

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2017/0576
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<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 3 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot B DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 2 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 209503, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 3 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 10 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 339410, 884 - 896 Pittwater Road DEE WHY NSW 2099
<b>Proposed Development:</b>	Fit-out works for an Approved Child Care Centre, Increase in Children Numbers and New Operating Hours
<b>Zoning:</b>	LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Karimbla Properties (No41) Pty Ltd
<b>Applicant:</b>	Karimbla Constructions Services (Nsw) Pty Ltd

<b>Application lodged:</b>	16/06/2017
<b>Application Type:</b>	Local

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<b>State Reporting Category:</b>	Other
<b>Notified:</b>	30/06/2017 to 18/07/2017
<b>Advertised:</b>	01/07/2017
<b>Submissions:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 1,883,444.00
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## ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 3 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot B DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 2 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 209503 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 3 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212 , 884 - 896 Pittwater Road DEE WHY
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	<p>NSW 2099          Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY          NSW 2099          Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY          NSW 2099          Lot A DP 339410 , 884 - 896 Pittwater Road DEE WHY          NSW 2099</p>
<b>Detailed Site Description:</b>	<p>The site is irregular in shape and is bound by Howard Avenue to the north, Oaks Avenue to the south and Pittwater Road to the west. The site is further bound by shared boundaries between itself and several other development sites both to the east and south-west.</p> <p>The site has a total area of 14.466m<sup>2</sup>.</p> <p>The site is centrally located within the Dee Why Town Centre as defined in the Dee Why Town Centre Master Plan 2013 (DYTC Masterplan).</p> <p>The existing topography of the site slopes from west to east, with a cross-fall of approximately 4m from the highest point on the south-western corner of the Pittwater Road frontage, to the lowest point at the north-eastern corner of the site on Howard Avenue.</p>

Map:



## SITE HISTORY

Development Application (DA2016/0705) for the redevelopment of the site was approved by the Sydney Planning Panel on 10 May 2017. The approved development included a childcare centre at

Level 1 of the eastern building. Internal fit out details were not included within the original DA. Accordingly, this application seeks consent for the internal fit out of the childcare centre. It includes details of the hours of operation of the facility, staffing and capacity and fit out details (indoor and outdoor areas).

## PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the fit out and use of an approved childcare centre and an increase in the number of children and operating hours. The child care centre was originally approved under DA2016/0705. The current applicant is specifically seeking the following:

- Capacity for a maximum 159 children (from 130 children as approved)
- Internal play areas (513.75m<sup>2</sup>)
- Outdoor play areas (1,113m<sup>2</sup>)
- Office, reception area and administration room
- Amenities including toilets, laundry, bottle preparation, cot, and nappy change room and kitchen.

## Hours of Operation

The approved hours of operation under DA2016/0705 are 7.00am to 7.00pm Mon to Fri.

The proposed hours of operation under this application are:

- Monday to Friday: 6.30am to 6.30pm
- Saturday: 8am to 5pm

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See the discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None Applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 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 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (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) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (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.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## MEDIATION



No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this, however, may be determined at Construction Certificate stage.</i></p>
Environmental Investigations (Industrial)	No objection to the proposed development.
Landscape Officer	No objections to the proposed works.
Natural Environment (Flood)	The proposal is for the use and fitout of a childcare centre located above the PMF, in a previously approved building. There are no flood related objections.
Traffic Engineer	<p>The application is for a Child Care Centre with capacity for 159 children and 31 staff operating Monday to Friday 6.30am-6.30pm, Saturdays 8am-5pm.</p> <p>The traffic and parking assessment for the development DA2016/0705 assumes that the child care centre will not operate during Saturdays. Further to this if the Child Care Centre is proposed to operate on Saturdays and it will coincide with peak retail trading hours on a Saturday. The assessment also involved a maximum capacity for 130 children, with a discount applied, resulting in the provision of 24 spaces.</p> <p>With no additional parking provisions possible at this location the development application is only supported for operation during weekdays, and any operations on weekends, in particular Saturdays is not supported.</p>
Waste Officer	No objection to the proposed development.

## 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),

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Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

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

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

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether the land is contaminated. The potential for contamination within the site was assessed as part of the original DA for the site (DA2016/0705). This included detailed consideration of the suitability of the site for childcare centre use, which confirmed that the site is suitable for a child care centre.

### SEPP (Infrastructure) 2007

#### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of a consent) for any development carried out:

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

#### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21-day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

### Warringah Local Environment Plan 2011

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

#### Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes

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Clause	Compliance with Requirements
Land Use Table	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.12 Provisions promoting retail activity	

## Warringah Development Control Plan

### Built Form Controls

The built form controls are not applicable to the proposed development.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### **C3 Parking Facilities**

The proposed development seeks to increase the capacity from 130 to 159 children (an increase of 29 children) as part of this application. The proposal also seeks to change the operating hours to allow operation on a Saturday.



The approved Development (DA2016/0705) allowed 24 car parking spaces to be allocated to the childcare centre as required, which was based on the approved trading hours of Monday - Friday. This requirement was based on an estimated capacity of the childcare centre of 130 children. The assessment by Council's Traffic Consultant allowed a discounted parking rate (25% reduction) in car parking on the basis that the facility is located within a Town Centre and is part of a mixed use development, and the car parking for the childcare can be used by the retail uses during the weekend.

Based on the assessment by Council's Traffic Consultant as part of the original approval for the site, the increase in the number of children and Saturday trading cannot be supported given the car parking issues associated with the original application. Accordingly, conditions have been recommended to restrict the number of children to 130 and hours of operation to be restricted to Monday to Friday.

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 1,883,444		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 17,893
Section 94A Planning and Administration	0.05%	\$ 942
Total	1%	\$ 18,834

## 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 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2017/0576 for Fit-out works for an Approved Child Care Centre, Increase in Children Numbers and New Operating Hours on land at Lot 3 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot B DP 371110, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 371110, 884 - 896 Pittwater Road, DEE WHY, Lot 2 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 209503, 884 - 896 Pittwater Road, DEE WHY, Lot 7 DP 8172, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 307937, 884 - 896 Pittwater Road, DEE WHY, Lot 3 DP 307937, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 416469, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 504212, 884 - 896 Pittwater Road, DEE WHY, Lot 10 DP 231418, 884 - 896 Pittwater Road, DEE WHY, Lot 11 DP 231418, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 339410, 884 - 896 Pittwater Road, DEE WHY, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

**1. Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A1	1/05/2017	ArtMade Architects

b) Any plans and/or documentation submit and/or satisfy the Conditions of this consent.

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

d) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>

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Drawing No.	Dated	Prepared By
Childcare Landscape Plan	-	-

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

## 2. Prescribed Conditions

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings

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of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

### 3. **Child Care Centre Operation**

The maximum capacity for the Child Care Centre at any one time shall be restricted to 130 children (as per DA2016/0705).

Reason: To ensure that adequate parking is provided to service the development onsite. (DACTRBOC1)

## FEES / CHARGES / CONTRIBUTIONS

### 4. **Policy Controls**

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 1,883,444.00		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$ 17,892.72
Section 94A Planning and Administration	0.05%	\$ 941.72
<b>Total</b>	<b>1%</b>	<b>\$ 18,834.44</b>

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

### 5. **Security Bond**

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

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

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

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

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

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 6. Compliance with Standards

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

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

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

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

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

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [http://www.humanrights.gov.au/disability\\_rights/buildings/good.htm](http://www.humanrights.gov.au/disability_rights/buildings/good.htm)

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 7. **Noise Impact on Surrounding Areas**

Any noise from the premise shall not exceed more than 5dB(A) above the background level when measured from within any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy and any appropriate legislation to prevent offensive noise.

Reason: To ensure that noise generated from the premise does not create offensive noise (DACHPEDW5)

### 8. **Waste/Recycling Requirements (Waste Plan Submitted)**

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

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

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

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

### 10. **Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

### 11. **Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with Warringah Development Control Plan – Part C9 Waste Management

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



Reason: To ensure waste and recycling facilities are provided. (DACWTF01)

12. **Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

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

13. **Parking Allocation for Child Care Centre**

Twenty four (24) car parking spaces are to be provided for the Child Care Centre and located close to the elevator with direct access to the child care centre facility. The car parking spaces shall be conspicuously signposted with operation times and days, with line marking to restrict its use for the Child Care Centre pick-up/drop-off activities during it's operation times.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

14. **Hours of Operation**

The hours of operation are to be restricted to 7.00am - 7.00pm Monday to Fridays (inclusive).

Upon expiry of the permitted hours, the centre operations will cease in terms of parents and children entering and those parents and children within the centre are not to use outdoor play areas and are to vacate the premises within 30 mins.

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

15. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

16. **Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG25)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

**Signed**

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**Lashta Haidari, Principal Planner**


The application is determined under the delegated authority of:

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**Steven Findlay, Development Assessment Manager**

# NORTHERN BEACHES COUNCIL

## ATTACHMENT A

Notification Plan	Title	Date
 2017/193656	Plan - Notification	16/06/2017

## ATTACHMENT B

No notification map.

# NORTHERN BEACHES COUNCIL

## ATTACHMENT C

Reference Number	Document	Date
 2017/193695	Report - Access	17/12/2015
 2017/193714	Report - Traffic	21/12/2015
 2017/193715	Report - Waste Management	22/12/2015
 2017/193700	Report - Acoustic	11/05/2017
 2017/193680	Plans - Landscape	14/06/2017
 2017/193709	Report - Site Audit	14/06/2017
 2017/193667	Plans - Internal Fit Out	14/06/2017
 2017/193663	Deleted	15/06/2017
 DA2017/0576	884-896 Pittwater Road DEE WHY NSW 2099 - Development Application - New	16/06/2017
 2017/191999	DA Acknowledgement Letter - Karimbla Constructions Services (Nsw) Pty Ltd	16/06/2017
 2017/193636	Development Application Form	16/06/2017
 2017/193638	Applicant Details	16/06/2017
 2017/193640	Builders Quote	16/06/2017
 2017/193642	Letter - Cover	16/06/2017
 2017/193656	Plan - Notification	16/06/2017
 2017/193729	Plans - Master Set	19/06/2017
 2017/198857	Waste Referral Response	21/06/2017
 2017/198871	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/0576 - 884 - 896 Pittwater Road DEE WHY NSW 2099 - PR	22/06/2017
 2017/198934	Environmental Investigations (Industrial) - Assessment Referral - DA2017/0576 - 884 - 896 Pittwater Road DEE WHY NSW 2099	22/06/2017
 2017/199900	Development Application Advertising Document - Karimbla Constructions Services (Nsw) Pty Ltd	23/06/2017
 2017/200735	Report - Statement of Environmental Effects - Updated	26/06/2017
 2017/201665	Natural Environment Referral Response - Flood	26/06/2017
 2017/205207	Plans - Master Set - Updated	28/06/2017
 2017/205206	Plans - Landscape - Updated	28/06/2017
 2017/206157	Notification Letter - DA	29/06/2017
 2017/213130	Building Assessment Referral Response	06/07/2017
 2017/238322	Landscape Referral Response	19/07/2017
 2017/238707	Environmental Investigations Referral Response - industrial use	19/07/2017
 2017/238717	Environmental Investigations Referral Response - industrial use	19/07/2017
 2017/251959	Traffic Engineer Referral Response	26/07/2017

# NORTHERN BEACHES COUNCIL

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