

Modified Conditions for 39 Frenchs Forest Road East, Frenchs Forest (MOD2025/0381)

1. Add Condition No.1C - Modification of Consent - Approved Plans and supporting documentation for Stage 2 Hotel/Motel, 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	C	Site Plan - Demolition	Warren and Mahoney Architects	13.6.2025
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	13.6.2025
A11.001	E	Roof Plan	Warren and Mahoney Architects	14.10.2025
A13.101	D	Materials and Finishes	Warren and Mahoney Architects	26.6.2025
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	26.6.2025
BCA & Disabled Access Compliance Statement	-	Steve Watson and Partners	30 June 2025
Traffic and Parking Report	-	Colston Budd Rogers and Kafes Pty Ltd	15 October 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. Add Condition No. 21A - 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 7 August 2025 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. Add Condition No.2A - 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	Mod2025/0381 - 39 FRENCHS FOREST ROAD EAST, 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. Add Condition No. 11A - 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 25 June 2025, 250201_DA_C101 Rev 2

dated 25 June 2025, 250201_DA_C200 Rev 2 dated 25 June 2025, 250201_DA_C201 Rev 2 dated 25 June 2025,
250201_DA_C250 Rev 2 dated 25 June 2025, 250201_DA_C251 Rev 2 dated 25 June 2025,
250201_DA_SE01 Rev 2 dated 25 June 2025, 250201_DA_SE02 Rev 2 dated 25 June 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 D, prepared by Warren and Mahoney dated 26 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.

(c) **Façade of Parking Structure for Stage 2 Hotel/Motel** – The finishes on the eastern and southern façades of the elevated parking structure are to be treated in textured concrete render, labelled "FT-02" on the approved schedule of external finishes in Condition 1C.

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 and the presentation is sympathetic to the streetscape of Warringah Road.

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:

53 – Parking Provision

A total of 288 carparking spaces shall be provided onsite.

All parking areas on the site are to be available to customers of the motel, pub and bottleshop.

Spaces are to be made accessible and maintained at all times.

Reason: To ensure adequate provision of parking for the entire development.

10. Add the following condition:

24A. 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:

54. 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:

24B. 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:

20A. 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.

14. Add the following condition:

20B. Carparking Finishes (Stage 2 - Hotel/Motel)

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

Details of the 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.

15. Add the following condition:

20C. 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.

16. Add the following condition:

20D. 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.

17. Add the following condition:

20E. 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 room is available for servicing the site.

18. Add the following condition:

20F. 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.

19. Add the following condition:

43A. 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.

20. Add the following condition:

43B. 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.

21. Add the following condition:

43C. 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.

22. Add the following condition:**49A. 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.

23. Add the following condition:**55. 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.

24. Add the following condition:**16A. Mechanical Plant and Equipment (Stage 2 - Hotel/Motel)**

A detailed acoustic review is to 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 are comply with the noise emission criteria in Section 7.2 of the Acoustic Report.

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

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

25. Add the following condition:**37A. 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.

26. Add the following condition:

24C. 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.

27. Add the following condition:

20G. 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.

28. Add the following condition:

24D. 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.

29. Add the following condition:

24E. 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.

30. Add the following condition:

43D. 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.

31. Add the following condition:

43E. 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.

32. Add the following condition:

20H. 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.

33. Add the following condition:

20I. 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, dated June 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.

34. Add the following condition:

24F. 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.

35. Add the following condition:

24G. 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.

36. Add the following condition:

43F. 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:

43G. 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.

38. Add the following condition:

43H. 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
 - a) Activity description, and duration and frequency of visitsAdditionally for vegetated devices:
 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 10 percent for any 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 tr may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are req to Council upon request.

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

Reason: Protection of the receiving environment.

39. Add the following condition:

43I. 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.

40. Add the following condition:

42A. 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.

41. Add the following condition:

7A. 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.

42. Add the following condition:

8A. 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.

43. Add the following condition:

56. Landscape Maintenance (Stage 2 – Hotel/Motel)

- a) If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.
- b) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.
- c) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.
- d) A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.
- e) The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.