees

At least 1 locally native canopy trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

40. 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.

41. Mechanical Ventilation certification

Prior to the issuing of an 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 Certifier.

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

42. Sydney Water

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

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

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

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

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

43. 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

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

44. 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

45. 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 the Certifier prior to the issue of any Occupation Certificate.

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

47. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Saturday – 7:00am – 10:00pm
- Sunday and Public Holidays – 8:00am – 7:00pm

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

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

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

Signed

