

<b>DATE OF DETERMINATION</b>	5 August 2025
<b>DATE OF PANEL DECISION</b>	5 August 2025
<b>DATE OF PANEL MEETING</b>	30 July 2025
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Brian Kirk, Sue Francis, Annelise Tuor, Graham Brown
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by videoconference on 30 July 2025, opened at 3pm and closed at 4pm.  
Papers circulated electronically on 16 July 2025.

#### **MATTER DETERMINED**

PPSSNH-549– Northern Beaches– DA2024/1303 at Lot 11 DP 626916, 11 / 0 Melwood Avenue FORESTVILLE NSW 2087 Lot 31 DP 366454, 20 Melwood Avenue FORESTVILLE NSW 2087 Lot 2589 DP 752038, 22 Melwood Avenue FORESTVILLE NSW 2087– Redevelopment of the Forestville RSL club site involving demolition works and the construction of a registered club and seniors housing, comprising fifty two (52) independent living units and ancillary uses (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters listed at item 8 in Schedule 1.

#### **Application to vary a development standard:**

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Warringah Local Environmental Plan 2011 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance with Section 108(2)(a) (building height) and Section 108 (2)(c) (Floor Space Ratio) of the *State Environmental Planning Policy (Housing) 2021*, (SEPP Housing) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to uphold the Clause 4.6 variations to Building Height and Floor Space Ratio of Section 1.8 (2)(a) and (2)(c) of the Housing SEPP; and approve the application for the reasons below and in Council's Assessment Report, as summarised below:

- The Panel concurs with Council that the proposed variations to the building height and floor space ratio non-discretionary standards within the Housing SEPP are supported on merit as the applicant's Clause 4.6 variation requests under the WLEP 2011 have demonstrated that compliance with these development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the variations to the development standards.

- The Panel notes the development supports the NSW Government's priorities to deliver well-located housing as it will deliver 52 new independent living units that meet the needs of an aging population in an accessible location, being in close proximity to the Forestville town centre and parklands and recreation facilities (tennis courts) within Melwood Avenue. As such, the development is consistent with the principles of Council's Local Strategic Planning Statement, which aims to "Locate seniors housing, social and affordable housing near centres and high-frequency public transport".
- The bulk and scale of the buildings would maintain an appropriate visual relationship with the existing surrounding low density residential character and be consistent with the emerging character of higher scale and density development that is permissible under the Low to Mid Rise Policy amendments within the Housing SEPP.
- The proposed apartment mix, size and layout satisfies the objectives of the Housing SEPP and Apartment Design Guide and will meet the housing needs of the community.
- The residual impacts associated with the demolition, construction and operation of the development can be appropriately managed and mitigated by the conditions of consent.

In summary, the Panel believes the proposal has been properly assessed against relevant planning controls and the application warrants approval.

### CONDITIONS

The Development Application was approved subject to the conditions in Council's Assessment Report with the following amendments:

- **Condition 1** was amended to reference the July 2025 Plan of Management which included amendments requested by the Panel.
- **Condition 8** was amended to require a noise review following operation of Stage 1 and stage 2 separately and reference to an occupation certificate noise requirement was removed for clarity and a requirement to address any noise goals not attained.
- **Condition 23** was amended to correct an administrative error
- **Condition 101** added to require an updated Plan of Management, which is to be approved by Council's Executive Manager, Development Assessment. Consequentially, conditions were renumbered from condition 101 onwards.
- **Condition 103 (previously condition 102)** was amended to require compliance with the Noise Assessment Report in condition 1.
- **Condition 105 (previously condition 104)** was amended to include a regular review of the adopted Plan of Management with any changes requiring approval from council to facilitate minor changes to the Plan of Management

During the public meeting on 30 July 2025, the Panel requested amendments to the submitted Plan of Management, dated October 2024: The applicant submitted a revised Plan of Management to Council on the 30 July 2025. However, the Panel considers that further changes are required which are set out in Condition 101.

The final instrument of consent approved by the Panel, which includes the above amendments can be found attached in Schedule 2 (Approved Conditions of Consent).

### CONSIDERATION OF COMMUNITY VIEWS


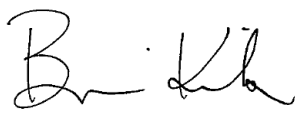

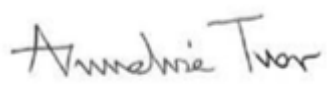
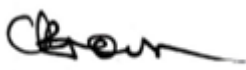
In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Incompatible with Low Density Residential Character
- Toilet arrangements
- Gaming Machines and Social Impacts
- Relocation of Cenotaph
- Noise Impacts
- Loss of Open Space and Bowling Greens for the RSL Club
- Site not suitable for Seniors Housing

- Privacy Impacts to Scout Hall and Public Open Space
- Construction Impacts
- Car Parking and Traffic Impacts
- Building Height and FSR
- Residential Amenity Impacts
- Excavation for Basement Levels
- Setbacks from R2 Zoned Land
- Right of Carriageway for pedestrian access from 17 Forestville Avenue to Melwood Avenue
- Space allocated to Family Areas and Children's Play Space
- Infrastructure to Service the Development

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and amended conditions of consent and no new issues requiring assessment were raised during the public meeting.

The Panel notes several non-planning issues were raised during the public meeting and the Panel in coming to their decision have focused on planning-related matters.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Annelise Tuor
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-549 – Northern Beaches - DA2024/1303
2	PROPOSED DEVELOPMENT	Redevelopment of the Forestville RSL club site involving demolition works and the construction of a registered club and seniors housing, comprising fifty two (52) independent living units and ancillary uses
3	STREET ADDRESS	Lot 11 DP 626916, 11 / 0 Melwood Avenue FORESTVILLE NSW 2087 Lot 31 DP 366454, 20 Melwood Avenue FORESTVILLE NSW 2087 Lot 2589 DP 752038, 22 Melwood Avenue FORESTVILLE NSW 2087
4	APPLICANT/OWNER	Applicant: Forestville RSL Club Ltd Owner: Forestville RSL Club Ltd & ADMHC
5	TYPE OF REGIONAL DEVELOPMENT	<b>General development over \$30 million</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>Warringah Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Warringah Development Control Plan</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: <b>16 July 2025</b></li> <li>clause 4.6 variation requests: <ul style="list-style-type: none"> <li>Section 108(2)(a) – Building Height</li> <li>Section 108(2)(c) – Floor Space Ratio</li> </ul> </li> <li>Council Supplementary Memo: <b>24 July 2025</b></li> <li>Written submissions during public exhibition: 62</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Dominic Alecci on behalf of the 1,139 community members who signed the petition</li> <li>Robert Urquhart</li> <li>Peter Leonard Hopkins (owners of 17 Forestville Avenue)</li> <li>Brett Smith</li> <li>Aaron Sweetman</li> <li>Robert William Lunnon (Forestville RSL sub-branch)</li> <li>Matthew Murray</li> <li>John Graham Gilmour</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Council assessment officer – Tom Burns</li> <li>○ On behalf of the applicant – Greg Boston</li> <li>● Total number of unique submissions received by way of objection: 60</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>● Briefing: 29 January 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran</li> <li>○ <u>Council assessment staff</u>: Adam Croft, Stephen Findlay, Tom Burns</li> <li>○ <u>Applicant Representatives</u>: Ian Thomson, Greg Boston, Peter Hosking, Michael Briskas, Tony Mooney, David Whitely</li> <li>○ <u>DPHI</u>: Lillian Charlesworth</li> </ul> </li> <li>● Applicant Briefing: 26 March 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Annelise Tuor, Graham Brown</li> <li>○ <u>Council assessment staff</u>: Adam Croft, Steven Findlay, Tom Burns</li> <li>○ <u>Applicant representatives</u>: Ian Thomson, Greg Boston, Peter Hosking, Michael Briskas, Tony Mooney, David Whitely</li> <li>○ <u>DPHI</u>: Lillian Charlesworth, Jade Buckman</li> </ul> </li> <li>● Final briefing to discuss council's recommendation: 30 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Annelise Tuor, Graham Brown</li> <li>○ <u>Council assessment staff</u>: Steven Findlay, Tom Burns</li> <li>○ <u>Applicant representatives</u>: Ian Thomson, Greg Boston, Peter Hosking, Michael Briskas, Tony Mooney, David Whitely</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	<b>Approval</b>
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as amended by the Panel. Approved conditions are in Schedule 2

**GENERAL CONDITIONS**

**1. Approved Plans and Supporting Documentation**

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

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
<b>Architectural Plans for Stage 1 Development</b>				
DA_A_1060	F	Club - Site Plan	Quattro Architecture	2 July 2025
DA_A_1097	F	Club - Basement 3	Quattro Architecture	2 July 2025
DA_A_1098	F	Club - Basement 2	Quattro Architecture	2 July 2025
DA_A_1099	F	Club - Basement 1	Quattro Architecture	2 July 2025
DA_A_1100	F	Club - Ground Floor	Quattro Architecture	2 July 2025
DA_A_1101	F	Club - Level 1	Quattro Architecture	2 July 2025
DA_A_1103	F	Club - Level 2	Quattro Architecture	2 July 2025
DA_A_1102	F	Club - Roof Plan	Quattro Architecture	2 July 2025
DA_A_1200	F	Club - Elevations - Sheet 1	Quattro Architecture	2 July 2025
DA_A_1201	F	Club - Elevations - Sheet 2	Quattro Architecture	2 July 2025
DA_A_1250	F	Club - Sections	Quattro Architecture	2 July 2025
DA_A_1852	F	Club Building Finishes	Quattro Architecture	2 July 2025
<b>Architectural Plans for Stage 2 Development</b>				
DA_A_2160	D	Site Plan	Quattro Architecture	2 July 2025
DA_A_2098	D	Basement Floor Plan 2	Quattro Architecture	2 July 2025
DA_A_2099	D	Basement Floor Plan 1	Quattro Architecture	2 July 2025
DA_A_2100	D	Ground Floor Plan	Quattro Architecture	2 July 2025
DA_A_2101	D	Level 1 Floor Plan	Quattro Architecture	2 July 2025
DA_A_2102	D	Level 2 Floor Plan	Quattro Architecture	2 July 2025
DA_A_2103	D	Roof Plan	Quattro Architecture	2 July 2025
DA_A_2200	D	Elevations - Sheet 1	Quattro Architecture	2 July 2025
DA_A_2201	D	Elevations - Sheet 2	Quattro Architecture	2 July 2025
DA_A_2250	D	Sections	Quattro Architecture	2 July 2025
DA_A_2853	D	Building Finishes	Quattro Architecture	2 July 2025
<b>Landscape Plans</b>				
L-01	D	Landscape Masterplan	Space Landscape Designs	30 May 2025
L-02	D	Landscape Plan Ground	Space Landscape Designs	30 May 2025

L-03	D	Landscape Plan Ground	Space Landscape Designs	30 May 2025
L-04	C	Landscape Plan-Level 1	Space Landscape Designs	24 April 2025
L-05	C	Landscape Plan-Level 2	Space Landscape Designs	24 April 2025

Approved Reports and Documentation				
Document Title	Version Number	Prepared By	Date of Document	
Remedial Action Plan	Report ID: E24016FOR-R04F, Revision No. 0	Geo-Environmental Engineering	20 June 2025	
Detailed Site Contamination Investigation	Report ID: E24016FOR-R03F, Revision 0	Geo-Environmental Engineering	17 June 2025	
Plan of Management for Operations of Forestville RSL Club Ltd and Independent Living Units	-	Forestville RSL Club Ltd	July 2025 (1) (or as amended with the agreement of Council)	
- 22 Melwood Avenue, Forestville. NSW 2084				
Waste Management Plan	Version 2	MRA Consulting Group (MRA)	20 May 2025	
Waste Management Letter titled 'Waste Referral Response – DA2024/1303 v2'	-	MRA Consulting Group (MRA)	2 July 2025	
Civil Services Plans	Project No. NA241102, Revision C	ACOR Consultants Pty Ltd	6 May 2025	
ESD Report	Reference No. 028002 , Revision No. 2.0	Aspire Sustainability Consulting Pty Ltd	9 May 2025	
Groundwater Assessment	KD2025/10, Revision D	Katarina David	13 May 2025	
BCA Capability Report	Project No. V240021	VPL Consulting	8 May 2025	
BASIX Certificate	1763355M_04	Aspire Sustainability Consulting Pty Ltd	7 May 2025	
Noise Impact Assessment	20240747.1/2005A/R5/SJ	Acoustic Logic	20 May 2025	
Geotechnical Investigation Report	Report ID: E24016FOR-R01F, Revision 1	Geo-Environmental Engineering	13 May 2025	

Arboricultural Impact Assessment Report	240925_Forestville RSL_AIA, Revision A	Urban Arbor	25 September 2024
Accessibility Design Review Report	24125_ADR_v1.3	ABE Consulting Pty Ltd	12 May 2025

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

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Referral - Ausgrid 1	26 November 2024
Ausgrid	Referral - Ausgrid 2	17 November 2024
NSW Police Force	Referral - NSW Police - 22 Melwood Avenue Forestville	21 November 2024
WaterNSW	Referral Response - WaterNSW - General Terms of Approval (WaterNSW Reference: IDAS1161660)	18 June 2025

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

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

## 3. **Approved Land Uses**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definitions of a registered club and in-fill self-care housing.

The Warringah Local Environmental Plan 2011 defines a registered club as follows:

- **registered club** means a club that holds a club licence under the Liquor Act 2007.

State Environmental Planning Policy (Housing) 2021 defines in-fill self-care housing as follows:

- **in-fill self-care housing** means seniors housing consisting of at least 2 independent living units and at which none of the following services are provided on the site—
  - (a) meals,



- (b) *cleaning services,*
- (c) *personal care,*
- (d) *nursing care.*

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

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

#### 4. **Prescribed conditions (Demolition):**

- (a) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (ii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

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

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

(c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

Reason: Legislative Requirement.

#### 5. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

place. Reason: Legislative requirement.

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

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

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

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

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

(h) All sound producing plant, equipment, machinery or fittings must comply with the Environment Protection Authority's NSW Interim Construction Noise Guideline.

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

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

**7. General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

◦ 8.00 am to 5.00 pm Monday to Friday only.

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

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

roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a

safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

(n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

(o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.

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

## 8. **Acoustic Review**

Within 30 days from the operations of Stage 1 and Stage 2 respectively, an acoustic review of the findings and recommendations of the approved Noise Impact Assessment referenced in Condition 1 of this consent, shall be carried out on site (during a busy period of trading) and any necessary action to obtain acoustic compliance, shall be completed within a further 30 days of the assessment. The report associated with the compliance testing is to be furnished to Council for its records.

In the event that the noise goals identified in the Noise Impact Assessment from Acoustic Logic dated 20 May 2025 are not attained, details are to be provided on the means of attaining those goals.

Reason: To ensure acoustic compliance in an operational situation.

## 9. **Staging of Development**

The development is to be carried out in two (2) stages comprising the following:

### (a) Stage 1 Construction

- The construction of a three-level basement car park in the location of the

- existing bowling greens.
- The construction of a three-storey mixed use building containing the following:
  - A Registered Club on the ground floor of the building and partially within Basement Level B1; and
  - Two-storeys of residential development containing sixteen (16) independent living units.
- Landscaping including tree removal within the footprint of the Stage 1 works.
- New vehicle crossings and a driveway/car park in front of the RSL Club.
- New pedestrian access points to the RSL Club.

(b) Stage 2 Construction

- The demolition of the existing Registered Club building.
- The construction of a two-level basement car park.
- The construction of thirty-six (36) independent living units across three separate three-storey buildings.
- A landscaped communal open space with pedestrian pathways around the independent living units.
- Landscaping including tree removal within the footprint of the Stage 2 works.
- A new vehicle crossing to the basement.
- Pedestrian access points into the residential areas of the site including a letterbox area.

The applicant may obtain separate Construction Certificates and Occupation Certificates for the different stages of development.

Reason: To allow the orderly development of land.

## FEES / CHARGES / CONTRIBUTIONS

### 10. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$769,450.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$76,945,000.00.

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

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

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

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

## 11. Housing and productivity contribution - Development consents

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with requirement 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$ 520,000.00
<b>Total:</b>	<b>\$ 520,000.00</b>

2. The amount payable at the time of payment is the amount shown in requirement 1 as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

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***consent PPI number***

where—

***highest PPI number*** is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

***consent PPI number*** is the PPI number last used to adjust HPC rates when consent was granted.

***June quarter 2023 and PPI*** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate

Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

## 12. **Construction, Excavation and Associated Works Security Bond(s)**

The applicant is to lodge a bond with Council for the following:

### **Drainage Works**

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$100,000.00 is required.

### **Crossing / Kerb & Gutter / Footpath Works**

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$50,000.00 is required.

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).

### **Maintenance for Civil Works**

A maintenance bond of \$20,000.00 for the construction of drainage works is required.



The maintenance bond will only be refunded upon completion of the twelve month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council.

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

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

Reason: Protection of Council's infrastructure.

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

### **13. Amended Landscape Plan**

a) Amended Landscape Plan(s) shall be issued to the Certifier prior to the issue of the relevant Construction Certificate to include the following details:

- i) Drawing L-02 - continue the planting along the entirety of the southern boundary at a minimum 1.5 metres wide for the areas currently shown as new turf areas; include shrub and groundcover planting and an additional 4 native trees (minimum 6 metre mature height) in these new garden areas,
- ii) Drawing L-02 - where the proposed retaining wall along the southern boundary is higher than 1 metre, when viewed from the public land, include cascading plant species to help soften this wall,
- iii) Drawing L-03 - include an additional 2 large native trees (13 metre mature height or above) in the Melwood Avenue front setback,
- iv) Drawing L-03 - include shrub planting (2-5 metre (m) mature height) in the garden bed along the western boundary at regular intervals.

b) Certification shall be submitted to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

### **14. On Slab Landscape Planters**

a) Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

b) The following soil depths are required to support planting: 200 millimetres (mm) for turf, 300-450mm for ground covers, 500-600mm for shrubs, 800mm for small trees, 1000mm for medium trees, and 1200mm for large trees.

c) Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

15. **On-Site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Acor Consultants, project number NA241102, drawing number C01-0001, C01-0101, C08- 0001, C08-0301, C08-0302, C08-0303, C08-0401, dated 6/5/2025.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

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

Reason: To ensure that stormwater is appropriately managed.

16. **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 plans NA241102 from ACOR rev C dated 06.05.25 drawings C01-0001 to C09-0001 and Council's Water Management for Development Policy must be prepared.

The certificate shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

Reason: Protection of the receiving environment.

17. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>.

Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

Restrictions will apply on School Days due to the proximity of the site to Forestville Public School. The CTMP shall provide details as to the number and type of trucks to be used during the school zone hours (8.00am-9.30am and 2.30pm-4.00pm weekdays) to ensure that truck movements will not unreasonably contribute to unacceptable traffic conditions or pedestrian safety issues during these periods.

Additional restrictions may apply during the major commuter peak times following a review of the proposed CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.

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

#### Certificate.

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

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

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

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

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

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

18. **Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5 metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

19. **Amendments to the approved plans**

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

a) **Club Toilets** – The public toilets adjacent to the indoor gaming room within the RSL must be amended to ensure that the female and male bathrooms are physically separated by a dividing wall. Separate access points into the male and female bathrooms must also be provided.

b) **Front Fencing** – The 1 metre timber batten fencing along the front boundary and internally within the site must be increased to a height of at least 1.5 metres above the finished ground level. This fencing must also be provided between the front boundary and the common walls of apartments B1-G.01 and B1-G.02 and apartments B2-G.01 and B2-G.02 respectively to ensure that the private open space of these apartments are physically and visually separated.

c) **Fencing to Children's Play Area** – A 1 metre tall glazed-fence that is transparent must be provided around the entire southern, eastern and western edges of the children's play area / alfresco lawn area that is located on the southern side of the RSL Club adjacent to the RSL lounge and dining area. This fence must be located on top of the retaining wall along the southern boundary of the site and must include a security gate to prevent direct access into the RSL Club via the southern boundary. This security gate may only permit patrons to exit the site via the southern boundary.

d) **Car Parking Provision** – The development is to provide a total of 85 car parking spaces in the Basement 1 - Seniors car park; comprising 62 resident (3.2m wide x 5.4m long), 12 resident accessible (AS2890.6), and 11 visitor spaces (including 1 accessible).

e) **Service Car Parking** – The Ground Level is to provide two (2) courier/delivery parking spaces and one (1) ambulance bay in the at-grade car park in front of the RSL Club.

f) **Bicycle Parking** – The development is to provide 32 bicycle parking spaces for the seniors component, comprising 26 spaces for residents and 6 spaces for resident visitors; and 36 bicycle parking spaces including end of trip facilities for the Club, comprising 18 spaces for Club staff and 18 spaces for Club patrons.

g) **Intercom System** – An intercom system must be installed at the entry point to the Basement 1 Seniors car park to enable resident visitor access to the designated parking spaces.

h) **Visitor Parking** – Car spaces nos. 18 and 19 within Basement 1 (located on the northern wall of the Stage 1 car park) are to be reallocated as visitor spaces, to provide a row of six (6) visitor parking spaces at this location.

i) **Resident Parking** – Car spaces located adjacent to the ramp which leads down to the Club parking (with the exception of accessible spaces nos. 7 and 8), are to be converted to provide six (6) resident spaces (3.2m wide x 5.4m long), in a similar layout to the spaces on the opposite side of the parking aisle.

j) **Accessible Parking** – Car spaces nos. 16 and 17 within Basement 1 (located in the Stage 2 car park) are to be converted to provide two (2) accessible resident spaces, in a similar layout to the spaces on the opposite side of the parking aisle.

k) **Motorcycle Spaces** – Motorcycle spaces nos. 1, 2 and 3 within Basement 1 should be reduced in length and remarked 2.5m long from the wall.

l) **Resident Bicycle Rails** – Provide 13 rails to accommodate the 26 resident bicycle parking spaces located in the secure bike parking area within Basement 1.

m) **Club Bicycle Rails** – Provide at least 9 rails to accommodate the 18 Club visitor bicycle parking spaces located near the at-grade parking area in front of the RSL Club.

n) **Access Driveways** – Provide a minimum of 3.0 metre wide separation between multi-access driveways.

o) **Car Washing Facilities** – Facilities for the washing of resident vehicles must be provided within the basement.

Details demonstrating compliance are to be submitted Council's Executive Manager, Development Assessment and Council's Transport Network team for approval prior to the issue of the relevant Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

20. **Mechanical Plant Location**

No mechanical plant is permitted to be located on the roof of the buildings, noting that the architectural plans have not included any mechanical plant on the roof.

Any mechanical plant located on the external facade of the buildings must be enclosed within an acoustic and visual barrier so that it is not visible from the public domain or within the site.

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

Reason: To minimise the impacts of mechanical plant.

21. **Geotechnical Investigation Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in

the Geotechnical Investigation Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

22. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, shall be provided 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 Certifier 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.

**23. Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above ground level, Council's Executive Manager of Development Assessment is to be provided with plans to their satisfaction demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building, do not visually dominate the streetscape and are in accordance with the requirements of the BCA.

An updated landscape plan is also to be provided to reflect the changes resulting from the fire hydrant and sprinkler booster detailed design.

Reason: To ensure essential services are appropriately screened.

**24. Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

**25. Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of 4 vehicular crossings, drainage pits and pipe connection from the site into the existing Council drainage system in Melwood Avenue, and reconstruction kerb, gutter, footpath and turf

which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

- The vehicular crossing for the below ground loading dock shall have a maximum width of 6.0 metres and the profile is to be in accordance with Council Standard drawing Normal Low.
- The vehicular crossings for the entry and exit for the Club entry shall be 3.0 metres wide each and the profile is to be in accordance with Council Standard drawing Normal.
- The vehicular crossing servicing the Club and senior basement level car park is to be 6.0 meters wide the profile is to be in accordance with Council Standard drawing Normal Low.
- Engineering longsections along both edges of the vehicle crossings are to be provided.
- All redundant laybacks shall be removed and reinstated to kerb and gutter, footpath and turf.
- Any proposed pedestrian connections from the site to the public footpath fronting the site.
- New kerb inlet pit in front of the subject site in accordance with Council standard drawing No. 02700.
- New pit and Ø 375mm Class 4 RRJ RCP extension to existing Council pit located at the roundabout adjacent to Cannons Parade.
- The applicant shall provide a HGL analysis from the site to the existing Council system to demonstrate feasibility of the connections and no conflict with existing services.
- 3 metre wide shared concrete footpath along the entire Melwood Avenue frontage of the site. Alignment of the footpath is to match existing footpath with grass on either side to preserve the exiting street trees.
- Reconstruction of kerb and gutter along the frontage of the site.
- A services plan indicating all services in the road reserve. Where any services are to be adjusted as a result of the works, approval from the relevant service authority is to be provided.
- Subject to TfNSW approval of the new bus stop location, the relocated bus stop must be DDA compliant with seating, and constructed in accordance with TfNSW Bus Stop wayfinding guidelines - Bus stop flag pole layout Version 2.1 27.09.2022.
- A signage and line marking plan showing the proposed works and changes to parking restrictions within the Public Road Reserve must be submitted to Council's Transport Network team at least three (3) months prior to the commencement of the works, so that the matter can be reported to the Northern Beaches Local Traffic Committee for consideration prior to Council approval.

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

An approval is to be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate for Stage 1.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

## **26. Plans of Kitchen Design, Construction and Fit Out**



Prior to the issue of the Construction Certificate for Stage 1, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifier. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

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

**27. Mechanical Ventilation Plans**

Prior to the issue of the relevant Construction Certificate for Stage 1, detailed plans must be submitted to and approved by the Certifier that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

**28. Acoustic Design Recommendations**

Prior to the issuing of the relevant Construction Certificate for Stage 1, documentation is to be submitted to the satisfaction of the Certifier confirming that the design recommendations, including but not limited to elements outlined under section 9.1.2. Physical Controls within the Noise Impact Assessment referenced in Condition 1 of this consent, have been incorporated into the construction plans.

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

**29. Cumulative Noise Impact Assessment for Mechanical Plant Selection**

As details of mechanical plants and equipment selections have not been finalised, prior to the issuing of the relevant Construction Certificate, a cumulative assessment of both plant noise with other noise sources is required as to be undertaken by an acoustic consultant. Details of the design, selection and placement of plant items and required acoustic treatments are to be supplied to the Certifier.

The elements of Section 7.2., MECHANICAL PLANT of the approved Noise Impact Assessment need to be considered when satisfying the above requirement.

The cumulative assessment must demonstrate that the predicted operational noise levels do not exceed those that were modelled within the approved Noise Impact Assessment referenced in Condition 1 of this consent.

Reason: To ensure noise impacts of plant are mitigated by design.

**30. Compliance with Standards**

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

Details demonstrating compliance with the relevant Australian Standard are to be

submitted to the Certifier prior to the issue of the Construction Certificate.

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

**31. External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

**32. Sydney Water "Tap In"**

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

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

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

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

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

**33. Waste and Recycling Requirements**

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

a. Detailed plans showing that the waste storage rooms identified on the stamped plans will be capable of being accessed from the designed access roadway by a Heavy Rigid Vehicle (HRV) in accordance with AS2890.2, and that a loading area is available for the vehicle when collecting waste that meets the following requirements:

- i. Within 6.5 metres of all waste storage rooms or temporary holding area;
- ii. A dedicated parking area for the collection vehicle;
- iii. Include an extra 2 metres at the rear of the vehicle loading area: and

b. Certification from a suitably qualified engineer that the route of travel, loading area and entry and exit points will be constructed so as to support the following loading requirements:

- i. Heavy Rigid Vehicle can enter and exit the site in a forward position with a maximum 3 point turn;
- ii. 30 tonne waste collection vehicles;
- iii. Length of 10.5 metres;
- iv. Clearance height of 4.5 metres.

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

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

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

### **34. Tree Removal and Retention**

a) This consent approves the removal of trees 3 to 12 inclusive, trees 21 to 28 inclusive and trees 30 to 32 inclusive as identified in the approved Arboricultural Impact Assessment referenced in Condition 1 of this consent.

b) A qualified AQF level 5 Arborist shall identify all trees approved for removal on site and tag or mark prior to removal.

c) This consent requires the retention of trees 1 to 2 inclusive, trees 13 to 20 inclusive, tree 29 and trees 34 to 40 inclusive as identified in the approved Arboricultural Impact Assessment referenced in Condition 1 of this consent.

Reason: To enable authorised development works.

### **35. 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.

Reason: To ensure Work zones are monitored and installed correctly.

### **36. Demolition Traffic Management Plan**

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

Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of the relevant Construction Certificate.

Restrictions will apply on School Days due to the proximity of the site to Forestville Public School. The DTMP shall provide details as to the number and type of trucks to be used during the school zone hours (8.00am-9.30am and 2.30pm-4.00pm weekdays) to ensure that truck movements will not unreasonably contribute to unacceptable traffic conditions or pedestrian safety issues during these periods.

Additional restrictions may apply during the major commuter peak times following a review of the proposed DTMP.

The DTMP must:-

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

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

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

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

### 37. **Pre-Construction Dilapidation Reports**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below within 20 metres of the excavation perimeter, both internally and externally, including walls, ceilings, roof, structural members and other similar items. The reports must be prepared for the following properties:

- 18 Melwood Avenue, Forestville (Lot 30 DP 366454)
- 28 Melwood Avenue, Forestville (Lot 2697 DP 752038)
- 17 Forestville Avenue, Forestville (Lot CP SP 68546)

The dilapidation report(s) are to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

**38. Site Preparation**

Before demolition work commences the following requirements must be in place until the demolition work and demolition waste removal are complete:

- Protective fencing and any hoardings to the perimeter on
- the site Access to and from the site
- Construction traffic management measures
- Protective measures for on-site tree preservation and trees in adjoining public
- domain Onsite temporary toilets
- A garbage container with a tight-fitting lid

Reason: To protect workers, the public and the environment

**DURING BUILDING WORK**

**39. Site Contamination**

All stockpiles of potentially contaminated soil must be stored and covered in a secure area on the site and removed promptly so as not to cause pollution or public health risk until disposed of at a waste facility. 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: Protection of the Environment Operations Act 1997; and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To protect human health and the environment.

**40. Aboriginal Heritage**

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

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW

Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

**41. Protection of Existing Street Trees**

a) All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS 4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

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

Reason: Street tree protection.

**42. Tree and Vegetation Protection**

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

i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,

ii) all trees and vegetation located on adjoining properties,

iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,

ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,

iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,

iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,

vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,

viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,

ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites,

shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,

xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

**43. Condition of Trees**

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

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

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

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

Reason: Protection of trees.

**44. Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

**45. No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

**46. Storage of Materials on Land Owned or Managed by Council Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste or any other

material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

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

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

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

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

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

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

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

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

**49. Staff and Contractor Parking**

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

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

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

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

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

**51. Ongoing Management**

The applicant and/or contractor shall be responsible in ensuring that the road reserve



remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

52. **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.

53. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Investigation Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

54. **Demolition Works - Asbestos**

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

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

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

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

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

55. **Survey Certificate**

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

- (a) At completion of the setout prior to any construction of the perimeter walls columns and or

other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels.

(c) At completion of the roof confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

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

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

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

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

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

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

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

**57. Site Maintenance**

While demolition work is being carried out, the following requirements must be maintained until the demolition work and demolition waste removal are complete:

- Protective fencing and any hoardings to the perimeter on the site
- Access to and from the site
- Construction traffic management measures
- Protective measures for on-site tree preservation and trees in adjoining public domain
- Onsite temporary toilets
- A garbage container with a tight-fitting lid

Reason: To protect workers, the public and the environment.

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

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

Reason: To protect human health and the environment.

**59. Compliance with Detailed Site Investigation and Remedial Action Plan**

The requirements of the Detailed Site Investigation and Remedial Action Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of a final Occupation Certificate.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

60. **Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the subject site to a lawful waste facility

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Reason: For protection of environment.

61. **Cut and Fill**

While building work is being carried out, the principal certifier must be satisfied that all soil removed from or imported to the site is managed in accordance with the following requirements:

a) All excavated material removed from the site must be classified in accordance with the NSW Environment Protection Authority's (EPA) Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier.

b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

62. **Dust Minimisation**

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

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

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

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

d) Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Reason: To minimise the environmental impacts of construction works.

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

During demolition and/or construction the proposal/works shall be generally consistent with updated Waste Management Plan including any addendums referenced in Condition 1 of this consent.

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

64. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal

for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

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

### **65. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must

send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

### **66. Registration of Food Business**

The food business must be registered with the appropriate regulatory authority prior to the relevant Occupation Certificate for Stage 1 being issued.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Occupation Certificate for Stage 1.

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

### **67. Street Tree Planting**

a) Street tree planting shall be installed in accordance with the following:

i) 3 x *Lophostemon confertus* shall be installed as shown on drawing L-02 by Space Landscape Designs.

b) All street trees shall be a minimum pre-ordered planting size of 200 litres, and shall meet the requirements of AS2303 – Tree Stock for Landscape Use. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2.0 metres from driveways/paths, and shall generally be evenly spaced to allow a full mature canopy.

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

Reason: to maintain environmental and streetscape amenity.

### **68. Landscape Completion**

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

i) landscape works are to be contained within the legal property boundaries,

- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,
- iv) tree planting along the western boundary adjacent to the club building shall be located 2 metres from the building and 1 metre from the common boundary; all other tree planting in deep soil shall be located at least 3.0 metres from buildings, and at least 1.5 metres from common boundaries,
- v) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- vi) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

b) Prior to the issue of the relevant Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

69. **Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)** The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Reason: Protection of Council's infrastructure.

70. **Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval**  
The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the relevant Occupation Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

71. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment.

The certificate shall be submitted to the Certifier prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

72. **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 Certifier prior to the issue of the relevant 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.

73. **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 Certifier prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

**74. 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 Certifier prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

**75. Signage and Linemarking – Implementation**

The Applicant is to install all signage and linemarking in accordance with the amended plans.

Details demonstrating installation and compliance are to be submitted to the Principal

Certifier prior to the issue of the relevant Occupation Certificate.

Reason: To ensure that the car park operates according to its intended use.

**76. Loading Dock Management Plan**

A Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by the Principal Certifier prior to the issue of the relevant Occupation Certificate for Stage 1.

The Plan will need to demonstrate how the loading dock will be managed and how safe servicing arrangements including waste collection will be undertaken. The management plan shall include a requirement for truck access to only be permitted by reversing into the Loading Bay and exiting in a forward direction.

A “No Left Turn Vehicles Over 6m” restriction is to be imposed to ban the left turn movement for longer vehicles exiting the driveway. The sign must be clearly visible and located within the property boundary at the exit point.

Reason: To ensure the loading dock is managed appropriately and do not impact access or parking.

**77. Allocation of Parking Spaces (Residential Units)**

With the exception of the visitor parking spaces, all car parking spaces in the seniors car park are to be assigned to individual units. All residential units must be assigned a minimum of one parking space.

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

Reason: To ensure parking availability for residents.

**78. Accessible Parking Spaces**

Where accessible parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

**79. Shared Zone Bollard**

A bollard is to be provided at the shared zone between accessible parking spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.



80. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

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

Reason: To maintain proper records in relation to the proposed development.

81. **Re-location of Cenotaph**

The cenotaph must be re-located to a suitable location either within the front setback area of the site (i.e. between the front boundary and the RSL Club) or within the public domain prior to the issue of an Occupation Certificate for the Stage 1 development.

If re-located within the public domain, the cenotaph must be approved via way of a Section 138 Roads Act Approval and the re-located area must be endorsed by Council's Executive Manager, Parks & Open Space. If re-located internally within the site, the re-located area must be endorsed by Council's Executive Manager, Development Assessment.

Reason: To ensure that the cenotaph is retained in association with the new RSL Club.

82. **Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to Section 88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the residential components of the development are only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. (Note: Under State Environmental Planning Policy (Housing) 2021): Seniors are people aged 60 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue the relevant Occupation Certificate relating to the occupation of the residential components of the development.

Reason: Statutory requirements.

83. **Right of Carriageway**

The applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) for the pathway that provides pedestrian access from 17 Forestville Avenue through the subject site to Melwood Avenue. This right of carriageway

shall be in favour of 17 Forestville Avenue and burden the subject site.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Occupation Certificate for Stage 2.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

84. **Extinguishment of Easement and Right of Carriageway**

The right of carriageway and easement for electricity purposes located around Lot 11 DP 626916 must be extinguished with the NSW Land Registry Services.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of an Occupation Certificate for Stage 2.

Reason: To ensure that redundant easements and right of carriageways are extinguished.

85. **Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The application shall include the original completed request forms (NSW Land Registry standard forms 13PC) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

86. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. 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 for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

**87. Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifier, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports referenced in Condition 1 of this consent have been completed:

- (a) Remediation Action Plan
- (b) Detailed Site Contamination Investigation
- (c) Waste Management Plan and Waste Management Letter
- (d) BCA Capability Report
- (e) BASIX Certificate
- (f) Noise Impact Assessment
- (g) Geotechnical Investigation Report
- (h) Arboricultural Impact Assessment Report
- (i) Accessibility Design Report

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

Reason: To ensure compliance with standards.

**88. Validation for Remediation**

A Validation Report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

The Validation and Site Monitoring Report must demonstrate that the site has been satisfactorily remediated to the Health Investigation Level (HIL) B.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of an Occupation Certificate for Stage 2.

Reason: To ensure environmental amenity is maintained.

**89. Mechanical Ventilation Certification**

Prior to the issuing of the relevant Occupation Certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Certifier.

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

**90. Kitchen Design, Construction and Fit Out of Food Premises Certification**

Prior to the issue of the relevant Occupation Certificate for Stage 1, certification is to be provided to the Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

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

91. **Mechanical Ventilation Certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification must be prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Occupation Certificate for Stage 1.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

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

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

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

Reason: To ensure bushland management.

93. **Garbage and Recycling Facilities**

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

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

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

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Occupation Certificate.

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

94. **Unit Numbering for Multi Unit Developments**

The units within the development are to be numbered in accordance with NSW Address Policy and User Manual.

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with the relevant Occupation Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

95. **Lighting Compliance**

Prior to the issue of the relevant Occupation Certificate, the Certifier must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings that the outdoor lighting complies with the relevant provisions of Australian Standard 1158.3:2020 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: To protect public health and amenity.

96. **Visitor and Delivery Parking**

The visitor and delivery parking areas are to be accessible at all times, with a sign post erected at the vehicular entry point(s) of the development, indicating the location of the visitor and delivery parking.

Appropriate wayfinding signage is to be provided indicating the location of resident visitor parking on Basement 1 of the seniors car park, with additional signage installed within the car park if required.

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

Reason: To advise that visitor and delivery parking has been provided and is available within the development.

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

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

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

Reason: To ensure waste and recycling facilities are provided.

98. **Waste/Recycling Compliance Documentation**

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

Reason: To ensure waste is minimised and recycled.

99. **Positive Covenant for Council and Contractor Indemnity**

A positive covenant shall be created on the title of the land prior to the issue of the relevant Occupation Certificate for the Stage 1 development, requiring the proprietor of the land to provide access to the waste storage facilities.

The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

100. **Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the relevant Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. A Compliance Certificate, issued by the Certifying Authority, shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

101. **Update to Operational Plan of Management**

The Operational Plan of Management referenced in Condition 1 must be updated to include:

- i. In part 1 that the Plan of Management must be made available to the general public, occupants of the Independent Living Units and placed on the Club's website;
- ii. Amend sections 36g and 47 to clarify that it refers to the "alfresco gaming area" operation after 10pm and include a limitation on numbers;
- iii. Amend sections 36h and 49 to be consistent with the consent that limits patron numbers after 10pm in outdoor areas to 10;
- iv. Amendment to section 9 to replace "the current" with "the approved";
- v. deletion of section 11 as trading hours are those approved in the consent;
- vi. Amend Part 12 to include the requirement that a sign be placed at the entry with 24 hour contact details for complaints and that this information is to be on the club's website;
- vii. Include the final as built gaming area within the new RSL Club in Appendix D 'Gaming Plan of Management'.

The updated Operational Plan of Management must be approved by Council's Executive Manager, Development Assessment prior to the issue of the relevant Occupation Certificate for Stage 1.

Reason: To ensure compliance with regulations and minimise amenity impacts.

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

102. **Deliveries, waste and recycling collection hours**

Deliveries, waste and recycling collection from the site is to be carried out between 7.00am and 10.00pm only to minimise noise.

Reason: To minimise noise to residential receivers.

103. **Noise Mitigation Measures**

The following noise mitigation measures must be adhered to during operation of the premises:

- Recommendations in the Noise Impact Assessment from Acoustic Logic dated 20 May 2025
- Operable walls within RSL club operations are to be closed after 10.00pm.
- Music sound limiters are to be installed for any amplified music systems (other than low level (<70 dB(A)) background music systems). The limiters are to be set at a level as deemed appropriate to an acoustic consultant so as not to cause offensive or intrusive noise to external or internal receivers.
- No music is to be played in outdoor areas from 10.00pm onwards.

Reason: To preserve the amenity for external and internal receivers.

104. **Restriction on Outdoor Dining Areas**

All outdoor dining areas (excluding alfresco gaming areas) must be vacant after 10.00pm during operation, except for minor patron numbers (no more than 10 patrons) for smokers.

Reason: To protect the amenity of the surrounding neighbourhood.

105. **Compliance with Operational Plan of Management**

On-going compliance is required with the Operational Plan of Management referenced in Condition 1, as amended by Condition 101 or by this condition.

The operator of the site is to review the Operational Plan of Management at least annually, with any changes necessitated from the review not to be carried out without written approval of Council's Executive Manager, Development Assessment. Council undertakes to not unreasonably withhold its approval and to respond to request to amend in a timely manner.

Any proposed amendments to the Plan of Management that conflict with any other condition of consent or require the modification of any other condition of consent may require the submission and determination of a further formal application (e.g. complying development certificate application, modification application or development application).

Reason: To ensure compliance with regulations and minimise amenity impacts.

106. **Landscape Maintenance**

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

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

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

d) A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

e) The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

107. **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.

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.

108. **Service Vehicle Area**

The area designated as manoeuvring areas must be kept clear of obstructions at all times. Vehicles must not be required to queue on public roads at any time.

Reason: To ensure compliance with Australian Standards and prevent obstructions to traffic flows.

109. **Traffic Management**

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

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

110. **Landscaping adjoining vehicular access**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1 metre.

Reason: To maintain unobstructed sight distance for motorists.

111. **Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

112. **Dedicated Use of Loading Bay on Waste Collection Day**

The loading bay is to be reserved for servicing of the waste bins on collection day (Thursday). Parking of vehicles or the storage of goods and materials within the loading bay is to be prohibited on collection day.

Reason: To ensure waste truck access to the site for collection of bins

113. **Geotechnical Recommendations**



Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Investigation 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.

**114. Graffiti removal**

During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.

Reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

**115. Mechanical Plant Noise**

Any mechanical plant including the lifts shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

**116. Operational Waste Management (Ongoing)**

The Operational Waste Management Plan and addendums referenced in Condition 1 of this consent outlines the primary roles and responsibilities of the respective stakeholders in the development.

The Strata, Body Corporate or Management will coordinate waste management throughout the site.

A Building Manager will coordinate domestic waste, recycling, organics and bulky waste to facilitate collections and provide education for all residents.

Club management and staff will arrange private contractor collections for club waste, provide education for all staff and will manage general waste and recycling within their tenancy.

Collections for club waste shall not interfere with domestic waste collection.

The Developer will provide all equipment required to implement the Operational Waste Management Plan prior to the occupation of the building for use by the Strata or Body Corporate.

Reason: To ensure club and domestic waste are managed and collected separately and without conflict.

**117. Hours of Operation**

The hours of operation of the RSL Club are to be restricted to:

- Sunday to Wednesday - 11.00AM - 12.00AM (Midnight)
- Thursday to Saturday - 11.00AM - 3.00AM

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

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

**118. Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

**119. Parking Enclosure**

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

**120. Hours for Waste Collection and Deliveries**

Deliveries, waste and recycling collection from the site is to be carried out between 7.00am and 10.00pm only to minimise noise.

Reason: To ensure that residential amenity is appropriately maintained.

**121. Bicycle Parking and End of Trip Facilities**

The development is to maintain all proposed end of trip facilities and minimum number of bicycle parking allocation for the life of the development:

- a) 26 x resident bicycle parking spaces within the secure room/enclosure of the Basement 1 Seniors car park
- b) 6 x resident visitor bicycle parking spaces outside the resident bicycle parking area of the Basement 1 Seniors car park
- c) 18 x Club staff bicycle parking spaces within the secure room/enclosure of the Basement 2 Club car park
- d) 18 x Club visitor bicycle parking spaces located near the at-grade parking area.

All spaces are to be maintained and appropriately identified by linemarking and/or signage. Manoeuvring areas must be kept clear of obstructions at all times.

Reason: To ensure the appropriate management of bicycle parking on site.

**122. Seniors Parking**

The development is to maintain the following parking allocation within the Basement 1 seniors car park for the life of the development:

- a) 62 x resident parking spaces (3.2m wide x 5.4m long) marked with the number of the respective unit
- b) 12 x resident accessible parking spaces (AS2890.6), marked with the number of the respective unit
- c) 11 x visitor parking spaces (including 1 accessible)

d) 3 x motorcycle parking spaces (1.2m wide x 2.5m long)

e) 26 x resident bicycle parking spaces

f) 6 x resident visitor bicycle parking spaces

All spaces are to be maintained and appropriately identified by linemarking and/or signage. Manoeuvring areas must be kept clear of obstructions at all times.

Reason: To ensure the appropriate management of the seniors parking on site.