

## SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-453
<b>DA Number</b>	DA2023/1757
<b>LGA</b>	Northern Beaches
<b>Proposed Development</b>	Demolition works and major alterations and additions to Forestway Shopping Centre, including retail uses, swim school, gym, new carpark and access, road infrastructure works and a pedestrian bridge
<b>Street Address</b>	Lot 20 DP 1209801, Forest Way FRENCHS FOREST NSW 2086
<b>Applicant</b>	The Trustee For Forestway Sc Investment Trust
<b>Date of DA lodgement</b>	11/12/2023
<b>Number of Submissions</b>	19
<b>Recommendation</b>	Deferred Commencement Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Regionally Significant Development within the meaning of State Environmental Planning Policy (Planning Systems) 2021 - Cost of development exceeds \$30 Million (\$34,025,000)
<b>List of all relevant s4.15(1) (a) matters</b>	SEPP (Sustainable Buildings) 2022 SEPP (Transport and Infrastructure) 2021 SEPP (Biodiversity and Conservation) 2021 SEPP (Industry and Employment) 2021 SEPP (Resilience and Hazards) 2021 Warringah Local Environmental Plan 2011 Warringah Development Control Plan 2011 Concurrence – Yes (TfNSW) Planning Agreement - Yes Public Submissions (19)
<b>List all documents submitted with this report for the Panel's consideration</b>	Architectural Plans Landscape Plans Traffic Report Access Report Noise Report Preliminary Site Investigation Report Arboricultural Impact Assessment Traffic Engineering Plans Operational Management Plan for Shopping Centre Construction Management Plan Proposed Land Dedication Plan Transport for NSW Concurrence Applicants Response to DSAP and Public Submissions
<b>Clause 4.6 requests</b>	Nil

<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Traffic management on Forest Way</li> <li>• Traffic Impacts on local roads</li> <li>• Pedestrian Safety</li> <li>• Pedestrian Bridge over Forest Way</li> <li>• Residential Amenity impacts (noise and loading dock)</li> <li>• Planning Agreement/Land Dedication</li> <li>• Front setbacks to Russell Avenue and Grace Avenue</li> <li>• Tree retention and landscaping</li> <li>• Frenchs Forest Strategy/Hospital Precinct Structure Plan</li> </ul>
<b>Report prepared by</b>	Steven Findlay, Manager Development Assessments
<b>Responsible officer</b>	Peter Robinson – Executive Manager - Planning and Place
<b>Report date</b>	21 May 2025

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **YES**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **YES**

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **NO**

### Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report **YES**

## EXECUTIVE SUMMARY

This application is for major alterations and additions to the Forestway Shopping Centre and is reported to the Sydney North Planning Panel (SNPP) as it has a cost of development exceeding \$30 Million (\$34,025,000) and is 'Regionally Significant Development' within the meaning of State Environmental Planning Policy (Planning Systems) 2021.

The application requires approval from Transport for NSW (TfNSW) for works within Forest Way, comprising a new signalised vehicular access and pedestrian crossing on Forest Way, road widening and a new pedestrian footbridge over Forest Way.

This site was the subject of a similar DA, which was refused by SNPP for reasons primarily associated with traffic impacts and infrastructure works in Forest Way, similar to those proposed under the current application. That application involved additions that were significantly larger in size, scale and floorspace.

The site is constrained by its close proximity to the major intersection at Forest Way and Warringah Road. TfNSW does not support the proposed right hand turn out of the site onto Forest Way and has issued its concurrence on the basis that the right turn is not part of the approval. As the right turn is not supported by TfNSW, the pedestrian bridge over Forest Way is technically not triggered as a requirement by TfNSW. Furthermore, in light of the concurrence decision, the applicant no longer proposes to construct the bridge, despite it conceptually forming part of the DA as lodged and notified. It is important to note that a later notification of the DA involved the scenario of no right turn and removing the bridge from the DA. Despite this, Council's Traffic section considers that there are sufficient reasons to warrant the provision of the bridge, and have imposed a condition of consent that

the bridge is to be constructed prior to occupation of the new retail and commercial spaces.

The application also involves widening of the road reserve in Forest Way to accommodate a new right turn-in lane for traffic approaching from the north, a deceleration lane for traffic approaching from the south, indented bus bays, widened footpath and relocated bus shelters. This requires a road dedication to Council and the applicant has sought to enter into a Planning Agreement with Council under Clause 7.4 of the EPA Act, 1979. Council has reviewed the request and support the proposal in principle. A suitable condition has been imposed as a Deferred Commencement condition.

Furthermore, the road widening involves a minor encroachment onto Council's open space reserve adjoining the subject site to the south and requires owners consent, which is supported in principle, but such consent had not been officially granted at the time of finalising this report.

Three (3) separate notifications have been carried out during the assessment of this application, and a total of nineteen (19) submissions were received. The main issues and concerns raised by the local residents are; request for right turn onto Forest Way, traffic impacts on Grace Avenue/Russell Avenue and Fitzpatrick Avenue, lack of traffic assessment/analysis, increased noise, impacts on pedestrian and child/student safety, need for additional traffic management measures in local roads, the provision of the pedestrian footbridge and poor loading dock arrangements. These matters were reviewed, and improvements have been made to the proposal, which will better protect residential amenity, and traffic and pedestrian safety.

The application was presented to the Design and Sustainability Advisory Panel (DSAP), who provided advice and recommendations, many of which have been incorporated into the design and have led to an improved and ultimately satisfactory streetscape character and functional design outcome.

Special conditions have been imposed in relation to; traffic, landscaping, tree protection, lighting protection, hours of operation, operational management plan, signage, delivery times for the loading dock, waste removal times, and provision of carparking and loading facilities for Council's Youth Centre, the execution of a Planning Agreement, and the provision of the pedestrian bridge.

On balance, whilst the community's concerns in relation to increased traffic on local roads is acknowledged, the increased traffic will be managed by new traffic management measures, improved road infrastructure, vehicular access and pedestrian access. Additionally, the proposal will deliver enhanced built form and streetscape to Forest Way, Russell Avenue and Grace Avenue, improved site landscaping and retention of significant canopy trees.

The proposed development will deliver significant public benefits, in terms of a modernised shopping centre, improved bus facilities and a new pedestrian bridge, for users of the shopping centre and the residents of the area generally. Overall, the development will better serve the community and enhance the character and visual amenity of the locality.

Accordingly, the application is recommended for Deferred Commencement Approval, subject to general and special conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal involves demolition works and major alterations and additions to the existing Forestway Shopping Centre.

Specifically, the proposal involves the following:

### **Demolition**

- Partial demolition of the existing shopping centre
- Demolition of existing multi-deck car park, car wash and liquor store
- Removal of 10 trees (reduced from 18)
- Removal of existing parking (4 spaces) onsite used by Council's Youth Centre (Yo-Yo's)

### **New Works (As Amended)**

- Reconfiguration of the existing building to facilitate more efficient layout and integration with new building elements
- Construction of shopping centre additions with a net increase of 5,281.2m<sup>2</sup> of total floor area (reduced by 364m<sup>2</sup>)
- New floorspace to accommodate:
  - Mini major retail
  - Expansion of existing Woolworths
  - New retail and food floorspace
  - Service areas
  - Swim school
  - Gym
- Construction of an "at grade" car park with two basement levels underneath, providing a total of 505 spaces, bringing the total parking available to 585 spaces. This total is inclusive of the 80 car parking spaces provided in the Council car park at Sorlie Place.
- Site landscaping
- Relocated substation
- New pedestrian access points to the shopping centre
- Provision of 1 accessible carspace/loading space onsite for use by Council Youth Centre (Yo-Yo's)

### **Public Domain Works (As Amended)**

- Removal of existing signalised pedestrian crossing on Forest Way
- New signalised intersection providing for left and right turns into and out of the site from Forest Way (see changes to proposal deleting right turn out onto Forest Way by way of condition)
- New deceleration lane in Forest Way (vehicles heading north on Forest Way)

- Construction of a concrete median in Russell Avenue to restrict the Russell Avenue driveway to left-in / left-out movements only
- Construction of a pedestrian footbridge over Forest Way (see condition requiring the bridge to be provided)
- Relocation of bus bays and bus shelters

## **REQUEST FOR INFORMATION**

A consolidated Request for Information was sent to the Applicant on 26 March 2024, which outlined the assessment issues, including the external referral advice from Transport for NSW and DSAP advice and recommendations.

Due to the issues raised by TfNSW in relation to concerns regarding the right hand turn out of the new carpark onto Forest Way, there were numerous meetings and correspondences on the traffic solution for the proposed development.

The applicant ultimately responded with a comprehensive submission to the DSAP advice and RFI letter on 31 October 2024.

## **AMENDED SCHEME**

Amended plans and reports were also submitted on 31 October 2024.

The revised application was placed on public exhibition.

## **ISSUES WITH CONCURRENCE FROM TRANSPORT for NSW**

The original concurrence issued by Transport for NSW (TfNSW) was conditional upon there being no right hand turn out of the new signalized entry/exit driveway onto Forest Way.

The Applicant was advised of this requirement and sought to provide additional modelling and data to support their position that such an exit was safe and functional.

The additional information was submitted and reviewed by TfNSW and Council.

## **Meetings with the Applicant, Council and TfNSW**

A final meeting was held with the applicant and TfNSW in an attempt to resolve the situation with the right turn onto Forest Way.

The applicant provided additional modelling and data, which ultimately was not supported by TfNSW.

This triggered an alternate traffic solution, which relies upon a left turn out onto Forest Way only, thus placing greater burden on Russell Avenue and Grace Avenue to traffic leaving the shopping centre and wanting to head south towards Warringah Road.

Council's Traffic Section outlined what upgrades would be required to facilitate the alternate traffic solution.

This application is now based on there being no right turn out of the site onto Forest Way and a new signalised crossing on Forest Way.

The pedestrian footbridge over Forest Way is a contentious element of the application, with the following positions being established:

- The applicant does not propose to construct the bridge as the right hand turn has been denied by TfNSW  
TfNSW state that they do not require the bridge to be provided as the denial of the right turn does not trigger the requirement of a bridge  
Council require the bridge as part of their conditions to improve pedestrian and traffic flows in the area

The provision of the bridge constitutes a condition of consent, and is a matter for the Sydney North Planning Panel to decide on if approval is given to this application.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Assessment - Concurrence - Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.118

Warringah Development Control Plan - B6 Merit Assessment of Side Boundary Setbacks

Warringah Development Control Plan - B8 Merit assessment of front boundary setbacks

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D9 Building Bulk

Warringah Development Control Plan - D10 Building Colours and Materials

Warringah Development Control Plan - D12 Glare and Reflection

Warringah Development Control Plan - D14 Site Facilities  
 Warringah Development Control Plan - D20 Safety and Security  
 Warringah Development Control Plan - D22 Conservation of Energy and Water  
 Warringah Development Control Plan - E1 Preservation of Trees or Bushland Vegetation  
 Warringah Development Control Plan - E6 Retaining unique environmental features  
 Warringah Development Control Plan - F1 Local and Neighbourhood Centres

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 20 DP 1209801 , Forest Way FRENCHS FOREST NSW 2086
<b>Detailed Site Description:</b>	<p>The site is a large irregularly shaped parcel with the following surroundings:</p> <ul style="list-style-type: none"> <li>• Russell Avenue forms the northern boundary, with low-density housing further northwards.</li> <li>• Forest Way forms the eastern boundary, with residential homes and the future Town Centre further to the east.</li> <li>• The southern boundary is formed by Frenches Forest Primary School and YOYO's Forest Youth Centre.</li> <li>• Grace Avenue and Sorlie Place, to the western boundary, with low density housing and bushland further to the west. Sorlie Place consists of a Council carpark.</li> </ul> <p>The site is relatively flat with a fall of about 2m to the east and is situated on a local high plateau. The site is bushfire prone land.</p> <p>The site is zoned E1 Local Centre under Warringah Local Environmental Plan 2011 (WLEP 2011).</p> <p>The site is situated near to the junction of Warringah Road and Forest Way, which has recently been undergoing significant roadwork infrastructure largely undertaken to service the new Northern Beaches Hospital and, in the future, a greater intensity of development including residential uplift.</p> <p>The site is substantially covered by buildings associated with the existing shopping centre, including a two-storey car park that fronts Forest Way. Vehicular access to the site is currently via Forest Way, Russell Avenue and Grace Avenue. The site is occupied by Forestway Shopping Centre, a multi-tenancy commercial/retail development that originally opened in 1964. The centre is anchored by Woolworths and Aldi, along with a variety of specialty stores and commercial suites.</p> <p>The local character of the area is low density residential, though with the establishment of the Northern Beaches Hospital, the area is anticipated to change significantly over the next 20 years. A town centre will adjoin the hospital and</p>

expand westwards over the former high school site, with higher densities next to the town centre.

Map:



## SITE HISTORY

## RELEVANT BACKGROUND

### **Prelodgement Meeting - PLM2018/0140 (FOR PREVIOUS DA)**

A prelodgement meeting was held in relation to the proposed development under DA2018/1924.

Advice was provided by Council as follows:

*The proposal is not acceptable and requires redesign prior to submission/further consideration. There are fundamental concerns raised regarding the access and parking arrangements for the proposed development. The Roads and Maritime Service (RMS) is investing heavily in infrastructure in the immediate vicinity of the subject site. The proposal seeks to introduce new access arrangements including an additional traffic movement onto Forest Way which is inconsistent with the works currently being undertaken by the RMS. This will require detailed consideration and you are strongly encouraged to discuss the access arrangements as a whole with the RMS prior to lodging a development.*

### **DA2018/1924 (PREVIOUS DA)**

Development Application No. DA2018/1924 was lodged in 2018 for Alterations and Additions to the Forestway Shopping Centre; including a childcare centre, medical centre, shops, restaurant/cafes, recreation facility (indoor), office premises and basement car parking.

TfNSW provided its concurrence to the application, but it was conditional as follows:

*TfNSW provides concurrence to the proposal, subject to conditions. The conditions include the following requirements:*

- A deceleration lane to allow entry from Forest Way,
- No exit from the site onto Forest Way,
- Relocation of bus stop to the north,
- Dedication of land to provide for deceleration lane (3.5m wide) and a future extra lane (3.2m wide) on Forest Way,
- Banning of right turns out of Russel Avenue onto Forest Way

The DA was reported to the SNPP with a recommendation for refusal based on traffic grounds. The conclusion to the assessment report was as follows:

*"The proposal has taken considerable time to resolves long standing issues raised by TfNSW and for them to grant concurrence to the application. It is apparent, that amendments that have been made to the scheme that have enabled concurrence from TfNSW to be issued, have resulted in unacceptable outcomes for the local road network and in the reduced setback to the proposed building to Forestway. The proposal also falls short of the required parking numbers which is unacceptable.*

*Further, the proposal also relies on Council entering into a future voluntary planning agreement, the outcome of which is uncertain at this stage – given the late submission of the offer.*

*Accordingly, the application is recommended for refusal."*

This application was considered by the SNPP and the following comments were made in reaching its decision:

#### REASONS FOR THE DECISION

The Panel determined to refuse the development application for the reasons outlined below and in Council's Assessment Report.

The DA involves a major refurbishment and increase in commercial floor space of the existing Forest Way Shopping Centre and includes two basement levels of parking, an additional roof-top parking level, and two floors of commercial floor space. The proposal includes supermarkets, childcare centre, a "skypark", health centre, gym, restaurants, and specialty retail shops.

The proposal is reliant upon a variation to the maximum building height development standard prescribed by clause 4.3 of WLEP 2011, with a maximum variation of 41.5%. The Panel believes the Applicant's Clause 4.6 written request is not well founded - in particular it does not provide sufficient environmental planning grounds for the variation.

The Panel notes that in the last two years, the application was amended a number of times, primarily to obtain concurrence from Transport for NSW (TfNSW). The concurrence was granted in due course subject to conditions of consent, which include no exit from the site directly onto Forest Way, no right turns into the site from Forest Way, and banning any right turns out of Russel Avenue onto Forest Way. All traffic exiting the centre would be required to exit via either Russel Avenue or Grace Avenue to the west, and all south bound traffic would be forced into the local road networks for a significant distance in either a north or south direction before being able to gain access back onto either of the nearby arterial roads.

Part of the Hospital Precinct Structure Plan is the upgrading of Grace Avenue, and works to the north and south to facilitate greater traffic flows. However, these works generally fall into the medium to long-term category, and as the Structure Plan is not a planning instrument, there is not a high level of certainty that these works will take place in the near term. Given these factors, the Panel concurs with Council's concern with the impacts of the significant increase in traffic on the local road network.

A further concurrence requirement of TfNSW is that the Applicant would be required to dedicate land from the Forest Way frontage for use as a deceleration lane to enter the site, and a future bus lane on Forest Way. The Applicant submitted a subdivision plan for the land to be dedicated and a separate draft Voluntary Planning Agreement (VPA), the outcome of which is uncertain at this stage.

The Panel also notes the significant difference in calculations and opinions between the Applicant and Council in the provision of car parking spaces. The Panels considers that this issue is far from resolved.

In summary, the Panel believes the consideration of the DA is premature given the current planning framework and the status of the Structure Plan. Furthermore, very significant traffic, access and infrastructure issues remain unresolved.

The application was refused by SNPP for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Environmental Planning and Assessment Act 1979.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.3 Height of Buildings of the Warringah Local Environmental Plan 2011.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.6 Exceptions to Development Standards of the Warringah Local Environmental Plan 2011.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B8 Merit Assessment of Front Boundary Setbacks of the Warringah Development Control Plan.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C2 Traffic, Access and Safety of the Warringah Development Control Plan.
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C3 Parking Facilities of the Warringah Development Control Plan.
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause F1 local and Neighbourhood Centres of the Warringah Development Control Plan.
8. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the

proposed development is not in the public interest.

**No Prelodement for DA2023/1757 (CURRENT DA)**

No prelodgement meeting was held with Council in relation to the current application DA2023/1757.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to a number of matters as detained in the Request For Information letter dated 26 March 2024 and subsequent requests specifically in relation to trees, setbacks to Forest Way, Russell Avenue and Grace Avenue, layout plans for the swim school and gym, and the major issues relating to traffic, including the right hand turn from the new carpark into Forest Way, loading and unloading at the Grace Avenue frontage, carparking for Council's Youth Centre.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental	<p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the referrals</p>

Section 4.15 Matters for Consideration	Comments
impacts on the natural and built environment and social and economic impacts in the locality	<p>section, Warringah Development Control Plan 2011 and submissions sections in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the retail/commercial character of the proposed partial redevelopment within an existing shopping centre site.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing shopping centre and proposed enlargement and modernisation of the existing land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>The suitability of this site has largely revolved around the traffic and pedestrian solution for the proposal. The current application is a scaled back version of the previous DA and is a more measured and balanced approach to increasing the size and scale of the shopping centre, and its associated traffic generation and management.</p> <p>The ultimate suitability test is whether Transport for NSW and Council's Traffic section could support the traffic solution. After extensive analysis and modelling, it was revealed that no right turn onto Forest Way could be permitted, which triggered the alternative traffic solution of left turn out on Forest Way only. This meant additional traffic on local roads, but not to a point where it was going to be unacceptable for the capacity of Russell Ave, Grace Ave and Fitzpatrick Ave. Certain traffic management upgrades will be required, and the pedestrian footbridge over Forest Way, will be required as a condition of consent.</p> <p>Based on the findings of the traffic assessment by TfNSW and Council, the site is considered suitable for the proposed development.</p> <p>On other grounds, including access, parking, landscape, trees, residential amenity, built form and character of the proposal, the site is considered suitable.</p>
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	<p>The application has been the subject of three (3) separate rounds of public exhibition, including two which were complete (advertising and letter notification) and one limited letterbox drop (7 days), to inform the residents in adjoining local streets of a late change to the application (i.e. no right turn out onto Forest Way, no pedestrian bridge over Forest Way, based on TfNSW advice, and additional traffic on local roads).</p> <p>There were 19 submissions made to the total public exhibition of this application, 18 of which were not supportive. Despite that, almost all submissions were in support of the overarching need of the shopping centre to be upgraded and revitalised.</p>

Section 4.15 Matters for Consideration	Comments
	For details of the issues and concerns, as well as comments in support, please see the discussion in the “Notification & Submissions Received” section of this report.
Section 4.15 (1) (e) – the public interest	<p>The public interest is maintained and best served by ensuring the proposal complies with the relevant legislative and policy requirements. In this regard, the proposal complies with the built form controls (height, setbacks, landscaped area) and parking requirements in the Warringah LEP and DCP 2011. Additionally, the proposal satisfies the requirements within the relevant state policies.</p> <p>The requirements and restrictions imposed by Transport for NSW have been incorporated into the final outcome.</p> <p>The current provision of parking (4 spaces) for Council's Yo-Yo's Youth Centre, which are situated on shopping centre land, will be reduced to one (1) space, but will be provided solely for the youth centre.</p> <p>Finally, it is important that the public interest is served by ensuring that the proposal is consistent with the outcomes envisaged by the Frenchs Forest Strategy 2024, which through the provision of the pedestrian bridge over Forest Way, no right turn out of Russell Avenue, and other traffic system upgrades as proposed, it is concluded that it is consistent.</p> <p>On balance, the proposed development offers significant benefits to the local and surrounding communities with a modernised and contemporary retail shopping centre, that will better serve the residents and population of Frenchs Forest and the wider locale. The traffic impacts on the local road system are an important and critical consideration, and as a result, there will be some loss of residential amenity associated with this proposal.</p> <p>The public benefits of the proposal are substantial, including the provision of a pedestrian bridge (by condition) and widening of Forest Way, new road infrastructure. The additional traffic on local roads will be ameliorated by the traffic management measures and road upgrades, such that the application is recommended for approval, subject to stringent conditions in relation to access, servicing, lighting, hours of operation, signage, and landscaping.</p>

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The subject site is situated with a Bushfire Prone Area under the Northern Beaches Bush Fire Prone Land Map.

The NSW Rural Fire Service was sent a referral and responded by way of a letter dated 22 November 2024 providing conditions to be imposed on any consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 20/11/2024 to 18/12/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 19 submission/s from:

Name:	Address:
Cameron Charles Eccles	16 William Lord Place BELROSE NSW 2085
Mrs Janis Maria Buggy	7 Lord Street BELROSE NSW 2085
Mrs Deborah Nadilo	PO Box 5 FRENCHS FOREST NSW 2086
Mr Christopher Andrew Hanlon	56 Sorlie Road FRENCHS FOREST NSW 2086
Robert Brennan	8 Naree Road FRENCHS FOREST NSW 2086
Aleen Lucy Sarkisian	92 Forest Way FRENCHS FOREST NSW 2086
Ana Cristina Hunter	40 Waratah Parade NARRAWEENA NSW 2099
Mrs Gail Martyn Macdonald	40 Grace Avenue FRENCHS FOREST NSW 2086
Peter Michael Williams	14/32 Northcote Street NAREMBURN NSW 2065
Mrs Margaret Ann Kinnaird	73 Grace Avenue FRENCHS FOREST NSW 2086
Mr Adrian Richard Jones	42 Grace Avenue FRENCHS FOREST NSW 2086
Mrs Karine Dorothea Stehmann-Jones	163 Woodland Street BALGOWLAH NSW 2093
Mr Andrew Leonard Warren-Nicholls	60 Grace Avenue FRENCHS FOREST NSW 2086
Mrs Nicole Sarah Henderson	71 Grace Avenue FRENCHS FOREST NSW 2086
Mrs Caroline Radmila Musik	56 Grace Avenue FRENCHS FOREST NSW 2086
Mr Kevin Jen Wei Lim	72 Grace Avenue FRENCHS FOREST NSW 2086
Peter Michael Williams	74 Grace Avenue FRENCHS FOREST NSW 2086
Craig Anthony McGeoch	76 Grace Avenue FRENCHS FOREST NSW 2086
Dr Seyed Payam Yahyavi Mrs Sarvnaz Tutunchi	62 Grace Avenue FRENCHS FOREST NSW 2086

## **TOTAL PUBLIC EXHIBITION OF THE APPLICATION (19 Submissions)**

The application has been notified three times, including two full public exhibitions (advertising and letter notification), and one time limited letterbox drop notification which was required due to a change in the traffic solution for the proposed development. The total number of submissions received is nineteen (19).

### ***(i) First Notification - DA as Lodged (16.2.2024)***

Five (5) submissions were received during the original notification period.

**(ii) Second Notification - Revised Plans (20.11.2024)**

Four (4) additional submissions were received during the second notification period.

**(iii) Final/Limited Notification - Letterbox Drop for 7 Days for Alternate Traffic Solution (8.5.2025)**

Ten (10) additional submissions were received during the limited notification period.

**Submissions in Objection to the Application**

Overall, the submissions raised the following issues and concerns:

**1. Improve active transport to and from the site particularly bike riding. There appears to be no provision for active transport, e.g. bicycle parking, shared path/bike lanes.**

Comment: The proposal contains provisions for bicycles, and if found deficient, can be the subject of a suitable condition.

**2. Objection to the replacing the pedestrian traffic lights crossing with an overpass and lift.**

*Submissions raised concerns that access will be inadequate if the "at grade" pedestrian crossing is removed, and that it should be maintained.*

Comment: The proposal provides for the removal of the existing signalised pedestrian crossing and replacement with a new signalised pedestrian crossing, and Council's Traffic Team have imposed a condition requiring the construction of the pedestrian footbridge as well.

**3. Shared pedestrian path around the site should be increased and widened.**

*Submissions raised issues with the adequacy of the shared pathways in front of the site in Forest Way, Russell Avenue and Grace Avenue.*

Comment: The shared path in front of the site on Forest Way has been reviewed and the design is considered to adequately cater for pedestrians and cyclists.

**4. Sorlie Place Council car park should be upgraded.**

*The submissions raised the poor condition of Sorlie Place, the existing congestion, that it should be an open space/civic space, its close proximity to the loading dock on Grace Avenue and lack of pedestrian safety within the Sorlie Place carpark, trolley locking system should be introduced to keep trolleys out of Sorlie Place, plus clothing bins should be accommodated within the shopping centre,*

Comment: The application does not propose any upgrades or improvements to the Sorlie Place carpark. It is acknowledged that the Sorlie Place carparking does provide some parking and access for the shopping centre, but also the Frenchs Forest Public School. Council's Traffic and Development Engineering teams have reviewed the application with respect to the existing situation in Sorlie Place, and has not required any upgrades and improvements as part of any approval of the application.

However, Council could review the access, parking and safety issues within the Sorlie Place carpark area and identify any upgrades separately to this application.

## **5. Traffic and Safety issues**

*The submissions raised the increase in traffic volumes on Grace Avenue, Russell Avenue and Fitzpatrick Avenue as a concern in terms of reduced safety, increased congestion, increased likelihood of accidents, poor condition and narrow width of Grace Avenue, reduced access for residential driveways in Grace Avenue, impeding emergency vehicles and lack of pedestrian safety within the Sorlie Place carpark, request for enhanced traffic management measures in Grace Avenue, request for a pedestrian crossing in Grace Avenue, existing loading dock in Grace Avenue is already a problem with congestion and reversing movements, traffic safety for vehicles exiting from Fitzpatrick onto Warringah Road will be worsened, slow the traffic down in Grace Avenue, improved traffic and pedestrian safety signage in Grace Avenue, and there should be a balance between commercial needs and safety and amenity of residents and school students.*

Comment: The above traffic and safety issues listed above have been the subject of a response from the Applicant in reply, and addressed generally by Council's Traffic and Development Engineering sections in the referral comments contained elsewhere in this report.

## **6. Concerns that complete removal of the ground-level pedestrian crossing will reduce pedestrian prioritisation, and negatively affect the 'walkable neighbourhoods' priority of council.**

Comment: The ground level pedestrian crossing will be maintained under this proposal, and the footbridge will complement the overall accessibility for pedestrians.

## **7. EV charging infrastructure should be provided in the car park.**

Comment: Electric vehicle charging stations have been provided in the new carparking areas.

## **8. Pedestrian bridge should be retained and include access ramp and not rely upon lift and stairs only.**

*Submissions raised concerns with the removal of the footbridge, that the bridge is a key element of the Hospital Precinct Structure Plan, bridge is required to provide adequate and access across Forest Way, there is "no net benefit" to the community, reliance on a signaled pedestrian crossing alone is inadequate, footbridge design should provide for access ramps and not rely upon lift and stairs when lift is out of order, similar bridge down at Starkey Street Forestville has problems due to no ramps.*

Comment: The pedestrian footbridge is being conditioned to be provided, despite the applicant seeking to have the bridge deleted from the application, as the bridge will facilitate enhanced access across Forest Way with the proposed intensification of the shopping centre. The provision of access ramps for the bridge is not practical, considering the restricted space on each side of Forest Way for the bridge landings.

## **9. Pedestrian crossings should be relocated to Russell Avenue and Grace Avenue.**

Comment: The provision of pedestrian crossings in Russell Avenue and Grace Avenue has not been identified as being needed as part of this application, by both the Applicants Traffic consultant or Council's Traffic section. However, Council could review the need for a crossing south of the roundabout to assist with residents crossing Grace Avenue, which would be separate to this application

## **10. Safety during construction.**

Comment: A suitable condition has been imposed on the draft set of conditions requiring Demolition and Construction Traffic Management Plans to address traffic and pedestrian safety during these phases of the proposed development.

## **11. Impact on Residential Amenity from increased traffic by cars and trucks on local roads**

*Submissions raised concerns with increased air and noise pollution, loss of general amenity and health of residents, accessibility for children and the elderly, the traffic solution should avoid local roads and focus on main road,*

Comment: The increase in traffic volumes associated with this application is not such that it raises specific concerns with respect to resident health, however the general increase in noise and air pollution associated with additional vehicles and delivery trucks is acknowledged.

## **12. Impacts on Property Values**

Comment: This is not a matter for consideration under the terms of S4.15 of the Environmental Planning and Assessment Act, 1979.

## **13. Inadequate Assessment/Analysis of Traffic Impacts on local roads**

*Concerns were raised that data was collected during COVID and is unreliable, that traffic volumes do not factor in new town centre, no assessment of cumulative impacts, that there is an inherent conflict between traffic being forced to use Russell Avenue when it is planned for closure, traffic lights should be installed at the Russell Avenue/Forest Way intersection (with right turn permitted in off-peak, and no right turn in peak), request for additional traffic management measures/devices, a footpath should be provided in Fitzpatrick Avenue, parking n Grace Avenue should one side of the street only, improved traffic and pedestrian safety signage in Grace Avenue, there has been inadequate justification and mitigation of impacts on traffic impacts on local roads, other alternatives to local roads should be pursued, traffic modelling by Maclaren has not adequately assessed the level of service at critical intersections (pre and post development scenarios), insufficient modelling of traffic volumes for vehicles exiting to the south-west via Altona Avenue and Brown Street.*

Comment: These matters have been the subject of extensive assessment and analysis by the Applicant and their traffic consultants and Council's Traffic team. The increase in traffic on local roads is acknowledged and has been determined to be within the environmental thresholds applying to such local roads, and the provision of new traffic and pedestrian infrastructure has been carefully investigated. Based on the assessment and review, there is adequate information to determine the level of impact and change to the traffic conditions.

The Applicants response to the resident concerns is addressed in their formal reply, which is included in the documentation accompanying this application. In relation to the request for a signalised intersection at Russell Avenue, this would be problematic, as it is planned for closure, and TfNSW is unlikely to support such a change, for similar reasons to the lack of support for the right hand turn in front of the site. A full account of the Traffic assessment is contained in the Traffic teams referral comments elsewhere in this report.

## **14. Reduced Safety for Children at Frenches Forest Public School**

*Submissions raised issues with the safety of children attending the school, the close proximity of the*

*loading dock to the school entry, the speed of vehicles using Grace Avenue,*

Comment: The Applicant has addressed these concerns in their formal reply to the residents concerns, and Council's Traffic team have raised the reversing movements in Grace Avenue as being an important consideration in ensuring the safety of pedestrians, cars and residents in Grace Avenue. This is a matter of suitable management of the unloading operations, which are inherent in the existing shopping centre, but will be intensified under this application. Suitable conditions have therefore been imposed.

#### **15. Right hand turn from shopping centre into Forest Way is critical to alleviating the impact on local roads**

*Submissions raised concerns that the prohibition on a right turn onto Forest Way and redirecting traffic through local roads is problematic, unacceptable, and should be avoided at all costs, is fundamentally at odds with good traffic planning.*

Comment: It is agreed that the right hand turn from Forest Way is desirable and preferred, however, Transport for NSW will not permit this movement, due to impacts on traffic operations on Forest Way.

#### **16. Swim School should be deleted to relieve traffic impacts**

*Submissions raised concern in relation to the size and scale of the proposed swim school and that it is excessive and should be deleted from any approval, or limit the size and number of classes, or internal access provided from the shopping centre to the swim school.*

Comment: On the basis that the respective traffic experts have decided that the traffic solution is workable and suitable for the proposed development, the swim school operations will not be the subject to conditions to limit its size and scale.

#### **17. Misalignment with Frenchs Forest Place Strategy 2024**

*Submissions raised concerns that the proposed traffic solution is contrary to the traffic solution in the Frenchs Forest Structure Plan which identifies the closure of Russell Avenue, it is unclear how vehicles will exit the site when Russell Avenue is closed, how trucks will access the site when Russell Avenue is closed and so the loading dock should be in Forest Way, and general lack of assessment around the closure of Russell Avenue. The removal of the pedestrian footbridge is not supported as it is a key element of the Strategy (shown on Hospital Precinct Structure Plan), bridge is required to facilitate access for residents on west side of Forest Way to future town centre, DA deviates from intended outcomes of Strategy so applicant should provide a full assessment against the Strategy.*

Comment: The introduction of a no right turn from Russell Avenue and future closure of Russell Avenue is anticipated under this application. When the street is closed, a new link road will be created as an extension of Naree Road to the north of the shopping centre site. The possible future construction of the bridge was anticipated under this application, as it is linked to the French Forest Place Strategy, but the application did not formally propose its construction, rather seeking to demonstrate that it could be built if required.

As TfNSW has not permitted the right hand turn out of the site into Forest Way, they do not require the provision of the bridge, and this position is supported by the applicant. However, Council's Traffic team have conditioned the provision of the bridge, as it will afford adequate and enhanced access and options for pedestrians.

#### **Submissions in Support of the Application**

Many of the submissions received started their commentary stating that the renovations and additions would make a positive contribution to the area in terms of the character, design and the retail offering that was being proposed. However, most submissions turned to the traffic impact issues, and pedestrian safety issues, as well as other concerns as listed above.

One (1) submission in particular provided substantive comments in support of the application. The reasons for supporting the application were as follows:

1. New proposal is better in scale and height
2. Removal of the old concrete carpark will improve the visual quality of the area, as it is currently an eyesore
3. Will be similar to Glenrose Shopping Centre which works well
4. Removal of the carwash and liquor store will remove other eyesores
5. Support the bridge over Forest Way
6. Bridge design needs to be modern and not a repeat of the Starkey Street/Warringah Road bridge
7. Renovations will be aesthetically pleasing and a quality update

Comment: The above supporting comments are concurred with.

## REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p><b><u>NOT SUPPORTED (ORIGINAL SCHEME)</u></b></p> <p>The applicant was provided the advice and recommendations of the DSAP, who responded by way of a formal submission titled "<i>Response to Design + Sustainability Advisory Panel Meeting Report</i>" on 31 October 2024, which is included in the documentation attached to this application.</p> <p><b>Strategic context, urban context: surrounding area character</b></p> <p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li>1. Increase setback to eastern frontage. Develop the design to allow clear and safe passage of pedestrians and cyclists along Forest Way verge. Consider broader paths and additional space around bus stop</li> <li>2. Increase setbacks to Russell Avenue and Grace Avenue adequate to provide generous landscape treatment and tree planting.</li> </ol> <p><b><u>Assessment Officers Comments:</u></b></p> <p>The width of the shared footpath and relationship to the bus stops has been reviewed and the design and space is considered satisfactory.</p>

Internal Referral Body	Comments
	<p>The building and landscape setbacks to Russell Avenue and Grace Avenue have been increased and are considered satisfactory.</p> <p><b>Scale, built form and articulation</b></p> <p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li>1. Develop built form response to have greater visual connection with public domain including glazed portions, generous landscaped pedestrian entries, active street frontage. Where this is not possible, provide greater setbacks and landscape.</li> </ol> <p><b><u>Assessment Officers Comments:</u></b></p> <p>Improvements have been made to the visual connections between the front entry on Forest Way and the building entry and setbacks have also been increased.</p> <p><b>Access, vehicular movement and car parking</b></p> <p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li>1. Promote alternative transport by provisioning for legible access and considering how structures and spaces may adapt to support greater numbers of people arriving on foot or by bike in years to come.</li> <li>2. Footbridge landing to better integrate with adjacent transport pathways.</li> </ol> <p><b><u>Assessment Officers Comments:</u></b></p> <p>The provisions for bicycle riders and pedestrians has been improved.</p> <p>The landing point for the bridge on the western side of Forest Way has been improved with better landscape setting and access design. The landing point on the eastern side has not been changed.</p> <p><b>Landscape</b></p> <p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li>1. Plant a greater number of signature canopy trees derived from the local endemic plant communities.</li> <li>2. Look at opportunities to plant trees on podium in large volume soil vaults.</li> </ol>

Internal Referral Body	Comments
	<p>3. Provision of greater landscape setbacks to enable planting of both trees and screen shrubs.</p> <p>4. Redesign the frontage along Forest way to be more legible for pedestrians and cyclists</p> <p>5. Redesign the main pedestrian entry to be more legible and provide better amenity including provision of shade from canopy trees, understorey planting and change in paving materials for improved wayfinding.</p> <p>6. Review opportunities at Sorlie Place with Council for planting including large canopy trees.</p> <p><b><u>Assessment Officers Comments:</u></b></p> <p>Landscape setbacks have been increased and canopy tree planting is increased.</p> <p>The revised landscape design is considered satisfactory.</p> <p><b>Façade treatment/Aesthetics</b></p> <p><b>Recommendations</b></p> <p>1. Develop strategy for external fence that allows for greater interest (materiality, public art, climbing plants etc.). Avoid the use of faux materials.</p> <p>2. Provide details about how the design of public art elements will be procured.</p> <p><b><u>Assessment Officers Comments:</u></b></p> <p>The building facades and landscape setbacks have been improved significantly, and are considered satisfactory.</p> <p><b>Sustainability</b></p> <p><b>Recommendations</b></p> <p>1. Decarbonisation of energy supply</p> <p>All services should be electric – gas for cooking, hot water and heating should be avoided.</p> <p>The storage of hot water can be considered a de facto battery if heated by PVs during the day.</p> <p>Onsite power generation and battery storage. On site battery storage has benefits for the grid and may be a highly desirable back-up</p>

Internal Referral Body	Comments
	<p>during the transition to a de-carbonised grid</p> <p>Unshaded roof space is a valuable resource for PV installations. Their efficacy can be greatly enhanced when placed over a green roof, which has additional ecological benefits.</p> <p>2. EV charging: Provide EV charging points (Min 15 amp) to suit level 1 charging</p> <p>3. Passive design and thermal performance of building fabric</p> <p>Fabric first approach to ensuring amount of energy required for heating and cooling can be kept to a minimum</p> <p>4. Water use minimisation</p> <p>All fixtures and appliances should be water efficient.</p> <p>Water storage for rainwater from the roofs should be included and plumbed to at least the landscaping and toilets.</p> <p>Landscape design and planting should be water tolerant and suitable for the microclimate.</p> <p><b><u>Assessment Officers Comments:</u></b></p> <p>The applicant has responded to and accommodated most of the above measures as detailed in their submission.</p>
Building Assessment - Fire and Disability upgrades	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department.</p> <p>There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Environmental Health (Contaminated Lands)	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p><b>(i) <u>Original Comments</u> - 21/12/2023 (Superseded)</b></p> <p>This application is seeking consent for demolition and construction works to the Forestway Shopping Centre. The works include excavation for 2 levels of basement carparking.</p>

Internal Referral Body	Comments
	<p>A Preliminary Site Investigation was conducted by CEC Geotechnical dated 15 December 2023 reference ER23047. A previous contamination report was completed by Presnsa GME in 2018 which identified contamination in the groundwater due to UPSS associated with the former BP Service Station on Russell Avenue (no longer there). Although sample results (from 2015) indicated hydrocarbon levels were decreasing, further sampling in 2016 identified some monitoring well results being above adopted criteria.</p> <p>Presnsa monitored 17 groundwater wells in 2018. The results of the groundwater monitoring event indicated that TRH and BTEXN contamination remains in groundwater in the vicinity of the former service station in the north section of the site.</p> <p>CEC Geotechnical has stated in their report 2023;</p> <p><i>Given that the stage one development will include the excavation of two basement levels to approximately 6.0 mBGL, it is likely that the excavation works in the northern section of the site (in and around the footprints of the former service station) would intersect hydrocarbon contaminated groundwater this excavation warrants the review an update of the existing HHRA for the site, which identified a potential unacceptable health risk for maintenance workers in excavations that intersect groundwater informal service station location (which would also apply for construction workers).</i></p> <p><i>However, CEC Geotechnical, concludes that the site can be suitable for the proposed alteration of existing 2-storey shopping centre and development of 2 level basement car park upon following recommendations.</i></p> <p>Given all of the above, Councils Environmental Health Team are of the opinion that an up-to-date Detailed Site Investigation be undertaken by a suitably qualified person to assess the current site contamination conditions on this subject site. The report is to include both groundwater and soil sampling for potential contaminants.</p> <p>Previous groundwater sampling data and the contents of the Presnsa Report (2018) are to be reviewed and form part of the new Detailed Site Investigation Report.</p> <p>The detailed site investigation report is to give comprehensive information on:</p> <ul style="list-style-type: none"> <li>• issues raised in the preliminary investigation</li> <li>• the type, extent and level of contamination and assess:</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>contaminant dispersal in air, surface water, groundwater, soil and dust</li> <li>the potential effects of contaminants on public health, the environment and building structures</li> <li>(where applicable) off-site impacts on soil, sediment and biota</li> <li>the adequacy and completeness of all information available to be used in making decisions on remediation.</li> </ul> <p>If the results of the detailed site investigation indicate that the site poses unacceptable risks to human health or the environment – on-site or off-site, and under either the present or the proposed land use – then a remedial action plan (RAP) needs to be prepared and implemented.</p> <p>The completed RAP will need to be submitted with the Development Application.</p> <p>Environmental Health recommends <b>refusal</b> at this time.</p> <p><b>(ii) <u>Final Comments</u> - 24/10/2024</b></p> <p>The applicant has provided further information in response to Environmental Health's previous referral comments which recommended refusal.</p> <p>An Environmental Site Assessment Review by an environmental consultancy has been provided.</p> <p>The review provided a thorough analysis of the history of contamination matters at the site, including historical environmental assessments and previous remediation and monitoring activities.</p> <p>The report provides the following conclusion:</p> <p>"Ultimately, all primary sources (service station infrastructure) of contamination were removed from site some time ago, and likewise all secondary sources (contaminated soil) were removed to a practicable extent. Phase separated hydrocarbons were never detected on site, either visually or using an interface probe. In contrast, dissolved phase hydrocarbons were consistently detected across the multiple ESA's that took place between 1988 and 2019, however the extent of contamination was delineated using the available groundwater monitoring wells and the data collected from</p>

Internal Referral Body	Comments
	<p>annual GME's showed that contaminant concentrations were stable, decreasing and naturally attenuating.</p> <p>As a result of these findings, human health risk assessment outlined the very limited risk to human health and safety, noting the only potential concern would be exposure to contaminated vapours or water seepage when conducting further excavation works within site boundaries. This activity will be managed through the implementation of the existing EMP.</p> <p>Upon review of the existing data for the site, Kleinfelder feel additional intrusive investigations are not required to obtain an understanding of the existing hydrocarbon impacts to soil, groundwater and vapours associated with the former BP Service Station, as residual hydrocarbon impact at the site has been assessed, shown to be naturally attenuating and does not pose an unacceptable risk to human health or the environment."</p> <p>Environmental Health concurs with the above statement and recommends approval with the inclusion of a condition of consent requiring compliance with the abovementioned EMP (Environmental Management Plan).</p>
Environmental Health (Industrial)	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p><b>General Comments</b></p> <p>This application is seeking consent for demolition and construction works to the Forestway Shopping Centre.</p> <p>The works include excavation for 2 levels of basement carparking, inclusion of a gym, swim school, car wash, retail units and medical area.</p> <p>An acoustic report prepared by Renzo Tonin and Associates has been provided and conditions will be applied.</p> <p>Environmental Health recommends <b>approval</b>.</p>
Environmental Health (Food Premises, Skin Pen.)	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p><b>General Comments</b></p> <p>This application is seeking consent for demolition and construction works to the Forest Way Shopping Centre. The works includes the addition of a swim school and additional food retail space.</p> <p>Environmental Health recommends approval subject to conditions</p>

Internal Referral Body	Comments
Landscape Officer	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p>The proposed alterations and additions to the Forestway Shopping Centre includes removal of existing trees as identified in the Arboricultural Impact Assessment (AIA) reports prepared by Arboreport dated 01/11/2023 (AIA-1) and the the report issued thereafter, and prepared by Vertical Tree Management &amp; Consultancy dated 20/4/2024 (AIA-2), to address concerns raised by Landscape Referral.</p> <p>Landscape Plans are submitted and indicate proposed hard and soft landscape works to external areas. Any proposed landscape works beyond the site boundaries shall be subject to review as part of civil works under the Roads Act provisions of section 138 for works in the road reserve.</p> <p>The AIA-2 report and the Landscape Plans identifies the retention of existing trees T9, T10, T11, T12, T14, T15, T16 and T18 (all Sydney Blue Gum species) along the Russell Avenue streetscape which maintains the high value streetscape amenity along Russell Avenue. The AIA-2 report recommends removal of two existing trees identified as T13 and T17 as these are impacted by the proposed development footprint as Landscape Referral raise no objections. Additionally, as identified in AIA-1, existing trees T1 to T8 along Forest Way are impacted by the works and should approval be granted, these trees are unable to be retained.</p> <p>The Landscape Plans provide proposals for hard and soft landscape treatment and following review it is determined that the landscape outcomes as proposed provide an enhancement to the existing landscape character of the property, and no concerns are raised.</p> <p>The submitted AIA-2 report and Landscape Plans as amended have addressed previous concerns raised by Landscape Referral.</p>
NECC (Bushland and Biodiversity)	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:</p> <ul style="list-style-type: none"> <li>• Warringah DCP cl. E2 Prescribed Vegetation</li> <li>• Warringah DCP cl. E6 Retaining Unique Environmental Features</li> <li>• Bushfire Prone Land - Planning for Bushfire Protection 2019</li> </ul> <p>The Arborist Report (Arboreport Vegetation Management Consultants, November 2023) submitted with the application, assessed 18 trees within the subject site. All 18 trees are recommended for removal by the Arborist due to their location within</p>

Internal Referral Body	Comments
	<p>the development footprint or encroachment within the TPZ and SRZ. Seven of these trees are locally native (1 x <i>Melaleuca quinquinervia</i>, 1 x <i>Eucalyptus botryoides</i> and 5 x <i>Corymbia maculata</i>).</p> <p>A Landscape Plan (Place Design Group, September 2023) has been submitted with the application which provides for replacement canopy trees including locally native <i>Corymbia maculata</i>. It is noted that the Landscape Plan has not quantified the number of replacements per species and as such this is to be amended. Native tree replacements are to be comprised of a mix of locally native species including Spotted Gums.</p> <p>There are no objections from a biodiversity perspective, subject to conditions.</p>
NECC (Development Engineering)	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p><b>(i) <u>Final Comments</u> - 15/5/2025</b> The stormwater drainage plans as prepared by Henry and Hymas revision dated 3/10/24 are <b>supported</b>.</p> <p>No objections to the development proposal subject to conditions.</p> <p><b>(ii) <u>Comments on Revised Plans</u> - 11/3/25 (Superseded)</b> The stormwater drainage plans as prepared by Henry and Hymas revision dated 3/10/24 are now supported.</p> <p>However, development engineering conditions will not be provided as yet, as the traffic network issues have not been resolved.</p> <p><b>(iii) <u>Original Comments</u> - 25/3/2024 (Superseded)</b> The stormwater management plan and report prepared by Henry and Hymas has been reviewed and is <b>not supported</b> for the following reasons:</p> <p>1) The DRAINS model as referred to in the stormwater report is to be submitted to Council for review . The DRAINS model is to clearly demonstrate that state of nature pre developed conditions have been used for all the new development areas. The stormwater plans and report seem to detail no attenuation of post developed flows in the table for OSD tanks 1 and 2.</p> <p>2) A catchment plan is to be submitted with the DRAINS model to demonstrate what catchments are being directed to OSD tanks 1,2 and 3.</p> <p>4) Hydraulic grade line analysis is also to be submitted for all OSD tank outlets to demonstrate the outlets are not submerged, (Grace and Forestway).</p> <p>5) Long sections of the outlet pipes with Councils road reserve areas</p>

Internal Referral Body	Comments
	are to be provided detailing the outlets are clear of all footpath services.
NECC (Flooding)	<p><b>SUPPORTED (NO CONDITIONS)</b></p> <p>The proposal is for major interior and exterior alterations to the Forestway shopping complex.</p> <p>The development site is outside the identified Flood Planning Precincts. There are no flood related controls.</p>
NECC (Water Management)	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Northern Beaches Water Management for Development Policy (WMD Policy), and;</li> <li>• Relevant LEP and DCP clauses.</li> </ul> <p>The proposal is for alterations and additions to an existing shopping centre.</p> <p>Section 4.1 of the WMD Policy apply, of which the proposal must meet Table 5 - General Stormwater Quality Requirements. The application includes a Stormwater Plan and Stormwater Report. The report indicates that the proposal will meet the water quality targets. It is a requirement that these water quality devices are maintained in good working.</p> <p>WMD Policy section 4.2 applies if the project intercepts groundwater. Geotech report dated 21/12/2023 indicates that the permanent groundwater level is below the basement level. A Geotech engineer will need to confirm no permanent groundwater will be encountered during construction phase. Seepage and perched water can be expected during construction. Any dewatering must adhere to Council requirements (see below).</p> <p>Section 4.3 of the WMD Policy applies. A Soil and Water management plan (SWMP) is required. A dewatering permit application must be made for expected multiple instances or continuous dewatering. The water to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.</p> <p>All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided</p>

Internal Referral Body	Comments
	to the appropriate regulatory authority, including Council, upon request.
Parks, reserves, beaches, foreshore	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p>The proposed alterations and additions to the Forestway Shopping Centre adjoins public reserve land to the southern of the development site.</p> <p>The adjoining public reserve supports tall canopy trees in proximity to the development.</p> <p>The visual and physical nature of the public reserve is not impacted by the proposed development works.</p>
Property Management and Commercial	<p><b>SUPPORTED (NO CONDITIONS)</b></p> <p>Property has no comment to make regarding the proposal.</p>
Road Reserve	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p>Development Engineering to ensure in the Road Act approval that all landscaping and other structures benefiting the development in the road reserve are required to be maintained by the developer.</p> <p>No objections from Road Assets, with full advice to be provided by the Development Engineering Team and Traffic Team.</p>
Strategic and Place Planning	<b>SUPPORTED (NO CONDITIONS)</b>
	<b>STRATEGIC PLANNING ASSESSMENT</b>
	<b>Discussion of reason for referral</b>
	<p>The application has been referred as the subject site is identified within Phase 3 of the Hospital Precinct Structure Plan (2017), adopted by Council on 1 August 2017.</p> <p>The site is currently zoned E1 Local Centre under Warringah LEP 2011 and development consent is required for alterations and additions to the Forestway Shopping Centre.</p>
	<b>Hospital Precinct Structure Plan and Frenchs Forest 2041 Place Strategy</b>

Internal Referral Body	Comments
	<p>Council has adopted the Hospital Precinct Structure Plan (HPSP) to guide future land use planning decisions in Frenchs Forest over the next 20 years. Whilst the HPSP is not a statutory document, it is used to guide the strategic intent of the area.</p> <p>The subject site is identified for uplift for residential uses in Phase 3 with a R3 Medium Density Residential zone, maximum 40m building height and maximum floor space ratio of 2.2:1. Phase 3 is dependent on the delivery of significant regional infrastructure such as The Beaches Link Tunnel and/or an east-west bus rapid transit system from Chatswood to Dee Why.</p> <p>The proposal does not impact on the strategic objectives of the State Government's Frenchs Forest 2041 Place Strategy, which focuses on the creation of a new town centre identified as 'Phase 1' in Council's HPSP. As part of the HPSP, an economic impact assessment demonstrated that the proposed additional gross leasable area (GLA) could be accommodated alongside the future town centre with no major impacts to the Frenchs Forest trade catchment.</p> <p><b>Consideration of Application</b></p> <p><b><u>Final Comments</u></b> Strategic Planning team received a response to additional information requested from Council on 31 October 2024. Regarding the concerns raised by Council on the pedestrian footbridge and vehicular access, the response from the applicant needs to be reviewed by Council's Traffic Engineers.</p> <p>In regard to land use, the Strategic Planning team notes that the applicant has no intention of building residential towers above the subject site at this stage. However, should there be a change of intent, any future proposal for residential towers would need to undergo a full assessment process.</p> <p><b><u>Original Comments</u></b></p> <p>The Application is for alterations and additions to the Forestway Shopping Centre. In particular, the development proposes to expand the existing retail GLA from 9,242.3sqm to 14,018.5sqm (additional 4,776.2sqm), increase the number of car spaces from</p>

Internal Referral Body	Comments
	<p>348 to 505 spaces (additional 157 spaces), partial demolition and reconfiguration of the existing shopping centre, demolition of the existing multideck car park, car wash and liquor store and construction of an at grade car park with two basement levels.</p> <p>Works associated with Forest Way include the removal of the existing signalised pedestrian crossing at Forest Way, provision of a new signalised intersection for left and right turns into and out of Forest Way, construction of a concrete median in Russell Avenue to restrict the Russell Avenue driveway to left in/left out movements, and construction of a pedestrian footbridge over Forest Way.</p> <p>Matters for consideration are discussed below.</p> <p><b><u>Land Use</u></b></p> <p>No issues are raised with the proposed land uses and expansion of the retail GLA. As part of the HPSP, an economic impact assessment demonstrated that the proposed additional GLA could be accommodated alongside the future town centre with no major impacts to the Frenchs Forest trade catchment. It is considered that the expansion of this local shopping centre is a logical response to a growing population and changing consumer demands.</p> <p>The proposal includes additional floor space for a supermarket, food, service/office, retail shops, medical and gym uses. New floor space for a swim school and car wash are also proposed. The proposal creates a wider range of non-retail uses that will widen employment opportunities and services.</p> <p>With regards to the future residential outcomes for the site envisaged in the HPSP, Strategic Planning cannot support the application in its current form without the submission of a Structural Engineers Report (prepared by a suitably qualified Engineer) in order to verify that the proposed building design (new structures) can accommodate residential towers above (as specified in the HPSP – maximum building height of 40m, maximum 2.2:1 FSR).</p> <p><b><u>Pedestrian Footbridge</u></b></p> <p>The proposed pedestrian footbridge will need to be resolved with Council's Traffic Engineers and Transport for NSW. It is likely that</p>

Internal Referral Body	Comments
	<p>further information will be needed on ownership and maintenance requirements.</p> <p>Strategic Planning supports the proposed pedestrian footbridge as this is identified in the HPSP to improve pedestrian and cycling connectivity. No objection is raised to the proposed location as this will improve future connectivity with the proposed Green Link along Holland Crescent, which will link to the future town centre.</p> <p><b><u>Vehicular Access</u></b></p> <p>Vehicular access and associated roadworks will need to be resolved with Council's Traffic Engineers and Transport for NSW.</p> <p>The development proposes a new signalised entrance on Forest Way comprising one access driveway and three egress lanes, with left-in/left-out and right out traffic movements.</p> <p>In relation to the HPSP, Council is proposing the closure of Russell Avenue, upgrades to Grace Avenue and the extension of Naree Road across Forest Way to facilitate Phase 2 and 3 developments. This has been modelled extensively and is considered to be the most appropriate traffic solution for the broader transport network.</p> <p>The proposed new signalised intersection at Forest Way would compromise this arrangement and is inconsistent with the HPSP. Strategic Planning cannot support the application in its current form without concurrence from Transport for NSW and Council's Traffic Engineers on the proposal's traffic arrangement.</p> <p>In conclusion, the application cannot be support in its current form unless the</p> <p>following matters are addressed:</p> <p>1. The provision of a Structural Engineer's Report (prepared by a suitably qualified Engineer) in order to verify if the proposed building design (new structures) can accommodate residential towers above (as specified in the HPSP – maximum building height of 40m, maximum 2.2:1 FSR);</p>

Internal Referral Body	Comments		
	2. Concurrence from Transport for NSW and Council's Traffic Engineers on the proposal's traffic arrangement.		
	<b>Other/Further Strategic Investigations</b>		
	Greater Sydney Region Plan	Y	The proposal provides additional jobs, goods and services in the Frenchs Forest Strategic Centre
	North District Plan	Y	The proposal provides new businesses, diversifies the range of activities to support a future health and education precinct and reinforces the centre as an employment hub which addresses Action 29, 35 and 36
	Northern Beaches Hospital Precinct Structure Plan	N	The proposal is inconsistent with the R3 Medium Density Residential zone proposed for the site, which would prohibit commercial premises
Strategic and Place Planning (Heritage Officer)	<b>SUPPORTED (NO CONDITIONS)</b>		
	<b>HERITAGE COMMENTS</b>		
	<b>Discussion of reason for referral</b>		
	<p>The proposal has been referred to Heritage as the subject site is within the vicinity of listed heritage items, as listed in Schedule 5 of Warringah Local Environmental Plan 2011:</p> <p><b>Item I59 - Dental Surgery</b> - 45 Grace Avenue, Frenchs Forest; and</p> <p><b>Item I58 - Former Methodist Church</b> - 21A Forest Way (corner with Naree Road)</p>		
	<b>Details of heritage items affected</b>		
	<p>Details of the heritage items in the vicinity, as included in the Warringah Heritage Inventory are:</p> <p><b>Item I59 - Dental Surgery</b>  <u>Statement of Significance</u>            An excellent representative example of the inter-war functionalist style, designed to exploit its prominent corner location. Displays</p>		

Internal Referral Body	Comments																					
	<p>high integrity with substantial original fabric (including fence).Historically, one of the earliest houses in the area.</p> <p><u>Physical Description</u> Substantial single storey dwelling designed to address corner. Rendered masonry walls with high parapet. Symmetrical design with angled curved bays and projecting entry bay centrally located. Strong string courses above &amp; below metal windows. Original fence.</p> <p><b>Item I58 - Former Methodist Church</b> <u>Statement of Significance</u> Built in 1918, the former Methodist church is of historical significance as one of the first churches built in Frenchs Forest. It is however, only moderately intact.</p> <p><u>Physical Description</u> Modest brick church of simple design with steep pitched metal gabled roof. Additions to rear of building. Original facade was replaced with a matching brick wall in the 1950's when the building was shortened.</p> <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>SEPP (Biodiversity and Conservation) 2021</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>No</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>No</td><td></td></tr><tr><td>Other</td><td>No</td><td></td></tr></table> <p><b>Consideration of Application</b></p> <p>The proposal seeks consent for alterations and additions to the existing Forest Way shopping centre. The heritage item at 45 Grace Avenue is close to the proposed development, being located on the opposite corner of Russell and Grace Avenues. The proposal involves demolishing the existing shopfronts, external service stairs and loading dock in the vicinity of Grace Avenue, partial demolition of kerb line and front façade to Woolworths, existing liquor store, car wash and the multistorey carpark.</p> <p>The proposed works involve the refurbishment of existing shops, expansion of existing Woolworths, new retail and food floorspace, new swim school and gym floor space and two levels of basement parking. It also involves the removal of existing signalised</p>	Other relevant heritage listings			SEPP (Biodiversity and Conservation) 2021	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	No	
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RAIA Register of 20th Century Buildings of Significance	No																					
Other	No																					

Internal Referral Body	Comments
	<p>pedestrian crossing of Forest Way, relocated bus stop.</p> <p>The heritage item "Dental Surgery" is located on on the opposite corner of Russell and Grace Avenues, which is a prominent corner, however the building is well set back and designed to address this corner site. Although, the proposal will increase the scale of the development, given the physical separation between the heritage items and the proposed works, the proposal is considered to not adversely impact the heritage items, or interfere with any views of the heritage items from the public domain.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of WLEP 2011</u></p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N/A</p>
Strategic and Place Planning (Development Contributions)	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p>I understand this DA is among other things, seeking to construct works on the subject land and the Forest Way road reserve comprising:</p> <ul style="list-style-type: none"> <li>i) a slip lane for bus infrastructure, and;</li> <li>ii) road widening to facilitate a new right turn lane into the site from Forest Way.</li> </ul> <p>I understand the Applicant has verbally agreed to enter into a Planning Agreement with Council for this infrastructure; and that updated commentary is being prepared by Council's Traffic Network in relation to the recently submitted traffic report.</p> <p>Any proposal involving construction of traffic infrastructure on partly privately-owned land and partly on the road reserve will require that part of private land that will accommodate the said infrastructure to be dedicated to Council. This cannot be done via condition of consent and the only mechanism is for the applicant to enter into a planning agreement with Council. As at 13 May 2025, no formal Offer has been received by Council.</p> <p>The applicant should be advised that an Offer should be formally lodged with Council and that at present, there is no guarantee that any future Offer will be formally accepted by Council.</p>
Traffic Engineer	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p><b><u>(i) Final Comments - 14/5/2025</u></b></p>

Internal Referral Body	Comments
	<p>The additional information from the applicant's traffic consultant has not fully addressed the concerns raised in the traffic engineering referrals.</p> <p>The following traffic engineering assessment is provided based on the most recent additional information:</p> <ul style="list-style-type: none"> <li>- The traffic reporting dated 17 March 2025 has assessed the impact of the redistribution of right turning traffic from Forest Way to Russell Ave and Grace Avenue as inconsequential on the basis that the road will still remain within the range of acceptable traffic volumes for a connector street as per the TfNSW Design of Roads and Streets Manual. The indicative range of volumes for a connector street is very broad ranging between 3000 vehicles per day and 10000 vehicles per day and suggesting that volumes remain within an acceptable range carries little weight in the absence of other supporting information.</li> </ul> <p>Councils view is that the removal of the right turn phase onto Forest Way has the effect of forcing traffic exiting the shopping centre carpark and wishing to head south to undertake length detours through the surrounding local road network largely via Grace Avenue. Grace Avenue already carries more traffic, particularly in peak periods (500-700 vehicles per hour), than is desirable for a local road and the increased traffic on that road will result in a deterioration of residential amenity and safety. The revised arrangements suggest that an additional 96 vehicles per hour and 960 vehicles per day will be added to Grace Avenue south of Russell Avenue.</p> <p>This traffic will pass the French Forest Public School frontage and will also pass through Grace Avenue at its junction with Fitzpatrick Avenue. To assist in managing through traffic on Grace Avenue it already has numerous traffic calming devices and an AM peak weekday No Entry restriction is present in Grace Avenue south of Fitzpatrick Avenue to prevent south bound traffic flows. Council could only support the increased traffic volumes from the Frenchs Forest shops being redirected to Grace Avenue if reconstruction of existing traffic management devices and provision of additional/approved traffic management measures are implemented as outlined in the below recommended conditions on consent.</p> <ul style="list-style-type: none"> <li>- The changes proposed to accommodate forwards ingress and egress of semi-trailers to the loading dock off Grace Avenue as welcomed. Council remains unsupportive of semi-trailers reversing to or from the loading dock area and will require that detailed designs for the vehicle crossing and parking restrictions adjustments be submitted for approval to ensure compliance with clause C2 of the Warringah DCP.</li> <li>- Council will require that land dedication be finalised along the</li> </ul>

Internal Referral Body	Comments
	<p>Forest Way frontage of the site prior to activation of the consent to ensure that adequate road reserve width is available to accommodate bush shelters and footpaths along the widened Forest Way.</p> <p>- Finally, it is also noted that the additional reporting by the applicant's traffic consultant suggests that the applicant now considers a pedestrian bridge over Forest Way unnecessary and also proposes to remove the existing signalised pedestrian crossing of Forest Way. The addition of the pedestrian overbridge and presence of the signalised pedestrian crossing over Forest Way are considered necessary to assist in offsetting traffic impacts of the development and the deletion of the pedestrian footbridge and associated infrastructure are not supported. Although it is understood that TfNSW will no longer require a new footbridge, lifts and stairs over Forest Way to the south of the new signalised carpark exit.</p> <p>This work is still considered necessary for the following reasons: a) to ensure that there is always a safe means for pedestrians to cross Forest Way without delay, b) to minimise the chances of pedestrian trying to undertake risky crossings of Forest Way contrary to traffic signals, and c) to minimise traffic delays for traffic as a result of pedestrian movements across Forest Way or the carpark access point. Designs for the pedestrian bridge will be required prior to a release of the construction certificate with the bridge to be constructed prior to occupation.</p> <p>This will be the subject of suitable conditions.</p> <p>Subject to the above changes as outlined in the recommended conditions of consent, the development can now be <b>supported</b> by the traffic team.</p> <p><b>(ii) <u>Comments on Revised Plans - 7/3/2025 (Superseded)</u></b></p> <p>The revised plans dated October 2024, additional traffic reports dated 18 June, 16 January 2025 and TfNSW referral comments dated 14 February 2025 have been reviewed. It is noted that TfNSW is not supportive of the plans as lodged which make provision for a right turn phase out of the carpark onto Forest Way. As Forest Way is a State Road and they are also the consent authority for any new or proposed changes to a signalised intersection the development plans as proposed cannot be supported. Although TfNSW has proposed conditions of consent, the absence of right turns from these traffic signals to Forest Way is of concern to Council.</p> <p>The proposed conditions of consent would result in significant implications on local road intersections as traffic wishing to depart the site to Forest Way in a southbound direction would be unable to do so and would need to exit to the north and use alternate routes through Council roads with resultant implications on both the internal</p>

Internal Referral Body	Comments
	<p>circulation within the carpark and on the surrounding local road network.</p> <p>Given that the development plans as they stand are reliant upon right turn access to Forest Way and TfNSW is unsupportive of the egress arrangements the development proposal in its current form cannot be supported by Council's traffic team as the impacts of the changes required by TfNSW on the broader road network remain unknown. There is also concern that the internal circulation arrangements within the carpark would need to be amended to accommodate the changes required by TfNSW and this matter has not been addressed in amended plans or supported by revised internal queuing analysis.</p> <p>In addition to the above, concerns raised in the original traffic engineering referral dated 21/5/2024 relating to Servicing and Loading have been unsatisfactorily addressed. A development of this size should cater for servicing by semi-trailers with forwards ingress and egress from the site accommodated. The swept paths provided show semi-trailers needing to reverse into the site from the opposing traffic lane and across the footpath in a high pedestrian activity area in order to access the loading dock. This is unacceptable on a shopping centre frontage near a school.</p> <p>It is also noted that the lane width issues on Forest Way where the lanes deflect around the proposed inbound right turn bay remain unaddressed with TfNSW appearing to still be dissatisfied with the proposed 3.0m lane widths. In addition Council proposes a shared path along the Forest Way frontage of the site behind the indented bus bay. This shared path is proposed at a minimum width of 3m which would appear to be incompatible with the current development plans which significantly restrict the nature strip width along the development frontage and in front of the proposed relocated bus shelters.</p> <p>The development proposal as it stands <b>remains unacceptable</b> on traffic grounds</p> <p><b>(iii) <u>Comments on Original Plans - 21/5/2024 (Superseded)</u></b></p> <p>The DA proposal is for alterations and additions to the Forestway Shopping Centre including an increase in Gross Leasable Floor Area of some 4777m<sup>2</sup> (from 9242m<sup>2</sup> to 14019m<sup>2</sup>). The development application also proposes to increase the offstreet parking supply on site from 348 to 505 spaces (an increase of 157 spaces) and proposes changes to the access arrangements serving the site including:</p> <ul style="list-style-type: none"> <li>- Construction of a pedestrian bridge over Forest Way</li> <li>- A new signalised intersection on Forest Way at the carpark entry/exit point</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>- Changes to the access arrangements off Russell Avenue</li> <li>- A new access point to the basement carparking off Grace Avenue</li> </ul> <p>The following comments are made with regard to the development application:</p> <p><b>Parking</b></p> <p>The applicants traffic consultant has referenced parking rates from the TfNSW Guide to Traffic Generating Development and estimates that the existing centre requires 303 parking spaces (with some 348 spaces being provided on site) and using the same rates has estimated that the proposed development will have a parking requirement of 530 spaces. This differs from the rates quoted in the Warringah DCP which reflect those in the TfNSW guide based on aggregated retail categories. The relative parking demand characteristics of different floor area types can however be used where they are known and this approach has been adopted by the applicants Traffic Consultant and is considered appropriate in this instance.</p> <p>The developer proposes to provide 505 parking spaces however also relies upon 80 parking spaces in the Sorlie Place carpark. These spaces are not on the development site but located on Council's Road Reserve. All of the spaces in the Sorlie Place carpark are subject to parking restrictions including 5min P, 1P, 2P, Bus Zone and a Mail Zone. While it is not correct that these spaces are part of the development and their use also supports the adjacent Forest Public School and School Bus Services, the spaces are primarily used by customers of the shopping centre, and on that basis the proposed 505 offstreet parking spaces is considered acceptable (noting that there is a concession has been made for the shortfall of 25 parking on the developers land).</p> <p>The developers traffic consultant notes that the National Construction code requires shopping centres (a class 6 building) to provide 1 accessible parking space for each 50 spaces. For the 505 spaces provided by the developer this would equate to 11 accessible spaces. The traffic consultant advises that the development plans provide for 11 spaces and it is noted that these are all located offstreet within the development carpark. There are also two additional accessible spaces in the Sorlie Place carpark i.e on Council property. The level of accessible parking is considered adequate.</p> <p>The development requires 63 medium to high security bicycle parking spaces and 29 low security bicycle spaces. While the developer's traffic consultant indicates that these can be accommodated on site and advises that this can be conditioned, given the number of spaces required it is requested that the locations of these spaces be indicated on the DA plans to ensure that the spaces are appropriately located for accessibility by cyclists and not</p>

Internal Referral Body	Comments
	<p>sited where they will obstruct traffic movements or parking manoeuvres.</p> <p>No Motorcycle parking has been provided and there are no specific provisions within the Warringah DCP setting out rates for the supply of such spaces such spaces. The Pittwater DCP requires 1 motorcycle space for each 100 car spaces for business /industrial developments and given the increased use of motorcycles generally and that the WDCP has a requirement for motorcycle parking to be provided within new residential developments in the Frenchs Forest Town Centre it is considered that motorcycle parking at the rate recommended in the Pittwater DCP should be provided i.e a minimum of 5 spaces. Spaces should be designed as per the requirements in AS/NZS 2890.1 clause 2.4.7 and there location indicated on the DA plans</p> <p><b><i>Servicing and Loading</i></b></p> <p>pg 19 of traffic report says loading by 15.5m semi - but swept path shows reversing into site across a footpath that will be well used by school children given the proximity of the site to the Frenchs Forest Public School. This is unsafe. The articulated vehicle swept path also shows significant encroachment of the truck onto opposing lanes when reversing. This is also unsafe an unacceptable. The Loading Dock access arrangements should be revised so that any truck reversing movements take place off-street on the development site with forwards entry and exit to/ and from Grace Avenue by all trucks accessing the Loading Dock area to be facilitated.</p> <p><b><i>Traffic Generation &amp; Site Access Arrangements</i></b></p> <p>The developers traffic consultant has estimated that the proposed development will result in 578 additional vehicle trips in the PM peak period and 289 vehicle trips in the AM peak period. The traffic consultant has assigned these traffic movements to the proposed site access points of Forest Way, Russell Avenue and Grace Avenue.</p> <p>The developer proposes a new signalised intersection to serve the site on Forest Way. It is noted that Transport for NSW have raised concerns about the proposed signal design and not provided their concurrence to the proposed changes due to the adverse impacts on Forest Way and in particular the intersections of Forest Way/Warringah Road and Forest Way/Naree Road.</p> <p>Given that the development is reliant upon access to and from Forest Way and TfNSW is unsupportive of the access arrangements at Forest Way the development proposal in its current cannot be supported by Council's traffic team.</p> <p>The following aspects of the proposed arrangements are inadequately addressed or require further information:</p>

Internal Referral Body	Comments
	<p>- The traffic report advises in section 5.3 that a left in/left out arrangement at the Russell Ave driveway will be enforced by a new median however no detail for the median island have been provided on the DA plans. The left in/left out arrangement while it will ease congestion at this driveway will redirect traffic egressing traffic into Grace Avenue, and noting that TfNSW is not supportive of a signalisation arrangement that requires a third phase i.e catering to the right turn out of the carpark at Forest Way, there is concern that unacceptably high volumes of traffic will be forced to exit via Russell Avenue and circulate through Grace Avenue and other residential streets to access Warringah Road or destinations south and west of the Forest Way shops.</p> <p>- While the removal of the signalised pedestrian crossing over Forest Way is supported subject to its replacement with a pedestrian overbridge that incorporates lift access for the mobility impaired, it is considered that there will also be a need for the existing centrally located pedestrian fencing to be extend to the north to prevent pedestrians from trying to cross other than at the overbridge, noting that there are bus stops on either side of Forest Way. It is noted that TfNSW will require a Road Safety Audit as part of the approval process for the overbridge and this type of issue would be captured in that audit.</p> <p>It is noted that there will still be a need for a signalised crossing to be retained as as a fail safe in the event that the lift is out of action. The plans indicate a marked crossing to cater for this eventuality but this is unsafe and inappropriate on a multi-lane road. The signalised crossing would only to operate when the lift and/or bridge is out of action with an automated gate to manage access as has been implemented at Warringah Mall. The approval for and operation of the pedestrian bridge will be the subject of an ongoing lease and maintenance agreement with TfNSW. It is noted that the existing plans for the pedestrian bridge are only conceptual with no detailed designs submitted. The existing concept plans are not sufficient for approval to be given.</p> <p>- While a signalised entry/exit at Forest Way is not opposed in principle and the inclusion of a signalised crossing of the carpark egress is also supported, it is noted that the current 3 phase traffic signal arrangement has not been supported by Transport for NSW and it is understood that they favour an arrangement which does not incorporate right turns into or out of the carpark at Forest Way i.e left in/left out only and a two phase signal arrangement. This would result in a significant redistribution of traffic to Russell Avenue and Grace Ave which is likely to result in unacceptable traffic impacts on the Council Road network.</p> <p>- TfNSW does not support the right turn out of carpark as it adds a third phase. TfNSW are only supportive of a two phase signal</p>

Internal Referral Body	Comments
	<p>operation. If the right turn out is not possible this then leads to increased traffic using residential streets to head south or west from the development. This needs further review by the applicant.</p> <p>- It is noted that the modelling shows the right turns into and out of Russell St at Forest Way will both be over capacity particularly in the PM peak which will result in queuing issues, increased numbers of risky turns, increased right turn crashes and increased use of alternate access routes. These concerns will be exacerbated if right turns are not facilitated at the proposed signalised access to the carpark off Forest Way. It should be noted that Council proposes to close Russell Street in conjunction with development of the Frenchs Forest town centre. If too much traffic is redirected to Russell Street and unacceptable traffic impacts result Council may consider bringing this work forward.</p> <p>The proposed redevelopment should not assume that access to the site will remain available from Forest Way to Russell Avenue and should be demonstrated to be workable with that point of access closed.</p> <p>- It is also noted that the post development modelling shows a PM queue length within the carpark of 48m for both the left and right turn queues which, as noted by TfNSW, is expected to result in unacceptable impacts on circulation within the carpark. Further queuing analysis is required to demonstrate that queuing issues won't eventuate into or out of the carpark</p> <p>- The plans show an amended bus bay arrangement on the west side of Forest Way which results in a slight reduction in length of the bus bay. The existing length of the bus bay should be maintained or increased. The reduction in length of the bus bay is understood to be unsupported by TfNSW and bus service contractors operators and these concerns are supported by Council.</p> <p>- It is noted that TfNSW have raised concerns about the widths of travel lanes on Forest Way where the road deflects around the proposed right turn bay. If these lane widths are increased Council would potentially have concerns about reduced footpath widths</p> <p><b>Summary</b> Given the number of issues with the current proposal and the fact that the access arrangements are not supported by TfNSW with the changes required to gain their support likely to result in unacceptable levels of impact upon the Council road network.</p> <p>The development <b>cannot be supported</b> in its current form.</p>
Waste Officer	<p><b>SUPPORTED (SUBJECT TO CONDITIONS)</b></p> <p><u>Waste Management Assessment</u></p>

Internal Referral Body	Comments
	Supported - subject to conditions.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<b>SUPPORTED (SUBJECT TO CONDITIONS)</b>  The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Rural Fire Service - Local Branch - EP&A Act, s4.14	<b>SUPPORTED (SUBJECT TO CONDITIONS)</b>  The NSW Rural Fire Service have provided conditions of concurrence in accordance with Section 4.14 of the EP&A Act. These conditions form part of the recommended conditions of consent.
Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.122 - Traffic generating development	<b>SUPPORTED (SUBJECT TO CONDITIONS)</b>  Transport for NSW (TfNSW) have reviewed the application in accordance with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Roads Act 1993. TfNSW have provided conditions of concurrence, which form part of the recommended conditions of consent.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### Housing and Productivity Contribution

*Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.*

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Residential strata subdivision	\$10,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$10,000	new non-strata dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

Comment:

The site is located within Greater Sydney and the development proposes an additional 5,281.2 square metres of gross floor area. In this regard, the contribution payable under this scheme is \$158,436.00.

## SEPP (Sustainable Buildings) 2022

### 3.1 Application of Chapter

*(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—*

*(a) the erection of a new building \$5 million, or*

*(b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.*

Comment: The chapter is applicable as proposed development involves the erection of a new building that has a capital investment value over \$5 million.

*(2) This Chapter does not apply to the following development—*

*(a) development that is permitted with or without consent or that is exempt or complying development under—*

*(i) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or*

*(ii) State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2, or*

*(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5,*

*(b) development on land wholly in any of the following zones—*

*(i) Zones RU1, RU2 or RU3,*

*(ii) Zone E5,*

*(iii) Zone IN3,*

*(iv) Zones C1, C2 or C3,*

*(v) Zones W1, W2, W3 or W4,*

*(c) development for the purposes of residential care facilities.*

Comment: The matters described in (a), (b) or (c) are not applicable to the proposed development and therefore, this chapter applies.

### 3.2 Development consent for non-residential development

*(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*

*(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*

*(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*

*(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*

- (d) the generation and storage of renewable energy,*
- (e) the metering and monitoring of energy consumption,*
- (f) the minimisation of the consumption of potable water.*

Comment: Council has considered the matters (a) to (f) above and are satisfied that the application has detailed the development is designed to incorporate these matters.

*(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

Comment: The application is accompanied by the required form which details the embodied emissions attributable to the development have been quantified.

### **3.3 Other considerations for large commercial development**

*(1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.*

*(2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.*

*(3) For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.*

*(4) Subsection (2), to the extent it relates to energy use, does not apply to large commercial development on land to which the following local environmental plans apply—*

*(a) [Sydney Local Environmental Plan 2012](#),*

*(b) [Sydney Local Environmental Plan \(Green Square Town Centre\) 2013](#),*

*(c) [Sydney Local Environmental Plan \(Green Square Town Centre—Stage 2\) 2013](#).*

*(5) Despite subsection (4), subsection (2) applies to large commercial development to the extent that the development relates to prescribed serviced apartments.*

Comment: The application is not a 'large commercial development' as defined by the SEPP.

### **Conclusion**

The development is consistent with the requirements of this SEPP.

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

### **Ausgrid**

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

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

Comment:

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

### **Transport for NSW**

The proposed development was referred to Transport for NSW pursuant to Chapter 2 of this SEPP.

Comment:

Chapter 2 contains the planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

Division 15 relates to Development in or adjacent to rail corridors and interim rail corridors

There are no rail or light rail corridors within a one-kilometre radius of the subject site. As such, Division 15 is not applicable.

Division 17 relates to Development in or adjacent to road corridors and road reservations

Under Clause 2.118, the concurrence of Transport for NSW is required for the works proposed on Forrest Way, including the pedestrian overpass bridge.

Under Clause 2.119, the consent authority must not grant consent unless the requirements of subclause (2) are satisfied.

Early engagement during the design phase has occurred with Transport for NSW to address pedestrian and vehicular movements along Forest Way. A condition is recommended requiring the pedestrian bridge to be approved by Council and Transport for NSW prior to the issue of a Construction Certificate.

The application also constitutes traffic generating development within the meaning of this SEPP. Transport for NSW have provided conditions of concurrence in accordance with this SEPP. These conditions form part of the recommendation of this report.

### **Conclusion**

The development is consistent with the relevant provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021.

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

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

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within nonrural areas of the state.

Part 2.3 has been considered and consent is sought for tree removal. The detailed assessment of which is carried out within the 'Landscape Referral Response' section of this report.

No further consideration of Chapter 2 of the BC SEPP is required.

## **Chapter 6 - Water Catchments**

Chapter 6 of the BC SEPP applies to the development pursuant to clause 6.1 as the site is located within the Sydney Harbour Catchment.

Chapter 6 has been considered and it has been determined that the development would meet the requirements and objectives of Chapter 6, insofar as stormwater will be appropriately managed and disposed off, which will ensure that the development does not result in pollution or adverse stormwater impacts to the Sydney Harbour Catchment.

## **Conclusion**

As demonstrated above, the development is consistent with the relevant requirements under the BC SEPP.

## **SEPP (Industry and Employment) 2021**

New business identification signage is proposed under this application. The signage relates to the shopping centre itself, Woolworths, Aldi and conceptual future tenant signage. A condition is recommended to ensure that any conceptual tenant signage under this application does not form part of this consent.

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

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

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

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage is consistent with the theme of shopping centre signage.	YES

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme of outdoor advertising in the area.	YES
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage will not detract from the amenity or visual quality of the area. Conditions are recommended to restrict the illumination of the signage.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No.	YES
Does the proposal respect the viewing rights of other advertisers?	Yes.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is consistent with the theme of shopping centre signage.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will contribute to the visual interest of the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A.	YES
Does the proposal screen unsightliness?	The signage does not screen unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage does not protrude above the building or the established tree canopy.	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes.	YES
Does the proposal respect important features of the site or building, or both?	Yes.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The logo of the shopping centre and Woolworths and Aldi are included on the signage.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft,	A condition is recommended to ensure that illumination does not occur between 10.00pm - 6.00am.	YES

detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?	A condition is recommended to ensure that illumination does not occur between 10.00pm - 6.00am.	YES
Is the illumination subject to a curfew?	A condition is recommended to ensure that illumination does not occur between 10.00pm - 6.00am.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage will not reduce the safety of motorists or pedestrians, subject to the recommended conditions.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, subject to the recommended condition above.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of this chapter and its underlying objectives.

## SEPP (Resilience and Hazards) 2021

### Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the consent authority to consider whether land is contaminated.

In response to the above requirements of Chapter 4, the applicant has submitted a Preliminary Environmental Site Investigation (PESI) dated 7 November 2024 and prepared by Raw Earth Environmental. In its conclusion, the investigation states that the site is suitable for the proposed development without the need for a Detailed Site Investigation to be carried out. The PESI has provided construction management conditions, which are adopted in the recommended conditions of consent.

Council's Environmental Health Officer has reviewed the application and raised no objections, subject to conditions that will ensure compliance with the PESI referenced above.

The development satisfies the relevant requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.

## Warringah Local Environmental Plan 2011

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

### Principal Development Standards

### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

### Warringah Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B2 Number of Storeys	3 Storeys	1-2 Storeys	N/A	Yes
B5 Side Boundary Setbacks	Merit Assessment	m	N/A	Yes - Satisfactory
B7 Front Boundary Setbacks	Merit Assessment	<p><b>Forest Way</b> Carpark - Nil to 5.0m Footbridge - Nil</p> <p><b>Russell Avenue</b> New Retail - 3m to 5.936m Basement - Nil</p> <p><b>Grace Avenue</b> Gym Lobby - 1.5m Waste Storage Area - Nil Loading Dock Wall - 0.5m Mezzanine Level - 4.5m Basement - Nil</p>	<p>N/A N/A</p> <p>N/A N/A</p> <p>N/A N/A N/A N/A</p>	<p>Yes - Satisfactory Yes - Satisfactory</p> <p>Yes - Satisfactory Yes - Satisfactory</p> <p>Yes - Satisfactory Yes - Satisfactory Yes - Satisfactory Yes - Satisfactory Yes - Satisfactory</p>
B9 Rear Boundary Setbacks	N/A	N/A	N/A	N/A
B14 Main Roads Setback	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B2 Number of Storeys	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B8 Merit assessment of front boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	N/A	N/A
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	No	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	N/A	N/A
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	N/A	N/A
E10 Landslip Risk	Yes	Yes
F1 Local and Neighbourhood Centres	Yes	Yes
Notes	N/A	N/A

## Detailed Assessment

### **B6 Merit Assessment of Side Boundary Setbacks**

#### **Side Setbacks**

There are no numerical controls for side setbacks on this site, rather the WDCP requires a merit assessment of side setbacks.

In this regard, the following side setbacks are proposed to new works:

***Youth Centre (south) - 1.0m***

***School (south-west) - 1.0m***

***School (south-east) - 1.0m***

#### **Merit Assessment:**

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- ***To provide ample opportunities for deep soil landscape areas.***

#### Comment:

There are currently no deep soil zones on the southern side of the subject site to be affected by the proposed works.

- ***To ensure that development does not become visually dominant.***

#### Comment:

The low scale of the proposed new works adjoining the southern side setback will not be visually dominant when viewed from the Youth Centre of the Public School.

- ***To ensure that the scale and bulk of buildings is minimised.***

#### Comment:

The low scale of the new works adjacent the southern side boundary has minimised the scale and bulk of the proposal.

- ***To provide adequate separation between buildings to ensure a reasonable level of amenity and solar access is maintained.***

#### Comment:

The proposed new multi-storey carpark is sufficiently setback from the southern boundary with the Youth Centre so as not to impact on the amenity of that centre.

- ***To provide reasonable sharing of views to and from public and private properties.***

Comment:

There are no sensitive views from nearby or surrounding properties to assess in relation to this proposal.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

## **B8 Merit assessment of front boundary setbacks**

### **Front Setbacks**

There are no numerical controls for front setbacks relating to this site, rather the WDCP requires a merit assessment of front setbacks.

In this regard, the following front setbacks are proposed:

**Forest Way** - Part Nil, part 3.0m and part 5.0m

**Russell Avenue** - Part Nil, part 3m and part 5.936m

**Grace Avenue** - Part Nil, part 0.5, part 1.5m and part 4.5m

### **Merit Assessment**

With regard to the assessment of the proposed setbacks, the development is considered against the underlying Objectives of the Control as follows:

- ***To create a sense of openness.***

Comment:

The amendments to the proposal which increased the setbacks to Russell Avenue and Grace Avenue will ensure a sufficient degree of openness is maintained.

- ***To provide opportunities for casual surveillance of the street.***

Comment:

Owing to the retail shopping centre nature of the use, such surveillance is limited, but satisfactory.

- ***To provide opportunities for deep soil landscape areas and aesthetic improvements.***

Comment:

The maintenance of 3m setbacks to Russell and Grace Avenue will afford reasonable planting and tree retention opportunities.

- ***To protect and enhance the visual quality of streetscapes and public spaces.***

Comment:

The proposed setbacks will afford a reasonable visual quality to the respective streetscapes.

- ***To achieve reasonable view sharing.***

Comment:

There are no views which are impacted by the proposed development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

### **D3 Noise**

The typical noise sources for this type of retail/commercial use are:

- Span of operating hours
- Patrons Cars
- Delivery Trucks
- Garbage Trucks
- Mechanical Plant
- Noise from Gymnasium
- Demolition and construction

An acoustic report prepared by Renzo Tonin and Associates, dated 6 November 2023, was submitted with the application and was reviewed by Council's Environmental Health (EHO) Team.

The noise mitigation and management measures are also addressed in the Statement of Environmental Effects.

The EHO Team states that the report satisfactorily addresses all noise sources and conditions have been provided, which will require all recommendations of the Renzo Tonin report to be implemented and certified.

Accordingly, this assessment finds that the proposal is satisfactory with respect to noise impacts.

## **D9 Building Bulk**

The proposal involves 3 distinct built form components that relates to building bulk, including; Forest Way, Russell Avenue and Grace Avenue.

The Design and Sustainability Advisory Panel (DSAP), provided some advice on the nature of these interfaces which related to the originally submitted scheme. The amended scheme involves increased setbacks to the Building facades to Russell Avenue and Grace Avenue.

### **Forest Way**

The DSAP did not raise issue with the buildings presentation to Forest Way. As the building maintains a substantial front setback and an intervening open "at grade" carpark and landscaping to Forest Way, the building bulk is satisfactory and a significant improvement to the existing situation with the multi-deck concrete carpark.

### **Russell Avenue**

The DSAP were critical of the lack of deep soil front setback and lack of activation and transparency to the northern facade to Russell Avenue. Since then, the application has been amended to increase the front setback from 1.34m to 3.0m, which enables greater deep soil planting to mitigate the liner and planar facade to the majority of this elevation. The combination of the wall mural and softening landscaping will deliver a suitable aesthetic of the building when viewed from residential properties in Russell Avenue and Grace Avenue, as well as pedestrian and motorists passing by the site.

### **Grace Avenue**

The DSAP were similarly critical of the presentation to Grace Avenue, and the applicant responded by increasing the building setback from 1.34m to 3.0m. The western elevation to Grace Avenue is more varied and bulk is broken down through windows, a greater setback to the upper level mezzanine level (4.5m) and general variability in wall alignment and setbacks.

Overall, the increased setbacks and building articulation and facade treatments will provide satisfactory building bulk and streetscapes to each frontage of the site.

## **D10 Building Colours and Materials**

The DSAP provided comments in relation to building colours and materials as follows:

*"Develop a strategy for external facades that allows for greater interest (materiality, public art, climbing plants etc.) and avoid the use of faux materials."*

The mural proposal for the Russell Avenue facade has been maintained, but will be complemented by softening landscaping in the greater front setback to that facade.

The Grace Avenue facade has been enhanced by the use of a combination of face brick, Colorbond

cladding, timber look battren screens, glazing and a green wall (moss wall). This variation and relief in the materials will afford a suitable aesthetic, architectural interest and streetscape quality.

### **D12 Glare and Reflection**

To mitigate visual impacts on nearby residential receivers, a condition is recommended to require vertical louvres that compliment the design of the development to be affixed on the glazed façade on the corner of Russell Avenue and Grace Avenue. The intent of the condition is to minimise reflections from the large areas of glazing orientated towards the adjacent dwelling houses.

Subject to compliance with this condition, and a separate condition that requires the roof to have a solar absorbance of 0.43 or greater, the development will meet the requirements and objectives of this control.

### **D14 Site Facilities**

The existing shopping centre has its main loading dock on the Grace Avenue frontage, generally between Sorlie Place and Russell Avenue. The existing dock is fully open to the west, with only a low brick wall and hedge to ameliorate the visual and noise impacts on the dock and its use.

The proposal involves amendments to the dock, as it is significantly intensifying the size and scale of the shopping centre and hence use of the loading dock. The proposed upgrades include; new high Colourbond clad screen walls, incorporating green wall sections (moss wall), with a roller shutter door access.

These new elements are in very close proximity to the street boundary and owing to the constraints on providing a substantial setback to this area, a small front setback of 0.5m and the green wall treatment will assist in providing a satisfactory streetscape.

The new treatment of the loading dock frontage will better protect the residential properties on the western side of Grace Avenue.

### **D20 Safety and Security**

The existing shopping centre is characterised by having its main frontage to Forest Way, albeit the front setback is occupied by a 2 storey concrete carparking structure, and secondary frontages to Russell Avenue, Sorlie Place and Grace Avenue.

The proposed alterations and additions seek to maintain this site planning approach, and significantly open up the eastern frontage of the site to Forest Way with a new at grade carparking and landscaping. The Russell Avenue frontage is not an activated street front, being occupied by a semi-open carwash facility and a full closed brick wall to the Liquorland bottleshop building. The Grace Avenue frontage is characterized by blank brick walls of the Liquorland building, the Aldi section of the centre and the loading dock.

The proposed development will significantly improve the streetscape to all frontages, improve casual surveillance of the public domain and make the area safer and more amenable.

### **D22 Conservation of Energy and Water**

The DSAP provided advice on the sustainability attributes of the proposal.

The applicant has addressed the DSAP's recommendations and incorporated measures, where practicable, into the proposal.

## **E1 Preservation of Trees or Bushland Vegetation**

The application originally proposed to remove a number of native canopy trees within the subject site on the Russell Avenue street front.

However, through DSAP, planning and landscape referral feedback on the landscape elements of the proposal, the applicant agreed to increase the front setback to Russell Avenue from 1.34m to 3.0m, and retain these significant trees within a 3.0m deep soil zone for the Harris Farm Mini-Major building.

The large canopy tree near the corner of Russell Avenue and Grace Avenue was proposed to be retained under the original design with a 5.93m front setback to Russell Avenue.

Council's Landscape Officer is satisfied with the tree retention and has provided suitable conditions to protect and preserve the trees during demolition and construction.

## **E6 Retaining unique environmental features**

The amended application includes the retention of the significant native canopy trees within the frontage of Russell Avenue, and Council's Landscape Officer has reviewed the proposal and supports the application subject to conditions to ensure the trees are protected during the proposed works.

## **F1 Local and Neighbourhood Centres**

The control requires the following:

### **15. Forestway Shops**

*(a) At Forestway Shops, expansion or alteration to the existing approved buildings is to address the relationship of the development with the adjoining residential area and pedestrian and vehicular access and circulation.*

*(b) Parking and access arrangements are to minimize conflicts between pedestrians and vehicles. Additional vehicular access from streets other than Forest Way is preferred.*

The amended scheme has satisfactorily addressed the issues and concerns raised in relation to the original scheme. The increased front setbacks, tree retention, additional building articulation and more substantive deep soil landscaped areas, provides a design that is suitable in the context of secondary interfaces with adjoining R2 - Low Density Residential areas.

The traffic arrangements for the proposed development have been the subject of considerable analysis and modelling by the applicant and review by Transport for NSW and Councils Traffic Team.

The approved traffic scenario is based on the applicant's proposal, minus the right hand turn out of the site onto Forest Way and will satisfy the requirements of F1 of the WDCP.

The provisions for pedestrians in Forest Way, including the shared pathway and bus stops has been agreed upon and will satisfy the requirements of F1 of the WDCP.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

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

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

A monetary contribution of \$340,250 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$34,025,000.

## **PLANNING AGREEMENT**

The proposal involves the widening of Forest Way to accommodate a new right-turn into the new carpark for southbound traffic on Forest Way, a deceleration lane into the newly located entry for northbound traffic on Forest Way and an indented bus bay and shared footpath zone in Forest Way.

Concurrence has been provided by Transport for NSW for the works within Forest Way, which involves land to be dedicated to Council. To facilitate this dedication, a Planning Agreement (VPA) is required as the legal mechanism to transfer the land to Council.

The Hospital Precinct Structure Plan (HPSP) calls for a widened Forest Way, and the proposed dedication of land is generally consistent with this plan.

Also part of the HPSP is the upgrading of Grace Avenue, and works to the north and south to facilitate greater traffic flows, including a closure of Russell Avenue and a new link road, serving as an extension of Naree Road. However, these works generally fall into the medium to long term category.

Should the application be approved, a deferred commencement condition is the appropriate approval pathway, requiring the VPA to be entered into by Council and the applicants prior to the consent becoming operative, including public exhibition.

Planning Agreements are assessed by Council's Strategic Planning Department, and kept separate from Development Assessment due to probity reasons.

A suitable deferred commencement condition has been included in the draft conditions should the application be approved.

## **CONCLUSION**

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

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

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

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

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

## **PLANNING CONCLUSION**

The assessment of this application was primarily based on the traffic and pedestrian solution for the proposed development, in relation to the exiting of vehicles from the new driveway access onto Forest Way, the provision of a pedestrian footbridge on Forest Way, the streetscape presentation of the new buildings to Russell Avenue and Grace Avenue (front setbacks, building facades and tree retention), and the management of loading/unloading (deliveries and waste) from the Grace Avenue frontage.

The constraints on the site associated with its close proximity to Warringah Road ultimately led to TfNSW not supporting the proposed right hand turn out of the new carpark driveway onto Forest Way. This was contrary to the applicants preferred position, which was the implementation of the right turn. The concurrence provided by TfNSW includes a prohibition on the right hand turn.

As the right turn is not supported by TfNSW, the pedestrian bridge over Forest Way is not a requirement of TfNSW and accordingly, the applicant seeks not to construct the bridge as part of this DA. However, Councils Traffic Team consider there are sufficient reasons why the bridge should be provided, based on pedestrian access and traffic flows in the area. Therefore, a condition of consent has been imposed that the bridge is to be designed, approved and constructed prior to occupation of the new retail and commercial spaces.

The application also involves widening of the road reserve in Forest Way to accommodate a new right hand turn lane (for vehicles from the north), indented bus bays, footpath and bus shelters. This requires a road dedication to Council and the applicant has sought to enter into a Planning Agreement with Council under Section 7.4 of the EPA Act, 1979. Council's Strategic Planning team have reviewed the request and support the proposal in principle. A suitable condition has been imposed as a Deferred Commencement condition. Owners consent for an encroachment of the road widening onto Council's open space reserve is supported in principle, but had not officially been granted at the time of finalising

this report.

The public exhibition of the application resulted in a total of nineteen (19) submissions being received, over three stages of notification. Those issues were primarily related to traffic impacts, pedestrian pathways and safety, noise and loading dock arrangements. The residents also seek for the pedestrian bridge to be provided as part of this application. A number of key improvements were made to the proposal, including increased front setbacks and more trees being retained, which will enhance visual quality of the built form and improve the amenity of nearby and surrounding residential properties.

The advice and recommendations of the DSAP led to some significant improvements and enhancements to the proposal.

Special conditions have been imposed in relation to; traffic, landscaping, tree protection, lighting protection, hours of operation, operational management plan, signage, delivery times for the loading dock, waste removal times, provision of carparking and loading facilities for Council's Youth Centre, executing the Planning Agreement and provision of the pedestrian bridge.

On balance, whilst the community's concerns in relation to increased traffic on local roads is acknowledged, the increases will be managed by new traffic management measures, improved road infrastructure, vehicular access, servicing arrangements and pedestrian access. Additionally, the proposal will enhance the existing built form and streetscape to Forest Way, Russell Avenue and Grace Avenue, improve site landscaping and retain significant canopy trees.

The proposed development will deliver significant public benefits, in terms of a modernised shopping centre, improved bus facilities and a new pedestrian bridge, for users of the shopping centre and the residents of the area generally.

Overall, the proposed development will better serve the community and enhance the character and visual amenity of the locality.

Accordingly, the application is recommended for Deferred Commencement Approval, subject to general and special conditions.

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

## **RECOMMENDATION**

### **DEFERRED COMMENCEMENT APPROVAL**

A. THAT Sydney North Planning Panel as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2023/1757 for Demolition works and major alterations and additions to Forestway Shopping Centre, including retail uses, swim school, gym, new carpark and access, road infrastructure works and a pedestrian bridge on land at Lot 20 DP 1209801, Forest Way, FRENCHS FOREST, subject to the conditions outlined in Attachment 1.

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.



## ATTACHMENT 1

### Terms and Reasons for Conditions

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

### DEFERRED COMMENCEMENT CONDITIONS

#### 1. Voluntary Planning Agreement

The applicant shall enter into a voluntary planning agreement pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979 to dedicate the land along the Forest Way frontage of the site, referred to on the Proposed Site Acquisition Plan that is referenced in Condition 2 of this consent.

Reason: Statutory requirement.

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

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

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

### GENERAL CONDITIONS

#### 2. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
11993_DA-011	P3	Site Plan	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-031	P2	Demolition Plans	nettleton tribe partnership Pty Ltd	12 October 2021
11993_DA-111	P9	Proposed GA Plan (Basement 2)	nettleton tribe partnership Pty Ltd	31 October 2024

11993_DA-113	P12	Proposed GA Plan (Basement 1)	nettleton tribe partnership Pty Ltd	20 December 2024
11993_SK073	P1	Proposed GA Plan (Ground Floor) VERSION 2	nettleton tribe partnership Pty Ltd	17 April 2025
11993_DA-117	P8	Proposed GA Plan (Level 1)	nettleton tribe partnership Pty Ltd	20 December 2024
11993_DA-161	P6	Proposed Roof Plan	nettleton tribe partnership Pty Ltd	20 December 2024
11993_DA-201	P6	Building Elevations Sheet 1	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-202	P10	Building Elevations Sheet 2	nettleton tribe partnership Pty Ltd	11 April 2025
11993_DA-203	P4	Forest Way Street Elevation	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-211	P3	Material Schedule	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-301	P6	Sections	nettleton tribe partnership Pty Ltd	20 December 2024
A100	1	Swim School Indicative Layout	Revelop	16 April 2025
A200	1	Gym Indicative Layout	Revelop	16 April 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Proposed Site Acquisition Plan	A 001	REVELOP	17 April 2025
Landscape Plans titled 'LANDSCAPE DA PACKAGE'	6	Place Design Group Pty Ltd	7 January 2025
Geotechnical Report titled 'Point Polaris Forestway Shopping Centre'	1	Coffey Services Australia Pty Ltd	26 October 2018
Energy Performance Report titled 'Forestway Shopping Centre'	210409, Revision A	JHA	7 November 2023
BCA Capability Statement titled 'Forestway Shopping Centre Redevelopment'	230349, Revision 1.2	bmplusg	6 November 2023
Development Application Access Report titled '22 Forest Way, Frenchs Forest'	23301, Issue B	Vista Access Architects Pty Ltd	6 November 2023
Noise Impact Assessment titled 'FORESTWAY SHOPPING CENTRE'	TM206-01F03 Noise assessment (r4)	Renzo Tonin & Associates	6 November 2023

Preliminary Site Investigation (PSI) Report titled '22 Forest Way, Frenchs Forest'	ER23047	CET Geotechnical	15 December 2023
Environmental Site Assessment Review titled 'Former BP Service Station Forestway Shopping Centre'	25001245	Kleinfelder Australia Pty Ltd	2 May 2024
Arboricultural Impact Assessment and Tree Protection Plan titled '22 Forest Way, Frenchs Forest, NSW 2086'	Version 2.1	Vertical Tree Management & Consultancy Pty Ltd	20 April 2024
Stormwater Engineering Report titled 'Forestway Shopping Centre 22 Forest Way Frenchs Forest NSW'	21J51, Revision 3	henry & hymas	31 October 2024
Construction Management Plan titled 'FORESTWAY SHOPPING CENTRE'	-	REVELOP	-
Forestway Shopping Centre Retail Centre Plan of Management	Version 1	-	9 October 2024
Supplementary Traffic Advice titled 'MODIFICATIONS TO FORESTWAY SHOPPING CENTRE'	240047.08DA	McLaren Traffic Engineering	17 April 2025
Traffic Engineering Plans	240047, Version A	McLaren Traffic Engineering	23 April 2025
Operational Waste Management Plan titled 'Forestway Shopping Centre'	SO1063, Revision C	ELEPHANTS FOOT RECYCLING SOLUTIONS	11 September 2023
Illumination Strategy	-	Revelop	Undated

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.

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	-
Transport for NSW	Referral - Transport for NSW (TfNSW Reference: SYD24-00053/10)	9 May 2025

NSW Rural Fire Service	Referral - RFS (RFS Reference: DA20240112000159-S38-1)	22 November 2024
NSW Police	Referral - NSW Police - Forestway Shopping Centre Forest Way Frenchs Forest	12 January 2024

(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.

#### 4. **No Approval for Land Uses**

No approval is granted under this Development Consent for any land use within the nominated tenancies on the approved plans. Separate planning approvals will be required for the specific uses of the new tenancies.

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

#### 5. **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.

## 6. 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.

## 7. **General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

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

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

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

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

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads,

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

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

## 8. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any

contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.

- iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

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

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

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2018
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

#### 9. **No Consent for Tenancy Signage**

No consent is granted for any individual future conceptual tenant signage. The only signage approved under this consent is for the 'Forestway Shopping Centre' entrance signage and any 'Woolworths', 'Aldi' and 'Parking' signage.

Reason: To ensure consistency with the type of signage that seeks approval under this application.

#### 10. **Existing Bus Stop**

The location of existing bus stop on Forest Way along frontage of the site must remain in its current location or, if temporarily relocated must be sited in a location that is acceptable to Transport for NSW with all required supporting infrastructure to support its use, (hard stand area, bus shelter, Bus Zone and bus stop signage, tactiles etc).

Approval of TfNSW and its bus service contractors are required to relocate any Bus Stops.

Reason: To ensure certain services are not relocated at any stage during the project.

### FEES / CHARGES / CONTRIBUTIONS

#### 11. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$340,250.00 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 \$34,025,000.00.

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.

## 12. **Security Bond**

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

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

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

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

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

## 13. **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 condition 2, is required to be made:

Contribution Type	Amount

Housing and Productivity Contribution	\$ 158,436.00.
<b>Total:</b>	<b>\$ 158,436.00.</b>

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

***highest PPI number***

***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:

<b>Development</b>	<b>Time by which HPC must be paid</b>
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.

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

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

##### **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 \$ 100,000

##### **Road Works**

As security against any damage or failure to complete the construction of road pavement/shoulder reconstruction and Grace and Russell avenue intersection works required as part of this consent a bond of \$100,000.

##### **Security Bond**

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$30000.

##### **Maintenance for Civil Works**

A maintenance bond of \$50000 for the construction of the road and footpath works. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical completion.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

### **15. National Construction Code (BCA) upgrade requirements and Fire Safety upgrade**

The National Construction Code works and fire upgrading measures to upgrade the building as detailed and recommended in the National Construction Code (NCC) Report prepared by Dean Goldsmith of Blackett Maguire + Goldsmith, dated 6/11/2023, Report Ref No.230349 are to be carried out in full to the building.

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

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

### **16. No Clearing of Vegetation**

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

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

Reason: To protect native vegetation.

### **17. Amendment of Landscape Plans**

The submitted Landscape Plan is to be amended in accordance with the following:

- Quantities are to be identified in the Planting Schedule for all species proposed.

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

### **18. 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 Henry and Hymas, drawing number 21J51 DA C000 Rev3 ,C100 Rev 4 ,C101 Rev 4 ,C102 Rev 4, C200-C202 Rev 4,C210 Rev 2,C250 REV 3, C250,SE01,SE02.

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 Construction Certificate.

**19. Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

**20. Soil and Water Management Plan**

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

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

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

Reason: Protection of the receiving environment.

**21. Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Plans 21J51\_DA Revision 2 dated 25.09.2023 and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

**22. Construction Traffic Management Plan**

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

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.

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

- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Specify that, due to the proximity of the site adjacent to Frenchs Forest Public School, no heavy vehicle movements or construction activities on Grace Avenue or Russell Avenue effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

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

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

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

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

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

**23. Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

**24. Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken:

- All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

**25. Submission of Engineering Plans**

The developer is to submit Civil Engineering plans for the design of:

- new vehicle crossings and associated parking restriction adjustments to enable access to/from the Grace Avenue loading dock area by 15.5m semi trailers
- reconstruction of the existing raised flat topped platform speed hump at No. 70 Grace Avenue
- a roundabout at the intersection of Fitzpatrick Avenue and Grace Avenue (retaining the existing AM peak No Entry Restrictions into Grace Ave south of Fitzpatrick Avenue)
- replacement of the existing speed cushions at No.s 77 & 97 Grace Avenue with raised flat topped speed humps
- replacement of the existing single lane raised flat topped speed hump at No. 79 Grace Ave with a two lane flat topped speed hump

The roundabout is generally to be in accordance with the concept design approved with the Development Application and all works are to be designed in compliance with Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

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

**26. 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.

**27. Amendments to the Approved Plans - External Louvres**

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

- Vertical louvres are to be installed to cover the full area of the windows on the corner of Russell Avenue and Grace Avenue. The design, spacing, colours and materials of the louvres are to complement the design, external colours and materials of the approved development.

Details demonstrating compliance with the above requirement are to be submitted to Council for approval prior to the issue of the Construction Certificate.

Reason: To mitigate the visual impact of illumination on residential properties opposite the development.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 2 of this consent are to be incorporated into the construction plans.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

**29. Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, 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.

**30. 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 compliments 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.

**31. Submission Roads Act Application for Civil Works in the Public Road (Forest Way, Russell and Grace Avenue)**

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 footpath paving and bus shelters which are to be generally in accordance with the Council's Northern Beaches Public Vision and Design Guidelines , Councils standard engineering drawings and specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

- 1) Full width paving for the Forest Way frontage which is to be aligned with the proposed public road dedication plan as prepared by Revelop. Paving is to be in accordance with the Council's Northern Beaches Public Vision and Design Guidelines.
- 2) Relocation of street lighting if required for the Forest Way Frontage in accordance with Ausgrid requirements.
- 3) The extension of the full width footpath paving from Forest Way to the existing vehicle crossing in Russell Avenue and a new 1.5m wide concrete footpath for the remainder of Russell Avenue. Reconstruction of the existing concrete vehicle crossing in Russell Avenue.
- 4) Reinstatement of the redundant vehicle crossing with kerb and gutter , footpath and turf in Russell Avenue.
- 5) Reconstruction of the existing concrete footpath in Grace Avenue to a new 1.5m wide footpath .
- 6) Reconstruction of the existing 2(No) vehicle crossings within Grace Avenue fronting/adjacent to the existing loading dock.
- 7) The engineering plans are also to include the changes to the Grace and Russell Avenue intersection , including new mountable centre island, mountable splitter islands,kerb realignment,directional signage , concrete footpaths , kerb ramps and line marking. The plans are to be generally in accordance with the plan prepared by McLaren Traffic Engineering and Road Safety (Drw 240047 03A)
- 8) Street tree planting in accordance with the approved landscaping plans

Please note all drainage pit /pipe ,road pavement and kerb and gutter adjustments within Forest Way will require separate approval from Transport NSW.

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

The Section 138 and 139 Roads Act approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate

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

**32. Shoring of Council's Road Reserve (Temporary road anchors)**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

**33. Mechanical Plant Acoustic Assessment**

Prior to the issue of any Construction Certificate, an acoustic engineer is to be engaged to undertake an assessment of mechanical services equipment to ensure that the cumulative noise of all equipment does not exceed the applicable noise criteria as detailed in the Acoustic Report prepared by Renzo Tonin dated 6 November 2023. Effective noise mitigation measures are to be provided in the report.

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

Reason: To ensure noise impacts are addressed.

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

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by Councils Environmental Health Officer. 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.

**35. Pre-Commencement Dilapidation Report**

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

**36. 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.

**37. External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43. 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 Construction Certificate.

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

**38. 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.

**39. New Pedestrian Footbridge over Forest Way - Design and Approval**

Full details of the design of the new pedestrian footbridge, including lift and stairs, are to be submitted to Council and Transport for NSW for their consideration and approval.

Details are to include; an Urban Design Report, Access Report, engineering plans, architectural plans, landscape plan and a detailed schedule of external colours and materials.

The bridge design is to be developed having regard to the architectural design, materials and colours of the approved plans for the modernised Forestway Shopping Centre development and the character of the suburb of Frenchs Forest.

The requirements of this condition are to be submitted and approved prior to release of the Construction Certificate.

Reason: To ensure the design of the footbridge provides for adequate pedestrian access and

safety and is suitable in the context and setting of the modernised Forestway Shopping Centre and Frenchs Forest.

**40. Waste and Recycling Requirements**

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

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

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

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

**41. Tree Removal Within the Property**

This consent approves the removal of existing prescribed trees on the subject site as identified in the approved Arboricultural Impact Assessment reports, prepared by Arboreport dated 01/11/2023 and Vertical Tree Management & Consultancy dated 20/4/2024, approved Plans, or as listed below:

- a) trees 1 to 8 inclusive, tree 13 and tree 17,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

**42. Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

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

**43. Road Occupancy Licence**

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

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

**44. Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

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.
- Specify that, due to the proximity of the site adjacent to Frenchs Forest Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours on Grace Avenue or Russell Avenue (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- 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.

## DURING BUILDING WORK

### 45. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of the approved Arboricultural Impact Assessment prepared by Vertical Tree Management & Consultancy.

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

- a) sections 6, 7, 8,
- b) appendix A - Tree Protection Plan

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

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

Reason: Tree protection.

#### 46. **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 AS4970-2009 Protection of trees on development sites, and any recommendations of the approved Arboricultural Impact Assessment prepared by Vertical Tree Management & Consultancy,
  - 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 AS4970-2009 Protection of trees on development sites,
  - ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

#### 47. **Condition of Trees**

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

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

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

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

Reason: Protection of trees.

#### 48. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

#### 49. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

**50. 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.

**51. Dewatering Management**

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

Groundwater: A permit from Council is required for any dewatering of groundwater. Contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for more information about permits.

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

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

Reason: Protection of the receiving environment and groundwater resources.

**52. Installation and Maintenance of Sediment and Erosion Controls**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Henry and Hymas (Plans 21J51\_DA Revision 2 dated 25.09.2023) prior to commencement of any other works on site.

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

Reason: Protection of the receiving environment.

**53. 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.

**54. 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.

**55. 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.

**56. 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.

**57. 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.

**58. Ongoing Management**

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

Reason: To ensure public safety.

**59. 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.

**60. Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 2 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

**61. Survey Certificate**

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

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

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

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

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

**62. Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

**63. Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

**64. 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.

**65. Compliance with Contamination Management Plan**

The requirements of the Environmental Management Plan included in the Groundwater Management Plan, reference number Kleinfelder Project Number: 20151817.001A dated 17 December 2014 is to be fully implemented from commencement of any excavation, demolition or development works until the issue of an Occupation Certificate.

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

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

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan referenced in Condition 2.

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

**67. 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**

**68. Installation of Acoustic Controls**

Certification shall be provided from a suitably qualified professional that all recommended noise mitigation measures have been installed according to the noise assessment report undertaken prior to Construction certificate.

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

Reason: To ensure noise has been mitigated as much as possible.

**69. Public pool design certification**

The design of the public pool aquatic facility including the pool deck, filtration and dosing systems must be compliant with Chapter 7 of the NSW Health Public Pool and Spa Advisory Guidelines. A report demonstrating compliance must be completed by a suitably qualified person and details provided to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: To maintain public health.

**70. Public pool registration**

The public pool must be registered with the Appropriate Regulatory Authority prior to an Occupation Certificate being issued.

Reason: Legislative requirement.

**71. Registration with regulatory authority**

The food business must be registered with the appropriate regulatory authority, prior to the Occupation Certificate being issued.

Reason: Legislative requirement.

**72. Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size, and other planting shall conform to the listed spacing in the plant schedule,
- c) any landscape works within the road reserve shall be the subject of a section 138 application under the Roads Act.

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

Reason: Landscape amenity.

**73. Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment prepared by Vertical Tree Management & Consultancy, including the following information:

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

Reason: Tree and vegetation protection.

**74. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

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

**75. 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 Occupation Certificate.

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

**76. Stormwater Disposal**

The stormwater drainage works including the provision of on site stormwater detention shall be certified as compliant with the approved construction certificate plans and Councils Water Management for Development Policy by the design engineer. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

**77. 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 plans prepared by Henry and Hymas, Revision 2 dated 25.09.2023. 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 Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

**78. 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 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.

**79. 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 visitsAdditionally 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 Occupation Certificate.

Reason: Protection of the receiving environment.

**80. 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 Occupation Certificate.

Reason: Protection of the receiving environment.

**81. Signage and Linemarking – External**

A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent parking amenity.

**82. Civil Engineering works including signage and linemarking – Implementation**

The applicant is to install all Civil Engineering works on Council's Road Reserve including signage and linemarking, as per any Roads Act approval. These works are to be completed prior to the issue of any Occupation Certificate at no cost to Council.

Reason: To ensure compliance with the Road Act.

**83. 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 any Occupation Certificate.

The Plan will need to demonstrate how loading dock will be managed to ensure that there will be only one vehicle entering and exiting the loading dock access in any period and how safe servicing arrangements including waste collection will be undertaken without interrupting general traffic. Vehicle queuing on public road(s) is not permitted.

Reason: to ensure the loading dock is managed appropriately and that tenants are aware of the conditions of use.

**84. Dedicated Parking/Loading Space for Council Youth Centre**

The designated carparking/loading space shown on the approved plans, which is to be dedicated to the adjoining Council Youth Centre, is to be signposted and linemarked as being allocated for exclusive use by the staff/attendees of the Youth Centre.

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

Reason: To ensure parking availability for the Council Youth Centre.

**85. Disabled Parking Spaces**

Disabled parking spaces must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

**86. Geotechnical Certification Prior to Occupation Certificate**

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 2 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**87. Positive Covenant, Restriction as to User and Registration of Encumbrances for Designated Parking**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to assign a single car parking space to be used by existing Youth Centre that is being retained.

A restriction as to user shall be created on the title over the single car parking space, restricting any alterations to the car parking space and requiring the car parking space to be maintained in perpetuity.

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 Occupation Certificate.

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

**88. 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 an Occupation Certificate.

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

**89. Post-Construction Dilapidation Report (Major Development)**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

**90. Road/Property Dedication Plan - Forest Way**

The applicant shall submit a Road Dedication Plan to Council for approval generally in accordance with the Proposed Site Acquisition Plan that is referenced in Condition 2 of this consent and as required by the Voluntary Planning Agreement in Condition 1 of this consent.

A final road dedication plan is to be prepared in accordance with the requirements of the Conveyancing Act 1919. This documentation is to be submitted to Council prior to the issue of the Occupation Certificate.

All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks.

The fee payable for signing of the plan is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

**91. 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 2 of this consent have been completed:

- (a) Geotechnical Report.
- (b) BCA Capability Statement.
- (c) Development Application Access Report.
- (d) Noise Impact Assessment.
- (e) Preliminary Site Investigation.

- (f) Arboricultural Impact Assessment and Tree Protection Plan.
- (g) Construction Management Plan.

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

Reason: To ensure compliance with standards.

**92. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that 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.

**93. Mechanical Ventilation certification**

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

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

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

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

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

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

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

Reason: To ensure bushland management.

**95. Certification of Bushfire Requirements**

A suitably qualified bushfire consultant is to provide written certification that the recommendations of the NSW Rural Fire Service referenced in Condition 3 of this consent have been incorporated into the as-built development.

Documented evidence is to be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure compliance with Planning for Bushfire Protection 2019.

**96. Construction of Pedestrian Footbridge with Lifts and Stairs**

The developer is to construct the pedestrian footbridge over Forest Way, as shown on the approved plans, with associated lifts and stairs in accordance with a design which is to be

approved by Council and Transport for NSW prior to release of any Occupation Certificate.

The cost of the construction of the bridge, including landings and associated civil works and landscaping are to be at no cost to Council.

Reason: To ensure adequate provisions are made for pedestrian access and safety.

**97. Waste/Recycling Compliance Documentation**

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

Reason: To ensure waste is minimised and recycled.

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

**98. Loading Dock Noise Mitigation**

The use of airbrakes as the trucks approach the entrance of the loading dock is to be avoided where reasonable.

The trucks are to enter the loading dock in a forward direction only to eliminate potential sleep disturbance impacts from trucks manoeuvring and reversing alarms outside the loading dock enclosure.

To minimise potential noise event (rattle, clangs, bangs, etc.) from the movement of the truck on the loading dock driveway, the redevelopment of the shopping centre is to ensure that the driveway has an even surface and that the drainage grate across the driveway is properly secured.

The roller door is to be closed once the truck enters the loading dock so that any noise events from truck movements within the loading dock area and loading/unloading activities are subject to acoustic attenuation by the enclosure.

The roller door is to have a rubber seal on the bottom rail to minimise any impact sound on closing.

Reason: To ensure acoustic compliance in an operational situation.

**99. Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. 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. 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 Plans and any conditions of consent.

Reason: To maintain local environmental amenity.

**100. Maintenance of Stormwater Treatment Measures**

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

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

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

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

Reason: Protection of the receiving environment.

**101. 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.

**102. Delivery Vehicles**

Delivery vehicles associated with the completed development are only permitted to undertake deliveries from within the offstreet loading docks serving the development

Reason: Compliance with Council's expectations within a residential area and for a large shopping centre.

**103. 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.

**104. 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.

**105. Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 2 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

**106. 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.

**107. Illuminated Signage**

The approved signage is not permitted to be illuminated between 10.00pm - 6.00am, seven days a week.

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

**108. Hours of Operation**

Centre Operational Hours

The hours of operation are to be restricted to 7.00am - 10.00pm, seven days a week.

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.

Loading Dock Operations

The enclosed loading dock on Grace Avenue is permitted to operate between 6.00am - 10.00pm, seven days a week.

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

**109. Waste Collection**

Waste collection Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997. Records must be kept of all waste disposal from the site.

Waste Collection must also be restricted to the following times:

- Monday to Friday: 6.00am - 8.00pm.

Reason: To mitigate adverse noise impacts to nearby residential properties.

