

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| <b>Application Number:</b> | DA2021/1436 |
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| <b>Responsible Officer:</b>               | Penny Wood                                                                                                                                                                                                                                                                                          |
| <b>Land to be developed (Address):</b>    | Lot 1 DP 137168, 0 Kenneth Road MANLY NSW 2095<br>Lot 10 DP 1177, 0 Kenneth Road MANLY NSW 2095<br>Lot 6 DP 1177, 0 Kenneth Road MANLY NSW 2095<br>Lot DP 55906, 0 Kenneth Road MANLY NSW 2095<br>Lot 2 DP 535058, 0 Kenneth Road MANLY NSW 2095<br>Lot 30 DP 649787, 0 Kenneth Road MANLY NSW 2095 |
| <b>Proposed Development:</b>              | Demolition works and construction of a maintenance facility for Manly Golf Club                                                                                                                                                                                                                     |
| <b>Zoning:</b>                            | Manly LEP2013 - Land zoned RE1 Public Recreation<br>Manly LEP2013 - Land zoned RE2 Private Recreation                                                                                                                                                                                               |
| <b>Development Permissible:</b>           | Yes - Zone RE1 Public Recreation<br>Yes - Zone RE2 Private Recreation                                                                                                                                                                                                                               |
| <b>Existing Use Rights:</b>               | No                                                                                                                                                                                                                                                                                                  |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                                                                                                                                                                                                                                                            |
| <b>Land and Environment Court Action:</b> | No                                                                                                                                                                                                                                                                                                  |
| <b>Owner:</b>                             | Manly Golf Club Limited                                                                                                                                                                                                                                                                             |
| <b>Applicant:</b>                         | Manly Golf Club Limited                                                                                                                                                                                                                                                                             |

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| <b>Application Lodged:</b>       | 23/08/2021               |
| <b>Integrated Development:</b>   | No                       |
| <b>Designated Development:</b>   | No                       |
| <b>State Reporting Category:</b> | Other                    |
| <b>Notified:</b>                 | 02/09/2021 to 16/09/2021 |
| <b>Advertised:</b>               | Not Advertised           |
| <b>Submissions Received:</b>     | 0                        |
| <b>Clause 4.6 Variation:</b>     | Nil                      |
| <b>Recommendation:</b>           | Approval                 |

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| <b>Estimated Cost of Works:</b> | \$ 2,247,353.00 |
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### PROPOSED DEVELOPMENT IN DETAIL

The development proposes the following works:

- Demolition of the walls and roof of the existing maintenance shed with the floor slab to be retained and demolition of the existing sand and soil stockpile areas;
- Minor earthworks involving cut and fill;

- Construction of a new maintenance facility building and six (6) proposed sand and soil bays with retractable weather covers;
- Construction of a heavy-duty concrete paving hardstand area with twelve (12) car parking spaces and with an existing vehicular driveway access and a security gate to Kenneth Road;
- Retention of several existing buildings and other works including two (2) sheds, demountable office and amenities building, two (2) awning structures, two (2) water tanks, electrical kiosk and electrical switchboard; and
- Retention of existing native trees and vegetation.

The existing and proposed maintenance facility will provide storage as well as maintenance and repairs for a wide range of equipment and vehicles for the on-going maintenance and upkeep of the Manly Golf course.

The proposed maintenance facility building is to be located in the south eastern portion of the site, screened by existing native trees and vegetation from the second fairway of the Manly Golf Course. The proposed maintenance facility building will have a total gross building area of 910m<sup>2</sup> with dimensions of 15.68m x 58.13m and a maximum building height of about 8.0m to 8.5m to existing ground levels. The proposed maintenance facility building is to be constructed of structural steel framing with an insulated steel roof sheeting in a Colorbond (with natural earthy tones finish) with roller shutter doors, operable windows, glass louvre panel system and PV cells on the roof.

The internal floor plan of the proposed maintenance facility building is mostly an open area with two (2) storerooms, workshop area and a vehicular hoist. An awning is proposed along the frontage of the maintenance facility building.

#### Staff

Twelve (12) full-time staff and three (3) part-time staff are employed as part of the ground staff for maintenance and upkeep of the Manly Golf Course.

The existing golf course maintenance staff working days and hours are as follows:

- Monday, Tuesday, Thursday and Friday – 6:00am to 2:30pm;
- Wednesday – 6:00am to 10:00am;
- Saturday and Sunday (three (3) staff only) – 6:00am to 9:30am.

To ensure the amenity of the surrounding residential is protected, an acoustic report was requested by Council and was received on 18 December 2021. Environmental Health (industrial) reviewed the report and raised no objection subject to conditions. An operational condition is imposed to restrict machinery use to 'daytime' hours - 7am to 6pm.

#### Parking

Twelve (12) parking spaces proposed for staff in the south eastern corner of the site adjacent to the driveway accessing the site off Kenneth Road.

### **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

Manly Development Control Plan - 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

## SITE DESCRIPTION

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| <b>Property Description:</b>      | <p>Lot 1 DP 137168 , 0 Kenneth Road MANLY NSW 2095</p> <p>Lot 10 DP 1177 , 0 Kenneth Road MANLY NSW 2095</p> <p>Lot 6 DP 1177 , 0 Kenneth Road MANLY NSW 2095</p> <p>Lot DP 55906 , 0 Kenneth Road MANLY NSW 2095</p> <p>Lot 2 DP 535058 , 0 Kenneth Road MANLY NSW 2095</p> <p>Lot 30 DP 649787 , 0 Kenneth Road MANLY NSW 2095</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Detailed Site Description:</b> | <p>The subject site is known as Manly Golf Club at 38 - 40 Balgowlah Road and is legally described as Lot 30 in DP 649787. The area subject the proposed works is located in the south eastern corner of the Golf Course fronting both Kenneth Road and Balgowlah Road. Access to this area of the site is provided by an existing driveway off Kenneth Road adjacent to the existing demountable offices on site.</p> <p>This area in the south eastern corner is dedicated as the maintenance area which is utilised to store equipment and materials used for the maintenance and upkeep of the Golf Course.</p> <p>The site is identified as being within a medium risk and high risk flood area under the Northern Beaches Flood Hazard Map.</p> <p>The existing maintenance facility (to be demolished) is located approximately 13.5m to the south eastern boundary. Surrounding development includes residential dwelling to the east with the Manly Andrew Boy Charlton Aquatic Centre located to the south. The area dedicated to the maintenance and facilities area is screened by mature trees to the north (within the Golf Course) and trees along the eastern and southern boundaries fronting both Kenneth Road and Balgowlah Road. Manly Golf Course is located to the north,</p> |

south and west of the subject maintenance area.

Map:



## SITE HISTORY

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

- DA No. 274/12 - Construction of outbuilding including toilet facilities. Approved 22 February 2022.
- DA No. 282/12 - Construction of a single storey Tea Pavilion with storage room, kitchen facilities, amenities (toilet facilities) pergolas and decks located behind the Roundhouse Child Care Centre on the Manly Gold Club. Approved 6 February 2013.
- DA No. 421/07 - Reconfigure the eighteen (18) hold golf course including repositioning of holes and fairways new drainage works new water storage and treatment ponds. Approved 18 December 2008.

## 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                                                                                                                                                                                                                                                            |
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| 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 | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for recreation purposes for |



| Section 4.15 Matters for Consideration                                                                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                                                                                                           | an extended period of time. The proposed development retains the recreational use of the site, and is not considered a contamination risk.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan                                                    | Manly Development Control Plan applies to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement                                                         | None applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 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 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. The following additional information was requested by Council:</p> <ul style="list-style-type: none"> <li>• Traffic Report (Traffic and Parking Statement of Proposed Maintenance Facility, prepared by McLaren Traffic Engineering, dated 9/12/21)</li> <li>• Stormwater / Drainage Plans and Details (Stormwater Management Plan, prepared by Royal Haskoning DHV, dated 6/12/2021)</li> <li>• Acoustic Report (Noise Impact Assessment, prepared by Acoustic Logic, dated 17/12/2021)</li> <li>• An Infiltration Testing Report (Infiltration Testing, prepared by Geo-Logix, dated 25 November 2021)</li> </ul> <p>The above additional information was referred to the relevant referral bodies in Council with no objections raised subject to conditions.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 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 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home</p> |

| Section 4.15 Matters for Consideration                                                                                                                                             | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                                                                                                                                                                                    | <p>Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 02/09/2021 to 16/09/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

| Internal Referral Body                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Environmental Health (Acid Sulphate)      | <p><b>General Comments</b></p> <p>Acid Sulfate Soil Management Plan provided with the DA is an acceptable tool to use as a condition. Environmental Health has no objection to the works, based on this information.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Environmental Health (Contaminated Lands) | <p><b>General Comments</b></p> <p>Excavation to 1.0 m below ground level (bgl) is expected on this site where new hardstands will be constructed. According to the site investigation reports, it is not anticipated that contaminated soils will be encountered during excavation. We are satisfied with this conclusion.</p> <p>Groundwater was discovered at 1.5 m bgl, found to be contaminated with arsenic (among other heavy metals) from coal ash -in fill material. Although groundwater is unlikely to be disturbed by excavation, it has been recommended that ground water monitoring stations are installed and contamination monitored for one year -results to be reviewed by Council and a suitably qualified consultant. Environmental Health have referred this matter to the Coast and Catchments team to evaluate and condition appropriately.</p> <p>Bonded asbestos-containing materials on-site are required to be removed from the shed-to-be-demolished according to NSW and federal standards and practices.</p> <p>Dust controls and bunding of new soil bays will be required to prevent pollution once operational.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p> |
| Environmental Health (Industrial)         | <p><b>General Comments</b></p> <p>Council reviewed the acoustic report dated 17 December 2021 and finds the recommendations based on project noise levels are satisfactory and in-line with the Noise Policy for Industry 2017 and Manly DCP. The report determines that infrequent and intermittent noise associated with deliveries and 'day-to-day' use of sand and soil bays will comply with an appropriate level of noise impacts on nearby residents, noting that on rare occasions, noise trigger levels may be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Internal Referral Body         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                | <p>exceeded by 2dB(A) for a short period of time.</p> <p>As a result of the findings, recommendations to restrict machinery use to 'daytime' hours - 7am to 6pm - are viewed as a satisfactory outcome, to be used as operational conditions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Landscape Officer              | <p>The application seeks consent for partial demolition and construction of a new maintenance facility building and six (6) proposed sand and soil bays with retractable weather covers, construction of a heavy-duty concrete paving hardstand area with twelve (12) car parking spaces and with an existing vehicular driveway access and a security gate to Kenneth Road.</p> <p>Council's Landscape Referral section have considered the application against the Manly Local Environment Plan, and the following Manly DCP 2013 controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• 3.3.1 Landscaping Design</li> <li>• 3.3.2 Preservation of Trees or Bushland Vegetation</li> <li>• 4.1.5 Open Space and Landscaping</li> </ul> <p>The Arborist's Report by Aura Tree Services submitted with the application is noted. The Report indicates that two Cocos Palms (<i>Syagrus romanzoffianum</i>) are to be removed to accommodate the works. The trees are exempt species under MDCP. No objections are raised to removal of the palms. Other trees on and adjacent to the site are to be retained.</p> <p>No Landscape Plan was sighted with the application. The maintenance facility site occupies a prominent location on Kenneth Road/Balgowlah Road. The current facility does not present well to Kenneth Road with barbed wire fencing and sparse tree planting. An improved landscape setting along the Kenneth Road frontage is recommended to improve street front presentation and screen the bulk and scale of the works.</p> <p>Conditions have been included to clear weeds and replant the landscape buffer forward of the new carpark area to achieve an improved presentation to the streetscape.</p> <p>No objections are raised to approval with regard to landscape issues subject to conditions.</p> |
| NECC (Coast and Catchments)    | <p>The application has been assessed in consideration of:</p> <p>Supplied plans and reports</p> <p>Coastal SEPP</p> <p>Manly LEP &amp; DCP</p> <p>The proposal is acceptable subject to conditions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| NECC (Development Engineering) | <p>2nd Development Engineering referral response</p> <p>Development Engineering has no objection to the application subject to the following condition of consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



| Internal Referral Body                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                                                           | <p>1st Development Engineering referral response</p> <p>The application proposed to remove the existing structures and construct a new facility building with 12 parking spaces. However, the applicant has not provided the adequate stormwater drainage details of the development.</p> <p>The submitted plan did not show any proposed connection from the building roof to any proposed discharge device or storage facilities. It is uncertain that how the roof water to be discharged.</p> <p>Furthermore, the applicant proposed to collect and discharge the surface water from the car park into an infiltration basin. However, the submitted plan showed no calculation and soil infiltration rate to support the proposed infiltration basin. And a designed overflow must also included in the basin to minimise any overland flow disturbance within the property.</p> <p>As such, Development Engineering cannot support the application subject to the clause C4 of Council's Warringah DCP2011.</p> |
| NECC (Stormwater and Floodplain Engineering – Flood risk) | <p>At the location of the proposed maintenance facility, near the corner of Kenneth Rd and Balgowlah Rd, the following predicted flood levels (derived from the Manly Lagoon Flood Study, 2013) apply:</p> <ul style="list-style-type: none"> <li>• 1% AEP Flood Level = 3.16m AHD</li> <li>• Flood Planning Level (FPL) = 3.66m AHD</li> <li>• Probable Maximum Flood (PMF) level = 5.65m AHD</li> <li>• Flood Risk Precinct: Medium to High</li> </ul> <p>The proposed development generally complies with the flood requirements of Part 5.4.3 of the Manly DCP and Clause 6.3 of the Manly LEP.</p> <p>No flood related objections.</p>                                                                                                                                                                                                                                                                                                                                                                           |
| NECC (Water Management)                                   | <p>16/12/21</p> <p>The additional information satisfy the water quality requirements. NECC Water management has no objection to the proposal, subject to conditions.</p> <p>Superseded</p> <p>The proposal was assessed under the current creek and water management legislation framework, the relevant parts of the LEP, DCP and Council Water Management for Development Policy.</p> <p>The relevant water management Policy principles are:</p> <ul style="list-style-type: none"> <li>• Improve the quality of water discharged to our natural areas to protect the ecological and recreational condition of our, beaches, waterways, riparian areas and bushland.</li> <li>• Water sensitive urban design measures will be integrated into the built form to maximise liveability and reduce the impacts of climate change e.g. urban heat island effect and intensified rainfall events.</li> </ul>                                                                                                            |

| Internal Referral Body                      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                             | <ul style="list-style-type: none"> <li>• Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources.</li> </ul> <p>The application seeks consent for partial demolition and construction of a new maintenance facility building and six (6) proposed sand and soil bays with retractable weather covers, construction of a heavy-duty concrete paving hardstand area with twelve (12) car parking spaces and with an existing vehicular driveway access and a security gate to Kenneth Road.</p> <p>The proposed maintenance facility building, soil bays and parking area is triggering controls to protect the environment.</p> <p>The stormwater quality objectives are defined in the Water Management for Development Policy, refer the General Stormwater Quality Requirements (table 5).</p> <p>The drainage plan is showing the proposed stormwater stormwater network. The stormwater runoff generated by the hard surfaces is piped to an infiltration basin.</p> <p>The supplied documentation is not giving enough technical details on the proposed water quality management.</p> <p>The infiltration basin is not detailed and the management of building roof runoff is not shown. No water quality model and report have been supplied.</p> <p>It is noted that the water table is high and the interaction with the infiltration should be investigated further, additionally the outlet and weir of the infiltration basin is to be design to site conditions.</p> <p>Note that no vehicles wash bay are to be connected to the stormwater system.</p> <p>The proposal fails to demonstrate compliance with Council Water Management for Development Policy for water quality.</p> <p>Additional information will be required to cover the design of the stormwater treatment chain.</p> <p>As per the policy Standards of Design, Council expect a stormwater management plan and report supported by a water quality model (refer Council guidelines). MUSIC model files (or equivalent) are to be provided to council for review.</p> |
| Property Management and Commercial          | <p>The proposal is for construction of a maintenance shed.</p> <p>Property has no comment to make regarding the proposal.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Strategic and Place Planning (Urban Design) | <p>The proposed development comprises of the following:</p> <ul style="list-style-type: none"> <li>• Demolition of the walls and roof of the existing maintenance shed with the floor slab to be retained and demolition of the existing sand and soil stockpile areas;</li> <li>• Minor earthworks involving cut and fill;</li> <li>• Construction of a new maintenance facility building and six (6) proposed sand and soil bays with retractable weather covers;</li> <li>• Construction of a heavy-duty concrete paving hardstand area with</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                        | <p>twelve (12) car parking spaces and with an existing vehicular driveway access and a security gate to Kenneth Road;</p> <ul style="list-style-type: none"> <li>• Retention of several existing buildings and other works including two (2) sheds, demountable office and amenities building, two (2) awning structures, two (2) water tanks, electrical kiosk and electrical switchboard; and</li> <li>• Retention of existing native trees and vegetation.</li> </ul> <p>The siting and design of the proposed development will have minimal impact to the streetscapes and surrounding properties. There will be no adverse visual impact of the proposed maintenance facility when viewed from the public domain areas of the surrounding streets due to the existing mature screen trees and vegetation along the road frontages of the site.</p> <p>The proposed structural steel framing with an insulated steel roof sheeting in a natural earthy Colorbond colour with roller shutter doors, operable windows, glass louvre panel system and PV cells on the roof is appropriate to the development.</p>                                                                                                                                                                                                                                                                                                                                                                                      |
| Traffic Engineer       | <p>DA2021/1436 - 0 Kenneth Road MANLY NSW 2095 (Second Revision)</p> <p><b>Proposal description:</b> Demolition of the existing maintenance shed (approximately 450m<sup>2</sup> gross floor area) and construction of new maintenance facility of 910m<sup>2</sup> GFA, including proposed heavy-duty concrete paving hardstand and twelve (12) car parking spaces with permeable paving.</p> <p>The amended Traffic and Parking Statement prepared by McLaren Traffic Engineering dated 9 Dec 2021, and the plans (version E) designed by LEFFLER SIMES Architects dated 19/11/2021 have been reviewed by the Traffic team.</p> <p>All the Council's comments dated 20/09/2021 on the first version of the traffic report have been addressed.</p> <ul style="list-style-type: none"> <li>• It is noted that the construction of a larger maintenance shed is to accommodate equipment and machinery that is required to conduct maintenance activities on the Manly Golf Club. Currently, some equipment requires to be stored outdoors, which is not ideal and therefore, the larger shed is required.</li> <li>• No change to the number of staff associated with the maintenance facility has been proposed, with 12 staff required under the existing and proposed conditions;</li> <li>• Loading is proposed to be conducted in the hardstand area under on-site staff management, similar to the existing use of the site. The loading types and frequencies are listed as follows:</li> </ul> |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | <ul style="list-style-type: none"> <li>o Trucks deliver during daylight hours;</li> <li>o Bulk sand and soil delivery occur fortnightly on average;</li> <li>o Fuel delivery occurs on a monthly basis.</li> </ul> <ul style="list-style-type: none"> <li>• The six (6) soil bays along the eastern side of the site are storage areas for different types of sand and soil that are used for golf course maintenance. These soils are already stored on-site and will not change the traffic and parking conditions of the proposal under the future conditions.</li> <li>• The proposed plans show the provision of four (4, equals 12/3) bicycle parking spaces, satisfying Councils DCP requirements and catering for alternate travel mode options.</li> </ul> <p>The transport team has no objection to the proposal in principle, and it can be supported subject to conditions.</p> <p>The proposal is therefore supported.</p> |

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)\*

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

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

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

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

### SEPP 55 - Remediation of Land

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

## SEPP (Infrastructure) 2007

### Ausgrid

Clause 45 of the SEPP 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.

## SEPP (Coastal Management) 2018

The site is classified as land within the coastal wetlands and land within the coastal environment area and land within the coastal use area under the State Environmental Planning Policy (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

### **10 Development on certain land within coastal wetlands and littoral rainforests area**

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
  - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
  - (c) *the carrying out of any of the following:*
    - (i) *earthworks (including the depositing of material on land),*
    - (ii) *constructing a levee,*
    - (iii) *draining the land,*
    - (iv) *environmental protection works,*
  - (d) *any other development.*

### Comment:

The proposed works are acceptable and are not anticipated to impact on the subject land being located within coastal wetlands area.

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

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*



- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) *coastal environmental values and natural coastal processes,*
- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

Comment:

The development is contained wholly within the subject site and is not considered likely to negatively impact upon the matters raised in subclause (1).

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

Comment:

The development is located within the boundaries of the subject site with the proposed works reducing any impact to the surrounding land. The proposed development is not considered to negatively impact upon the matters raised in subclause (1).

#### **14 Development on land within the coastal use area**

- (1) (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 is not located within close proximity to any foreshore or beach and there will be no additional amenity impacts towards adjoining properties. The site is identified as a heritage item, The development is considered to be in keeping with the visual character of Kenneth Road and Balgowlah Road and is therefore not likely to cause an adverse impact on the matters referred to above

**15 Development in coastal zone generally—development not to increase risk of coastal hazards**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

Comment:

The development is unlikely to impact on any nearby coastal areas given it's location. The development is not anticipated to have any increased risk of coastal hazards on that land or other land.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

**Manly Local Environmental Plan 2013**

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

| Standard | Requirement | Proposed | % Variation | Complies |
|----------|-------------|----------|-------------|----------|
|----------|-------------|----------|-------------|----------|

The proposed development is not subject to an assessment against any Principal Development Standards within the Manly Local Environmental Plan 2013.

Compliance Assessment

| Clause                                      | Compliance with Requirements |
|---------------------------------------------|------------------------------|
| 2.7 Demolition requires development consent | Yes                          |
| 6.1 Acid sulfate soils                      | Yes                          |
| 6.2 Earthworks                              | Yes                          |
| 6.3 Flood planning                          | Yes                          |
| 6.5 Terrestrial biodiversity                | Yes                          |
| 6.6 Riparian land and watercourses          | Yes                          |
| 6.7 Wetlands                                | Yes                          |
| 6.8 Landslide risk                          | Yes                          |
| 6.12 Essential services                     | Yes                          |

## Manly Development Control Plan

### Built Form Controls

There are no development controls under the Manly DCP to consider as part of this assessment. The development is considered to be in keeping with the built form and use of this area dedicated to the up-keep and maintenance of the the Manly Golf Course.

The maintenance facility will measure a maximum of 8.5m in height which whilst not subject to the development height standards stipulated in the Manly LEP 2013, will be in keeping with the height and scale of nearby development.

The facility is adequately setback from Kenneth Road to the South and Balgowlah Road to the east and will be non-discernible given the location of vegetation along the south and eastern boundaries to the subject area.

The proposed development is therefore in keeping with the character of the locality and will not negatively impact on the surrounding streetscape.

### Compliance Assessment

| Clause                                                                                                     | Compliance with Requirements | Consistency Aims/Objectives |
|------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| 3.1 Streetscapes and Townscapes                                                                            | Yes                          | Yes                         |
| 3.3.1 Landscaping Design                                                                                   | Yes                          | Yes                         |
| 3.3.2 Preservation of Trees or Bushland Vegetation                                                         | Yes                          | Yes                         |
| 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)                                            | Yes                          | Yes                         |
| 3.4.1 Sunlight Access and Overshadowing                                                                    | Yes                          | Yes                         |
| 3.4.2 Privacy and Security                                                                                 | Yes                          | Yes                         |
| 3.4.3 Maintenance of Views                                                                                 | Yes                          | Yes                         |
| 3.4.4 Other Nuisance (Odour, Fumes etc.)                                                                   | Yes                          | Yes                         |
| 3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design) | Yes                          | Yes                         |
| 3.5.1 Solar Access                                                                                         | Yes                          | Yes                         |
| 3.5.6 Energy efficiency/conservation requirements for non-residential developments                         | Yes                          | Yes                         |
| 3.5.7 Building Construction and Design                                                                     | Yes                          | Yes                         |
| 3.6 Accessibility                                                                                          | Yes                          | Yes                         |
| 3.8 Waste Management                                                                                       | Yes                          | Yes                         |
| 3.10 Safety and Security                                                                                   | Yes                          | Yes                         |
| 4.4.1 Demolition                                                                                           | Yes                          | Yes                         |
| 4.4.5 Earthworks (Excavation and Filling)                                                                  | Yes                          | Yes                         |
| 5.4.3 Flood Prone Land                                                                                     | Yes                          | Yes                         |
| 5.4.4 Riparian Land and Watercourses                                                                       | Yes                          | Yes                         |

### Detailed Assessment

#### **3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)**

The proposed maintenance facility is located in the south eastern corner of Manly Golf Club. The proposed building will be located within an area currently dedicated to the maintenance and upkeep services for the Golf Course. The building will measure a maximum of 8.5m in height and will be adequately shielded from the golf course and the surrounding residential properties to the east and south east and towards the Boyd Charlton Swimming Pool located directly east.

To ensure the nearby residential properties are not impacted, an acoustic report was requested by Council's Environmental Health (Industrial Team). A Noise Impact Assessment prepared by Acoustic Logic (dated 17/12/21) was received and referred to the Environmental Health (Industrial) Team for comment. Council raised no concern with the recommendations outlined in the Report and are satisfied that the projected noise levels are in line with the Manly DCP and the Noise Policy for Industry 2017.

### **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 2021**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$22,474 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,247,353.

### **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly 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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/1436 for Demolition works and construction of a maintenance facility for Manly Golf Club on land at Lot 1 DP 137168, 0 Kenneth Road, MANLY, Lot 10 DP 1177, 0 Kenneth Road, MANLY, Lot 6 DP 1177, 0 Kenneth Road, MANLY, Lot DP 55906, 0 Kenneth Road, MANLY, Lot 2 DP 535058, 0 Kenneth Road, MANLY, Lot 30 DP 649787, 0 Kenneth Road, MANLY, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp |                  |                          |
|-----------------------------------------------------|------------------|--------------------------|
| Drawing No.                                         | Dated            | Prepared By              |
| DA-02A - Existing Conditions & Demolition Plan      | July 2020        | Leffler Simes Architects |
| DA-03E - Site Plan                                  | 18 October 2018  | Leffler Simes Architects |
| DA-04B - Ground Floor Plan                          | 22 February 2019 | Leffler Simes Architects |
| DA-05B - External Elevations                        | 18 October 2018  | Leffler Simes Architects |
| DA-06A - Sections                                   | 25 May 2020      | Leffler Simes Architects |
| DA-07A - External Finishes Board                    | July 2020        | Leffler Simes Architects |

| Reports / Documentation – All recommendations and requirements contained within:                    |                  |                             |
|-----------------------------------------------------------------------------------------------------|------------------|-----------------------------|
| Report No. / Page No. / Section No.                                                                 | Dated            | Prepared By                 |
| Traffic and Parking Statement of Proposed Maintenance Facility at 38 - 40 Balgowlah Road, Balgowlah | 9 December 2021  | McLaren Traffic Engineering |
| Stormwater Management Plan                                                                          | 6 December 2021  | Royal Haskoning DHV         |
| Infiltration Testing Report                                                                         | 25 November 2021 | Geo-Logix                   |
| Noise Impact Assessment                                                                             | 17 December 2021 | Acoustic Logic              |
|                                                                                                     |                  |                             |

|                                                                 |                  |                     |
|-----------------------------------------------------------------|------------------|---------------------|
| Acid Sulfate Soils Management Plan                              | 21 April 2021    | Royal Haskoning DHV |
| Geotechnical Assessment                                         | 25 February 2020 | Jk Geotechnics      |
| Tree Assessment & Management Report for Development Application | May 2020         | Aura Tree Services  |

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

c) The development is to be undertaken generally in accordance with the following:

| <b>Waste Management Plan</b>                                                                        |              |                    |
|-----------------------------------------------------------------------------------------------------|--------------|--------------------|
| <b>Drawing No/Title.</b>                                                                            | <b>Dated</b> | <b>Prepared By</b> |
| Manly Golf Club Golf Course Maintenance Facility Construction and Operational Waste Management Plan | 20 July 2021 | Terry Muir         |

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

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

## 2. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:



- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

### 3. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of

any Authorised Officer.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable

cover to any spa containing water and is to be consistent with the following;

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

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

### 4. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$22,473.53 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 2021. The monetary contribution is based on a development cost of \$2,247,353.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website

at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

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

## 5. **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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

### 6. **Flooding**

In order to protect property and occupants from flood risk the following is required:

#### Flood Effects Caused by Development – A2

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 3.16m AHD.

#### Building Components and Structural Soundness – B1

The proposed maintenance facility shall be constructed out of flood compatible materials up to the Flood Planning Level of 3.66m AHD.

#### Building Components and Structural Soundness – B2

The proposed maintenance facility must be designed to ensure structural integrity up to the Flood Planning Level of 3.66m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

#### Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3.66m AHD.

#### Floor Levels – C3

The underfloor area of the proposed maintenance facility is to allow clear passage of floodwaters, and is to be free-draining without the requirement of pumping to remove any water. At least 50% of the perimeter of the underfloor area must be of an open design.

#### Car parking – D5

The floor level of the proposed maintenance facility shall be set at or above the 1% AEP flood level of 3.16m AHD.

#### Fencing – F1

New fencing is to be cyclone fencing, as proposed.

#### Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 3.66m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction 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.

### 7. **Detailed Design of Stormwater Treatment Measures - Major**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Stormwater management Plan (Haskoning Australia PTY Ltd, 06 December 2021, PA1966-RHD-00-DR-MM-D-0001[P01.01]) and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

### 8. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

### 9. **On-site Stormwater Disposal Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater disposal system in accordance with Northern Beaches Council's WATER

MANAGEMENT FOR DEVELOPMENT POLICY, and generally in accordance with the concept drainage plans prepared by Royal Haskoning DHV, drawing number PA1966-RHD-00-C-1032, Rev D, dated 3/12/2021. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

**10. Compliance with Standards**

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

**11. Project Arborist**

a) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the Tree Assessment and Management Report prepared by Aura Tree Services dated May 2020 and Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection.

b) The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works unless approved by the Project Arborist.

c) Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.

d) All tree protection measures specified must:

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

e) The Project Arborist shall provide certification to the Certifying Authority that all 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: i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.



- ii) 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.

## 12. **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.

## 13. **Traffic Management**

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

Note: A plan of traffic management is to be submitted to and approved by Council prior to commencement.

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

# CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

## 14. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
  - i) all trees within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with the Tree Assessment and Management Report prepared by Aura Tree Services dated May 2020 and Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
  - 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), vi) and vii) 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 Arborist to the Certifying Authority,
- 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 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 Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

**Note:** All street trees within the road verge and trees within private property 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.

**Reason:** Tree and vegetation protection.

## 15. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

16. **Substitution of Stormwater Treatment Measures**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

17. **Dewatering Management**

Tailwater (surface water and rainwater): Please contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for more information about permits.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources.

18. **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 RMS 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.

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

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

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

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

20. **Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

21. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

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

All removal, repair or disturbance of or to asbestos materials must comply with the following:

- The Work Health and Safety Act 2011;
- The Work Health and Safety Regulation 2017;
- NSW SafeWork Code of Practice - How to Safely Remove Asbestos;
- NSW SafeWork Code of Practice - How to Manage and Control Asbestos in the Workplace; and
- Hazardous Construction Materials Survey - Maintenance Facilities Buildings prepared by p. Clifton & Associates Pty Ltd and referenced as PCA6675-2020\_HMSURRPT\_29Jun20.

All asbestos waste must be disposed of at a lawful waste disposal facility that accepts asbestos waste.

Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Following the removal of asbestos containing materials an asbestos clearance certificate is to

be issued by a suitably qualified and experienced professional such as an Occupational Hygienist or Licenced Asbestos Assessor before the recommencement of any work.

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

Reason: To protect human health.

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

### **23. Required Screen Planting**

a) Screen planting shall be planted between the boundary fence to Kenneth Road and the approved carparking area.

b) The selected planting is to comprise native species capable of attaining a minimum height of 3 metres at maturity.

c) Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a weed free garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

d) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

### **24. Condition of Retained Vegetation - Project Arborist**

Prior to the issue of any Occupation Certificate a report prepared by the project arborist shall be submitted to the Certifying Authority assessing the health and impact on all existing trees required to be retained including the following information:

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

Reason: Tree protection.

### **25. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

### **26. Certification of the Structural Stability of the Building (B2)**

A suitably qualified structural engineer is to certify the structural stability of the proposed maintenance facility considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact of the Flood Planning Level of 3.66m AHD.

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

27. **Certification of Services (B3)**

A suitably qualified electrical engineer or contractor is to certify that all new electrical equipment, power points, wiring or any other service pipes and connections are waterproofed and/or located above the Flood Planning Level of 3.66m AHD.

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

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

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

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

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

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

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

29. **Stormwater Treatment Measures Operation and Maintenance Plan**

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

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

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



- e) Impervious area restrictions to maintain the water balance for the site
- f) Funding arrangements for the maintenance of all stormwater treatment measures
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:

- a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
- c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits
- b) Routine maintenance requirements
- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

### 30. **Works as Executed Drawings - Stormwater Treatment Measures**

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

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

Reason: Protection of the receiving environment.

### 31. **Operational Management Plan**

An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the operation of the development. The OMP shall include, but not be limited to the following:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.
- Management of car parking areas.
- The location and content of directional signage.
- Complaints management.
- Noise management.
- Truck delivery times and methods of control to manage the sequencing of the loading docks.
- Waste management.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

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

### 32. **Landscape Maintenance**

a) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

b) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

c) All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

### 33. **Flood Management**

#### Storage of Goods (G1)

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3.66m AHD unless adequately protected from floodwaters in accordance with industry standards.

#### Flood Effects Caused by Development (A2)

The underfloor area of the proposed maintenance facility is not to be blocked.

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.

### 34. **Maintenance of Stormwater Treatment Measures - Major**

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

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

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

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

Reason: Protection of the receiving environment.

35. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

36. **Dust controls**

Retractable weather covers must be used to prevent air pollution emanating from soil and sand bays.

Reason: To prevent air pollution causing nuisance as defined in the Protection of Environment Operations Act 1997

37. **Shed and soil bay bunding**

All maintenance facilities and soil/sand bays must be adequately bunded to prevent water and land pollution from occurring.

Reason: Bunding prevents spills causing stormwater contamination, pollution and harm to the environment.

38. **Acid Sulfate Soils**

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan titled "Manly golf Club Maintenance Facility Upgrade Acid Sulfate Soils Management Plan" dated 21 April 2021 ref. no. PA1966-WA-RP-200417.

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 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 environment and public health.

39. **Noise Restrictions for Machinery**

The following restrictions apply to the use of machinery associated with soil/sand bays:

- Use of machinery associated with soil/sand bays, and delivery of soil/sand are permitted between the hours of 7am to 6pm.
- Where practicable and reasonable, machinery associated with soil/sand bays should be turned-off unless transporting or moving soil/sand.
- New or additional machinery associated with the sand/soil bays must only be used in compliance with noise emission goals provided in the document "Manly Golf Club - Noise Impact Assessment", prepared by Acoustic Logic, dated 17/12/2021, and referenced as 20211466.1/1712A/R1/AR.

Reason: Compliance with noise emission criteria found via acoustic assessment in line with Noise Policy for Industry 2017 guideline. (DACHPBOC6)

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

**Signed**



**Penny Wood, Planner**

The application is determined on 30/03/2022, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**