

## SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH_749
<b>DA Number</b>	MOD2025/0390
<b>LGA</b>	Northern Beaches Council
<b>Proposed Development</b>	Modification of Development Consent DA2021/0119 granted for demolition works and construction of a community centre with associated parking and landscaping.
<b>Street Address</b>	2-4 Jacksons Road, Warriewood NSW 2102
<b>Applicant/Owner</b>	Northern Beaches Council Northern Beaches Council
<b>Date of DA lodgment</b>	21 July 2025
<b>Number of Submissions</b>	Two (2) submissions objecting to the development.
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)</b>	The proposal is located on Council owned land with a Capital Investment Value of more than \$5 million and is a Section 4.55(2) to a development application determined previously by the Panel.
<b>List of all relevant s4.15(1) (a) matters</b>	Pittwater Local Environmental Plan 2014 State Environmental Planning Policy (Resilience and Hazards) 2021 Pittwater Development Control Plan 2014
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>Attachment 1: Draft Conditions of Consent</li> <li>Attachment 2: Plans (landscape)</li> <li>Attachment 3: Long-Term Environmental Management Plan</li> </ul>
<b>Clause 4.6 requests</b>	Nil
<b>Summary of key submissions</b>	Footpath Stormwater
<b>Report prepared by</b>	Kimberley Kavwenje, Independent Planner
<b>Responsible Officer</b>	Olivia Ramage, Planner
<b>Report date</b>	3 December 2025

### Summary of s4.15 matters

**Yes**

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

### Legislative clauses requiring consent authority satisfaction

**Yes**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

**Clause 4.6 Exceptions to development standards****Not applicable**

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

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**Special Infrastructure Contributions****Not applicable**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

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**Conditions****Yes**

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

## EXECUTIVE SUMMARY

This report assesses a Section 4.55(2) modification application (Mod2025/0390) to Development Consent DA2021/0199 for the construction of the community centre at 2-4 Jacksons Road, Warriewood.

The application seeks to modify Conditions 46, 52, and 53, which require the completion of final landscaping, certification, and canopy tree replacement prior to the issue of any Occupation Certificate (OC). This modification is necessary because the unexpected discovery of friable asbestos during construction which required a permanent "cap and contain" remediation strategy, making it impossible to implement the original deep-soil landscape plan immediately. The modification's core objective is to defer these final landscaping requirements to the Final Occupation Certificate (FOC), thereby enabling the issue of a Partial Occupation Certificate (POC) for the constructed community centre building, allowing for staged occupation.

DA2021/0199 was determined by the Sydney North Planning Panel on 18/08/2021. The development was a Council related development (Council is the landowner) and had a capital investment value of more than \$5 million. Consequently, the application was regionally significant development pursuant to clause 2.19 and schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*. An application to modify (under s4.55) development consents that were originally determined by a Planning Panel must generally be referred back to that Panel for determination.

The application was publicly notified in accordance with the Northern Beaches Community Participation Plan to neighbouring property owners for a period of 28 days, running from 11 August to 8 September 2025. A total of two submissions were received during the public exhibition period. The submissions raised two primary concerns:

- A request to widen and repair the footpath along Jacksons Road to improve safety and accessibility.
- An allegation of non-compliance regarding the installation of Stormwater Treatment Systems (Condition 29), asserting that incorrect systems were installed without formal approval.

These submission do not relate to the modification application, rather matters associated with the construction of the approved works.

The assessment focused on mitigating the risks associated with granting a POC before final completion, particularly regarding environmental contamination and staged compliance. The greatest risk is the health hazard posed by the contained asbestos.

The assessment required two Requests for Further Information (RFIs) (issued 08/09/2025 and 28/10/2025) to address deficiencies related to contamination management, documentation, and the need to resubmit as a Section 4.55(2) modification given the application was originally submitted as a Section 4.55(1A) application.

The Applicant submitted documentation on 05/09/2025 and 13/11/2025, including the Site Validation Report (SVR), Duty to Report re-evaluation, and the Long-Term Environmental Management Plan (EMP).

Two new, conditions are recommended to require the adoption of Environmental Management Plan (EMP), formally adopted by the Council, must occur prior to the POC to ensure the management protocols for the contamination cap. A Site Audit Statement (SAS), providing final suitability assurance, is required prior to the FOC.

To allow the POC, Conditions 46, 52, and 53 are modified to refer to the Final Occupation Certificate. New conditions are recommended which mandate Interim Landscape Works (topsoil, mulch, mass planting) prior to the POC to ensure site safety and acceptable visual amenity. A Final Landscape Modification Application Deadline (12 months) is imposed to guarantee the biodiversity commitment (planting of 63 canopy trees) is still achieved.

The modified development is assessed as substantially the same as the original consent and adheres to the principles of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (*EP&A Act 1979*). The proposed new conditions provide an acceptable framework to manage environmental and public health risks, thereby allowing the Principal Certifier to determine the issue of a POC. The modification is recommended for approval subject to the imposition of the revised and new conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

This application (Mod2025/0390) seeks to modify or delete three specific conditions of the original Development Consent (DA2021/0199) to allow for the issue of a Partial Occupation Certificate.

The applicant specifically requested the modification or deletion of the following three conditions related to landscaping and certification:

### **46. Landscape Completion**

Landscaping is to be implemented in accordance with the approved Amended Landscape Plans. Prior to the issue of an Occupation Certificate, details from a landscape architect shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity

### **52. Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans (Aspect Studios, 20 April 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with relevant biodiversity controls

### **53. Replacement of Canopy Trees**

At least 63 locally native canopy trees are to be planted on site to replace protected trees approved for removal in accordance with the Landscape Plan (Aspect Studios, 20 April 2021).

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To ensure compliance with relevant biodiversity controls.

The need for this change arose because the unexpected discovery of friable asbestos during construction required a "cap and contain" remediation approach, which made it impossible to achieve the original landscape design requirements.

Note: This modification was initially submitted as a Section 4.55(1A) but has been amended to a Section 4.55(2) modification due to the environmental impacts of the site remediation works.

## **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the *EP&A 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 *EP&A 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 *EP&A Act 1979*, 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 on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

The following modifications to existing conditions and the addition of new conditions are recommended to manage the staging of the development, enable the issue of a POC, and legally lock in the final contamination assurance requirements for the site.

### **Modification of Existing Conditions (Clauses 46, 52, and 53)**

Conditions 46, 52 and 53 are to be modified as sought by the applicant to allow for the staged completion of the project, deferring final landscaping requirements until the entire development is complete.

The requirement for compliance with final landscaping, certification of plans, and replacement of canopy trees shall be amended to occur prior to the issue of the Final Occupation Certificate for the development, rather than any Occupation Certificate.

### **New Conditions Required for Staging and Landscaping**

To ensure the site is safe and the landscaping commitment is maintained, the following new conditions must be imposed:

#### **Interim Landscape Works**

Prior to the issue of a Partial Occupation Certificate, the non-building areas impacted by the deferred permanent landscaping plan must achieve minimum finishing standards. This includes the placement of additional topsoil and bark chip mulch, and the completion of mass planting to car parking and perimeter gardens as per the original approved plans. All interim works must be undertaken without breaching the integrity of the containment cap.

**Reason:** To ensure site safety and acceptable visual amenity before public occupation.

#### **Final Landscape Modification Application Deadline**

The Applicant shall submit a separate, detailed Section 4.55(2) Modification Application for the final landscape design, demonstrating compliance with contamination management requirements and the replacement of canopy trees (Clause 53), within 12 months of the date of determination of this modification application.

**Reason:** To ensure a clear, non-negotiable deadline for finalising the landscape design required for the development.

### New Conditions for Contamination Assurance (Site Suitability)

The lack of a SAS requires new, strict conditions to lock in the final legal assurance without preventing the POC.

#### Adoption of Environmental Management Plan

Prior to the issue of a Partial Occupation Certificate, written evidence must be provided to the Principal Certifier confirming that the *Long-Term Environmental Management Plan* (Ref: 2540-EMP-01-200125.v2d) has been formally adopted by the Asset Owner (Northern Beaches Council).

**Reason:** To ensure the protocols for managing the contained contamination are legally accepted by the owner/operator before occupation begins.

#### Site Audit Statement

Prior to the issue of the Final Occupation Certificate for the entire development, the Applicant shall submit a Site Audit Statement, prepared by a NSW EPA Accredited Site Auditor, to the Principal Certifier and Council. The Site Audit Statement must conclude that the site is suitable for the intended Community Centre use and approve the *Long-Term Environmental Management Plan* as the required management control to satisfy the final contamination assurance requirements under the *State Environmental Planning Policy (SEPP) Resilience and Hazards*.

**Reason:** To ensure the final legal certainty regarding site suitability is obtained before the entire development is certified as complete and safe for long-term use.

### SITE DESCRIPTION

<b>Property Description:</b>	Lot 10 DP1312242 2-4 Jacksons Road, Warriewood NSW 2102
<b>Detailed Site Description:</b>	<p>The site is located on the corner of Jacksons Road and Pittwater Road, Warriewood. The site includes the wider Boondah Reserve, with an overall area of 6.09ha. The location of the proposed works is a smaller area of 9,888m<sup>2</sup> located at the southern end of the reserve.</p> <p>Other frontages and boundary interfaces include Pittwater Road to the east, Boondah Road and playing fields to the west, industrial land to the north, and residential properties on the opposite side of Jacksons Road.</p> <p>The approved building and associated car parking has been constructed on site. Vehicular access to the site is via Boondah Road.</p> <p>The site is predominantly flat with a slight fall from the south-east to the north-west of approximately 1 metres. There is a raised mound on the eastern boundary providing a buffer between the buildings and Pittwater Road.</p> <p>There are number of large trees on the site.</p>



The site is Crown land under the care and management of the Northern Beaches Council.



**Figure 1:** Aerial imagery of the subject site (outlined in white) and surrounds  
Source: Landchecker (7 September 2024).

### Detailed Description of Adjoining/Surrounding Development

The surrounding development is characterised by a mix of public recreation, commercial and residential land uses.

### SITE HISTORY

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

Date	Application
31/03/2020	A Pre-DA lodgement meeting (PLM2020/0049) was held with Council officers to discuss key issues associated with the proposed development of the site.
18/08/2021	DA2021/0199 for demolition works and construction of a community centre with associated carparking and landscaping was granted development consent by Sydney North Planning Panel.

### APPLICATION HISTORY

Date	Action
21/07/2025	Application lodged.
25/07/2025	Referral received from Council's Natural Environment – Riparian section. Acceptable, no conditions recommended.
01/08/2025	Referral received from Council's Natural Environment – Flood. Acceptable, no conditions recommended.

05/08/2025	Referral received from Council's Landscape section. Unsupported. Further information requested.
	Referral received from Council's Parks, Reserves and Foreshores section. Unsupported. Further information requested.
11/08/2025 to 08/09/2025	The application was notified to neighbouring property owners for a period of 28 days.
25/08/2025	Referral received from Council's Natural Environment - Biodiversity section. Unsupported. Further information requested.
02/09/2025	Referral received from Council's Engineer. Acceptable, no conditions recommended.
08/09/2025	<p>A request for further information (RFI) was issued by Northern Beaches Council identifying the following issues:</p> <ul style="list-style-type: none"> <li>- Resubmit the application as a more detailed Section 4.55(2) modification application, as the current proposal does not meet the requirements for a Section 4.55(1A) modification.</li> <li>- Provide specific details of the environmental testing and required remediation works for the "cap and contain" remediation approach and long-term environmental management plan.</li> <li>- Submit copies of the following documentation as recommended by the approved Preliminary Site Investigation by Douglas Partners: <ul style="list-style-type: none"> <li>▪ An additional round of Land Fill Gas (LFG) monitoring, undertaken during a period of falling air pressure, with water samples taken for laboratory analysis.</li> <li>▪ An Asbestos Containing Material (ACM) investigation prior to demolition and construction in the vicinity of BH201 to determine the extent of ACM soil impact.</li> <li>▪ A hazardous building material assessment on the site buildings prior to demolition.</li> <li>▪ Preparation of an Acid Sulfate Soil Management Plan (ASSMP).</li> <li>▪ Documentation addressing the management of potential exposure to LFG contamination during excavation works.</li> <li>▪ Preparation of an Unexpected Finds Protocol.</li> <li>▪ Confirmation of preliminary waste classification prior to off-site disposal.</li> </ul> </li> <li>- Explain how the site will be made suitable for the approved landscape design if the remediation works are carried out</li> <li>- Provide a revised statement of modification that clearly identifies the consent being sought (not just the deletion or modification of conditions 46, 52, and 53 to enable a partial Occupation Certificate).</li> <li>- Clearly indicate in the statement of modification if modification of Condition 1 is being sought to reflect the amended landscape and architectural plans.</li> <li>- Rectify the discrepancy regarding the landscape plan and resubmit with the correct and most recent plan (LA-200/E, which superseded LA-200/D).</li> <li>- Submit the required information to address Condition 25 (Further Site Investigations) as part of the application, as contamination is cited as the reason for the proposed changes.</li> <li>- Provide a summary/schedule of amendments cover sheet with any amendments</li> </ul>



29/09/2025	Meeting held with Applicant and representatives and Council staff to discuss concept response.
05/09/2025	<p>Further information was submitted by the Applicant including:</p> <ul style="list-style-type: none"> <li>- Asbestos in Soil Investigation Report prepared by JKE dated 27 April 2023</li> <li>- LFG Monitoring Report prepared by JKE dated 12 May 2023</li> <li>- Soil Characterisation Assessment prepared by Sydney Environmental dated 29 May 2024</li> <li>- Asbestos Management Plan prepared by Sydney Environmental dated 9 May 2024</li> <li>- Soil Remediation Action Plan prepared by JKE dated 14 May 2024</li> <li>- Remediation Action Plan prepared by Sydney Environmental dated 17 July 2024</li> <li>- Timeline of Site Remediation Works dated 11 March 2025</li> </ul>
28/10/2025	<p>A second RFI was issued by Northern Beaches Council identifying the following issues:</p> <ul style="list-style-type: none"> <li>- Submit Final Validation Report: <ul style="list-style-type: none"> <li>▪ This report must confirm the successful completion of all works outlined in the Remediation Action Plan (RAP).</li> <li>▪ It must demonstrate, through post-remediation sampling and analysis, that the implemented cap (new building slabs, hardstand, clean fill) has permanently broken all human health exposure pathways.</li> <li>▪ It must explicitly confirm that the site has been rendered suitable for the proposed Community Centre use, typically assessed against Human Health Investigation Level (HIL) D (Commercial/Industrial) criteria or equivalent for public open space/community facilities.</li> </ul> </li> <li>- The applicant must submit a Site Audit Statement prepared by an accredited NSW Site Auditor. This statement must formally conclude that the site is suitable for the intended use (Community Centre), subject to any necessary long-term management controls.</li> <li>- A final, Council-approved Long-Term Environmental Management Plan is required to ensure the integrity of the remediation cap is maintained. It must clearly define the protocols for managing the containment system, specifically in relation to any future intrusive works (e.g., maintenance, landscaping, utility repairs) to prevent disturbance of the underlying contaminated fill.</li> <li>- The applicant must provide a formal re-evaluation confirming that following the completed remediation and validation, the site no longer meets the threshold for a "Duty to Report" a significant risk of harm to the NSW EPA under Section 60 of the <i>Contaminated Land Management Act 1997</i>.</li> </ul>
13/11/2025	<p>Further information was submitted by the Applicant including site validation report, site audition statement, duty to report letter, long term environmental management plan and RFI response letter.</p> <p>The applicant has formally acknowledged the previous RFI (not attached, but noted in the 8 September 2025, letter in a separate</p>

	request) and has amended the application to a <b>Section 4.55(2)</b> modification. This change was made given the environmental impacts of the site remediation works.
01/12/2025	Referral received from Council's Landscape section.
	Referral received from Council's Parks, Reserves and Foreshores section.
	Referral received from Council's Natural Environment - Biodiversity section.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

The relevant matters for consideration under the *EP&A Act 1979*, are:

### Section 6.9 Requirement for occupation certificate

A POC is permitted under Section 6.9(2)(b) of the *EP&A Act 1979*, authorising the occupation of a distinct, completed part of a building before the entire development is finished.

The modification seeks to approve the issue of a POC by deferring Conditions 46, 52, and 53 (related to final landscaping, certification, and canopy tree replacement) from being completed "prior to the issue of an Occupation Certificate" to being completed "prior to the issue of the Final Occupation Certificate."

The Principal Certifier's determination for a POC relies on confirming that the part to be occupied is safe, fully functional, and compliant with the BCA, independent of the unfinished works. The POC process allows for staged occupation of a development but imposes strict requirements to ensure that the occupied part is safe, compliant with all regulatory standards, and fully functional, while also requiring a clear commitment to complete the rest of the building within a five-year period.

Consideration has been given to the health and safety risk associated with enabling a POC. The greatest risk is the newly contained friable asbestos.

The recommended modifications and the imposition of the new conditions particularly the Interim Landscape Works and the Adoption of the EMP provide a mechanism to manage the amenity and public health risks *prior* to the POC.

The modifications correctly defer non-essential finishing items (final landscaping) to the FOC, allowing the main structure to be occupied in stages. The new conditions effectively mitigate the primary barrier to the POC (site contamination) by legally requiring the adoption of the EMP by the asset owner before occupation.

The condition requiring the SAS is appropriately deferred to the FOC, ensuring final legal assurance *before* the entire development is completed and handed over for long-term use.

The proposed modification and new conditions provide an acceptable framework for the PC to issue a POC, provided the PC also confirms compliance with all non-deferred statutory requirements, including the segregation of services/egress and compliance with BASIX for the certified portion of the building.

Section 4.55 (2) - Other Modifications	Comments
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:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the	The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was

Section 4.55 (2) - Other Modifications	Comments
development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>originally granted under DA2021/0199 for the following reasons:</p> <p>The modifications are considered to be 'substantially the same' as the original development. The changes are minor in nature, primarily relating to conditions of consent and the timing of issuing an OC. The modifications do not introduce new built form, increase the building's footprint, or alter the approved land use as a community facility. The bulk and scale of the building remain unchanged. As such, the core intent and impacts of the development are consistent with the original consent.</p>
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	<p>There are no relevant public authorities required to be consulted as a result of this application. The application has also been referred to internal bodies, including Council's, Parks, Reserves and Foreshores, Landscape and Natural Environment - Biodiversity, Riparian and Flooding all of which have provided comments.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(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</p>	<p>The application has been publicly exhibited in accordance with the <i>EP&amp;A Act 1979</i>, Environmental Planning and Assessment Regulation 2021 (EP&amp;A Regulation 2021), and the Northern Beaches Community Participation Plan. Two submissions were received during the public notification period, which ran from 11 August to 8 September 2025.</p>
(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.	<p>See discussion on "Notification &amp; Submissions Received" in this report.</p>

### Section 4.55(3) Assessment

Under Section 4.55(3) of the *EP&A Act 1979*, in determining an application to modify a development consent, the consent authority must consider the relevant matters set out in Section 4.15(1), as well as the reasons given for the original grant of consent.

Council has assessed the modified development against the original determination. The assessment has considered the suitability of the development for the site, its environmental impacts, and all other relevant matters.

Section 4.55(3) serves to ensure that any modifications—whether minor or more substantial—are assessed within the framework of the broader planning principles in Section 4.15(1) and the reasons for determination of the consent which is now sought to be modified.

4.15(1) includes consideration of:

- The likely impacts of the development, including environmental, social, and amenity impacts;
- The suitability of the site for the development;
- The objectives of applicable planning controls;
- Any submissions received; and
- The public interest.

In determining this application to modify Development Consent DA2021/0199 (Mod2025/0390), the consent authority has considered the relevant matters set out in Section 4.15(1) of the *EP&A Act 1979*, as required under Section 4.55(3). The assessment confirms that the modified development remains appropriate for the site and does not conflict with the original reasons for granting consent. The original Panel approval was based on the considerable public interest and community benefit provided by the facility, its compliance with planning controls (including the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Pittwater Development Control Plan (PDCP)), and the provision of replacement canopy trees.

The proposed modification, which addresses project staging and the management of unforeseen site contamination (friable asbestos), is administrative and managerial in nature. The imposition of new conditions specifically the Adoption of the EMP prior to the issue of the POC and the deferral of final landscaping to the FOC directly addresses the likely environmental and public health impacts and enhances the suitability of the site for its intended use by ensuring risks are appropriately managed. By enabling the beneficial occupation of the completed community centre sooner, the modification aligns with the original intent to provide community benefit while preserving the commitment to all other original conditions, ensuring the modified development remains consistent with the original approval's objectives and the broader planning principles of Section 4.15(1).

The modifications sought are considered against the relevant environmental planning instruments, proposed instruments and relevant DCPs below in accordance with Section 4.15(1)(a)(i), (ii) and (iii). The development consent is not subject to a planning agreement (iiia). The proposal has been considered in accordance with the relevant regulations (iv).

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the *EP&A Act 1979*, in determining a modification application made under Section 4.55 (2) 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 relevant matters for consideration under Section 4.15 of the *EP&A 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	PDCC applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	Not applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Part 4 Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 104</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested on 08/09/2025 and 28/10/2025.</p> <p>The Applicant provided further information on 05/09/2025 and 13/11/2025 including:</p> <ul style="list-style-type: none"> <li>- Asbestos in Soil Investigation Report</li> <li>- LFG Monitoring Report</li> <li>- Soil Characterisation Assessment</li> <li>- Asbestos Management Plan</li> <li>- Soil Remediation Action Plan</li> <li>- Remediation Action Plan</li> <li>- Timeline of Site Remediation Works</li> <li>- Site Validation Report</li> <li>- Duty to Report</li> <li>- Written response to RFI</li> <li>- Environmental Management Plan</li> </ul> <p><u>Clause 49(1)(b)</u> of the EP&amp;A Regulation 2021 requires a development application must be accompanied by a statement indicating whether the applicant is the owner of the land, and if not, that the applicant has notified the owner of the application. Owner’s consent has been provided.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA).</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b></p> <p><u>Site Contamination and Health Risk</u> The primary environmental risk associated with the site (friable asbestos) is mitigated through a new, strict condition requiring the formal Adoption of the</p>



Section 4.15 'Matters for Consideration'	Comments
	<p>EMP by the Asset Owner (Council) prior to the issue of the POC. This ensures protocols are in place to legally manage the contained contamination, thus ensuring the suitability of the built environment for occupation.</p> <p>The requirement for a SAS to be submitted prior to the FOC provides the necessary legal assurance that the site is suitable for the Community Centre use under the relevant SEPP Resilience and Hazards.</p> <p><u>Landscaping and Amenity</u> The deferral of final landscaping (Conditions 46, 52, 53) until the FOC is required due to construction difficulties related to the contamination cap, but the impact is managed through new interim measures.</p> <p>The Interim Landscape Works condition ensures that non-building areas achieve minimum finishing standards, including topsoil, mulch, and mass planting, ensuring site safety and acceptable visual amenity before public occupation begins.</p> <p>The requirement for a separate Final Landscape Modification Application Deadline ensures the commitment to the original canopy tree replacement (Clause 53) is retained and finalised in accordance with contamination management requirements.</p> <p>(ii) <b>Social Impact</b> Enabling the POC for the completed Community Centre structure accelerates the delivery of significant community benefit (various halls, meeting rooms, amenities) and makes the facility available earlier for community use and as a public Natural Disaster Evacuation and Recovery Centre.</p> <p>(iii) <b>Economic Impact</b> The POC allows the asset to become operational sooner, generating economic activity associated with its function as a community hub. The modifications address construction challenges that could otherwise cause significant delays, providing certainty for the staged completion of the project.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.

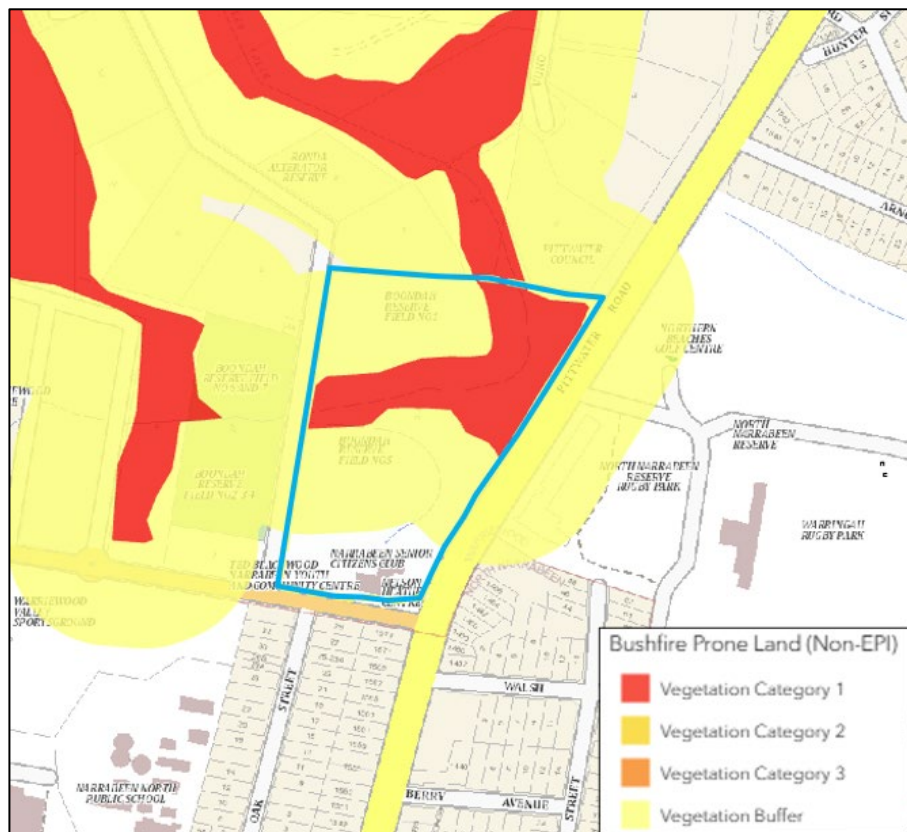
Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing use rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is partially mapped as bushfire prone land, specifically within the Vegetation Category 1 and Vegetation Buffer zones (see **Figure 2**). The development area, however, is located along the southern boundary. Importantly, this specific area is not mapped as bushfire prone land. As such, there are no specific bushfire protection requirements for the development, and the proposal is deemed satisfactory in relation to its bushfire setting.



**Figure 2: Bushfire Prone Land Map (subject site outlined in blue)**  
Source: NSW Planning Portal Spatial Viewer (September 2025)

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979*, EP&A Regulation 2021, and the relevant Development Control Plan.

As a result of the public exhibition process, Council is in receipt of two submissions.

The submissions are listed below, with the issues raised following the table:

Name:	Address:
Mr Daniel Grant Page	12 Lowanna Street BELROSE NSW 2085
Mrs Margaret Melville	4 / 1468 - 1470 Pittwater Road NORTH NARRABEEN NSW 2101

The following issues were raised:

***Request to widen and repair the narrow and uneven footpath along Jacksons Road is acknowledged and is consistent with the strategic planning goals for the Warriewood Valley area, particularly concerning active transport, safety, and accessibility.***

Comment: The submission regarding the widening and repairing of the footpath along Jacksons Road is relevant to the overall suitability and social impacts of the development, but it does not directly pertain to the legal requirements of the current Section 4.55(2) modification application (Mod2025/0390).

The modification only seeks to adjust the staging of the approved development (deferring final landscaping) and introduce contamination management conditions (EMP adoption) to allow for a Partial Occupation Certificate. It does not alter the approved building design, bulk, or external road/footpath network.

While the current modification does not relate to the external public road network, the concerns are relevant to the extent of the final safety and amenity of the approved Community Centre. The planning framework surrounding the development already incorporates the planned upgrade of Jacksons Road/Boondah Road intersections and the creation of new shared path connections to resolve the existing issues of narrow, uneven paths and ensure safe access for all users, including the elderly, children, and B-Line passengers.

***The submission raises a critical concern regarding the construction of the stormwater treatment system under both the original consent (DA2021/0199) and the current modification (Mod2025/0390).***

Comment: The submission raises significant concerns regarding the alleged unauthorised substitution or non-installation of specified stormwater treatment systems, stating a direct contradiction of the approved engineering drawings and Condition 29 of the development consent.

The specific conditions within the original Development Consent (DA2021/0199) that relate to these concerns are:

- Condition 29. Substitution of Stormwater Treatment Measures. This explicitly states that the substitution of an "equivalent" device for the approved stormwater treatment measure must be submitted to the Principal Certifying Authority (PCA) for approval *prior to installation*.
- Condition 56. Certification for the Installation of Stormwater Treatment Measures. This requires a certificate from a qualified Civil Engineer confirming that the measures have been installed in accordance with the plans, are completed, online, in good condition, and are not impacted by sediment, prior to the release of the Occupation Certificate.

The Notice of Determination (DA2021/0199) approved the development subject to compliance with the following set of Engineering Plans prepared by Warren Smith and Partners, dated either 16.12.2020, 03.05.2021, or 04.05.2021. These approved plans are generally referred to without a revision letter (e.g., C1.04, C2.01, C4.01).

The consent dictates that the plans submitted for the Construction Certificate (CC) must comply with all conditions of consent. For example, Condition 11 required Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The Civil Drawings relied upon for the CC are identified as Revision A dated 25 June 2021. These plans supersede the plans referenced in the development consent as they typically incorporate all amendments or design changes necessary to comply with the Conditions of Consent issued with the DA and any detailed design refinements made after the DA approval but before the CC issue.

The submission indicates the drawing in the Modification application is "misleading, incorrect and inaccurate" because it does not reflect the alleged *as-built* non-compliant system is a matter of compliance that must be addressed via the relevant conditions of consent, most notably Condition 56, before the PCA can issue an Occupation Certificate for the entire development. As no plans are being approved as part of the recommendation to modify the consent under this application, no physical changes to the approved development are to occur.

The stormwater systems are not directly relevant to the proposed modification MOD2025/0390, as this application is solely focused on modifying conditions related to final landscape completion. However, the concerns raised are relevant to the overall compliance of the development prior to the issue of any Occupation Certificate (Partial or Final).

## REFERRALS

Internal Referral Body	Comments
Natural Environment (Riparian)	<p><b>Supported without conditions</b></p> <p>The proposed changes do not impact riparian lands or change the approved water management outcomes.</p> <p>The proposal is therefore supported.</p>
Natural Environment (Flood)	<p><b>Supported without conditions</b></p> <p>The proposed modifications do not result in changes to the flood characteristics of the original proposal. Subject to compliance with any conditions laid out in response to DA 2021/0199 and any subsequent modifications, the proposal generally complies with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</p> <p>The proposal is therefore supported.</p>
Landscape	<p><b>Supported with conditions</b></p> <p>In reviewing the Statement of Modification, the modification request is to "allow for issue of a Partial Occupation Certificate", and to delete or modify conditions 46, 52 and 53. Condition 46. Landscape Completion is imposed by Landscape Referral. It is noted that in the Statement of Modification the term <i>clauses</i> as utilised instead of <i>condition</i>.</p> <p>This does not require modification to the development consent, as Part 5 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, does not resolve that only one occupation certificate is allowable, as described in paragraph 49 (1) (g) and (h). NSW Planning guidance is clear on how private certifiers may determine an occupation certificate, including: The Occupation Certificate authorises the occupation and use of a new building or building section. For staged works, an interim Occupation Certificate may be issued which allows you to occupy the completed part of the building.</p> <p>Therefore, the Private Certifying Authority may issue any number of separate Occupation certificates for parts of the works.</p>

Internal Referral Body	Comments
	<p>In reviewing the amended landscape plans it is noted that all proposed tree planting is to be deleted whilst mass planting shrubs is to continue. Landscape Referral require scientific and environmental evidence to report that the capping must not be penetrated by roots to accept that tree planting cannot be planted. If tree roots are able to penetrate the capping layer without environmental risks, then there is no reason not to plant trees, albeit at a smaller installation size. Likewise, with 300mm soil depth it is expected that mass planting shrub roots would penetrate no different to tree roots. Should evidence be presented that the capping layer must not be penetrated then it is envisaged that only grass and native grasses would be suitable.</p> <p>Landscape Referral shall recommence assessment following receipt of a scientific / environmental report as prepared by a qualified professional able to assess risks associated with the restrictions or otherwise opportunities of the capping layer and any proposed planting works.</p> <p>The proposal is therefore unsupported.</p> <p><u>Updated comments 01.12.2025:</u></p> <p>The following reports are submitted in response to concerns in the previous comments: Site Validation Report; Long-Term Environmental Management Plan; and Duty to Report letter. An updated Landscape Plan is submitted that deletes all tree planting from the scope of works whilst maintaining the mass planting to garden beds.</p> <p>In terms of the Landscape Referral, the removal of new tree planting as documented is required due to the installation of 'capping' following asbestos removal where the subsurface soils have been capped to protect against any further unexpected contamination findings. The findings of the Site Validation Report and Long Term Environmental Management Plan is for a 'cap and contain' solution such that only planting of plant material not expected to penetrate the 'capping' should be installed. It is anticipated that tree roots would easily penetrate the 'capping' material exposing potential health risks. The soil depth above the 'capping' is restricted to 300mm and thus tree planting is not achievable.</p> <p>The Statement of Modification request is to delete or modify conditions 46, 52 and 53. Condition 46. Landscape Completion is imposed by Landscape Referral. Landscape Condition 52. Certification of Landscape Plan and Condition 53. Replacement of Canopy Trees are conditions imposed by Natural Environment - Bushland and Biodiversity Referral and not imposed by Landscape Referral.</p> <p>Landscape Condition 46. Landscape Completion shall be modified to include compliance with the submitted landscape plan under the modification indicating deletion of tree planting, and separate compliance with the approved landscape plans under DA2021/0199 for mass planting within garden beds and turfed areas.</p> <p>MODIFY 46. Landscape Completion</p>



Internal Referral Body	Comments
	<p>Landscaping is to be implemented in accordance with the approved Amended Landscape Plans revision E under the Construction Certificate approval for the mass planting to garden beds and the turfed area as documented, and the landscape plan under this modification deleting tree planting.</p> <p>Prior to the issue of an Occupation Certificate, details from a landscape architect shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.</p> <p>Reason: Environmental amenity</p> <p><b>Planner comment:</b> The proposed modification to Condition 46 by the Landscape Referral Officer is acknowledged as it mandates compliance with an updated (tree-deleted) landscape design. The landscape plan submitted with the application (LA-200/D) has been superseded by a newer version (LA- 200/E) that was relied upon for the Construction Certificate (CC). This issue was raised with the applicant, and the applicant submitted the landscape plans approved as part of the CC. As these plans form part of the approved CC, they do not require separate reference under the development consent.</p> <p>However, this approach does not address the immediate requirements for issuing a Partial Occupation Certificate (Partial OC). The core issue of this Section 4.55(2) application is to enable the Patrial OC by deferring final landscape compliance.</p> <p>While the Landscape Referral aims to achieve the goal of Condition 46 which is to ensure the site is safe, stable, and visually acceptable before the public or occupants use the development by the provision of completed landscape works. The recommended addition of Conditions 46A and 52A achieves this goal by mandating safe, temporary measures now to permit staged occupation, while deferring the final design approval to a later, dedicated modification (Condition 52A) as specifically requested by the Applicant.</p>
Parks, Reserves and Foreshores Referral Response	<p><b>Supported without conditions</b></p> <p>The amended landscape plans under the modification application alter the approved development consent landscape setting transition between the community centre and adjoining public open space. However, the environmental circumstances are noted as are the comments from Landscape Referral. Therefore, until a definitive scientific / environmental report is submitted to assist in providing recommendations on restrictions and opportunities for the land area above the capping layer, Parks Reserves and Foreshore Referral are unable to continue the assessment.</p> <p>The proposal is therefore unsupported.</p> <p><b>Updated comments 01.12.2025:</b></p> <p>The application is for modification to development consent 2021/0199 as described in reports and as illustrated on plans. In reviewing the Statement</p>

Internal Referral Body	Comments
	<p>of Modification, the modification request is to "allow for issue of a Partial Occupation Certificate", and to delete or modify conditions 46, 52 and 53.</p> <p>The assessment of Landscape Referral regarding the modification to condition 46 is noted. The findings of the environmental reports lead to the requirement for deletion of the new tree planting and thus Parks Reserves &amp; Foreshores Referral raise no concerns.</p> <p>The proposal is therefore supported.</p>
Natural Environment (Biodiversity)	<p><b>Supported, with conditions</b></p> <p>Portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEE) Biodiversity Values Map (BV Map). 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).</p> <p>However, 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.</p> <p>The proposed modifications require the removal of Condition 53 which relates to the proposed tree replacement for the development. As indicated in the landscape referral, additional information is required to determine whether the planting of trees cannot be supported. As the site is located in close proximity to the Warriewood wetlands and portions are mapped as a wildlife corridor the modifications cannot be supported unless the additional information required has been submitted.</p> <p>The Biodiversity Referral will recommence upon receipt of the additional information.</p> <p>The proposal is therefore unsupported.</p> <p><b>ADDITIONAL COMMENT 02.12.2025</b></p> <p>Additional information has been submitted to clarify the reasoning behind the amendment of the landscape plan and the request for the modification of condition 52 and deletion of 53 which required certification of the landscape plan and replacement of canopy trees respectively.</p> <p>As the site has been capped with a geotextile layer to avoid disturbance of material containing asbestos the site is no longer capable of supporting the tree planting that was originally conditioned. Therefore, condition 53 can be deleted and condition 52 will be amended.</p>

## CROWN LAND MANAGEMENT ACT 2016 and LOCAL GOVERNMENT ACT 1993

The site is Crown Land dedicated for Infrastructure and Public Recreation, managed by Northern Beaches Council. The land is subject to the Local Government Act 1993 (specifically Section 35, requiring use consistent with a Plan of Management) and the Crown Land Management Act 2016.

The modification is considered consistent with the relevant planning instruments and statutory obligations:

- Plan of Management (POM): While the generic 1998 Sportsgrounds POM mainly focuses on sports, the Community Centre site is partially excluded from its mapped application area.
- Consistency Achieved: Notwithstanding the mapping, the original development and this modification are consistent with the broader objectives of the POM, which include improving community opportunities, providing a safe environment, and facilitating linkages with other open space areas and community facilities.
  - The construction of the new, improved community facility responds to the changing recreational needs of the local community.
  - The design, including a shared footpath and the facility's orientation, improves linkages and connections between the open space and the Community Centre.
- Recreational Offset: The loss of two existing netball courts due to the building's northward encroachment is offset by the provision of a landscaped central courtyard and the recent completion of four new netball courts nearby (at 3 Boondah Road).

The modification, by facilitating the staged occupation of the safe, functional community centre, adheres to the relevant legislative framework and remains consistent with the beneficial public use of the Crown land.

## COASTAL MANAGEMENT ACT 2016

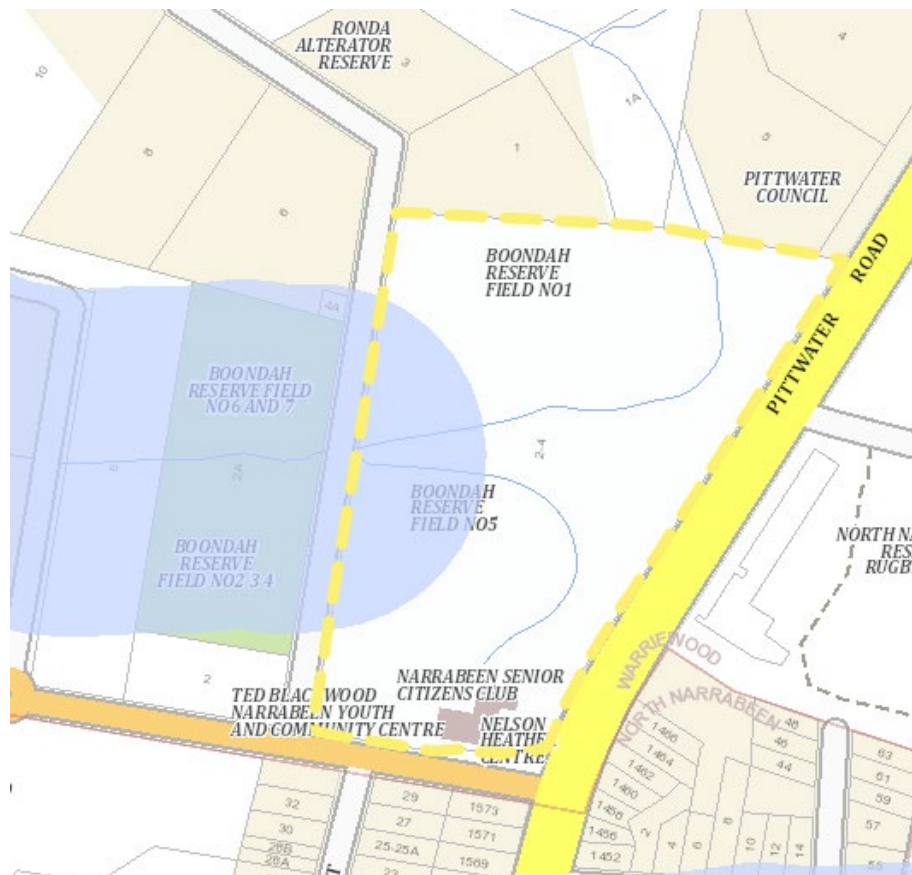
The site is mapped as being within Coastal Environmental Area Map (**Figure 3**) and Coastal Use Area Map (**Figure 4**) and subject to the provisions of SEPP (Resilience and Hazards) 2021. As such, the proposal is subject to consideration of the Coastal Management Act 2016 (**CM Act**), and is identified as being within the following areas:

- Coastal environment area
- Coastal use area

The modification seeks to enable a POC by managing unforeseen issues, particularly site contamination and landscaping staging, rather than proposing new built works.

Clause 8 of the CM Act identifies the **coastal environment area** as land identified by a state environmental planning policy to be the coastal environment area for the purposes of this Act, being land containing coastal features such as the coastal waters of the State, estuaries, coastal lakes, coastal lagoons and land adjoining those features, including headlands and rock platforms.

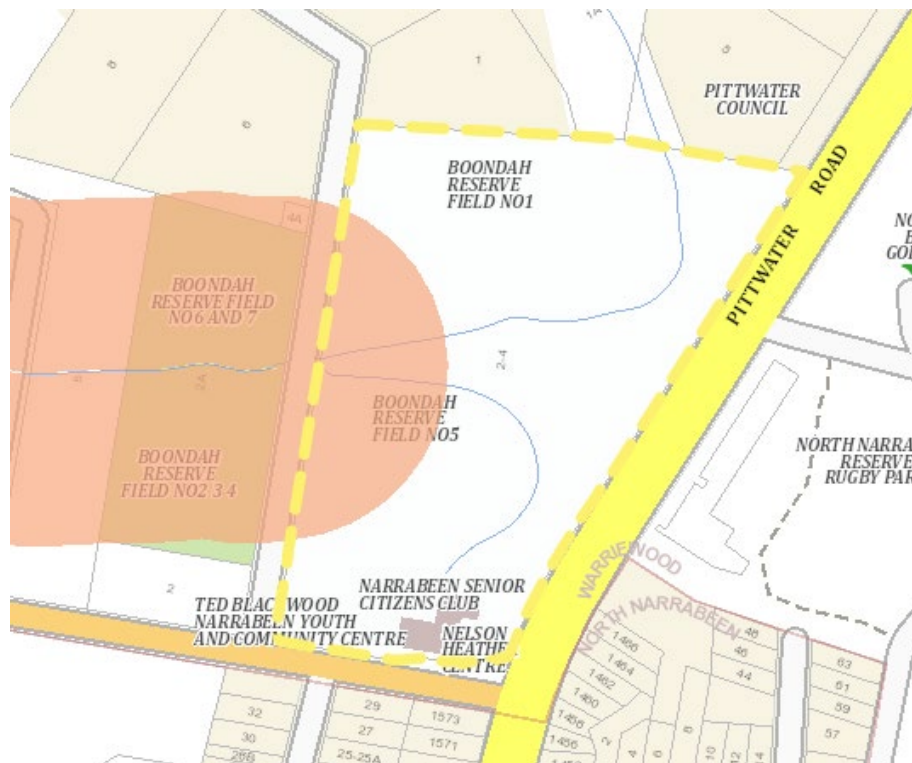
The new condition requiring the Adoption of the EMP ensures the long-term containment of site contamination, which is a key measure to prevent adverse environmental impacts on surrounding land and potentially adjacent coastal waterways.



**Figure 3** Excerpt of Coastal Environmental Area Map - SEPP Resilience and Hazard

Clause 9 of the CM Act identifies the *coastal use area* as land adjacent to coastal waters, estuaries, coastal lakes and lagoons where development is or may be carried out (at present or in the future).

The modification ensures that the public health and safety of the occupied building is secured *before* use commences, which is crucial in an area designated for ongoing use and development. By mandating the EMP adoption and deferring final certification until the SAS is secured, the modification supports the long-term sustainability and safety of the use within the Coastal Use Area.



**Figure 4 Coastal Use Area Map – SEPP (Resilience and Hazards) 2021**

The modification is considered consistent with the objectives and requirements of the *CM Act 2016* and *SEPP (Resilience and Hazards) 2021*. The changes are managerial and focused on health and safety compliance, ensuring that the development can be completed and occupied safely without introducing new or increased adverse environmental impacts on the coastal zone.

### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)\***

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

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

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

### **STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)**

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP) applies to the proposed development as the site is located within a 'coastal environment area' and a 'coastal use area'. The modification application has been assessed against the adverse impact considerations required by Clause 2.10 of the SEPP HR 2021 for land within the Coastal Environment Area.

The assessment concludes that the modification is unlikely to cause any new or increased adverse impact on the specified matters as detailed in the table below.



Clause 2.10 Development on land within the coastal environment area	
Provisions	Response
<b>2.10(1)</b>	
a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment	The modification is managerial (staging/compliance), not structural. The new condition requiring the Adoption of the EMP is a positive measure that actively reduces the long-term risk of site contamination (friable asbestos) impacting the surrounding environment, particularly groundwater and surface water runoff towards coastal features.
b) coastal environmental values and natural coastal processes	The modification facilitates the occupation of the already approved building. It does not interfere with coastal processes, increase erosion risk, or impact areas of coastal ecological value. The EMP ensures the remediation cap remains intact, protecting the natural environment from contaminants.
c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1	The modification is wholly contained within the development site. It does not affect any existing formal or informal public access to the coastal foreshore.
d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	The modification directly addresses a newly identified issue (contamination) by imposing legal and physical controls (EMP adoption and cap integrity) necessary to confirm the site's long-term suitability for a community facility prior to its beneficial occupation.
e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The modification enables the accelerated use of a key piece of public infrastructure, aligning with the public interest and social benefits (e.g., use as an Evacuation Centre) originally identified by the Panel, provided all safety and management protocols are met.
f) Aboriginal cultural heritage, practices and places	The subject site is not identified as containing any Aboriginal cultural and built environmental heritage.
g) the use of the surf zone	The site is not located adjacent to or within the surf zone.
<b>2.10(2)</b>	
a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The modification's core purpose is to introduce management measures (the formal Adoption of the EMP) to prevent the identified health risk (site contamination) from causing an adverse environmental or public health impact. The staging of works avoids any impact from incomplete external areas being used prematurely.

	The proposed management ensures potential adverse impacts are avoided before the POC is issued.
b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or	This step is not triggered, as the assessment concludes that adverse impacts are avoided through the management protocols introduced by the new conditions. Adverse impacts are avoided.
c) if that impact cannot be minimised - the development will be managed to mitigate that impact	This step is not triggered, as the assessment concludes that adverse impacts are avoided. Mitigation is only necessary when impacts cannot be avoided or minimised. Adverse impacts are avoided.

The modification application is assessed against the requirements of Clause 2.11 of the RH SEPP, which applies to development on land within a Coastal Use Area. Development consent must not be granted to development on land that is within the coastal use area unless the consent authority is satisfied that the following matters for consideration have been addressed:

Clause 2.11 Development on land within a coastal use area	
Provisions	Response
<b>2.11(1)(a)</b>	
i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	The modification affects an internal development site and does not involve any changes that would restrict, obstruct, or impact existing, safe public access to the foreshore, beach, or headlands.
ii) overshadowing, wind funnelling and the loss of views from public places to foreshores	The modification does not involve any change to the building's bulk, scale, size, or siting. Therefore, it does not alter the impacts related to overshadowing, wind funnelling, or the loss of public views assessed under the original consent.
iii) the visual amenity and scenic qualities of the coast, including coastal headlands	The modification defers final landscaping but mandates Interim Landscape Works to maintain acceptable visual amenity around the occupied centre. The core structure remains as approved, preserving the scenic qualities of the locality.
iv) Aboriginal cultural heritage, practices and places	The subject site is not identified as containing any Aboriginal cultural heritage, practices, or places (as per original assessment findings). The modification introduces no new excavation or disturbance.
v) cultural and built environment heritage	The modification involves managing the staging of a new building on the site of a former facility. It will not impact on the cultural and built environment heritage of the site (as per original assessment findings).
<b>2.11(b)</b>	
i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Since the modification causes no new or increased adverse impacts (as determined in 2.11(1)(a)), it is deemed to have avoided

	adverse impacts through its design, siting, and the proposed management protocols (e.g., the EMP).
ii) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or	Adverse impacts are avoided.
iii) if that impact cannot be minimised - the development will be managed to mitigate that impact, and	Adverse impacts are avoided.
<b>14(c)</b> Has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development	The modification enables the occupation of the approved bulk, scale, and size. The assessment for the POC confirms that the surrounding built environment and public health are protected by the mandated EMP and the staged approach to completion.

#### Chapter 4 Remediation of land

Clause 4.6 requires a consent authority to consider the contamination status of the land and be satisfied that the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The site's contamination stems from its former land use, which involved land filling activity in the 1960s in the parklands directly north of the site. DA2021/0199 was accompanied by a preliminary site investigation (PSI).

A detailed site investigation (DSI) and subsequent remediation action plan were undertaken. The DSI identified friable and non-friable asbestos impacted fill materials were identified across the site at varying depths between 0.0 – 0.2 metres below ground surface (m bgs). The presence of friable asbestos poses a considerable inhalation risk if disturbed, as it can generate airborne fibres.

A 'cap and contain' strategy was implemented. The remedial action plan was to consolidate and bury the asbestos-impacted soils within the site containment cell under a marker layer and capping materials.

The passive containment system consists of three layers overlying the contaminated materials:

1. Capping Layer. Concrete, asphalt, or mulch (depending on the area: building, footpath, or landscaping)
2. Clean Fill Soils/Road Base. An additional layer of clean fill soils
3. Orange Geotextile Marker Layer. A warning layer placed immediately above the contained asbestos soils, generally located between 0.302-0.506 Relative Level (RL).

The cap and contain methodology removes the exposure pathway between the asbestos source (impacted soils) and the receptors (site users, workers, off-site persons). This ensures the site is safe for the proposed Community Centre use.

The development consent included two conditions of consent, relevant to contamination being Conditions 65 and 66.

#### **65. Compliance with recommendations of Contamination report.**

*Evidence must be provided to the Principal Certifying Authority that all recommendations of the contamination report have been followed.*

Reference is made to the document "Detailed Site Investigation (Contamination)" report prepared by Douglas Partners Pty Ltd, dated January 2021, numbered 99909.00. Those recommendations to have been implemented:

- An additional round of Land Fill Gas (LFG) monitoring should be undertaken during a period of falling air pressure with water samples taken for laboratory analysis prior to commencement of any building works commencing;
- An ACM investigation prior to demolition and construction in the vicinity of BH201 to determine the extent of asbestos containing material (ACM) soil impact;
- A hazardous building material assessment should be undertaken on the site buildings prior to demolition;
- Preparation of an Acid Sulfate Soil Management Plan (ASSMP) prior to commencement of works;
- Management of potential exposure to LFG contamination during excavation works is addressed in prior to commencing works;
- Implementation of an Unexpected Finds Protocol such that any finds of suspected contamination (e.g., asbestos) can be documented and managed under an appropriate management procedure; and
- Confirmation of preliminary waste classification prior to off-site disposal.

*Reason: To manage contaminated materials according to relevant legislation and guidelines, to protect health.*

Condition 65 requires evidence that all recommendations from the *Detailed Site Investigation (Contamination)* report have been followed. The submitted documentation, listed in the EMP confirms that these requirements have been met.

#### **66. Validation for Remediation of any contaminated land or asbestos containing materials**

*If remediation of contaminated materials has occurred, a validation and site monitoring report is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997. The validation report must be reviewed and approved by an accredited Certified Environmental Practitioner, in accordance with the protocol outlined in the NSW EPA (1997) document entitled "Consultants reporting on contaminated land: Contaminated Land Guidelines", demonstrate that any remediation or remediation action plan has been followed through demolition and construction phases, and conclude that the site is suitable for its intended use.*

*Reason: To ensure compliance with SEPP 55, RAP, Contaminated Land Guidelines, and protection of environment and human health*

Condition 66 requires a validation and site monitoring report to be prepared, reviewed and approved by a Certified Environmental Practitioner, demonstrating that the RAP has been followed, and concluding the site is suitable for its intended use.

The Site Validation Report (SVR) dated 10 November 2025, and the Long-Term EMP were submitted. The SVR includes post-remediation sampling and analysis. The SVR and EMP were prepared by Environmental Group Australia, with authors holding relevant environmental credentials. The SVR confirms that the site remedial goal has been achieved in the context of proposed land use, and the *Duty to Report* re-evaluation confirms the site no longer poses a significant risk of harm.

The documentation provided is consistent with the requirements of SEPP RH (which manages contamination and remediation) by ensuring the site is suitable for its intended use. The SEPP's objective is to ensure that land is suitable (or can be made suitable) for its intended use.

The *Site Validation Report* concludes that the site remedial goal has been achieved in the context of the proposed land use.

The *Long-Term Environmental Management Plan (EMP)* details protocols to prevent any unplanned breaches of the capping layer. The EMP is formally adopted by the Asset Owner (Northern Beaches Council) , ensuring long-term maintenance of the containment system, which is a key requirement for managing capped contaminated sites.

Whilst a SAS has not been provided to ensure legal certainty under the SEPP. **Condition 66A** is recommended which requires prior to the issue of the final occupation certificate, the SAS is submitted.

The Applicant has provided comprehensive documentation that satisfies the technical requirements of Conditions 65 and 66. The only outstanding item for final legal assurance is the Site Audit Statement, which is addressed by a stringent condition requiring submission prior to the Final Occupation Certificate.

## State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.119 of Chapter 2 requires the Consent Authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied:

### *2.119 Development with frontage to classified road*

#### *(1) The objectives of this section are—*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

#### *(2) 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.*

The eastern boundary of site fronts a section of Pittwater Road which is a State classified road. The proposed modifications will not compromise the effective and ongoing operation and function of classified roads or potential impacts of traffic noise and vehicle emissions.

## PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

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



## Compliance Assessment

Clause	Compliance with Requirements
5.21 Flood planning	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid Sulfate Soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity	Yes
7.7 Geotechnical Hazards	Yes
7.10 Essential Services	Yes

## Detailed Assessment

### **Zoning and permissibility**

The site is zoned part RE1 Public Recreation and part SP2 Infrastructure (Community Facility) under PLEP 2014. The proposal falls within the definition of a “community facility.” The modifications sought does not alter the approved use of the development.

The objectives of the SP2 Infrastructure (Community Facility) zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The objectives of the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To allow development that does not substantially diminish public use of, or access to, public open space resources.*
- *To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.*

Comment: For the following reasons, the proposed development is consistent with the objectives of the zone:

- The development is a community facility, which is a type of social infrastructure. The modification facilitates the completion and beneficial use of this infrastructure by managing unforeseen site constraints (contamination) and enabling staged occupation.
- The modification introduces strict conditions (EMP adoption, SAS requirement) to ensure the site is safe and legally suitable for the long-term provision of the community facility, preventing the contamination issue from detracting from the infrastructure's intended purpose.
- The modification ensures the timely delivery of the community centre which provides spaces for passive recreational pursuits and improves linkages with the adjoining reserve.
- The completed facility (which the modification facilitates) provides multipurpose spaces suitable for recreational activities (e.g., dancing, community pursuits) that are compatible with the adjacent public open space.
- The new conditions regarding the Adoption of the EMP and the interim landscaping ensure that the natural environment is protected from the contamination risk before the site is opened to the public for recreation, thereby enhancing safety.

- While the original development resulted in the loss of two netball courts, this was offset. The modification itself is managerial and does not cause any further diminution of use or access. The Interim Landscape Works condition improves the immediate amenity around the reserve boundary for public use.
- The modification enables the accelerated occupation of the ancillary development (the community centre) which supports both active and passive recreation needs.

## Pittwater 21 Development Control Plan

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

## Conditions of Consent

The modification application seeks to change three specific conditions (Clauses 46, 52, and 53) to allow for the issue of a POC. This is necessary because site remediation (cap and contain for friable asbestos) has prevented the immediate completion of the original landscape design, which was a pre-condition for any OC.

This distinction would allow the PCA to issue a POC so the Community Centre can be occupied and used while the revised landscape design is being reviewed and approved via a second, future Modification Application.

The conditions of consent are detailed below with a comment underneath and where relevant, the recommended change to the condition. The changes are outlined in bold and deletion in strike through.

### **46. Landscape Completion**

*Landscaping is to be implemented in accordance with the approved Amended Landscape Plans. Prior to the issue of ~~an~~ the **Final** Occupation Certificate, details from a landscape architect shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.*

*Reason: Environmental amenity*

Planner's comment: The original requirement cannot be met due to the contamination containment strategy adopted. The proposed modification allows the Partial OC for the building, deferring compliance until the **Final OC**.

The above amendment to Condition 46 is recommended in addition to an additional condition 46A.

### **46A. Interim Landscape Works**

**Prior to the issue of a Partial Occupation Certificate, the non-building areas impacted by the deferred permanent landscaping plan must achieve minimum finishing standards. This includes the placement of additional topsoil and bark chip mulch, and the completion of mass planting to car parking and perimeter gardens as per the original approved plans. All interim works must be undertaken without breaching the integrity of the containment cap.**

**Reason: To ensure site safety and acceptable visual amenity before public occupation.**

### **52. Certification of Landscape Plan**

*Landscaping is to be implemented in accordance with the approved Landscape Plans (Aspect Studios, 20 April 2021) and these conditions of consent.*

*Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the **Final** Occupation Certificate.*

*Reason: To ensure compliance with relevant biodiversity controls*

Planner's comment: This condition should be modified in the same manner as Clause 46. The requirement for certification based on the original unachievable plans must be deferred until new plans are approved via the future Section 4.55(2) application.

The above amendment to Condition 52 is recommended in addition to an additional condition 52A.

### **52A. Final Landscape Modification Application Deadline**

**The Applicant shall submit a separate, detailed Section 4.55(2) Modification Application for the final landscape design, demonstrating compliance with contamination management requirements and the replacement of canopy trees (Clause 53), within 12 months of the date of determination of this modification application.**

**Reason: To ensure a clear, non-negotiable deadline for finalising the landscape design required for the development.**

### **53. Replacement of Canopy Trees**

*At least 63 locally native canopy trees are to be planted on site to replace protected trees approved for removal in accordance with the Landscape Plan (Aspect Studios, 20 April 2021).*

*Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.*

*Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of ~~any~~ **the Final** Occupation Certificate.*

*Reason: To ensure compliance with relevant biodiversity controls.*

Planner's comment: The applicant proposes deleting all tree planting in the short term to allow for the POC. This condition is critical to the environmental design of the original approval. It must be modified to defer compliance until the **FOC** and tied to the future landscape design review.

### **Contamination Assurance Condition**

The SAS is a critical, legally mandated document required by the Council for assurance under the SEPP RH. Since the applicant confirmed they are sourcing fee proposals but cannot provide a definitive timeline, this is best handled with a Condition to ensure the legal certainty is established *before* the final occupation certificate is issued.

Since the SVR and Long-Term EMP have been submitted, and the applicant is procuring the SAS, the final assurance can be secured by amending the consent to include a new condition.

### **Site Audit Statement**

**Prior to the issue of the Final Occupation Certificate for the entire development, the Applicant shall submit a Site Audit Statement, prepared by a NSW EPA Accredited Site Auditor, to the Principal Certifier and Council. The Site Audit Statement must conclude that the site is suitable for the intended Community Centre use and approve the *Long-Term Environmental Management Plan* as the required management control to satisfy the final contamination assurance requirements under the *State Environmental Planning Policy (SEPP) Resilience and Hazards*.**

**Reason: To ensure the final legal certainty regarding site suitability is obtained before the entire development is certified as complete and safe for long-term use.**

To ensure the ongoing management of the "cap and contain" system is legally accepted by the owner/operator before occupation begins, the following condition is recommended:

### **Adoption of Environmental Management Plan**

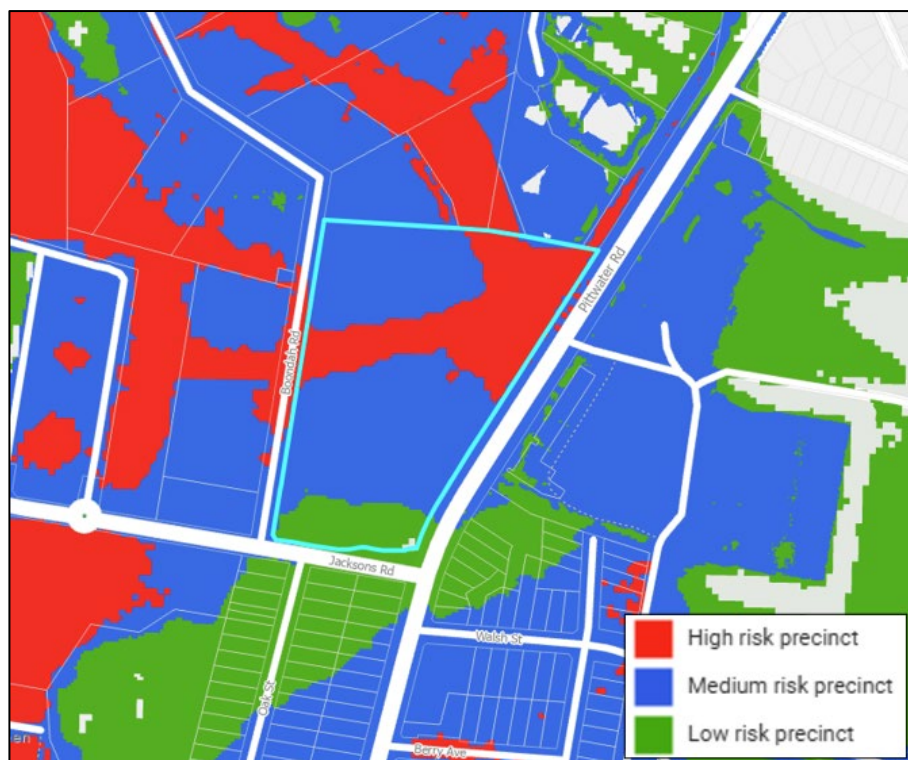
**Prior to the issue of a Partial Occupation Certificate (POC), written evidence must be provided to the Principal Certifier confirming that the *Long-Term Environmental***

**Management Plan (Ref: 2540-EMP-01-200125.v2d) has been formally adopted by the Asset Owner (Northern Beaches Council).**

**Reason: To ensure the protocols for managing the contained contamination are legally accepted by the owner/operator before occupation begins.**

## FLOOD PRONE LAND

The site is mapped as flood prone land, specifically within the low, medium and high flood risk zones (see **Figure 5**). The development area, however, is located along the southern boundary. This specific area is generally mapped as a low flood risk land. As per the natural environmental (flood) referral response, the proposed modifications do not result in changes to the flood characteristics of the original proposal.



**Figure 5: Flood Hazard Map (subject site outlined in blue)**  
Source: Northern Beaches Council online mapping (September 2025)

## BIODIVERSITY VALUES

The site is partially mapped as land containing Biodiversity Values (see Figure 6). Under the *Biodiversity and Conservation Act 2016*, any removal of native vegetation from within mapped areas triggers the Biodiversity Offsets Scheme and a Biodiversity Development Assessment Report. As identified in the referral response by Natural Environment (Biodiversity), the development area is located outside of the Biodiversity Values land and therefore does not trigger these requirements.





**Figure 6** Excerpt of the Biodiversity Values Map. The site is outlined in yellow. The purple indicates the Biodiversity Values on the site.

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The site is not mapped as containing threatened and high conservation habitat. The proposal has been sited to avoid those areas and is considered satisfactory in this regard. The proposal has been reviewed by officers in Council's Natural Environment (Biodiversity), and no concerns have been raised. The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## POLICY CONTROLS

### 7.12 CONTRIBUTIONS

A contribution was levied and paid in relation to the original DA.

## 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 Environmental Planning Instruments and draft EPI's;
- Pittwater Local Environment Plan 2014;
- Pittwater Development Control Plan 2014; and
- Codes and Policies of Council.

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*
- Consistent with the aims of the Plan of Management

## PLANNING CONCLUSION

The original Development Application (DA2021/0199) was determined by the Sydney North Planning Panel because the project met the criteria for a mandatory referral. The proposal was for a new community centre on land owned by Northern Beaches Council (a Crown development) with a Capital Investment Value (CIV) of more than \$5 million. This combination triggered a conflict of interest requiring determination by an independent consent authority the Planning Panel.

The current application, being a Section 4.55(2) modification to that original consent, must be reported back to the Panel for determination. This is necessary to maintain the independent oversight established for the high-value Council-owned development, ensuring that any substantial changes are assessed and approved by the original, impartial consent authority.

The concerns raised in the objections have been addressed and do not warrant refusal of the application.

The modification is primarily managerial and administrative, focused on enabling the staged occupation of the community centre while ensuring public health and safety following the unexpected discovery of site contamination.

The proposed changes do not conflict with the original reasons for approval granted by the Sydney North Planning Panel. The modification maintains the core objective of providing significant community benefit and facilitating the building's use as a natural disaster evacuation centre by accelerating its beneficial occupation.

The introduction of new conditions correctly defers the non-essential finishing items (final landscaping) to the Final Occupation Certificate while securing necessary interim safety measures. This provides a robust and legally sound framework for the Principal Certifier to determine the issue of the POC, provided all other non-deferred statutory requirements (e.g., service segregation, BCA/BASIX compliance) are met.

Given that the modification resolves unforeseen construction constraints without introducing new adverse environmental impacts and upholds the public interest principles underpinning the original consent, the application is recommended for approval subject to the imposition of the revised and new conditions.

## RECOMMENDATION

THAT the Sydney North Planning Panel, as the consent authority, grant Consent to MOD2025/0390 for Modification of Development Consent DA2021/0119 granted for demolition works and construction of a community centre with associated parking and landscaping on land at 2-4 Jacksons Road, Warriewood (Lot 10 DP1312242) as follows:

### Modification Summary

The development consent is modified as follows:

## MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN- - Mod2025/0390	The date of this notice of determination	<p>Modification of Development Consent DA2021/0119 granted for demolition works and construction of a community centre with associated parking and landscaping.</p> <ul style="list-style-type: none"> <li>Add Condition No. 1A - Modification of Consent - Approved Plans and supporting documentation</li> <li>Modify Condition No. 46 – Landscape Completion</li> <li>Modify Condition No. 52 – Certification of Landscape Plan</li> <li>Modify Condition No. 53 – Replacement of Canopy Trees</li> <li>Add Condition No. 46A - Modification of Consent – Interim Landscape Works</li> <li>Add Condition No. 52A - Modification of Consent – Final Landscape Modification Application Deadline</li> <li>Add Condition No. 65A - Modification of Consent – Adoption of Environmental Management Plan</li> <li>Add Condition No. 66A - Modification of Consent – Site Audit Statement</li> </ul>

### Modified conditions

#### A. 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 Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Environmental Management Plan Ref: 2540-EMP-01-200125.v2d	V2d	Environmental Australia Group	10/11/2025
Site Validation Report Ref No. 2540-SVR-01-101125.v1f	v1	Environmental Australia Group	10/11/2025
Duty to Report Ref 2540-LTR-04-101125.v1f		Environmental Australia Group	10/11/2025

#### B. Modify Condition No. 46 Landscape Completion as follows:

##### 46. Landscape Completion

*Landscaping is to be implemented in accordance with the approved Amended Landscape Plans. Prior to the issue of Final Occupation Certificate, details from a landscape architect shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.*

*Reason: Environmental amenity*

#### C. Modify Condition No. 52 Certification of Landscape Plan to read as follows:

##### 52. Certification of Landscape Plan

*Landscaping is to be implemented in accordance with the approved Landscape Plans (Aspect Studios, 20 April 2021) and these conditions of consent.*

*Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.*

*Reason: To ensure compliance with relevant biodiversity controls*

**D. Modify Condition No. 53 Replacement Canopy Trees to read as follows:**

**53. Replacement of Canopy Trees**

*At least 63 locally native canopy trees are to be planted on site to replace protected trees approved for removal in accordance with the Landscape Plan (Aspect Studios, 20 April 2021).*

*Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.*

*Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.*

*Reason: To ensure compliance with relevant biodiversity controls.*

**E. Add Condition No. 46A - Modification of Consent – Interim Landscape Works to read as follows:**

**Interim Landscape Works**

Prior to the issue of a Partial Occupation Certificate, the non-building areas impacted by the deferred permanent landscaping plan must achieve minimum finishing standards. This includes the placement of additional topsoil and bark chip mulch, and the completion of mass planting to car parking and perimeter gardens as per the original approved plans. All interim works must be undertaken without breaching the integrity of the containment cap.

*Reason: To ensure site safety and acceptable visual amenity before public occupation.*

**F. Add Condition No. 52A - Modification of Consent – Final Landscape Modification Application Deadline to read as follows:**

**Final Landscape Modification Application Deadline**

The Applicant shall submit a separate, detailed Section 4.55(2) Modification Application for the final landscape design, demonstrating compliance with contamination management requirements and the replacement of canopy trees (Clause 53), within 12 months of the date of determination of this modification application.

**Reason:** To ensure a clear, non-negotiable deadline for finalising the landscape design required for the development.

**G. Add Condition No. 65A - Modification of Consent – Adoption of Environment Management Plan to read as follows:**

**Adoption of Environmental Management Plan**

Prior to the issue of a Partial Occupation Certificate (POC), written evidence must be provided to the Principal Certifier confirming that the *Long-Term Environmental Management Plan* (Ref: 2540-EMP-01-200125.v2d) has been formally adopted by the Asset Owner (Northern Beaches Council).

Reason: To ensure the protocols for managing the contained contamination are legally accepted by the owner/operator before occupation begins.

**H. Add Condition No. 66A - Modification of Consent – Site Audit Statement to read as follows:**

**Site Audit Statement**

Prior to the issue of the Final Occupation Certificate for the entire development, the Applicant shall submit a Site Audit Statement, prepared by a NSW EPA Accredited Site Auditor, to the Principal Certifier and Council. The Site Audit Statement must conclude that the site is suitable for the intended Community Centre use and approve the *Long-Term Environmental Management Plan* as the required management control to satisfy the final contamination assurance requirements under the *State Environmental Planning Policy (SEPP) Resilience and Hazards*.

Reason: To ensure the final legal certainty regarding site suitability is obtained before the entire development is certified as complete and safe for long-term use.

**FINAL DECLARATION**

Consultant Name: Kimberley Kavwenje from Creative Planning Solutions Pty Ltd

In submitting this report to Council, I declare that I do have a conflict of interest in making this recommendation.