

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|   |  |
|---|--|
| <b>Application Number:</b>                | DA2025/0266  |
| <b>Responsible Officer:</b>               | Thomas Burns   |
| <b>Land to be developed (Address):</b>    | Part Lot A DP 395600 PO 79/16, 116 Nareen Parade<br>NORTH NARRABEEN NSW 2101 |
| <b>Proposed Development:</b>              | Demolition of the registered club building and associated structures         |
| <b>Zoning:</b>                            | C4 Environmental Living  |
| <b>Development Permissible:</b>           | Yes  |
| <b>Existing Use Rights:</b>               | No   |
| <b>Consent Authority:</b>                 | Northern Beaches Council   |
| <b>Delegation Level:</b>                  | NBLPP  |
| <b>Land and Environment Court Action:</b> | No   |
| <b>Applicant:</b>                         | The Trustee For GMT Unit Trust   |

|                                  |                          |
|----------------------------------|--------------------------|
| <b>Application Lodged:</b>       | 18/03/2025               |
| <b>Integrated Development:</b>   | No                       |
| <b>Designated Development:</b>   | No                       |
| <b>State Reporting Category:</b> | Other                    |
| <b>Notified:</b>                 | 28/03/2025 to 11/04/2025 |
| <b>Advertised:</b>               | Not Advertised           |
| <b>Submissions Received:</b>     | 60                       |
| <b>Clause 4.6 Variation:</b>     | Nil                      |
| <b>Recommendation:</b>           | Approval                 |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 677,526.30 |
|---------------------------------|---------------|

### EXECUTIVE SUMMARY

The proposed development involves the demolition of an existing building associated improvements and selected trees.

The site was formally used as the Narrabeen RSL Club, which has not been in operation since February 2022.

The development is reported to the Northern Beaches Local Planning Panel (NBLPP) as 58 submissions by way of objection were made in response to the public exhibition. Therefore, the development is categorised as 'contentious development', which must be determined by the NBLPP in accordance with the State Government Local Planning Panel Directions. Two (2) submissions were made in support of the application.

The vacant RSL building is not a heritage listed building under the PLEP 2014.

The key concerns raised within the resident submissions pertain to; future residential development on the site; impacts on the natural environment, traffic impacts associated with the demolition works, demolition impacts, flooding impacts and social impacts. These concerns have been assessed in detail throughout the report and are not considered to be issues that would warrant refusal of the application.

Several general and special conditions of consent have been recommended to mitigate the concerns raised within the resident submissions.

The key assessment issues associated with the development relate to; the management of demolition impacts as they pertain to traffic, dust, asbestos and erosion, and the proposed tree removal.

The assessment has concluded that the impacts associated with the demolition works can be appropriately managed via the recommended conditions of consent, which aim at mitigating impacts on the amenity of the neighbourhood, the road network and the natural environment. Moreover, the development only results in the removal of one (1) prescribed tree (i.e. a tree that requires Council approval for removal) that is imbedded in an existing retaining wall proposed for demolition. The removal of this tree will not alter significantly the visual amenity of the locality, noting that the most significant areas of vegetation around the curtilage of the site and within the northern half of the site will be retained.

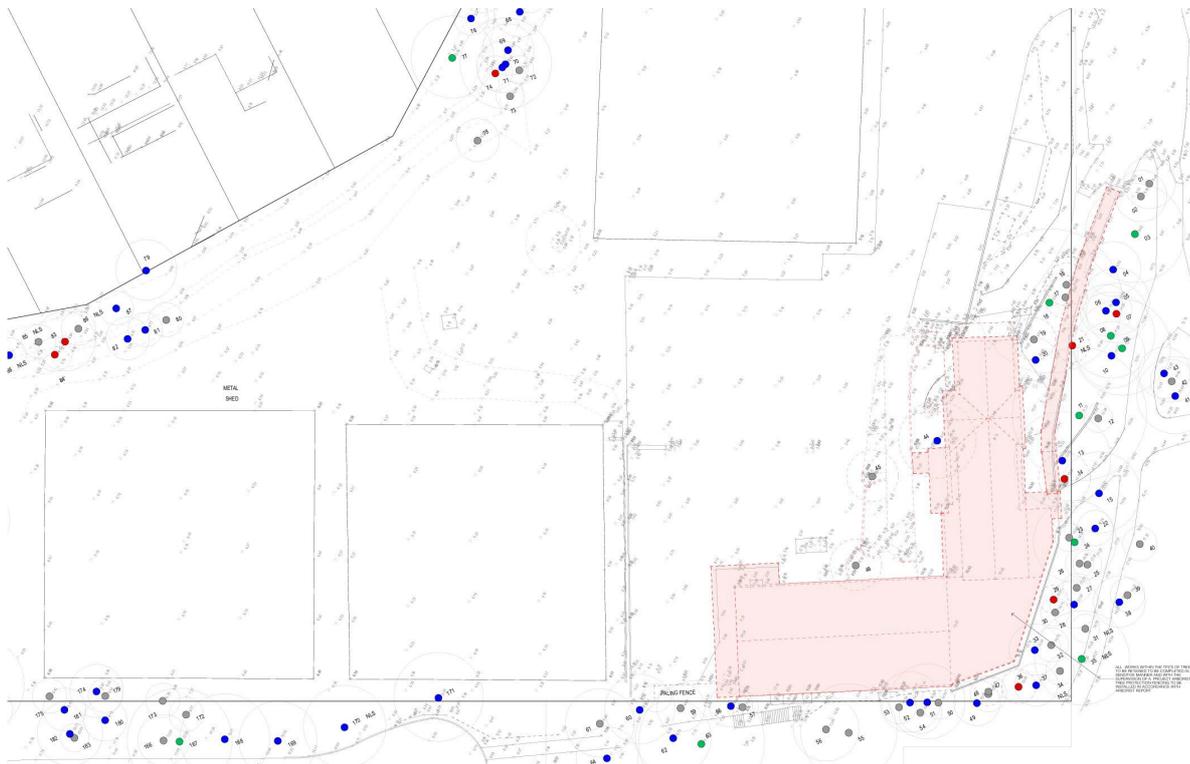
Accordingly, it is recommended that the NBLPP **approve** the application, subject to the recommended conditions attached to this report.

## **PROPOSED DEVELOPMENT IN DETAIL**

The applicant seeks development consent for the demolition of an existing building that was formerly used and occupied by the Narrabeen RSL Club.

Specifically, the works involve:

- Demolition of the former Narrabeen RSL Club building.
- Demolition of existing retaining walls located in front of the building.
- Demolition of an existing pedestrian pathway that provides access to the building from the northern side of Nareen Parade, which is located partially within the public road reserve.
- Removal of eleven (11) exempt species comprising of Privets, Oleanders, Cocos Palms and one Frangipani. These trees do not require Council approval for removal as they are exempt species.
- Removal of one (1) non-exempt species, being a 5m tall *Murraya paniculata* (Tree No. 45 as identified within the applicant's Arborist Report). This tree is embedded within an existing retaining wall that is proposed for removal and hence, the retention of the tree is unavoidable.



**Figure 1 - Proposed Demolition Plan**

## **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**

Pittwater Local Environmental Plan 2014 - 2.7 Demolition requires development consent  
 Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living  
 Pittwater Local Environmental Plan 2014 - 5.21 Flood planning

- Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
- Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
- Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards
- Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation
- Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan

**SITE DESCRIPTION**

|                                   |  |
|-----------------------------------|--|
| <b>Property Description:</b>      |  |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one allotment that can be accessed via the northern side of Nareen Parade within the North Narrabeen locality. The site also has a frontage to the eastern side of Eungai Place. The site is irregular in shape with a surveyed area of 1.872 hectares.</p> <p>The site is located within the C4 Environmental Living zone pursuant to the Pittwater Local Environmental Plan 2014 (PLEP) and currently accommodates a three storey vacant building that was formerly occupied by the Narrabeen RSL Club. The Narrabeen RSL Club has not been in operation since February 2022. Other development on the site consists of a large hardstand car parking area and bowling greens that were formerly used by the Narrabeen RSL Club.</p> <p>While there is vegetation around the perimeter of the site, the southern half of the site is largely cleared, while the northern half of the site is densely vegetated. A riparian corridor runs parallel to the eastern boundary of the site.</p> <p>Various Council stormwater pipelines intersect the site at different points. The site is also flood prone.</p> <p>The surrounding built environment is characterised by low density residential development (i.e. dwelling houses) within landscaped settings.</p> |

Map:

## Invalid Request

### SITE HISTORY

A search of Council's records has revealed the following relevant history:

#### **Development Application No. 1992/159**

This DA involved the subdivision of one allotment into nine allotments and was refused by the former Pittwater Council on 11 September 1995.

The reasons for refusal were as follows:

- 1. The usable area of Proposed Lot 27 is insufficient for the erection of a dwelling house. This land should be incorporated within Lot 28 as Public Reserve. The usable areas of Lots 25, 26 and 27 would be inadequate if the watercourse is to remain in its natural state.*
- 2. Replacement of the open natural watercourse with a piped drainage system would result in a loss of a significant fauna habitat.*
- 3. Satisfactory information has not been provided to demonstrate that the proposed arrangements for a system of piped drainage would not cause downstream flooding and reduce public safety.*
- 4. Trees likely to be affected by the location of the proposed access should be retained to maintain the privacy of existing dwelling houses overlooking the land and instigate the impact of development.*
- 5. The proposal has not demonstrated that adequate arrangements have been made to accommodate traffic and parking generated by the development.*

### **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                                      | There are no current draft environmental planning instruments.   |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan  | Pittwater 21 Development Control Plan applies to this proposal.  |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement   | None applicable.   |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) | <p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental                                     | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Environmental</p>  |

| Section 4.15 Matters for Consideration   | Comments  |
|--|---|
| impacts on the natural and built environment and social and economic impacts in the locality | <p>Planning Instruments and Pittwater 21 Development Control Plan sections in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality, noting that the existing Narrabeen RSL building has been vacant since early 2022 and the site has not been in use since this date. The removal of the existing vacant building will not result in any unacceptable social impacts in the locality.</p> <p>(iii) <b>Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development                       | The site is considered suitable for the proposed development.   |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs       | See discussion on “Notification & Submissions Received” in this report.   |
| Section 4.15 (1) (e) – the public interest   | No matters have arisen in this assessment that would justify the refusal of the application in the public interest, noting that the development is consistent with the aims and objectives of all applicable Environmental Planning Instruments and the Pittwater 21 Development Control Plan. As such, the development is consistent with what the community can expect to occur.  |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 28/03/2025 to 11/04/2025 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 60 submission/s from:

| Name:                    | Address:                              |
|--------------------------|---------------------------------------|
| Ms Claire Morris         | 28 Farnell Street CURL CURL NSW 2096  |
| Michael Norris           | Address Unknown                       |
| Mr Gregory John Stanford | 24 Wallaby Circuit MONA VALE NSW 2103 |

| <b>Name:</b>                 | <b>Address:</b>  |
|------------------------------|--|
| Mr Simon Gregory Mitchell    | 31 Anana Road ELANORA HEIGHTS NSW 2101   |
| Michael Karl Radisich        | 18 Bellara Avenue NORTH NARRABEEN NSW 2101                                     |
| Ms Emma Jean Just            | 159 Rickard Road NORTH NARRABEEN NSW 2101                                      |
| Mr Alexander William Brown   | 41 Powderworks Road NORTH NARRABEEN NSW 2101                                   |
| Ms Nicola Yakich             | 15 Carpenter Crescent WARRIEWOOD NSW 2102                                      |
| Miss Amanda Lee Calder       | 3 Lido Avenue NORTH NARRABEEN NSW 2101   |
| Mr Jacob John Thomas Chapple | 129 Rickard Road NORTH NARRABEEN NSW 2101                                      |
| Mr Anthony Joseph Gleeson    | 4 Rickard Road NORTH NARRABEEN NSW 2101  |
| Ms Anja Louise Vosper        | 18 Bellara Avenue NORTH NARRABEEN NSW 2101                                     |
| Mr Anthony Norman Domanski   | 7 Kundibah Road ELANORA HEIGHTS NSW 2101                                       |
| Mrs Gai Lucy Domanski        | 7 Kundibah Road ELANORA HEIGHTS NSW 2101                                       |
| Mrs Michelle Lea Rust        | 47 Nareen Parade NORTH NARRABEEN NSW 2101                                      |
| Mrs Louise Marie Pearce      | 20 Eungai Place NORTH NARRABEEN NSW 2101                                       |
| Harry Barham                 | 11 Kangaroo Road COLLAROY PLATEAU NSW 2097                                     |
| Joshua Brennan Sanderson     | 22 Tatiara Crescent NORTH NARRABEEN NSW 2101                                   |
| Mr Jonathan Eamon James      | 83 Rickard Road NORTH NARRABEEN NSW 2101                                       |
| Mr Glen Stewart Nielsen      | 14 Tatiara Crescent NORTH NARRABEEN NSW 2101                                   |
| Ms Luisa Mary Paton          | 29 Tatiara Crescent NORTH NARRABEEN NSW 2101                                   |
| Mrs Helena Sekulich          | 1 / 23 Ocean Avenue NEWPORT NSW 2106   |
| Mr Mark Andrew Paton         | 29 Tatiara Crescent NORTH NARRABEEN NSW 2101                                   |
| Amy Louise Mclenaghan        | 104 Nareen Parade NORTH NARRABEEN NSW 2101                                     |
| Talei Lewis                  | 5 / 5 Albert Street NARRABEEN NSW 2101   |
| Lucie Walter                 | 27 Merrilee Crescent FRENCHS FOREST NSW 2086                                   |
| Mrs Dorothy Kennedy          | 5 Bellara Avenue NORTH NARRABEEN NSW 2101                                      |
| Mrs Denielle Tressa Mcshane  | C/- Vaughan Milligan Development Consulting Pty Ltd Po Box 49 NEWPORT NSW 2106 |
| Andrew Michael Bellamy       | 7 Eungai Place NORTH NARRABEEN NSW 2101  |
| Charlie Rowntree             | 60 Gondola Road NORTH NARRABEEN NSW 2101                                       |
| Mr Bakhtiar Sadeghi          | 2 Eungai Place NORTH NARRABEEN NSW 2101  |
| Mrs Melissa Gai Trbojevic    | 29 Suzanne Road MONA VALE NSW 2103   |
| Mr Stephen James Merrington  | 20 Tatiara Crescent NORTH NARRABEEN NSW 2101                                   |
| Shannon Patterson            | 10 Eungai Place NORTH NARRABEEN NSW 2101                                       |
| Karyn Versteegen             | 17 Tatiara Crescent NORTH NARRABEEN NSW 2101                                   |
| Mr Christopher Ara Avakian   | 3 Eungai Place NORTH NARRABEEN NSW 2101  |
| Mr Daniel John Clarke        | 8 Tatiara Crescent NORTH NARRABEEN NSW 2101                                    |
| Dr Olivia Catherine Andrews  | 8 Tatiara Crescent NORTH NARRABEEN NSW 2101                                    |
| Mrs Margaret Helen Sliman    | 14 / 3 - 7 Mactier Street NARRABEEN NSW 2101                                   |
| Mr Corey John McShane        | 148 Rickard Road NORTH NARRABEEN NSW 2101                                      |

| <b>Name:</b>                                     | <b>Address:</b>                                     |
|--|---|
| Samantha Jane Green                              | 1 Tatiara Crescent NORTH NARRABEEN NSW 2101         |
| Mrs Kirsty Samantha Muriel Pears                 | 16 Eungai Place NORTH NARRABEEN NSW 2101            |
| Mrs Amanda Nicole Caunt                          | 18 Tatiara Crescent NORTH NARRABEEN NSW 2101        |
| Mrs Fiona Marie Guilfoyle                        | 31 Tatiara Crescent NORTH NARRABEEN NSW 2101        |
| Mr Thomas Lester Pears                           | 16 Eungai Place NORTH NARRABEEN NSW 2101            |
| Mr Michael David Page<br>Dr Catriona Mary Harvey | 24 Eungai Place NORTH NARRABEEN NSW 2101            |
| Mr Daniel John Caunt                             | 18 Tatiara Crescent NORTH NARRABEEN NSW 2101        |
| Cassandra Chapple                                | 109 / 180 South Creek Road WHEELER HEIGHTS NSW 2097 |
| Nicholas Paul Boon                               | 39 A Cannes Drive AVALON BEACH NSW 2107             |
| Mr Timothy Jacob Van Rees                        | 10 Delwood Close MONA VALE NSW 2103                 |
| Mrs Ruzena Molitorova                            | 1 Eungai Place NORTH NARRABEEN NSW 2101             |
| Ms Kristen Peta Wolthers                         | 20 Alexander Road AVALON BEACH NSW 2107             |
| Kyle Bruce Channon                               | 2 / 3 Vineyard Street MONA VALE NSW 2103            |
| Mark Beazley                                     | 9 Eungai Place NORTH NARRABEEN NSW 2101             |
| Joanne Mcleod                                    | 9 Eungai Place NORTH NARRABEEN NSW 2101             |
| Mr Steven James Lewis<br>Mrs Christie Anne Lewis | 18 Eungai Place NORTH NARRABEEN NSW 2101            |
| Pamela Margaret McShane                          | 2 / 129 - 133 Lagoon Street NARRABEEN NSW 2101      |
| Mrs Frances Maureen Nielsen                      | 14 Tatiara Crescent NORTH NARRABEEN NSW 2101        |
| Mr Philip James Guilfoyle                        | 31 Tatiara Crescent NORTH NARRABEEN NSW 2101        |
| Mr Mehran Mozaffari                              | 21 Eungai Place NORTH NARRABEEN NSW 2101            |

A total of fifty-eight (58) submissions by way objection were received in response to the public exhibition period. Two (2) submissions in support of the proposal were received.

The following issues were raised in the submissions:

- **Future Residential Development on the Site**

*The submissions raised concerns regarding future speculative residential development that may occur on the site following the demolition of the existing building on the site.*

Comment:

The application only pertains to demolition works and tree removal. As such, any concerns pertaining to future residential development on the site are not a relevant matter of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

- **Impacts on Riparian Corridor and Waterways**

*The submissions raised concerns that the demolition works will have an adverse impact on the existing riparian corridor that runs along the eastern boundary and surrounding waterways.*

Comment:

The creek line runs along the eastern boundary of the site structures proposed for demolition are in the south-west corner are at closest point approximately 69m distance apart. There is sufficient space within the site for demolition traffic, stockpiling materials, etc to avoid impacting on the creek. Council's Riparian Officer has reviewed the application and raises no objections, subject to conditions that require sediment and erosion control measures to be in place during construction works to mitigate sediment migration into the waterways. The recommended conditions prepared by the Riparian Officer are included in the recommendation of this report.

- **Traffic Impacts and Public Safety**

*The submissions raised concerns that vehicles accessing the site for the demolition works would result in adverse traffic impacts and would create safety hazards for pedestrians.*

Comment:

Council's Traffic Engineer has reviewed the proposal and raised no concerns in relation to traffic generated by vehicles associated with the proposed demolition works. The Traffic Engineer has recommended that a detailed Demolition Traffic Management Plan (DTMP) be prepared that outlines vehicle routes for demolition vehicles. The DTMP must be approved by Council's Traffic Engineer prior to the commencement of works. Subject to this condition, the assessment finds that the development will not result in adverse traffic impacts as a result of the proposed demolition works, nor will the development create public safety hazards for pedestrians.

- **Demolition Impacts**

*The submissions raised concerns in relation to demolition impacts associated with noise, dust and asbestos.*

Comment:

Several conditions of consent are recommended to mitigate temporary impacts associated with the demolition works, including conditions to mitigate the impacts of noise, dust and asbestos.

- **Biodiversity Impacts**

*The submissions raised concerns in relation to impacts on local flora and fauna.*

Comment:

Council's Biodiversity Officer has reviewed the application and raised no objections, subject to conditions that will mitigate impacts on local flora and fauna, including a condition that requires a pre-clearance survey for wildlife and wildlife habitat of native trees proposed for removal to occur. The conditions recommended by the Biodiversity Officer are included in the recommendation of this report.

- **Flooding Impacts**

*The submissions raised concerns in relation to flooding impacts.*

Comment:

This matter is discussed in the section of this report relating to Clause 5.21 of the PLEP. In summary, the assessment is satisfied that the development will not cause any adverse off-site flooding impacts, noting that the development is for demolition works and vegetation removal only.

- **Bushfire Hazards**

*The submissions raised concerns in relation to bushfire hazards.*

Comment:

The subject site is not bushfire prone. No further consideration of this matter is required.

- **Geotechnical Hazards**

*The submissions raised concerns in relation to geotechnical hazards on the site.*

Comment:

This matter is discussed in the section of this report relating to Clause 7.7 of the PLEP. In summary, the assessment finds that the proposal will not result in any geotechnical hazards that would endanger life or property, noting that the proposal is for demolition works and vegetation removal only.

- **Social Impacts from Loss of former Narrabeen RSL Building**

*The submissions raised concerns that the development would result in adverse social impacts from a loss of the former Narrabeen RSL building.*

Comment:

The proposed development will not have a detrimental social impact in the locality, noting that the existing Narrabeen RSL building ceased operations in early 2022, and the site has not been serving the community since this date. The removal of the existing vacant building will not result in any social impacts in the locality.

- **Land Should be used for Public Open Space**

*The submissions state that the site should be dedicated to public open space.*

Comment:

The development only pertains to demolition works and tree removal and no further land uses are proposed under this application. Notwithstanding, the site is zoned C4 Environmental Living under the PLEP and the zoning anticipates low-impact development typologies.

- **Dewatering**

*The submissions raised concerns in relation to potential dewatering.*

Comment:

The development only pertains to demolition works and tree removal and no excavation works are proposed. The development will not intercept the water table and will not require any dewatering.

- **Insufficient Boundary Identification Survey**

*The submissions raised concerns that the Boundary Identification Survey does not include sufficient detail.*

Comment:

The Boundary Identification Survey submitted with this application satisfies Council's DA Lodgement Requirements.

- **Inconsistent with Zone Objectives**

*The submissions raised concerns that the development is not consistent with the objectives of the C4 Environmental Living zone.*

Comment:

This matter is discussed in the section of this report relating to the C4 Environmental Living zone. The development involving the removal of buildings is not inconsistent with the objectives of the C4 zone.

- **Loss of Access Through the Site**

*The submissions raised concerns that they will lose informal access through the middle of the site as a result of the demolition works.*

Comment:

There is no formal right of carriageway for pedestrian access through the site. Nonetheless, pedestrian access from Eungai Place to downslope properties is maintained via the existing pathway along Nareen Parade that connects to Eungai Place. A condition is recommended to ensure that this pathway is maintained.

- **Acid Sulfate Soils**

*The submissions raised concerns that the development will expose acid sulfate soils.*

Comment:

This matter is discussed in the section of this report relating to Clause 7.1 of the PLEP. In summary, the assessment concludes that the development will not expose acid sulfate soils and cause environmental harm.

The concerns raised within the submissions have been appropriately addressed above and resolved through recommended conditions where appropriate, and so do not warrant the refusal of the application.

**REFERRALS**

| <b>Internal Referral Body</b>                | <b>Comments</b>   |
|--|---|
| Environmental Health<br>(Contaminated Lands) | <p><b><i>Supported - Subject to Recommended Conditions</i></b></p> <p><b>General Comments</b></p> <p>Environmental Health has been requested to provide comment on this proposal to demolish structures at the site. Accompanying the proposal is a Hazardous Materials Survey/Report which has identified a number of hazardous materials contained within the structures on site. The report proposes a safe removal and clearance methods to remove such materials from the site.</p> <p>Environmental Health supports the proposal and recommends a number of conditions of consent.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p> |
| Landscape Officer                            | <p><b><i>Supported - Subject to Recommended Conditions</i></b></p> <p>The application seeks consent for: Demolition of the registered club building and associated structures.</p> <p>The Arborist's Report prepared by Arborsaw is noted.</p> <p>The Report assesses 64 trees and the impacts of demolition works on those trees.</p> <p>Eleven exempt trees are proposed for removal. One non-exempt tree is proposed for removal.</p> <p>The eleven exempt trees comprise Privets, Oleanders, Cocos Palms and one Frangipani.</p> <p>No objections are raised to removal of exempt tree species.</p>   |

| Internal Referral Body           | Comments   |
|----------------------------------|--|
|                                  | <p>The one non-exempt tree to be removed is a small (5m) <i>Murraya paniculata</i>. The tree is currently growing within the building footprint and removal during demolition is unavoidable.</p> <p>The <i>Murraya</i> is not considered significant and no objections are raised to removal.</p> <p>All other trees on and adjacent to the site are to be retained during demolition.</p> <p>No objections are raised regarding landscape issues subject to conditions as recommended.</p>   |
| NECC (Bushland and Biodiversity) | <p><b>Supported - Subject to Recommended Conditions</b></p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> <li>• Biodiversity Conservation Act (BC Act) 2016</li> <li>• Biodiversity Conservation Regulation (BC Reg) 2017</li> <li>• Pittwater 21 DCP clause B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land</li> </ul> <p>An arboricultural impact assessment has been prepared and submitted with the application for the demolition of existing structures. A total of 64 trees have been assessed with a total of 11 trees proposed for removal. All of these trees are considered exempt and can be removed without Council's approval. No objections are raised subject to pre-clearance surveys being undertaken to ensure that native fauna is not displaced. Conditions are recommended.</p> |
| NECC (Development Engineering)   | <p><b>Supported - Subject to Recommended Conditions</b></p> <p>Development Engineering has no objections to the proposed demolition works, subject to conditions</p>   |
| NECC (Riparian Lands and Creeks) | <p><b>Supported - Subject to Recommended Conditions</b></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Water Management Act 2000;</li> <li>• Water Management (General) Regulation 2018;</li> <li>• Northern Beaches Water Management for Development Policy (WMD Policy); and</li> <li>• Relevant LEP and DCP clauses.</li> </ul> <p>The proposal is for demolition.</p>   |

| Internal Referral Body   | Comments   |           |  |
|--|--|-----------|--|
|  | <p>The proposal does not include works on the bed or banks of a watercourse, or within 40 metres of a mapped watercourse.</p> <p>No objections provided appropriate sediment and erosion controls are implemented during construction.</p>   |           |  |
| Parks, reserves, beaches, foreshore                            | <p><b>Supported - Subject to Recommended Conditions</b></p> <p>The documentation viewed indicates that no impacts are proposed on Council's reserves.</p> <p>No objections s are raised from Parks. Conditions have been included to address protection of park assets.</p>  |           |  |
| Strategic and Place Planning (Heritage Officer)                | <p><b>Supported - Subject to Recommended Conditions</b></p>  |           |  |
|  | <p>HERITAGE COMMENTS</p>   |           |  |
|  | <p>Discussion of reason for referral</p>   |           |  |
|  | <p>The proposal has been referred to heritage as the subject site contains a potential heritage item.</p>  |           |  |
|  | <p>Details of heritage items affected</p>  |           |  |
|  | <p>The former Narrabeen RSL Club buildings are located on the subject site. The first club building on the subject site, known as "The Razza" was located along the southern boundary, and is considered to have historic values for dating back to 1947 and for being the original Narrabeen RSL Club building.</p>   |           |  |
|  | <p>Other relevant heritage listings</p>  |           |  |
|  | <p>SEPP (Biodiversity and Conservation) 2021</p>   | <p>No</p> |  |
|  | <p>Australian Heritage Register</p>  | <p>No</p> |  |
|  | <p>NSW State Heritage Register</p>   | <p>No</p> |  |
| <p>National Trust of Aust (NSW) Register</p>                   | <p>No</p>  |           |  |
| <p>RAIA Register of 20th Century Buildings of Significance</p> | <p>No</p>  |           |  |
| <p>Other</p>   | <p>No</p>  |           |  |
| <p>Consideration of Application</p>                            | <p>The proposal is for the demolition of the existing building formerly used and occupied by Narrabeen RSL Club including access pathways and lower level retaining walls and residential subdivision of the subject land. the The existing building along the southern boundary of the site is considered to have historic values as it dates back to late 1940s and being the original Narrabeen</p> |           |  |

| Internal Referral Body | Comments   |
|------------------------|--|
|                        | <p>RSL Club building. Although it has been modified, still retains its original built form and some original fabric.</p> <p>Given the subject site does not contain a heritage item nor is located within a Heritage Conservation area the proposal will not have an adverse impact, however, due to the historic association and the retained built form of the existing building at the southern boundary, an archival record including an investigation into its history is required.</p> <p>Therefore, no objections are raised on heritage grounds, subject to one condition.</p> <p><u>Consider against the provisions of CL5.10 of PLEP.</u><br/> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No<br/> Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p> |
| Traffic Engineer       | <p><b>Supported - Subject to Recommended Conditions</b></p> <p>The demolition of the buildings formerly used by the Narrabeen RSL Club on No.116 Nareen Parade is not opposed on traffic grounds subject to conditions</p>   |

| External Referral Body                                    | Comments  |
|---|---|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | <p><b>Supported - Subject to Recommended Conditions</b></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p> |
| Aboriginal Heritage Office                                | <p><b>Supported - Subject to Recommended Conditions</b></p> <p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>During construction all workers and contractors should be made aware of their obligations to avoid harm to Aboriginal sites and areas of Aboriginal sensitivity.</p>             |

| External Referral Body | Comments   |
|------------------------|--|
|                        | Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted. |

### **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)**

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

##### **Chapter 2 - Infrastructure**

Section 2.48 of Chapter 2 requires the relevant electricity supplier (i.e. Ausgrid) 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.

The proposal was referred to Ausgrid who raised no objections, subject to conditions of concurrence. These conditions are included in the recommended conditions of consent.

#### **SEPP (Biodiversity and Conservation) 2021**

## **Chapter 2 - Vegetation in non-rural areas**

Chapter Two of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies to the development pursuant to Clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Clause 2.3 of the BC SEPP has been considered and the assessment notes that the development necessitates the removal of one prescribed tree, being Tree 45, which is imbedded within an existing retaining wall that is proposed for removal (see **Figure 2**). The remainder of the trees proposed for removal are exempt tree species and do not require Council approval for removal.



**Figure 2 - Site Photo depicting Tree 45 proposed for removal**

Council's Landscape Officer has reviewed the application and raised no objections to the removal of Tree 45. The Landscape Officer has recommended conditions for tree protection measures for all trees proposed for retention. These conditions are included in the recommendation of this report.

Overall, the assessment finds that the development is consistent with the objectives of Chapter Two of the BC SEPP.

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

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

Sub-section 4.6 (1)(a) of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) requires the Consent Authority to consider whether land is contaminated.

The application was accompanied by a Pre-Demolition Hazardous Materials Inspection Report and Register (HMIRR) (prepared by JN OHEB Services Pty Ltd, dated 9 January 2025). The HMIRR identified several hazardous materials contained within the existing structures on the site that are proposed for demolition.

The HMIRR proposes several safe removal and clearance methods to remove the hazardous materials from the site. A condition is recommended to ensure that these hazardous materials are removed in accordance with the recommendations within the HMIRR.

With this condition in place, it is considered that any contaminated / hazardous materials within the existing building that is proposed for demolition will be appropriately disposed of.

The development is consistent with Chapter 4 of the RH SEPP.

#### **Pittwater Local Environmental Plan 2014**

|  |     |
|--|-----|
| 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 |

#### Principal Development Standards

There are no applicable principal development standards under the Pittwater Local Environmental Plan 2014, noting that the development is for demolition works and tree removal only.

#### Compliance Assessment

| <b>Clause</b>  | <b>Compliance with Requirements</b> |
|--|-------------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                                 |
| 2.7 Demolition requires development consent              | Yes                                 |
| 5.21 Flood planning                                      | Yes                                 |
| 7.1 Acid sulfate soils                                   | Yes                                 |
| 7.2 Earthworks   | Yes                                 |
| 7.7 Geotechnical hazards                                 | Yes                                 |

#### Detailed Assessment

#### **2.7 Demolition requires development consent**

The demolition of the existing building on the site is permissible pursuant to Clause 2.7 of the PLEP.

#### **Zone C4 Environmental Living**

The demolition of the existing building on the site is permissible pursuant to Clause 2.7 of the PLEP.

The development is consistent with the relevant objectives of the C4 zone, insofar as the development will not significantly diminish the existing natural landform and landscape, nor will the development have any significant impacts on the riparian corridor and its associated vegetation. The development will also not impact upon wildlife corridors.

## **5.21 Flood planning**

The development involves the demolition of an existing building and the removal of vegetation. There are no flood related development controls for demolition and tree removal under the Pittwater 21 Development Control Plan (P21DCP).

The assessment finds that the development is consistent with the jurisdictional requirements under Clause 5.21 of the PLEP, insofar as the development will not significantly alter flood behaviour or extent and will not cause additional off-site flooding impacts to neighbouring properties.

Council's Flooding Engineer has provided written correspondence to the assessing officer advising that a referral to the Flooding Engineering Department is not required as the application only involves demolition works and tree removal.

## **7.1 Acid sulfate soils**

The site is mapped within the Class 5 area on the PLEP Acid Sulfate Soils Map. The development is for demolition works only and tree removal.

The works will not expose acid sulfate soils and cause environmental harm, consistent with the objective of Clause 7.1 of the PLEP.

## **7.2 Earthworks**

The demolition works does not propose any earthworks. In this regard, it is considered that the development satisfies Clause 7.2 of the PLEP.

## **7.7 Geotechnical hazards**

The existing building proposed for demolition is located on the PLEP Geotechnical Hazard H1 area.

The proposed development only involves demolition works and tree removal, with no new building works or earthworks being proposed. In this regard, the development does not require a Geotechnical Report and the assessment finds that the proposal will not result in any geotechnical hazards that would endanger life or property, consistent with Clause 7.7 of the PLEP.

## **Pittwater 21 Development Control Plan**

### Built Form Controls

There are no applicable built form controls under the Pittwater 21 Development Control Plan, noting that the development is for demolition works and tree removal only.

### Compliance Assessment

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                       | Yes                          | Yes                         |
| A4.11 North Narrabeen Locality                                      | Yes                          | Yes                         |
| B3.1 Landslip Hazard  | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land            | Yes                          | Yes                         |
| B3.11 Flood Prone Land  | Yes                          | Yes                         |
| B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume) | Yes                          | Yes                         |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land      | Yes                          | Yes                         |
| B4.22 Preservation of Trees and Bushland Vegetation                 | Yes                          | Yes                         |
| B6.7 Transport and Traffic Management                               | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation               | Yes                          | Yes                         |
| B8.5 Construction and Demolition - Works in the Public Domain       | Yes                          | Yes                         |
| B8.6 Construction and Demolition - Traffic Management Plan          | Yes                          | Yes                         |

#### Detailed Assessment

#### **B8.3 Construction and Demolition - Waste Minimisation**

The application has been accompanied by a robust Waste Management Plan (WMP) (prepared by Rick Davis Contracting, dated 5 March 2025) that outlines how demolition waste will be managed and identifies the appropriate Waste Disposal Facilities in Sydney.

The assessment finds that the WMP meets the requirements of Section B8.3 of the P21DCP and Council's Waste Management Guidelines.

Several conditions of consent are recommended to ensure that the demolition waste is managed in accordance with the WMP.

#### **B8.6 Construction and Demolition - Traffic Management Plan**

The management of traffic generated by vehicles accessing the site to demolish the existing building is a key assessment issue.

Council's Traffic Engineer has reviewed the proposal and raised no concerns in relation to traffic generated by vehicles associated with the proposed demolition works.

The Traffic Engineer has recommended that a detailed Demolition Traffic Management Plan (DTMP) be prepared that outlines vehicle routes for demolition vehicles.

The DTMP must be approved by Council's Traffic Engineer prior to the commencement of works.

Subject to this condition, the assessment finds that the development will not result in adverse traffic impacts as a result of the proposed demolition works.

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

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

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

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

### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2024**

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

A monetary contribution of \$6,775 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$677,526.

### **CONCLUSION**

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

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

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

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

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

### **PLANNING CONCLUSION**

The proposed development involves the demolition of an existing building that was formally used and occupied by the Narrabeen RSL Club, including the removal of one (1) prescribed tree.

The application is reported to the Northern Beaches Local Planning Panel (NBLPP) as 58 submissions

by way of objection were made in response to the public exhibition.

The key concerns raised within the resident submissions pertain to; future residential development on the site; impacts on the natural environment, traffic impacts associated with the demolition works, demolition impacts, flooding impacts and social impacts. These concerns have been assessed in detail throughout the report and are not considered to be issues that would warrant refusal of the application.

A number of general and special conditions of consent have been recommended to manage and mitigate the issues and concerns raised within the resident submissions.

The key assessment issues associated with the development relate to; the management of demolition impacts as they pertain to traffic, dust, asbestos and erosion, and the proposed tree removal. The assessment has concluded that the impacts associated with the demolition works can be appropriately managed via the recommended conditions of consent, which aim at mitigating impacts on the amenity of the neighbourhood, the road network and the natural environment. Moreover, the development only results in the removal of one (1) prescribed tree (i.e. a tree that requires Council approval for removal) that is embedded in an existing retaining wall proposed for demolition. The removal of this tree will not alter significantly the visual amenity of the locality, noting that the most significant areas of vegetation around the curtilage of the site and within the northern half of the site will be retained.

The assessment concludes that the development is consistent with all applicable environmental planning instruments and regulatory provisions. Therefore, the development is considered to be in the public interest.

Accordingly, it is recommended that the NBLPP **approve** the application, subject to the recommended conditions attached to this report.

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 DA2025/0266 for Demolition of the registered club building and associated structures on land at subject to the conditions printed below:

### Terms and Reasons for Conditions

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

## 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     |
| DA02           | 01              | Demolition Plan | Elo Architecture | 25 February 2025 |

| Approved Reports and Documentation                                |                |                          |                  |
|---|----------------|--------------------------|------------------|
| Document Title  | Version Number | Prepared By              | Date of Document |
| Waste Management Plan   | 1              | Rick Davis Contracting   | 28 June 2024     |
| Arboricultural Impact Assessment                                  | V3             | Arborsaw                 | February 2025    |
| Pre-Demolition Hazardous Materials Inspection Report and Register | 3.0            | JN OHEB Services Pty Ltd | 10 January 2025  |

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

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

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

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

The development must be carried out in compliance with all recommendations and

requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference              | Dated |
|--|-----------------------------|-------|
| Ausgrid                                | Ausgrid - Referral Response | N/A   |

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

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

**3. Prescribed conditions (Demolition):**

(a) 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 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
- (ii) 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.

(b) 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.

(c) 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.

Reason: Legislative Requirement.

**4. General requirements (Demolition):**

(a) Unless authorised by Council:

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) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) 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.

(d) 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.

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

## **FEES / CHARGES / CONTRIBUTIONS**

**5. Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$6,775.26 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 \$677,526.30.

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.

## 6. **Security Bond**

A bond (determined from cost of works) of \$5,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

### 7. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with the Arboricultural Impact Assessment dated February 2025 prepared by Arborsaw and AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment.

All tree protection measures specified must:

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

The Project Arborist shall provide certification to the Principal Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

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

Reason: Tree protection.

#### 8. **Tree Removal Within the Property**

This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment dated February 2025 prepared by Arborsaw: Trees numbered 14, 16, 17, 19, 21, 29, 36, 44, 45, 46, 47.

- i) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

#### 9. **Works on Land Owned or Managed By Council**

No works are to be carried out on land owned or managed by Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.) and landscaping works on land owned or managed by Council.

Reason: To protect the land owned or managed by Council.

#### 10. **Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to commencement of works.

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

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

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

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

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

#### 11. **Erosion and Sediment Control**

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 commencement of works.

Reason: To protect the receiving environment.

## 12. **Photographic Archival Record**

A photographic archival record of the existing building (including an investigation into its history) is to be made, including interiors and exteriors and their setting, generally in accordance with the guidelines issued by the NSW Heritage Division of the Department of Planning and Environment.

This record must be submitted and approved by Council's Heritage Advisor prior to the commencement of any works on-site. The photographic record should be made using digital technology, submitted on archival quality, and should include:

- Location of the building, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

Reason: To provide an archival photographic record of the existing building.

## 13. **Roads Act Approval for removal of structures within the Public Road Reserve**

The applicant is to submit an application to Council for approval for the removal of the existing structures that encroach partially into the Nareen Parade public road reserve in accordance with Section 138 of the Roads Act 1993.

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

A Council approval is to be submitted to the Certifier prior to the commencement of works.

Reason: To ensure compliance with the Roads Act and Council policy.

## **DURING BUILDING WORK**

## 14. **Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

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

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

Reason: Preservation of significant environmental features.

**15. Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by the Project Arborist. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

**16. Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all trees and vegetation within the road reserve.
  
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated February 2025 prepared by Arborsaw and AS4970-2009 Protection of trees on development sites,
  - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
  - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
  - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,
  - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
  - vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Principal Certifier,
  - viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the

construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,

- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

#### 17. **Condition of Trees**

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

In this regard all protected trees shall not exhibit:

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

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

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

Reason: Protection of trees.

18. **Pre-clearance Survey - Certified by Project Ecologist**

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

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

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier.

Reason: To protect native wildlife.

19. **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.

20. **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.

21. **Waste Management Verification**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

22. **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.

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

23. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are

maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

**24. 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, vegetation cover has been re-established across the site, and any remaining areas stabilised with ongoing measures such as jute mesh or matting.

Any superfluous stormwater pipes within the site are to be identified and capped, and surface drains to be adequately protected to ensure no sediment is discharged into the creek or Council's stormwater systems.

Reason: To protect the receiving environment.

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

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

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

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

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

**26. Implementation of Demolition Traffic Management Plan**

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

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

**27. Ongoing Management**

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

Reason: To ensure public safety.

28. **Handling of asbestos during demolition**

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

29. **Demolition Works - Asbestos**

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

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

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

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

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

30. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

31. **Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve.

**32. Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifier.

Reason: To protect human health and the environment.

**33. Compliance with Hazardous Materials Inspection Report**

The requirements and recommendations of the report titled "Pre-Demolition Hazardous Materials Inspection Report and Register, Narrabeen R.S.L" by JN OHEB Services Pty Ltd dated 10 January 2025 are to be fully implemented.

This includes, but is not limited to, appropriate removal methods and management of hazardous material, unexpected finds protocol and final certification/clearance by an appropriately qualified person.

Reason: To ensure hazardous materials are managed and disposed of in an appropriate manner.

**34. Condition of Retained Vegetation**

At the completion of demolition works, a report prepared by the Project Arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

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

Reason: Tree and vegetation protection.

**35. Aboriginal Heritage - Unexpected Finds**

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

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

Reason: Aboriginal Heritage Protection.

**36. Dust Minimisation**

The applicant must take all reasonable measures to minimise dust generated during all works authorised by this consent. During construction, the applicant must ensure that:

- a) All trucks entering or leaving the site with loads have their loads covered.

b) Trucks associated with the development do not track dirt onto the public road network.

c) Public roads used by these trucks are kept clean.

Reason: To minimise the environmental impacts of demolition works.

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

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

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

Reason: To protect reserve amenity and public safety.

**38. 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 park on site. All necessary facilities are to be provided to accommodate this requirement including appropriate hardstand areas temporary vehicle crossings, security cameras, site fencing etc.

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

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

**39. Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

**40. Retention of Existing Pedestrian Footpath between Eungai Place and Nareen Parade**

The existing footpath that provides pedestrian access between Eungai Place and Nareen Parade must be retained during demolition works and in perpetuity. The footpath must also remain un-obstructed at all times.

Reason: To ensure that pedestrian access between Eungai Place and Nareen Parade is maintained.