

COUNCIL ASSESSMENT REPORT

SYDNEY NORTH PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSNH-682 and MOD2025/0381
PROPOSAL	Modification of Development Consent DA2015/0901 granted for demolition works, alterations and additions to the existing pub, construction of hotel or motel accommodation and retail liquor store
ADDRESS	39 Frenchs Forest Road East FRENCHS FOREST
APPLICANT	Endeavour Group Limited
OWNER	Australian Leisure and Hospitality Group Pty Ltd
DA LODGEMENT DATE	14.7.2025
APPLICATION TYPE	Modification Application (s4.56 of EPA Act, 1979)
REGIONALLY SIGNIFICANT CRITERIA	<i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal to be regionally significant development
CIV	\$57,076,611 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	• State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • Warringah Local Environmental Plan 2011
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	• Architectural Plans prepared by Warren and Mahoney Architects, Revision E, dated 14.10.2025 • Landscape Plans prepared by Elke Haegel Landscape, Revision E, dated 14.10.2025 • Report on Contamination Review of Proposed Stage 2 Works for Parkway Hotel Redevelopment, prepared by Douglas Partners, dated 6 May 2025. • Waste Management Plan prepared by Colliers, dated 25.6.2025. • BCA & Disabled Access Compliance Statement prepared by Steve Watson and Partners, dated 30 June 2025 • Acoustic Assessment prepared by Acoustic Logic dated 27 June 2025 • Arborist Impact Assessment Report prepared by Elke, dated 18 June 2025 • Traffic and Parking Report prepared by Colston Budd Rogers and Kafes Pty Ltd, dated June 2025 • Construction Management Plan, prepared by Laine Group, dated June 2025 • Civil Engineering Plans, prepared by Henry & Hymas, Revision 2, dated 25 June 2025, and OSD Statement dated 23.10.2025.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	12 November 2025

PLAN VERSION	Architectural Plans prepared by Warren and Mahoney Architects, Revision E, dated 14.10.2025
PREPARED BY	Steve Findlay – Manager Development Assessment
DATE OF REPORT	5 November 2025

EXECUTIVE SUMMARY

Consent DA2025/0901 was granted by the Land and Environment Court on 12 April 2018 for demolition works, alterations and additions to the existing pub, construction of hotel or motel accommodation and retail liquor store.

This application involves substantial modifications to an approved hotel/motel accommodation building (and associated carpark, access, landscaping and stormwater), which constitutes the remaining stage (Stage 2) of the redevelopment of the Forest Hotel Site (formerly known as the Parkway Hotel).

The application is referred to the Sydney North Planning Panel as the cost of development for the hotel/motel building and associated works is in excess of \$30 Million.

The 6 storey hotel/motel accommodation building, carpark, internal access driveways, landscaping and stormwater infrastructure was approved under DA2015/0901, in association with a new tavern (pub) and bottleshop, which have been completed and occupied as part of Stage 1 and 1A of the development.

The major changes to the approved scheme can be summarised as:

- repositioning and reorientation of the building on the site,
- change in the location and design of the carparking structure,
- reduced and/or altered front setbacks to Warringah Road and adjoining properties,
- significant redesign of the architecture and urban design outcome,
- changes to the landscape setting of the new development,
- increase in the number of guest rooms from 100 to 146,
- changes to the provision of carparking, stormwater and water quality management, and
- changes to the provision of roof top plant and building signage.

Importantly, the height of the building is being retained at the approved 6 storeys, and the overall height of the building is being reduced by 1.2m.

The public exhibition of the application resulted in no submissions being received.

The application was reviewed by the Design and Sustainability Advisory Panel (DSAP), the internal referral sections of Council, NSW Police, Ausgrid and Transport for NSW. Additionally, a briefing was held with the SNPP after the notification and referrals were completed and an initial Request for Information (RFI) was sent to the applicant. The recommendations and advice from the DSAP, combined with the feedback from SNPP and issues raised by Council's internal referrals sections, were relayed to

the applicant via a second RFI, and a number of detailed discussions were held with the applicant in an attempt to resolve the issues and concerns.

Those planning and related matters included;

- non-compliance of the carparking structure with the 15m front setback to Warringah Road,
- inadequate side setbacks to the eastern adjoining property,
- lack of landscape buffers as a consequence of the inadequate front and side setbacks,
- lack of adequate break-up/softening of the open carpark above the basement level,
- excessive visual prominence of the roof top screening of the lift overrun and plant, and
- the excessive visual prominence of the proposed business identification signage.

The applicant responded with revised plans, including architectural and landscape plans, revised traffic and parking report, and additional information in relation to the stormwater design.

The assessment included an evaluation as to whether the modified development satisfied the test under S4.56 of the EPA Act, 1979, that is substantially the same development as the originally approved development. The applicant addressed the matter in the Statement of Environmental Effects and also provided a legal opinion to support their position (in response to Council's RFI letter), which was reviewed by Council's legal and planning team, and it was concurred with that the modified scheme is substantially the same, hence satisfying this jurisdictional matter.

The application (as amended) largely complies with the planning controls under the Warringah Development Control Plan 2011, with the exception of the 33.3% landscaped open space control, where the proposal seeks to reduce the quantum from the approved 26.1% to 16.5% (based on the whole site). The reduction in landscaped open space is associated with the significant rearrangement of the building and carpark and access driveways on the site and the reduction in the original 30m front setback (to the building and carpark), and placement of the carpark within the 15m to 30m portion of the front setback to Warringah Road. The variation is supported on the grounds that the landscape setting and front setback buffer to Warringah Road and the adjoining property are satisfactory in maintaining the landscape amenity of the southern part of the site, the revised design still allows for the establishment of significant canopy trees fronting Warringah Road, and it is compatible with adjoining development to the east and west.

The revised design satisfies the issues and concerns raised via the planning assessment, the DSAP recommendations and by the internal referrals.

The redesign of the hotel/motel accommodation building, associated carpark and landscaping, as represented in the modified scheme, reflects better site planning, a more site responsive design and significantly enhanced architecture and urban design qualities compared to the approved scheme. Whilst the larger landscaped setback to Warringah Road for the building and carpark under the approved scheme has been diminished, and additional built form will be visible from the public domain, on balance, the proposed development is a better planning outcome for the site, the streetscape and the general locality.

Accordingly, the application is supported and recommended for **approval** subject to the modified conditions attached to this report.

PROPOSED DEVELOPMENT IN DETAIL

This modification application seeks to make substantial changes to the approved mixed use development, specifically in relation to the motel component which is the remaining stage of the Forest Hotel site redevelopment.

The main changes are summarised as follows:

- Building Location - from the south-west corner/western side of the site to central/southern area of the site
- Building Orientation - from a north-south axis to an east-west axis
- Building Footprint - from rectilinear to "bent/elbow" shape
- Building Facade Design - modernisation and updated architectural expression
- Building Height - reduced from 26.4m to 25.3m
- Number of Motel Rooms - increased from 100 to 146
- Lift overrun, rooftop plant and screening - new solar panels, mechanical plant, lift overrun, and rooftop screens
- Building Floor areas - deletion of restaurant and function rooms, and addition of gymnasium and boardroom
- Carparking Location - from basement below ground with open carpark above within eastern side of building to basement partially above ground level with open carpark above within southern side of building
- Carparking Numbers - increased from 164 spaces to 182 spaces and from fully underground basement to partly above ground basement (with open carpark above)
- Signage (DELETED BY APPLICANT)
- Stormwater Management - changed from above ground bioswale to constructed OSD tank in basement carpark
- Designated Outdoor Smoking Area (DOSA) to be relocated

Approved Scheme (DA2015/0901)

The photomontage of the originally approved hotel/motel component of the mixed-use development as viewed from Warringah Road is shown below.



Figure 1 - Current Approved Hotel/Motel Design

DSAP, SNPP and Request for Information (RFI)

The application was presented to the DSAP and the SNPP, and a number of recommendations and issues were highlighted, including the front setbacks to Warringah Road, landscaping of those setbacks, landscaping of the raised carpark, and the visual impact of the modified development on the public domain, which led to discussions between the Applicant and Council, and ultimately revised plans were submitted.

Modification Scheme (MOD2025/0381 - Current Application)

The photomontage of the current revised scheme for the hotel/motel component of the mixed-use development as viewed from Warringah Road is shown below, noting that this image does not depict the final changes made to the carpark level to comply with the 15m front setback to Warringah Road, the increased side setback to the east, and the building was moved 5.0m further away from Warringah Road:



VIEW FROM WARRINGAH ROAD LOOKING NORTH WEST

Figure 2 - Current Revised Design for the Hotel/Motel

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

Environmental Planning and Assessment Act 1979 - Section 4.56 - Environmental Planning and Assessment Act 1979 - Section 4.56 - with S4.15 Assessment
 Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D9 Building Bulk

Warringah Development Control Plan - D10 Building Colours and Materials

Warringah Development Control Plan - D11 Roofs

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot X DP 405206 , 39 Frenchs Forest Road East FRENCHS FOREST NSW 2086
Detailed Site Description:	The subject site is situated on the southern side of Frenchs Forest Road East (main frontage) and has a secondary frontage Warringah Road. The site is 18,971sqm in area and has a gentle slope from north to south. The site is currently developed as the Forest Hotel (tavern/pub) and retail liquor store (bottle shop). The site has its sole vehicular access from Frenchs Forest Road East (no access from Warringah Road). There is an open bitumen carpark fronting Warringah Road which is associated with the former Parkway Hotel, and is earmarked for the future hotel/motel accommodation building. The site is generally devoid of native vegetation, with the only stand of significant trees being within the road reserve of Warringah Road, and new landscaping has been established in front setback to Frenchs Forest Road East and within the narrow side setback areas as part of previous stages of development. The site is not flood affected or in a bushfire zone. The site sits within the Frenchs Forest Business Park, which is characterised by large lots with variable height, size and scale of predominantly commercial office, warehouse and industrial uses. The business park has a distinctive landscape setting, with a tree-lined primary road frontage to Warringah Road, which is a classified/main road. The site is nearby to the new Northern Beaches Hospital precinct and future Frenchs Forest Town Centre.

Map:



SITE HISTORY

DA2015/0901 - Demolition works, alterations and additions to an existing pub, construction of hotel or motel accommodation and retail liquor store.

This application was refused by the Sydney North Planning Panel on the grounds that the proposal was prohibited in the zone under the Warringah Local Environmental Plan 2011.

The motel component of the application was being intensified from the existing 11 rooms to 100 rooms and the former bottle shop for the pub was being intensified to a significantly larger Dan Murphy's liquor store. The pub was a permissible use in the zone, but the motel and bottleshop uses were prohibited uses under the WLEP 2011. The application relied upon establishing that the motel and bottle shop had existing use rights and that those rights could be relied upon for the level of enlargement, expansion and intensification.

The DA was refused on the grounds of permissibility and the applicant subsequently appealed the decision. The matter was the subject of a Section 34 Conciliation Conference in the Land and Environment Court, and the parties eventually resolved the contentions, resulting in the DA being approved on the basis of an agreement that existing use rights applied to the site for retail premises (liquor store) and motel/hotel accommodation and the intensification of the EUR were consistent with the terms of the EPA Act, 1979.

The LEC approved the DA based on a conclusion that the commercial uses could be expanded, enlarged and intensified for the retail and motel.

MOD2018/0585 - This application involved the rationalisation and modernisation of the approved scheme and included; a reduction to the northern extent of the approved retail premises, construction of a mezzanine level within the retail premises, and making various internal adjustments to the approved pub layout and external adjustments to entry structures.

Condition No. 1B was also added to Development Consent No. DA2015/0901 to allow for the staging of the construction process as follows:

- Stage 1A – Site preparation, Dan Murphy's and associated works
- Stage 1B – Tavern (Forest Hotel) and associated works
- Stage 2 – Motel/Hotel and associated works

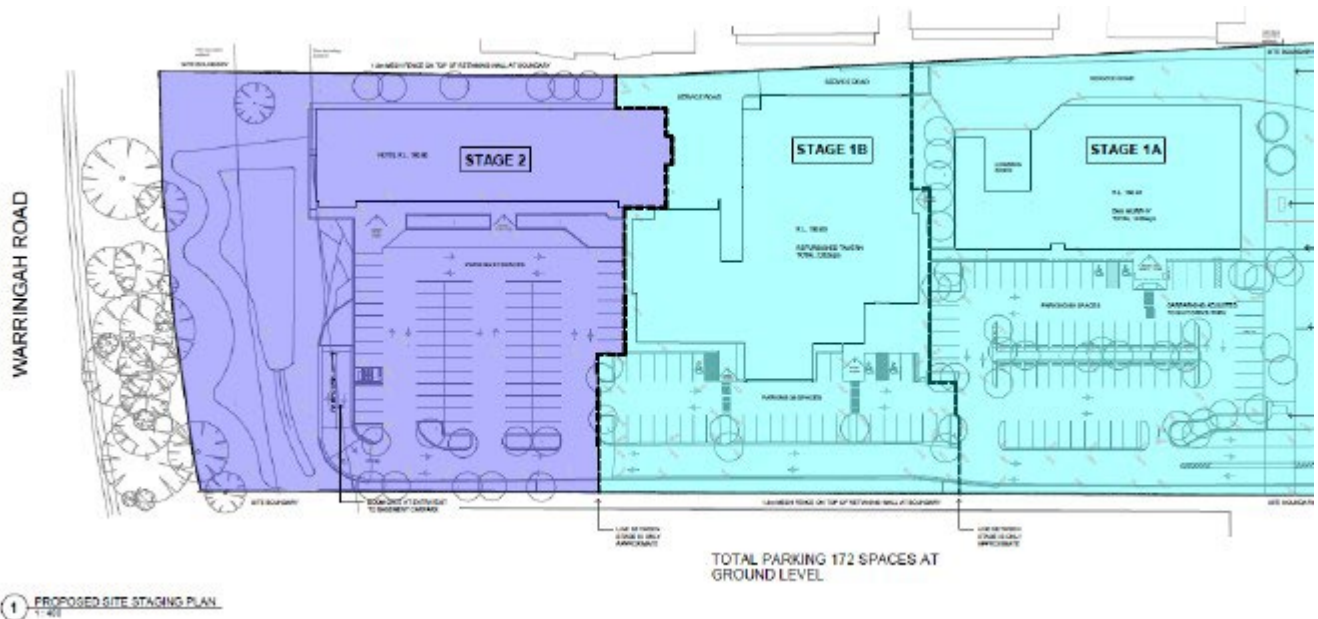


Figure 3 - Approved Staging Plan

It is noted that the current MOD2025/0381 relates to the remaining Stage 2 of the development, being the motel/hotel area of the site as shown in purple above.

DA2021/2189 - This application was lodged as an Amending Development Application and sought a significant redesign of the remaining Stage 2 hotel/motel accommodation component of the redevelopment, including an increase in the number of guest rooms from 100 to 149 rooms, an increase in the number of carparking spaces from 164 to 202 and an increase in the height of the building by 600mm, but maintaining the location and footprint of the approved development.



Withdrawn Development Application Scheme 2021

Figure 4 - Design of Hotel/Motel under Withdrawn DA

The Development Application was the subject of DSAP advice that the building be rotated 90 degrees on the site (consistent with the new location under the current modification application), and it was subsequently withdrawn based on advice from Council that it would not be supported.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:
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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

The relevant matters for consideration under Section 4.56 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.56 - Other Modifications	Comments
	(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Section 4.56 - Other Modifications	Comments
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those approved under DA2025/0901. In this regard, the application involves a number of significant changes to the approved scheme, which on initial review raised concerns as to whether the modified scheme was in fact substantially the same development, principally: • The increase in the number of hotel rooms from 100 to 146 (49% increase). • The relocation and re-orientation of the building (through 90 degrees) from a north-south axis to an east-west axis. • The reduction in the front setback to Warringah Road from 30m (to hotel building) to 15m (to raised carpark). • The reduction in the generous landscaped buffer treatment to Warringah Road. • The increased streetscape presence of the building when viewed from Warringah Road from its southern side elevation (18m wide) to its southern rear elevation (73m wide). • The wholesale change in the architectural design of the building. • The significant changes to the side setbacks to adjoining properties. The applicant was requested to address the concerns raised in the form of an initial Request for Information (RFI) letter. The applicant responded with a submission that included a legal opinion obtained from a Senior Counsel which was reviewed by Council, and it was decided that it was reasonably open for Council to conclude that the modified scheme was substantially the same development. Since then, revised plans have been lodged which address the Council's concerns in relation to the proposed modified development, including an increased setback of the carpark structure to Warringah Road (and associated landscaping), increased setback of the hotel building from Warringah Road and increased side setbacks (and associated landscaping). Based on Council's agreement with the applicants justification, and the changes since made to the proposal, Council is satisfied that the modified development is substantially the same as the originally approved development.

Section 4.56 - Other Modifications	Comments
(b) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application was publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and	Written notices of this application have been sent to the last address known to Council of the objectors or other persons who made a submission in respect of the original development application No. DA2015/0901.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.56 of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.56, the consent authority must take into consideration such of the matters referred to in Section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Section 4.15(1) is addressed in the table below.

The reasons given by the consent authority for the grant of the consent that is sought to be modified is discussed as follows:

Comment on Reasons for Determination of DA2015/0901:

The Consent was granted by the Land and Environment Court following an appeal against the Sydney

North Planning Panel (SNPP) decision to refuse the application on the basis that the retail premises and hotel accommodation were not permissible uses in the B7 Business Park zone (now zoned SP4 - Enterprise) as prescribed by WLEP 2011.

No specific reasons were provided by the Court in the granting of the consent, as it was the subject of a Section 34 Conciliation Agreement between the Applicant and Council, and so no judgement outlining any reasons was required to be handed down by the Court.

In essence, the reasons for the granting of the original consent have been considered in the assessment of this modification application. The proposed changes will result in a modified development that will not conflict with the original reasons for the granting of consent.

The relevant matters for consideration under Section 4.15 of 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 2000 (EP&A Regulation 2000)	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to setbacks, landscaping, carparking, rooftop structures, signage and stormwater management. Clause 61 of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter is addressed via conditions imposed on the original consent. Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report. (ii) The social impact of the proposal was addressed in the original DA and it was determined that it would not have a detrimental impact on the locality, and the modified application does not alter that assessment. (iii) The economic impact of the proposal was addressed in the original DA and it was determined that it would not have a detrimental impact on the locality and the modified application does not alter that assessment.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development as modified under this application.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No public submissions were made in respect to this application.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Hotel/Motel Accommodation

The approved use, which is to be modified under the current application is defined as "Hotel or motel accommodation" under the Warringah Local Environmental Plan 2011 (WLEP), and is a type of "*Tourist and Visitor Accommodation*", and is a prohibited use in the SP4 Enterprise Zone under the WLEP.

An extract from the WLEP is as follows:

hotel or motel accommodation

means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) *comprises rooms or self-contained suites, and*
- (b) *may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

However, existing use rights pursuant to Division 4.11 of the Environmental Planning and Assessment Act 1979 were established and acknowledged for the hotel/motel accommodation use during the Section 34 Land and Environment Court proceedings in 2018, which led to the granting of the original Development Consent No. DA2015/0901, and which is sought to be modified by the current application.

The current modification application continues to rely upon those existing use rights and no further assessment needs to be undertaken.

Other Uses on the Subject Site - Tavern (Pub) and Bottleshop

It is noted that the existing tavern (pub) is an Additional Permitted Use on the site under Clause 12 of WLEP as follows:

12 Use of certain land at 39 Frenchs Forest Road East, Frenchs Forest

- (1) This clause applies to land at 39 Frenchs Forest Road East, Frenchs Forest, being Lot X, DP 405206, shown as "Area 12" on the Additional Permitted Uses Map.
- (2) Development for the purposes of pubs is permitted with consent.

The existing retail liquor store (bottle shop) on the site is a prohibited use in the SP4 zone under WLEP 2011 and has existing use rights.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 29/07/2025 to 19/08/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

The public exhibition of the application resulted in no submissions being received.

The revised scheme submitted in response to Council's RFI letter was not required to be re-notified under the Northern Beaches Community Participation Plan as the changes would not result in a greater environmental impact.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	SUPPORTED WITH RECOMMENDATIONS Strategic context, urban context: surrounding area character The modified design the Panel makes the following recommendations for the modified DA. 1. <i>Develop the 30m setback zone with a landscape solution integrated with the carpark structure.</i> <i>Provide planting on structure to support an urban tree canopy to the carpark area and perimeter planters to Warringah Road frontage.</i> <i>Ensure that suspended carpark slabs do not encroach into an area 15m from Warringah Road. The only carparking in the 15m zone is to be located on ground level.</i> <i>Setback the suspended carpark slab level 3.6m from the eastern boundary (aligned with basement carpark). Landscape the recovered deep soil area to create a landscape connection to the 30m landscaped area on 25 Frenchs Forest Road.</i> <i>Setback the suspended carpark slab level 2.0m from the western boundary (aligned with basement carpark). Landscape the recovered deep soil area to create a continuous landscape area along the western boundary.</i> 2. <i>Consider replacing the current proposed carpark arrangement utilising a lateral central ramp with a more efficient split level carpark. This will effectively reduce the height of carpark structure in the 30m setback zone by a half level and reduce the visual impact from Warringah Road. This arrangement should enable above ground car spaces lost in the 15m setback zone to be relocated.</i> <u>Assessment Officer's Comments</u> - These recommendations have largely been incorporated into the amended plans. Scale, built form and articulation 3. <i>Set back the roof plant enclosure from the building perimeter in the general alignment with the southern edge of the lift overrun. Ensure the roof profile to the fire stair landings do not encroach above the parapet level.</i> <u>Assessment Officer's Comments</u> - This recommendation has been incorporated into the amended plans. Access, vehicular movement and car parking 4. <i>Consider a split level carpark arrangement (delete central ramp arrangement) to enable the removal of suspended carparking spaces in the Warringah Road setback zone.</i> <u>Assessment Officer's Comments</u> - The applicant advised that a split-level design

Internal Referral Body	Comments
	could not be carried out on this site. Landscape <i>5. We recommend screening the above ground carpark with a mix of endemic trees and shrubs at a range of heights to create an effective screen.</i> <i>Planting of trees on the above ground carpark is necessary and can be created by island planting penetrating to deep soil below or raised planters with adequate soil volumes to sustain small and medium sized tree growth.</i> <i>6. Consider a more direct connection of landscaped space to the lobby areas. This space should incorporate an outdoor terrace and other amenity including cafe tables and seating benches</i> <u>Assessment Officer's Comments</u> - These recommendations have been incorporated into the amended plans. Amenity <i>7. Provide windows to the service corridor to reduce the need for artificial lighting and to ensure a healthier building.</i> <u>Assessment Officer's Comments</u> - This recommendation has been incorporated into the amended plans. Façade Treatment/Aesthetics <i>8. The approved scheme has been updated and modernised to a different architectural character. The Panel considers the revised character to have merit and be satisfactory.</i> <i>9. The proposal involves business identification signage above the main parapet of the building (level 7), which the Panel are advised is contrary to the Section D23 – Signs of the WDCP. The Panel defers to the Council in this matter.</i> <u>Assessment Officer's Comments</u> - The signage has been deleted from the application. Sustainability <i>10. Provide more shading to the car park, preferably through canopy trees.</i> <i>11. Consider how patrons will move between the car park and the adjacent pub, and how people will access the landscaped lawn from both the hotel and the pub.</i> <i>12. Consider how a heat pump can be included in the design of the building for hot water.</i> <i>13. Consider operable windows and ceiling fans to reduce reliance on A/C.</i>

Internal Referral Body	Comments
	<u>Assessment Officer's Comments</u> - These recommendations have largely been incorporated into the amended plans. PANEL CONCLUSION <i>The Panel generally supports the development in its current form subject to implementation of the recommendations above.</i> <i>The Panel does not support the modified car area in its current form and further design development is required in accordance with the recommendations above.</i> <u>Assessment Officer's Comments</u> - The advice and recommendations of the Panel, including the advice provided in relation to the Pre-DA for DA2021/2189 (which was withdrawn), have been incorporated into the revised scheme embodied in this modification application, which as resulted in a better design and planning outcome.
Building Assessment - Fire and Disability upgrades	SUPPORTED WITH CONDITIONS The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application subject to inclusion of the attached conditions of approval and consideration of the notes below. <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 the Construction Certificate Stage.</i>
Environmental Health (Contaminated Lands)	SUPPORTED WITH CONDITIONS The proposal is accompanied by a statement from a environmental consultancy. Updated Referral Comments - 19/09/2025 Upon review of previous referral comments and Council records it has been determined that original conclusions for contamination matters reached as a result of documentation accepted as part of the parent consent remain valid. Accordingly, Environmental Health supports the proposal with a recommended condition of consent pertaining to "unexpected finds".
Environmental Health (Industrial)	SUPPORTED WITH CONDITIONS The proposal is supported by an acoustic report which recommends noise mitigation measures by way of building elements and design. Environmental Health supports the development and recommends a number of conditions of consent.

Internal Referral Body	Comments																		
Landscape Officer	SUPPORTED WITH CONDITIONS <u>Comments on Amended Plans - 17/10/2025</u> Amended Architectural and Landscape Plans are noted following discussions with the applicant. The amended plans indicate that a fully landscaped 15m setback from the Warringah Road road reserve has been provided and additional soft landscape has been provided in the carpark and side setbacks, which is supported. The Landscape Plans have been updated to specify trees, shrubs and groundcovers selected from the Duffy's Forest Ecological Community, integrating the planting with the existing Duffy's Forest vegetation mapped within the Warringah Road road reserve. The Arborist's Report has been updated to reflect the amended plans with no loss of additional trees. No objections are raised with regard to landscape issues subject to condition updates to reflect the amended plans and report. Please find below extracts from the approved conditions with the recommended amendments to reflect the amended plans and documents relating to landscape issues.. 1. A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows: <table><tr><th colspan="3">Landscape Plans</th></tr><tr><th>Drawing No.</th><th>Dated</th><th>Prepared By</th></tr><tr><td>L_101 (Issue G)</td><td>15.04.19</td><td>Elke Haegel Landscape Architect and Consulting Arborist</td></tr><tr><td>L_102 (Issue G)</td><td>16.04.19</td><td>Elke Haegel Landscape Architect and Consulting Arborist</td></tr><tr><td>L_501 (Issue C)</td><td>15.4.19</td><td>Elke Haegel Landscape Architect and Consulting Arborist</td></tr><tr><td>Arb_601 + 602 (Issue C)</td><td>28.01.16</td><td>Elke Haegel Landscape Architect and Consulting Arborist</td></tr></table> MOD2018/0585 Page 3 of 3 Amend this condition to update Drawing Nos : L_100 Issue E Dated 14.10.25 L_101 Issue E Dated 14.10.25 L_102 Issue E Dated 14.10.25 L_501 Issue E Dated 14.10.25 L_502 Issue E Dated 14.10.25 L_301 Issue C Dated 10.10.25 2.	Landscape Plans			Drawing No.	Dated	Prepared By	L_101 (Issue G)	15.04.19	Elke Haegel Landscape Architect and Consulting Arborist	L_102 (Issue G)	16.04.19	Elke Haegel Landscape Architect and Consulting Arborist	L_501 (Issue C)	15.4.19	Elke Haegel Landscape Architect and Consulting Arborist	Arb_601 + 602 (Issue C)	28.01.16	Elke Haegel Landscape Architect and Consulting Arborist
Landscape Plans																			
Drawing No.	Dated	Prepared By																	
L_101 (Issue G)	15.04.19	Elke Haegel Landscape Architect and Consulting Arborist																	
L_102 (Issue G)	16.04.19	Elke Haegel Landscape Architect and Consulting Arborist																	
L_501 (Issue C)	15.4.19	Elke Haegel Landscape Architect and Consulting Arborist																	
Arb_601 + 602 (Issue C)	28.01.16	Elke Haegel Landscape Architect and Consulting Arborist																	

Internal Referral Body	Comments												
	<table border="1"><tr><th colspan="3">Reports / Documentation – All recommendations and requirements contained within:</th></tr><tr><th>Report No. / Page No. / Section No.</th><th>Dated</th><th>Prepared By</th></tr><tr><td>Accessibility Report (ADR257V1.2)</td><td>27 January 2016</td><td>ABE Consulting</td></tr><tr><td>Arboricultural Assessment (Rev C)</td><td>28.01.16</td><td>Elke Haege Landscape Architect and Consulting Arborist</td></tr></table> Amend this condition to update Arborist's Report: Arborist Impact Assessment Report (Addendum) Dated 18 June 2025 3. K. Amend Condition <18 Tree protection and pruning> to read as follows: a) Existing trees which must be retained i) All trees not indicated for removal on amended Landscape Plans identified in Condition 1 prepared by Elke Haege Landscape Architect, unless exempt or noxious in Warringah. MOD2018/0585 Page 6 of 3  northern beaches council b) Tree protection and pruning: i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site. ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site. iii) All tree protection to be in accordance with the Arboricultural Assessment Revision C dated 28.01.16 prepared by Elke Haege Consulting Arborist and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures. . iv) All tree protection measures, including fencing, are to be in place prior to commencement of works v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans. vi) Tree pruning is not to exceed 15% of any existing tree canopy vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees. Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01) Amend condition b) iii) to update reference to latest Arborist's Report and update reference to the new Australian Standard: Arborist Impact Assessment Report (Addendum) Dated 18 June 2025 prepared by Elke Haege Consulting Arborist. AS4970-2025 Protection of trees on development sites. 4.	Reports / Documentation – All recommendations and requirements contained within:			Report No. / Page No. / Section No.	Dated	Prepared By	Accessibility Report (ADR257V1.2)	27 January 2016	ABE Consulting	Arboricultural Assessment (Rev C)	28.01.16	Elke Haege Landscape Architect and Consulting Arborist
Reports / Documentation – All recommendations and requirements contained within:													
Report No. / Page No. / Section No.	Dated	Prepared By											
Accessibility Report (ADR257V1.2)	27 January 2016	ABE Consulting											
Arboricultural Assessment (Rev C)	28.01.16	Elke Haege Landscape Architect and Consulting Arborist											

Internal Referral Body	Comments								
	19. Compliance with Standards The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02) Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate: (a) AS2601.2001 - Demolition of Structures** (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings** (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting** (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) ** (e) AS 4970 - 2009 'Protection of trees on development sites** Update reference to the new Australian Standard: AS4970-2025 Protection of trees on development sites 5. U. Amend Condition <38 Required Planting > read as follows: In respect of each stage of the development, the tree/s listed in the following schedule shall be planted in accordance with the following schedule: <table><tr><th>No. of Trees Required.</th><th>Species</th><th>Location</th><th>Minimum Pot Size</th></tr><tr><td>All trees</td><td>As indicated on Landscape Plans Dwg Nos. L 101 D and L 102 D dated 27.01.16 Elke Haege Landscape Architect, except as modified by the amended landscape concept drawings referred to in Condition 1.</td><td>As indicated on the Landscape Plan</td><td>As indicated on the Landscape Plan</td></tr></table> Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate. Reason: To maintain environmental amenity. (DACLAF01) Amend 'species' section to: As indicated on the approved Landscape Plans referred to in Condition 1. <u>Comparison of Approved Landscape Plan versus Proposed Landscape Plan - Warringah Road Frontage</u> <i>The modification proposes significant amendments to the landscape and planting works provided under the current consent as originally approved by the Land and Environment Court and subsequent Modification as approved by the SNPP.</i> <i>Basement construction with and above-ground parking is proposed within the Warringah Rad setback, previously approved as soft landscape area. This element was a significant landscape consideration, providing for a development within a landscaped setting commensurate with the scale of the works.</i> <i>The provision of such structures and hard pavement in the setback presented a highly modified landscape proposal to that which has been approved. The re-orientation of the accommodation building across the site presents and entirely different visual impact to areas surrounding the site.</i>	No. of Trees Required.	Species	Location	Minimum Pot Size	All trees	As indicated on Landscape Plans Dwg Nos. L 101 D and L 102 D dated 27.01.16 Elke Haege Landscape Architect, except as modified by the amended landscape concept drawings referred to in Condition 1.	As indicated on the Landscape Plan	As indicated on the Landscape Plan
No. of Trees Required.	Species	Location	Minimum Pot Size						
All trees	As indicated on Landscape Plans Dwg Nos. L 101 D and L 102 D dated 27.01.16 Elke Haege Landscape Architect, except as modified by the amended landscape concept drawings referred to in Condition 1.	As indicated on the Landscape Plan	As indicated on the Landscape Plan						

Internal Referral Body	Comments
	 Figures - Comparison of currently approved landscape plan (left) and proposed landscape plan (right) with 15m and 30m setback lines shown

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	SUPPORTED WITH CONDITIONS The comments in this referral relate to the following applicable controls and provisions: • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • Warringah DCP Clause E6 Retaining unique environmental features Portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map), as shown below. Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

Internal Referral Body	Comments
	 The submitted plans and documentation indicate that the proposed works are located outside of the BV Map area and therefore will not trigger entry into the BOS. The submitted arborist report indicates that no additional trees are proposed to be removed. The trees approved to be removed are planted and found in previously disturbed areas of the site. Their removal is being compensated by the inclusion of a number of native canopy trees included in the submitted landscape plan. The proposed landscape plan includes a number of exempt species as well as species identified as weeds under the Northern Beaches locality including and not limited to Raphiolepis, Lagerstroemia and Tuckeroo (<i>Cupaniopsis anacardioides</i>). Amendments to the landscape plan will be conditioned to ensure that impacts to the BV Map are avoided and minimised.

Internal Referral Body	Comments
	The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
NECC (Development Engineering)	SUPPORTED WITH CONDITIONS Updated Development Engineering Comments - 23/10/2025 The updated comments are provided in response to the amendment of the architectural plans. A letter to address the proposed changes by Henry and Hymas confirms that the changes have no impact on the previous supported stormwater management plan. A condition has been included to update the stormwater management plans. There are no objections from Development Engineering, subject to the recommended conditions.
NECC (Water Management)	SUPPORTED WITH CONDITIONS The application was assessed in consideration of: • Supplied plans and reports; • Relevant LEP and DCP conditions; • Northern Beaches Council Water Management for Development Policy and Water Sensitive Urban Design. The modification seeks revision of DA2015/0901 condition relating to on-site stormwater detention compliance certification. It is noted that the proposed design includes a partly green roof over the carpark, vegetated swale, and OSD including cartridges. MUSIC modelling results indicate compliance with Northern Beaches Council Water Management for Development Policy. The modifications are supported subject to conditions.

Internal Referral Body	Comments
Traffic Engineer	SUPPORTED WITH CONDITIONS Updated Comments on Amended Plans - 15 October 2025 To resolve issues with the development footprint and to provide additional setbacks, for continuous landscape purposes along the Warringah Road site frontage and adjoining eastern boundary. The applicant has proposed to reduce the number of parking spaces provided across the subject site by 9 from 297 to 288. This is considered satisfactory as there is still a surplus of parking across the site when calculated in line with the 2018 court approval. The updated proposal is supported on Traffic and Transport grounds subject to the Consent Conditions provided. Previous Referral Response (see Updated Comments above) <i>The proposed modification has been assessed against the requirements of the Warringah DCP.</i> <i>The modification seeks to increase the number of approved hotel rooms from 100 to 146, re-orientate the hotel from north south to east west on the subject site and other minor modifications to the previously approved proposal.</i> <i>The traffic report that has been submitted with the revised plans provides an assessment of the parking provision across both the proposed hotel development and the overall site, which comprises a bottleshop and a full service public bar (The Forest Hotel).</i> Original Parking Assessment (see Updated Comments above) <i>The applicant has increased the number of hotel rooms from 100 to 146 which would require 146 dedicated parking spaces plus 3 staff parking spaces (DCP is 1 per unit and 1 per 2 staff). There is also an additional requirement of 15 spaces per 100m² of floor space should the development include a restaurant or conference facility.</i> <i>The applicant has chosen to undertake a review of other similar sized developments and has demonstrated that the provision of parking at a rate of 0.7 spaces per unit (102 spaces) is more inline with the provision of parking across several similar hotels in the Sydney metropolitan area.</i> <i>The overall site will have a total 297 parking spaces which is a surplus of 28 spaces when compared to the original Land and Environment Court approval for the site in 2018.</i> <i>The internal parking layout has been assessed against AS 2890.1 2004 and is acceptable for the proposed development.</i> Traffic Generation <i>The traffic generated by the hotel component will have limited impact on the</i>

Internal Referral Body	Comments
	<i>operation of the adjoining road network with the expected generation to be less than 20 vehicle movements in the peak hour (Friday PM and Saturday PM) when generation is expected to be greatest.</i> <i>The only concern that has been raised is the cumulative impact of all peak hour impacts on traffic using Frenchs Forest Road East, including those on bus services using this corridor.</i> <i>Conditions will be provided to address the concerns and the potential impact on the corridor.</i> <i>The application is supported on Traffic grounds.</i>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	Ausgrid reviewed the modified proposal and indicated their consent to the proposed development subject to in relation to "Activities Within or Near to the Electricity Easement". This electricity easement was acquired for the 33,000 volt transmission assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the lines for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the transmission lines which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network. Ausgrid provided conditions for any Activities Within the Electricity Easement, which have been included in the draft set of modified conditions.
NSW Police - Crime Prevention Office (Local Command matters)	The Northern Beaches Area Command reviewed the modification application and has provided a list of requirements, including: • Surveillance • Lighting • Access Control • Territorial Reinforcement • Plan of Management • Neighbourhood Amenity • Crime Scene Preservation The requirements have been included in the draft set of modified conditions.
NSW Police - Licensing (Clubs, Hotels, Pubs)	Licensing related matters are included in the Local Area Command requirements and included in the draft set of modified conditions.

External Referral Body	Comments
Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.122 - Traffic generating development	TfNSW recommended requirements to be included in any consent issued by Council. The recommended requirements supersede the previous requirements in the TfNSW submissions dated 17 November 2015 and 3 March 2016 on the original development application (DA2015/0901). Those conditions have been included in the draft set of modified conditions.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Sustainable Buildings) 2022

Chapter 3 of State Environmental Planning Policy (Sustainable Buildings) 2022 (SEPP Sustainable Buildings) applies to non-residential development and aims to encourage the design and delivery of sustainable buildings. Section 3.1 of SEPP Sustainable Buildings identifies development that Chapter 3 applies to the following development:

*“(a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or
(b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more”.*

Notwithstanding this, Section 4.2(1) provides a savings and transitional provision that excludes some development from the application of Chapter 3 of SEPP Sustainable Buildings.

In this regard, subclause (f) applies:

(f) an application for modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal on or after 1 October 2023, if the development application for the development consent was submitted on the NSW planning portal before 1 October 2023.”

As Development Application No. DA2015/0901 was submitted to Warringah Council on 21 September 2015, by virtue of Chapter 3 of SEPP Sustainable Buildings, the Policy does not apply to the modification

application.

SEPP (Major Development) 2005

Section 2.19 of State Environmental Planning Policy (Planning Systems) 2021 declares that development noted in Schedule 6 is Regionally Significant Development, and includes general development with an Estimated Development Cost of more than \$30 million.

Although Section 275 of the Environmental Planning and Assessment Regulation 2021 provides an exemption for Section 4.55 Modification Applications to be determined by the relevant Council and not be referred to the Sydney District Panel, this exemption does not extend to Section 4.56 Modification Applications.

On this basis, the subject Section 4.56 Modification Application is to be determined by the Sydney North Planning Panel.

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.

Transport for NSW (TfNSW)

Section 2.119 - Development with frontage to classified road states:

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

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

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

- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

The application was referred to TfNSW who did not raise any objection to the proposal, and stated as follows:

Reference is made to Council's referral regarding the abovementioned modification application (Mod) which was referred to Transport for NSW (TfNSW) for comment in accordance with Section 2.122 of the State Environment Planning Policy (Transport and Infrastructure) 2021.

Following a review of the submitted information, TfNSW recommends the following requirements be included in any consent issued by Council. Please note that these recommended requirements supersede the previous requirements in the TfNSW submissions dated 17 November 2015 and 3 March 2016 on the original development application (DA2015/0901).

Council's Traffic Team Manager confirmed that the revised scheme did not require re-referral to TfNSW.

SEPP (Industry and Employment) 2021

Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021, applies to advertising and signage.

Part 3.2 within SEPP Industry and Employment outlines that the Consent Authority must only grant consent if the signage is consistent with the objectives of Section 3.1(1)(a) and the assessment criteria in Schedule 5.

The application originally contained business identification signage on the south, east and northern elevations of the building in the form of wall signs, which were intended to provide a level of visibility for the hotel accommodation building at the prominent south-eastern and north-eastern corners of the site, which has high visibility to both motorists and pedestrians travelling north and south on Warringah Road and Frenchs Forest Road East.

Based on advice from Council during the assessment of the application, the applicant elected to delete all signage from the application, and a separate DA will be lodged for signage that requires development consent.

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 provided the following statement:

During the assessment of Development Consent No. DA2015/0901, the Consent Authority considered if the land was contaminated and were satisfied that the land was suitable for the proposed development. To support the lodgement of Development Application No. 2021/2189 (which was withdrawn) a Preliminary Site Investigation was prepared by Douglas Partners Pty Ltd dated 26 September 2018, which found the proposal did not pose any significant impact to the development from a contamination perspective. Douglas Partners Pty Ltd undertook a walkover of the location of the proposed hotel accommodation and noted that the site was in a similar condition that was encountered during 2018 assessment. Given this, Douglas Partners Pty Ltd considers that the assessment undertaken in the Preliminary Site Investigation prepared by Douglas Partners dated 26 September 2018 is still valid and can be relied upon for the purpose of this Section 4.56 Modification Application. Further explanation can be found in the Report on Contamination Review of Proposed Stage 2 Works Parkway Hotel Redevelopment prepared by Douglas Partners Pty Ltd dated 6 May 2025.

The information provided by the applicant has been reviewed by Council's Environmental Health Team who have issued their support for the application.

Therefore, the site remains suitable for the proposed development and accordingly the requirements of the SEPP have been satisfied.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings	N/A (no height control applies)	26.4m Main parapet - RL183.8 Raised parapet - RL186.7	25.3m Main parapet - RL183.34 Raised parapet - RL185.49 Lift Overrun and Screens - RL186.78	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
6.2 Earthworks	Yes

Detailed Assessment

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and
- (b) to allow earthworks of a minor nature without requiring separate development consent.

In this regard, before granting development consent for earthworks, Council must consider the matters listed under this clause.

The modified proposal involves the excavation of the site to a similar extent as the approved development, although the area of the excavation is in a different location onsite, being closer to Warringah Road. The area of the site to be excavated is presently a bitumen carpark with some landscape islands and borders to Warringah Road and adjoining properties and the existing tavern. The extent and quantity of excavation does not raise any issues with respect to the environmental planning matters under Clause 6.2.

Having regard to the above assessment, it is concluded that the proposed modified development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979.

Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Warringah Development Control Plan

Built Form Controls

Control	Requirement	Approved (Consent)	Proposed (Modification)	Complies
B4 Site Coverage (building footprints - based on Site Area of 18,971sqm)	33.3% (6,317sqm) - maximum	26.1% (4,952sqm)	26.1% (4,952sqm)	Yes
B5 Side Boundary Setbacks	East - to be compatible with other buildings onsite and adjoining buildings	East - 2m to 3m	6.0m (porte cochre) 19.67 (building)	Yes Yes
	West - to be compatible with other buildings onsite and adjoining buildings	West - 5.0m	4.81m (building)	Yes
B7 Front Boundary Setbacks	N/A	N/A	N/A	N/A
B9 Rear Boundary Setbacks	N/A (no rear boundary, site has two street frontages)	N/A	N/A	N/A
B10 Merit Assessment of Rear Boundary Setbacks	N/A (no rear boundary, site has two street frontages)	N/A	N/A	N/A

B14 Main Roads Setback	15m (ramp to carparking) 15m (carparking) 30m (building)	25.5m (ramp to parking) 32.0m (basement and open carparking) 28.5m (hotel/motel building)	N/A 15m to 16m (basement and open parking) 40m to 55m (hotel/motel building)	N/A Yes Yes
D1 Landscaped Open Space and Bushland Setting (greater than 2m and 1m deep soil - based on Site Area of 18,971sqm)	33.3% (6,317sqm) - minimum	21.9% (4,151sqm)	16.4% (3,267sqm)	No
Part H - Appendix 1 Carparking Requirements	Comparisons must be drawn with developments for a similar purpose, noting the existing supply of, and demand for, parking in the area and the peak parking periods of individual facilities within the hotel.	297 spaces	288 spaces	Reduced by 9 spaces

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
Part B Built Form Controls	No	Yes
B4 Site Coverage	Yes	Yes
B14 Main Roads Setback	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	N/A	N/A
D7 Views	N/A	N/A
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	N/A	N/A
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

Merit Consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Hotel/Motel	Comparison with other similar developments	297 spaces (whole site)	288 (whole site)	- 9 spaces

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place, and;*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The relocation of the basement and open parking structure from being alongside the hotel/motel building within the central portion of the site under the approved development, to being in front of the building and within the front setback area to Warringah Road, and the change to a partially elevated structure above ground level raised concerns in relation to the visual impacts from viewed from Warringah Road and adjoining properties. This matter was raised with the DSAP and SNPP, and it was agreed that the

Warringah Road and increased side setback to eastern boundary



Merit Consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The provision of dense landscaping within the 15m front setback and eastern side setback will ensure the streetscape is maintained and enhanced. In this regard, portion of the existing bitumen carpark will be returned to soft landscaping.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The provision of greater areas of native landscaping will provide a better outcome in respect of these outcomes.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The landscape plans have been revised during the course of the assessment to ensure the 15.0m buffer area to Warringah Road, which contains existing established native trees, and will be supplemented with new plantings, will be sufficient to soften and screen the new elevated carpark and hotel/motel building beyond. Council's Landscape Officer has reviewed those plans and is satisfied that they will produce an appropriate landscape setting.

- *To enhance privacy between buildings.*

Comment:

Owing to the context and setting of this site within the business park, privacy between adjoining buildings is not a significant issue.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

As this is a hotel/motel land-use, provision is made for hotel guests in a variety of ways, including passive outdoor green spaces.

- *To provide space for service functions, including clothes drying.*

Comment:

The service functions of the hotel/motel are adequately catered for within the building and adjacent the building.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The modified scheme provides for appropriate stormwater management.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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.

D9 Building Bulk

Merit Consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The revised scheme represents a significant improvement in the architectural treatment of the building in terms of facade design, parapet design, the ground floor colonnade, provision of a dedicated ports cohere and general upgrade in external finishes and levels of articulation. The introduction of the bend in the building platform deemphasizes the rectilinear appearance and gives the building a more distinctive character. Additionally, the DSAP advised that the modified design has been *"updated and modernised to a different architectural character. The Panel considers the revised character to have merit and be satisfactory"*.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The visual prominence of the hotel/motel building itself will be increased by virtue of the rotation from N-S to E-W, as it increases the extent of the southern elevation presenting to Warringah Road, which is where the majority of people will view the building from. However, the improvements in the aesthetics, colours and materials and urban form will be a positive contribution to the visual amenity of the locality. The repositioning and elevated nature of the carpark will also increase the visual prominence of that part of the development.

However, the revisions to the modified scheme through the RFI process have procured a larger landscaped setback to Warringah Road, a larger side setback to eastern adjoining development, such that it will sit within an appropriate landscape setting, and additional landscape islands have been provided on the open deck carpark to break up the extent of hardsurface. Additionally, the DSAP advised that *"the re-siting of the building increases the visual prominence and impact of this 6-storey built form when viewed from Warringah Road, however the resulting visual impact is considered acceptable in its context"*.

The envisaged landscape screening of the building is shown in the following image:



Figure 7 - Proposed extent of landscape screening of Hotel/Motel Building when viewed from Warringah Road (existing and proposed planting)

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011/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.

D10 Building Colours and Materials

Merit Consideration

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

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Comment:

The proposed external finishes are as follows:

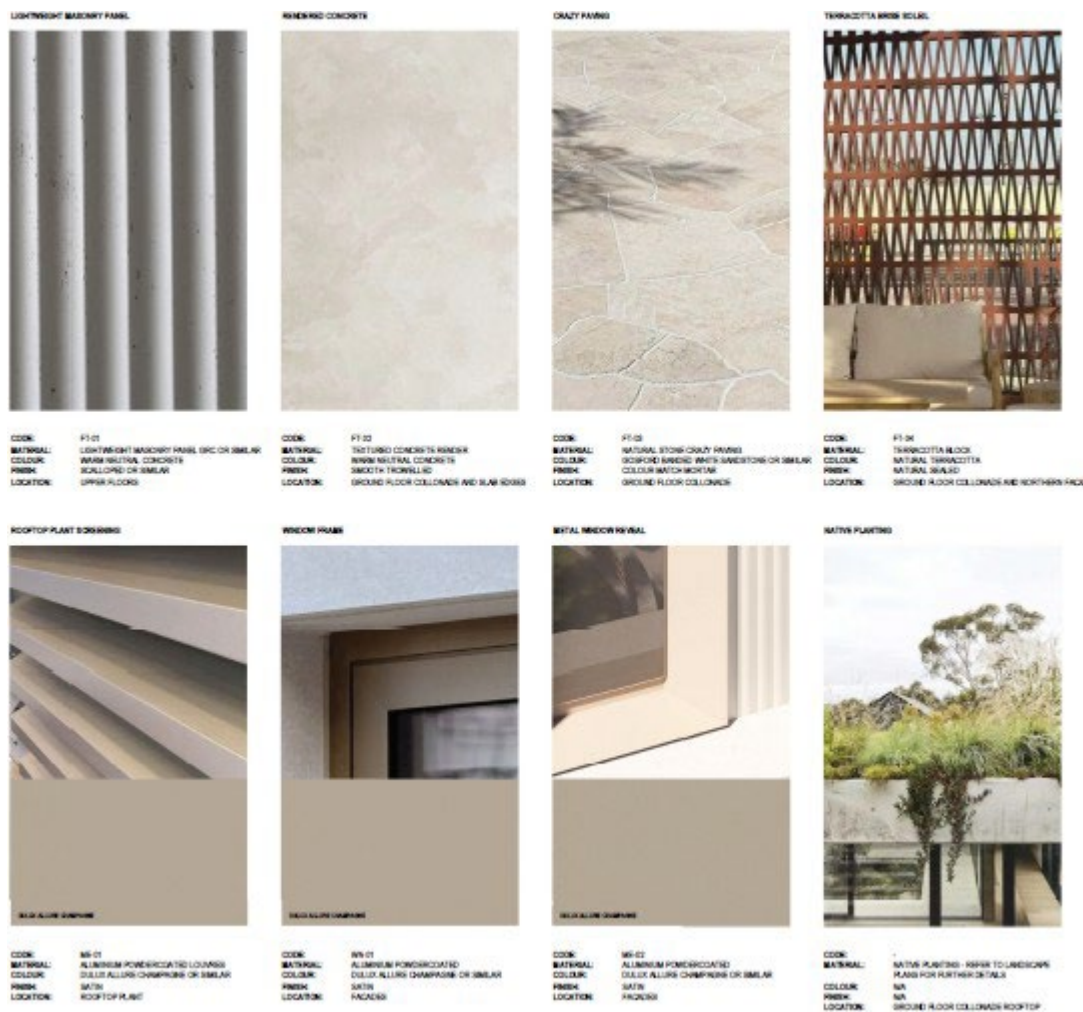


Figure 8 - Proposed external finishes

The selection of external finishes and colours are satisfactory, reflecting a natural and neutral set tones and textures, which will enhance the visual amenity of the locality.

Additionally, the DSAP was satisfied with the selection of external finishes.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011/WDPC 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.

D11 Roofs

Merit Consideration

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

- ♦ *To encourage innovative design solutions to improve the urban environment.*

Comment:

The revised roof design is a significant improvement compared to the approved scheme, as shown in the following images, owing to the introduction of a generally flat roof, with a raised corner parapet.

Figure 9 - Approved Roof Design



Figure 10 - Modified Roof Design



- ♦ *Roofs are to be designed to complement the local skyline.*

Comment:

The flat roof design is compatible with surrounding development in the SP4 zone.

- *Roofs are to be designed to conceal plant and equipment.*

Comment:

The screening devices above the roof parapet were identified in the early stages of the planning assessment as being excessively prominent when viewed from Warringah Road, as they were not provided with a setback to the southern edge of the parapet. This matter was also raised by DSAP, and the applicant responded by introducing a 3.0m setback for the majority of the screening, which is considered satisfactory.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011/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.

D23 Signs

The modification application as originally submitted involved business identification signage on the locally raised parapet of the building facing Warringah Road and Frenchs Forest Road East.

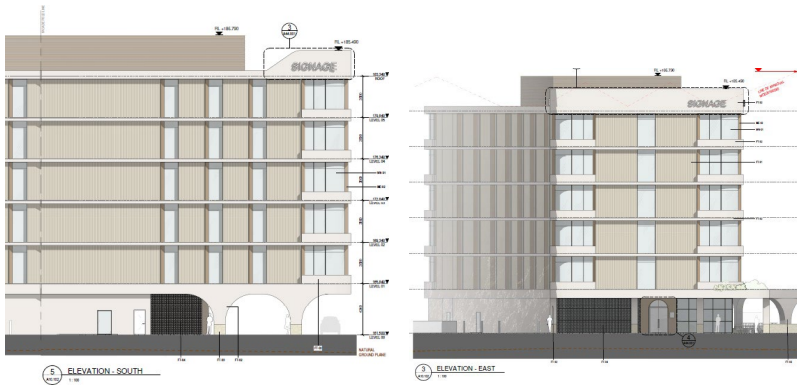
Figure 11 - Signage in Approved Scheme

The following extracts show the signage in the approved scheme:



Figure 12 - Signage in Modified Scheme (Deleted by Applicant)

The modification application originally contained revised signage locations, as follows:



However, the planning assessment raised concerns in relation to the location and impact the proposed signage above street level would have upon the general amenity of the area, as there are no other buildings with high-level signage along the frontage to both streets. It is not considered appropriate to have rooftop signage in the locality, given the location on a ridgetop with high visibility for many kilometers around, nor is the sign required for wayfinding for vehicles on Warringah Road.

Based on advice from Council, the applicant elected to remove the signage from the application and will lodge a separate DA for signage.

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

Section 7.12 contributions were levied on the Development Application.

Development Contributions for Stage 2 - Hotel/Motel Accommodation

Parent Application DA2015/0901

The overall total contribution fee for the parent application DA2015/0901 (equating to \$449,790.00, based on a total overall cost of works of \$44,979,000.00) was paid to Council.

In regard to the cost of works for the hotel/motel portion only, the itemised cost of delivering the hotel/motel under **DA2015/0901** is contained in the Cost Summary Report submitted with that application.

The total cost of the mixed use development was **\$29,349,371.67**.

Current Modification Application MOD2025/0381

In regard to the current application MOD2025/0381, the cost of delivering the revised hotel/motel design, as per cost summary report provided by the applicant, is **\$57,076,611.00**.

Due to the increased cost of works for the hotel/motel portion of the development, and considering the development contribution fee for DA2015/0901 has been paid to Council, it is appropriate to apply a new condition of consent for the modification application, which requires an additional contribution fee payment to be made to Council for MOD2025/0381.

Additionally, the contribution plan in force at the time of development consent for parent application DA2015/0901 (Warringah Section 94A Development Contribution Plan) remains applicable.

The additional contribution fee is calculated as follows:

- The estimated cost of works for the hotel under DA2015/0901 was **\$29,349,371.67** (incl GST)
- The estimated cost of works for the hotel under MOD2025/0381 is **\$57,076,611.00** (incl GST)
- The difference between the two cost of works is as follows:

$$\mathbf{\$57,076,611.00 - \$29,349,371.67 = \$27,727,239.33}$$

Therefore, the total amount payable in relation to MOD2025/0381 is based on a cost of works being **\$27,727,239.33**.

The contribution is calculated as follows:

Warringah Section 94 Development Contributions Plan Contribution based on a total development cost of \$27,727,239.33 .		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$263,408.77
Section 94A Planning and Administration	0.05%	\$13,863.62
Total	1%	\$277,272.39

A suitable condition has been included in the set of draft modified conditions.

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

The application was the subject of a detailed assessment against the court approved scheme, was reviewed by the Design and Sustainability Advisory Panel (DSAP), internal referral sections of Council, NSW Police, Ausgrid and Transport for NSW and was advertised and notified to the community.

The application was also the subject of a comprehensive review to determine whether the modified scheme satisfied the test of being substantially the same development as the originally approved development. The information and arguments proffered by the applicant in the SEE, and more specifically in the form of a legal opinion, was reviewed and concurred with.

The recommendations and advice from DSAP, as well as the issues raised through Council's planning assessment and review by the internal referral were the subject of detailed discussions with the applicant.

In summary, those matters included;

- non-compliance of the carparking structure with the 15m front setback to Warringah Road,
- inadequate side setbacks to the eastern adjoining property,
- lack of landscape buffers as a consequence of the inadequate front and side setbacks,
- lack of adequate break-up/softening of the open carpark above the basement level,
- excessive visual prominence of the roof top screening of the lift overrun and plant, and
- excessive visual prominence of the proposed business identification signage.

The applicant responded to Council's RFI with revised plans, including architectural and landscape plans, revised traffic and parking report, and additional information in relation to the stormwater design. The revised plans did not require the renotification of the application under the Northern Beaches Community Participation

Plan. The revised application also did not require re-referral to Transport for NSW.

The application (as amended) largely complies with the planning controls under the Warringah Development Control Plan 2011, with the exception of the 33.3% landscaped open space control, where the proposal seeks to reduce the quantum from an approved and non-compliant 26.1% to 16.5%. The further reduction in landscaped open space is supported on the grounds that the landscape setting and front setback buffer to Warringah Road and the adjoining property are assessed as being satisfactory in maintaining the landscape amenity of the site, the preservation of significant canopy trees fronting Warringah Road, the general streetscape and the level of compatibility with adjoining and surrounding development.

It is noted that the number of carparking spaces required under the modification application for the whole site has been reduced by 9 spaces in order to facilitate the additional setback to Warringah Road, the additional setback to the adjoining eastern property and the softening of the open carpark with islands of soft landscaping. The numerical reduction in carparking and accompanying justification was reviewed by Council's Traffic Section and is supported.

The revised design satisfies the issues and concerns raised via the planning assessment, the DSAP recommendations and by the internal referrals.

The conditions provided by NSW Police, Ausgrid and TfNSW have been added to the draft set of conditions.

The proposed signage has been deleted from the application, and the applicant will lodge a separate DA for business identification signage.

The redesign of the hotel/motel accommodation building and associated carpark and landscaping as represented in the modified scheme reflects a better site planning approach, a more site responsive design, and an enhanced standard of architecture and urban design quality compared to the approved scheme. Whilst the larger landscaped setback to Warringah Road for the building and carpark under the approved scheme has been diminished and additional built form will be visible from the public domain, on balance, the proposed development is a better planning outcome and is supported by Councils Landscape section.

The conditions imposed on the original DA2015/0901, and as later modified, have been comprehensively reviewed in light of modified scheme, and required a significant number of new and modified conditions, including a new development contributions condition, which are contained in the draft set of conditions.

Accordingly, the application is supported and recommended for **approval** subject to the modified conditions attached to this report.

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

RECOMMENDATION

THAT Sydney North Planning Panel as the consent authority grant approval to Modification Application No. Mod2025/0381 for Modification of Development Consent DA2015/0901 granted for demolition works, alterations and additions to the existing pub, construction of hotel or motel accommodation and retail liquor store on land at Lot X DP 405206, 39 Frenchs Forest Road East, FRENCHS FOREST, subject to the

conditions outlined in Attachment 1.

ATTACHMENT 1

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification Description
--------------------	--------------------	--------------------------

PPSSNH-682 MOD2025/0381	Date of this Notice of Determination	Modification of Development Consent DA2015/0901 granted for demolition works, alterations and additions to the existing pub, construction of hotel or motel accommodation and retail liquor store Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Add condition - Staff and Contractor Parking (Stage 2 - Hotel/Motel) Add condition - Service Vehicle Area (Stage 2 - Hotel/Motel) Add condition - Implementation of Construction Traffic Management Plan (Stage 2 - Hotel/Motel) Add condition - Ongoing Management (Stage 2 - Hotel/Motel) Add condition - Carparking Standards (Stage 2 - Hotel/Motel) Add condition - Carparking Finishes (Stage 2 - Hotel/Motel) Add condition - Vehicle Swept Paths (Stage 2 - Hotel/Motel) Add condition - Construction Traffic Management Plan (Stage 2 - Hotel/Motel) Add condition - Waste and Service Vehicle Access - 8.8m Medium Rigid Vehicle (Stage 2 - Hotel/Motel) Add condition - Vehicle Access and Parking (Stage 2 - Hotel/Motel) Add condition - Loading Dock Management Plan (Stage 2 - Hotel/Motel) Add condition - Disabled Parking Spaces (Stage 2 - Hotel/Motel) Add condition - Shared Bollard Zone (Stage 2 - Hotel/Motel) Add condition - Implementation of the Loading Dock Management Plan (Stage 2 - Hotel/Motel) Add condition - Sight Lines within the Carpark (Stage 2 - Hotel/Motel) Add condition - Mechanical Plant and Equipment (Stage 2 - Hotel/Motel) Add condition - Certification of Acoustic Measures (Stage 2 - Hotel/Motel) Add condition - Requirement to know about new Contamination Evidence (Stage 2 - Hotel/Motel) Add condition - Amendment of Landscape Plans (Stage 2 - Hotel/Motel) Add condition - Wildlife Protection (Stage 2 - Hotel/Motel) Add condition - Protection of Habitat Features (Stage 2 - Hotel/Motel) Add condition - No Weeds Imported Onto the Site (Stage 2 - Hotel/Motel) Add condition - Priority Weed Removal and Management (Stage 2 - Hotel/Motel) Add condition - Erosion and Sediment Control Plan (Stage 2 - Hotel/Motel)
--	---	--

		Add condition - Certification of Stormwater Measures (Stage 2 - Hotel/Motel) Add condition - Construction Water Discharge (Stage 2 - Hotel/Motel) Add condition - Installation and Maintenance of Sediment and Erosion Controls (Stage 2 - Hotel/Motel) Add condition - Certification for the Installation of Stormwater Treatment Measures (Stage 2 - Hotel/Motel) Add condition - Certification for the Installation of Stormwater Treatment Measures (Stage 2 - Hotel/Motel) Add condition - Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures (Stage 2 - Hotel/Motel) Add condition - Stormwater Treatment Measures Operation and Maintenance Plan (Stage 2 - Hotel/Motel) Add condition - Works as Executed Drawings for the Stormwater Treatment Measures (Stage 2 - Hotel/Motel) Add condition - Fire Safety Matters (Stage 2 - Hotel/Motel) Add condition - No Approval for Signage Add condition - Warringah Section 94A Development Contribution Plan (Stage 2 - Hotel/Motel) Modify Condition No. 5 - RMS (Transport for NSW) Conditions Modify Condition No.7A - Compliance with Other Department, Authority or Service Requirements for Stage 2 Hotel Motel Modify Condition No. 11 - On-site Stormwater Detention Compliance Certification for Stage 2 Hotel/Motel Modify Condition No. 18 - Tree protection and pruning Modify Condition No. 19 - Compliance with Standards Modify Condition No. 20 - External Colours and Materials (Shop, Pub and Hotel) Modify Condition No. 38 - Required Planting Modify Condition No. 53 - Allocation of Parking
(NO PAN Number) MOD2019/0622	28.1.2020	Modification of Development Consent DA2015/0901 granted for demolition works, alterations and additions to the existing pub, construction of hotel or motel accommodation and retail liquor store • Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation

PAN1018SNH066 MOD2018/0585	18.6.2019	Modification of Development Consent DA2015/0901 granted for demolition works, alterations and additions to the existing pub, construction of hotel or motel accommodation and retail liquor store • Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation • Add Condition No.1B - Staged Construction • Add Condition No.16B - Construction Traffic Management Plan • Modify Condition No. 2 - Compliance with Other Department, Authority or Service Requirements • Amend Condition No.11 - On-site Stormwater Detention Compliance Certification • Amend Condition No.12 - Pump-Out System Design for Stormwater Disposal • Amend Condition No. 13 - Application for Engineering Plans under S138/S139 of the Road Act 1993 • Amend Condition No.14 - Soil & Water Management Program • Amend Condition No. 15 - Waste Management Plan • Amend Condition No. 17 - Provisions for mechanical ventilation • Amend Condition No. 18 - Tree protection and pruning • Amend Condition No. 25 - Fire Safety Upgrade • Amend Condition No. 26 - Authorisation of Legal Documentation Required for On-site Stormwater Detention • Amend Condition No. 27 - Registration of Encumbrances for On-site Stormwater Detention • Amend Condition No. 29 Restriction as to User for On-site Stormwater Detention • Amend Condition No. 30 - On-Site Stormwater Detention Compliance Certification • Amend Condition No. 31 - Positive Covenant for the Maintenance of Stormwater Pump-out Facilities • Amend Condition No. 32 - Positive Covenant for On-site Stormwater Detention • Amend Condition No. 33 - Creation of Positive Covenant and Restriction as a User • Amend Condition No. 37 - Mechanical Ventilation certification • Amend Condition No. 38 - Required Planting • Amend Condition No. 39 - Removal of All Temporary Structures/Material and Construction Rubbish
---	-----------	--

- Amend Condition No. 41 - Undergrounding of Telecommunications Services
- Amend Condition No. 43 - Sydney Water
- Delete Condition No. 52 - Access From Frenchs Forest Road

Modified conditions

1. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

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 - Stage 2 Hotel/Motel				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A03.001	E	Proposed Site Plan	Warren and Mahoney Architects	14.10.2025
A06.001	E	Site Plan - Demolition	Warren and Mahoney Architects	14.10.2025
A10.001	E	Floor Plan - Basement	Warren and Mahoney Architects	14.10.2025
A10.102	E	Floor Plan - Ground	Warren and Mahoney Architects	14.10.2025
A10.103	E	Floor Plan - L1	Warren and Mahoney Architects	14.10.2025
A10.104	C	Floor Plan - L2-L5 Typical Floor Plan	Warren and Mahoney Architects	14.10.2025
A11.001	E	Roof Plan	Warren and Mahoney Architects	14.10.2025
A13.101	D	Materials and Finishes	Warren and Mahoney Architects	14.10.2025
A20.001	E	Elevation - North	Warren and Mahoney Architects	14.10.2025
A20.002	E	Elevation - East	Warren and Mahoney Architects	14.10.2025
A20.003	E	Elevation - South	Warren and Mahoney Architects	14.10.2025
A20.004	E	Elevation - West	Warren and Mahoney Architects	14.10.2025

A30.001	E	Section AA	Warren and Mahoney Architects	14.10.2025
A30.002	E	Section BB	Warren and Mahoney Architects	14.10.2025
A30.003	E	Section CC	Warren and Mahoney Architects	14.10.2025
L100	E	Landscape Architectural Site Plan - L100	Elke Landscape	14.10.2025
L101	E	Landscape Architectural Plan (Northern Zone) - L101	Elke Landscape	14.10.2025
L102	E	Landscape Architectural Plan (Southern Zone) - L102	Elke Landscape	14.10.2025
L301	C	Landscape Architectural Elevation (Southern Elevation - Warringah Road)	Elke Landscape	10.10.2025
L501	E	Landscape Architectural Details, Design Statement and Planting Schedule - L501	Elke Landscape	14.10.2025
L502	E	Landscape Architectural Details and Planting Schedule - L502	Elke Landscape	14.10.2025

Approved Reports and Documentation - Stage 2 Hotel/Motel			
Document Title	Version Number	Prepared By	Date of Document
Acoustic Assessment (Stage 2 Hotel/Motel)	-	Acoustic Logic	27 June 2025
Waste Management Plan	-	Colliers	25.6.2025
BCA & Disabled Access Compliance Statement	-	Steve Watson and Partners	30 June 2025
Traffic and Parking Report	-	Colston Budd Rogers and Kafes Pty Ltd	June 2025
Arborist Impact Assessment Report	-	Elke	18 June 2025

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

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

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

2. Modify Condition No. 5 - RMS (Transport for NSW) Conditions to read as follows::

All conditions stipulated in the Transport for NSW (TfNSW) correspondence (reference: SYD25-00890/01 (A22630902) dated 6 June 2018 shall be complied with and the necessary conditions addressed prior to the relevant stages of the works. Applicable certificates shall not be released until such time as the TfNSW conditions have been satisfied.

The conditions are as follows:

- (i) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Warringah Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
- (ii) Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
- (iii) A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on Warringah Road during construction activities. An ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Reason: To ensure TfNSW conditions are satisfied prior to the relevant certificates being released.

3. Modify Condition No.7A - Compliance with Other Department, Authority or Service Requirements for Stage 2 Hotel Motel, to read as follows:

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

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

Other Department, Authority or Service	Reference
Ausgrid	TRIM - Mod2025/0381 - 39 FRENCHS FOREST ROAD FRENCHS FOREST
Northern Beaches Police Area Command	Mod2025/0381 - 39 FRENCHS FOREST ROAD EAST FRENCHS FOREST

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

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

4. Modify Condition No. 11 - On-site Stormwater Detention Compliance Certification for Stage 2 Hotel/Motel to read as follows:

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 revised concept drainage plans for the hotel prepared by Henry&Hymas, drawing number 250201_DA_C100 Rev 2 dated May 2025, 250201_DA_C101 Rev 2 dated May 2025, 250201_DA_C200 Rev 2 dated May 2025, 250201_DA_C201 Rev 2 dated May 2025, 250201_DA_C250 Rev 2 dated May 2025, 250201_DA_C251 Rev 2 dated May 2025, 250201_DA_SE01 Rev 2 dated May 2025, 250201_DA_SE02 Rev 2 dated May 2025.

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

The OSD1 plans previously approved under LEC Appeal No: 17/167771 and referenced in Condition 11 have been annulled.

The following updated plans are approved as replacements, specifically in relation to OSD1: 15874_DA_C101 Rev 02 (dated August 2015), 15874_DA_C110 Rev 01 (dated January 2015), and 15874_DA_C202 Rev 02 (dated August 2015).

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

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

5. Modify Condition No. 18 - Tree protection and pruning to read as follows:

- a) Existing trees which must be retained.
- b) All trees not indicated for removal on Landscape Plans Dwg Nos. L 101 D and L 102 D dated 27.01.16 and Trees Impact Plans Dwg Nos. Arb 601 + 602 C dated 28.01.16 prepared by Elke Haege Landscape Architect, unless exempt or noxious in Warringah.
- c) Tree protection and pruning.
 - i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
 - ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
 - iii) All tree protection for Stage 1 and 1A to be in accordance with the Arboricultural Assessment Revision C dated 28.01.16 prepared by Elke Haege Consulting Arborist and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree protection for Stage 2 to be in accordance with the Arborist Impact Assessment Report (Addendum), dated 18 June 2025, prepared by Elke Haege Consulting Arborist and AS4970-2025 Protection of trees on development sites.

- iv) All tree protection measures, including fencing, are to be in place prior to commencement of works.
- v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans.
- vi) Tree pruning is not to exceed 15% of any existing tree canopy.
- vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

6. Modify Condition No. 19 - Compliance with Standards to read as follows:

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards.
(DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2025 'Protection of trees on development sites'*****
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website:

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

7. Modify Condition No. 20 - External Colours and Materials (Shop, Pub and Hotel) to read as follows:

(a) External Roofing - The external finish to the roof of the Shop and Pub shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted. *This requirement does not apply to the Hotel Motel Accommodation building, which is to be constructed in accordance with the finishes and materials specified on Drawing No. A13.101, Revision C, prepared by Warren and Mahoney dated 13 June 2025.*

(b) Anti Graffiti Coating - The finishes of the walls (and electricity substation) with frontage to Frenchs Forest Road East and Warringah Road must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.

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

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

8. Modify Condition No. 38 - Required Planting to read as follows:

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
All trees	As indicated on Landscape Plans Dwg Nos. L 101 D and L 102 D dated 27.01.16 Elke Haege Landscape Architect, and Landscape Plans Dwg Nos. L100, L101 and L102 (Rev E), L301 (Rev C, dated 10.10.2025) and L501 and L502 (Rev E), prepared by Elke Landscape Architect + Consulting Arborist + Horticulturalist dated 14.10.2025.	As indicated on the Landscape Plan	As indicated on the Landscape Plan

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

Reason: To maintain environmental amenity.

9. Modify Condition No. 53 - Allocation of Parking to read as follows:

288 carparking spaces shall be provided, made accessible and maintained at all times.

The spaces shall be allocated as follows:

- 34 - Pub (**Forest Hotel** Tavern)
- 71 - Retail Shop (Dan Murphy's)

183 - Hotel Accommodation

Each car parking space allocated to a particular use shall be line marked and numbered or signposted to indicate the use to which it is allocated.

Reason: To ensure adequate provision of parking for the hotel accommodation.

10. Add the following condition:

Staff and Contractor Parking (Stage 2 - Hotel/Motel)

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.

11. Add the following condition:

Service Vehicle Area (Stage 2 - Hotel/Motel)

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

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

12. Add the following condition:

Implementation of Construction Traffic Management Plan (Stage 2 - Hotel/Motel)

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.

13. Add the following condition:

Ongoing Management (Stage 2 - Hotel/Motel)

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.

14. Add the following condition:

Carparking Standards (Stage 2 - Hotel/Motel)

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to 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.

15. Add the following condition:

Carparking Finishes (Stage 2 - Hotel/Motel)

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed.

Details of treatment to these areas are to be submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

16. Add the following condition:

Vehicle Swept Paths (Stage 2 - Hotel/Motel)

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Details demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of the construction Certificate.

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

17. Add the following condition:

Construction Traffic Management Plan (Stage 2 - Hotel/Motel)

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

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

- Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, identify remediation actions taken.
- Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
- Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable Safework 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 Seven (7) 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”, TfNSW’ 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.

18. Add the following condition:

Waste and Service Vehicle Access - 8.8m Medium Rigid Vehicle (Stage 2 - Hotel/Motel)

Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed to comply with forward in and forward out access of an 8.8m Medium Rigid Vehicle (MRV), as a minimum requirement. The height clearance required is 4.5m. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 8.8m MRV shall be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate is room available for servicing the site.

19. Add the following condition:

Vehicle Access and Parking (Stage 2 - Hotel/Motel)

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.

20. Add the following condition:

Loading Dock Management Plan (Stage 2 - Hotel/Motel)

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.

21. Add the following condition:

Disabled Parking Spaces (Stage 2 - Hotel/Motel)

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

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

Reason: To ensure compliance with Australian Standards.

22. Add the following condition:

Shared Bollard Zone (Stage 2 - Hotel/Motel)

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

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

Reason: To ensure compliance with Australian Standards.

23. Add the following condition:

Implementation of the Loading Dock Management Plan (Stage 2 - Hotel/Motel)

All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) is not permitted.

Reason: To allow for vehicular access.

24. Add the following condition:

Sight Lines within the Carpark (Stage 2 - Hotel/Motel)

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.

25. Add the following condition:

Mechanical Plant and Equipment (Stage 2 - Hotel/Motel)

Prior to the issuing of a construction certificate, a detailed acoustic review should be undertaken by an acoustic consultant to determine acoustic treatments to control noise emissions to satisfactory levels.

Noise emissions from all mechanical services plant to the closest residential receiver should comply with the noise emission criteria in Section 7.2 of the acoustic report.

Details are to be provided to the Principal Certifier

Reason: To ensure adequate noise mitigation of plant and equipment by design.

26. Add the following condition:

Certification of Acoustic Measures (Stage 2 - Hotel/Motel)

Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.

Reason: To protect the amenity of the local area.

27. Add the following condition:

Requirement to know about new Contamination Evidence (Stage 2 - Hotel/Motel)

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.

28. Add the following condition:

Amendment of Landscape Plans (Stage 2 - Hotel/Motel)

The approved landscape plans are to be amended in accordance with the following:

- Any new landscaping is to incorporate locally native species to be consistent with the Duffys Forest Endangered Ecological Community.
- Replacement of *Raphiolepis*, *Thunbergia grandiflora*, *Cupaniopsis anacardioides* and *Lagerstroemia indica* with suitable native alternatives
- No weeds identified under the Biosecurity Act are to be included in the landscape plan

The landscape plans are to be amended by a qualified landscape architect and provided to the Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

29. Add the following condition:

Wildlife Protection (Stage 2 - Hotel/Motel)

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.

30. Add the following condition:

Protection of Habitat Features (Stage 2 - Hotel/Motel)

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.

31. Add the following condition:

No Weeds Imported Onto the Site (Stage 2 - Hotel/Motel)

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.

32. Add the following condition:

Priority Weed Removal and Management (Stage 2 - Hotel/Motel)

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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 weeds.

33. Add the following condition:

Erosion and Sediment Control Plan (Stage 2 - Hotel/Motel)

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

- Site Boundaries and contours

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

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

Reason: Protection of the receiving environment.

34. Add the following condition:

Certification of Stormwater Measures (Stage 2 - Hotel/Motel)

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed guided by the Civil Engineering Plans 250201_DA (Henry&Hymas, May 2025) and Council's Water Management for Development Policy. The stormwater treatment outcome must meet the generic water quality targets stated in Table 5 of the 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.

35. Add the following condition:

Construction Water Discharge (Stage 2 - Hotel/Motel)

Any water to be discharged must be compliant with the 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 Land Management 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.

36. Add the following condition:

Installation and Maintenance of Sediment and Erosion Controls (Stage 2 - Hotel/Motel)

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

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after

periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

37. Add the following condition:

Certification for the Installation of Stormwater Treatment Measures (Stage 2 - Hotel/Motel)

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

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

Reason: Protection of the receiving environment.

37. Add the following condition:

Certification for the Installation of Stormwater Treatment Measures (Stage 2 - Hotel/Motel)

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

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

Reason: Protection of the receiving environment.

38. Add the following condition:

Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures (Stage 2 - Hotel/Motel)

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.

39. Add the following condition:

Stormwater Treatment Measures Operation and Maintenance Plan (Stage 2 - Hotel/Motel)

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 t
 - 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 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 required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are require 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.

40. Add the following condition:

Works as Executed Drawings for the Stormwater Treatment Measures (Stage 2 - Hotel/Motel)

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.

41. Add the following condition:

Fire Safety Matters (Stage 2 - Hotel/Motel)

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

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

42. Add the following condition:

No Approval for Signage (Stage 2 - Hotel/Motel)

No approval is granted for any signage in Stage 2 of this Development Consent (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy (Industry and Employment) 2021). A

separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage.

43. Add the following condition:

Warringah Section 94A Development Contribution Plan (Stage 2 - Hotel/Motel)

A monetary contribution of \$277,272.39 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 Warringah Section 94A Development Contribution Plan.

The monetary contribution is based on a development cost of **\$27,727,239.33** associated with the modified Stage 2 Hotel/Motel development.

This amount is the difference in cost between the approved Stage 2 Hotel/Motel development under the parent consent and the cost attributed to the changes under this modification, as follows:

$$\text{\$57,076,611.00 (MOD2025/0381)} - \text{\$29,349,371.65 (DA2015/0901)} = \text{\$27,727,239.33}$$

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan Contribution based on a total development cost of \$27,727,239.35.		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$263,408.77
Section 94A Planning and Administration	0.05%	\$13,863.62
Total	1%	\$277,272.39

The total amount payable will be adjusted at the time the payment is made and will be calculated from date of determination of this modification consent (MOD2025/0381).

This fee must be paid prior to the issue of the Construction Certificate associated with this modification (MOD2025/0381).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier 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.

