

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0646
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	<p>Lot 3 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot B DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 7 DP 8172, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410, 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
Proposed Development:	Fit-out and Use of Premises as a Child care Centre
Zoning:	<p>LEP - Land zoned B4 Mixed Use</p>

	LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Karimbla Properties (No41) Pty Ltd
Applicant:	Karimbla Constructions Services (Nsw) Pty Ltd

Application lodged:	30/06/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Other
Notified:	23/08/2017 to 08/09/2017
Advertised:	15/07/2017
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,370,924.00
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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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 7.6 Height of buildings
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

<p>Property Description:</p>	<p>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</p>
<p>Detailed Site Description:</p>	<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 14.466m2.</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,</p>

to the lowest point at the north-eastern corner of the site on Howard Avenue.

Map:



SITE HISTORY

Development Application (DA2016/0705) for the redevelopment of the site was approved by the Sydney Planning Panel on 10 May 2017.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for change of use and fit-out of the approved nine (9) office tenancies (total of 2,272m²) on Level 01 of the western building (Known as Building A) to a child care centre. Specifically, the proposal includes the following details:

- Capacity for a maximum 156 children;
- 546m² of Internal play areas;
- 1,092m² of Outdoor play areas;
- Office, reception area and administration room
- Amenities including toilets, laundry, bottle preparation, cot, and nappy change room and kitchen.

Access to the child care centre will be via the basement carpark, with pedestrian access is also available at ground floor level at the Pittwater Road frontage (eastern elevation of the western building) via a dedicated lift.

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&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&A Regulation 2000, Council requested additional information and has therefore 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&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&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&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 'Matters for Consideration'	Comments
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	The application has been investigated with respect 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. <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</i>
Environmental Investigations (Industrial)	No objection subject to conditions.
Landscape Officer	No objections to the proposed works.
Natural Environment (Flood)	This second childcare centre proposed at the western end of the building is above the Probable Maximum Flood Level. There are no flood related objections.
Traffic Engineer	The proposal is for the change of use from 2,272sqm office spaces into a child care centre within Dee Why Town Centre 'Site B' mixed development with capacity for 156 children and 29 staff operating Mondays to Fridays 7 am to 7 pm. In terms of parking provisions, the conversion of office to a child care centre will have a smaller parking requirement, from 57 spaces to 39 spaces. The applicant has proposed a discount of the parking rate with the assumption that some customers will not be travelling by a

Internal Referral Body	Comments
	<p>motor vehicle and has proposed the allocation of 30 parking spaces to the child care. This is acceptable on traffic grounds.</p> <p>The peak traffic generation of the proposed child care centre alone will generate 94 vehicle trips in the AM peak and 82 vehicle trips in the PM peak, with a 50% split between incoming and outgoing trips. The net traffic generation resulting from the change from office space to the child care will be 58 trips in the AM peak and 55 trips in the PM peak, effectively increasing peak traffic movements of the entire 'Site B' development. The traffic report has also made the assumption that 80% of the trips will utilise the Oaks Avenue driveway.</p> <p>In response to the Council's concerns raised on the implication of the additional traffic generation from the proposed child care centre particularly on the access driveway at Oaks Ave, a SIDRA intersection modelling was provided by the applicant. The Sidra modelling undertaken by the applicant's traffic consultant, Traffix, indicates that having the additional traffic generation from the proposed child care centre, the traffic operation at the car park access driveways will be satisfactory, also the additional traffic generation will not have a significant impact on the surrounding road network.</p> <p>Given the result of the modelling provided by the applicant, no objection is raised on the proposal on traffic grounds.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.

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)

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

Principal Development Standards

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
Part 6 Additional Local Provisions	Yes
6.3 Flood planning	Yes
Part 7 Dee Why Town Centre	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes

Clause	Compliance with Requirements
7.6 Height of buildings	Yes
7.13 Mobility, traffic management and parking	Yes

Detailed Assessment

7.6 Height of buildings

The proposed development is not seeking to alter the approved height of the development.

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
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	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
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	N/A	N/A
Part E The Natural Environment	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

C3 Parking Facilities

The Warringah Development Control Plan (DCP) 2011 requires parking for commercial and child care

centre uses to be provided at the rates shown listed:

Existing	Office Premises (2,272m2)	1 space per 40m2 GFA
Proposed	Child Care Centre	1 space for every 4 children (156 Kids)

The approved contains three levels of basement parking containing a total of 1,035 parking spaces.

As indicated in the table above, the proposed child care centre requires 39 parking spaces to comply with the DCP. The applicant has indicated that a total of 30 spaces within the basement level car park for Dee Why Town Centre to be allocated for this use, resulting in a nominal deficiency of nine (9) parking spaces

The approved Development (DA2016/0705) allowed 24 car parking spaces to be allocated to the approved childcare centre, which was based on the approved trading hours of Monday - Friday for 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.

This 25% reduction in the DCP rate is also consistent with the proposed parking provision for the Dee Why Town centre and found to be acceptable by Council's Traffic Engineer.

D3 Noise

An acoustic assessment which considers both internal and external noise sources by the proposed child care centre use has been submitted. The acoustic assessment found that noise generated by the development will comply with all relevant standards.

The acoustic report, prepared by Acoustic Logic recommends that certain acoustic treatments be implemented to ensure internal noise levels comply with relevant Australian Standards. These have been included as conditions on the draft consent.

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	
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Contribution based on a total development cost of \$ 1,370,924		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 13,024
Section 94A Planning and Administration	0.05%	\$ 685
Total	1%	\$ 13,709

STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

This Policy came into force on 1 September 2017 and applies to applications that involve educational establishments and childcare centre. Schedule 5 Savings and transitional provisions (subclause (2)) deals with applications that were lodged and not finally determined prior to the commencement of this Policy such as the subject application.

1 Savings provision

(1) This Policy does not apply to or in respect of the determination of a development application made under Part 4 of the Act, but not finally determined before the commencement of this Policy.

(2) Despite subclause (1), before determining a development application referred to in that subclause for development for the purpose of a centre-based child care facility, the consent authority must take into consideration the regulatory requirements and the National Quality Framework Assessment Checklist set out in Part 4 of the Child Care Planning Guideline, in relation to the proposed development.'

Comment:

The applicant was advised of the requirement for the consent authority to consider the regulatory requirements and the National Quality Framework Assessment Checklist set out in Part 4 of the Child Care Planning Guideline and was requested to address these matters.

The applicant responded to this request on 12 October 2017. The applicant has satisfactorily addressed the matters raised within subclause (2).

In this regard, the Council, as the consent authority, can determine the application having taken into consideration the applicant's submission and the plans as submitted with the application.

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.

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 DA2017/0646 for Fit-out and Use of Premises as a Child care Centre 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Dee Why -Childcare Centre 2 - including: Key Plan - 3 Childcare Landscape Plan North - 4 Childcare Landscape Plan South -5	26/06/2017	Urbis

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Traffic Impact Assessment	June 2017	Traffix
Childcare Centre Building A - Noise Emission Assessment	28 June 2017	Acoustic Logic

b) Any plans and/or documentation submitted to 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:

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. **Child Care Centre Operation**

The maximum capacity for the Child Care Centre at any one time shall be restricted to 156 children.

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

3. **No Approval for any Signage**

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

4. **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 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)

5. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

from the site).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

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

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

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished

- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

6. **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 \$ 1,370,924.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 13,023.78
Section 94A Planning and Administration	0.05%	\$ 685.46
Total	1%	\$ 13,709.24

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.

7. **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).

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

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

8. 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

**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 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. Acoustic report

Any measures detailed in the acoustic report prepared by Acoustic Logic titled Childcare Centre Building A - Noise Emission Assessment document reference 20160744.9/2806A/R0/TA dated 28/06/2017 must be implemented prior to issuing the Occupation Certificate in order to achieve compliance with this conditions.

Reason: To ensure compliance with legislation and to protect public health and amenity (DACHPFPOC6)

11. **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)

12. **Allocation of parking spaces**

30 parking spaces within the basement carpark is to be signposted or linemarked accordingly corresponding to the Child Care Centre name, and allocated for parents. These spaces are to be located reasonably close to the lifts leading to the main entrance to the child care centre. The remaining 30 parking spaces previously allocated to the commercial space are to be allocated as retail visitor spaces, and these spaces are to be signposted or linemarked accordingly. 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 parking spaces are correctly allocated, and to minimise conflicts within the basement carpark. (DACTRFPOC1)

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

13. **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 (DACHPGOG5)

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

Thirty (30) 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 its 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)

15. **Hours of Operation**

The hours of operation are to be restricted to 7 am to 7 pm Monday -Friday (inclusive).

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

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

16. **Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

17. **Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

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

Lashta Haidari, Principal Planner

The application is determined under the delegated authority of:

Rodney Piggott, Manager Development Assessments

ATTACHMENT A

Notification Plan	Title	Date
 2017/211302	Plan - Notification	05/07/2017

ATTACHMENT B

Notification Document	Title	Date
 2017/229666	Notification Map	13/07/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/211274	Report - Contamination	07/06/2017
 2017/211308	Plan - internal fit out plan	22/06/2017
 2017/211290	Report - Quantity Surveying Cost Rpt	23/06/2017
 2017/211280	Report - Traffic Impact Assessment	28/06/2017
 2017/211271	Report - Noise Emission Assessment	28/06/2017
 2017/211269	Report - Access	30/06/2017
 2017/211283	Report - Waste Management Plan	30/06/2017
 DA2017/0646	884-896 Pittwater Road DEE WHY NSW 2099 - Development Application - New	30/06/2017
 2017/207921	DA Acknowledgement Letter - Karimbla Constructions Services (Nsw) Pty Ltd	30/06/2017
 2017/210960	Development Application Form	05/07/2017
 2017/210962	Applicant Details	05/07/2017
 2017/211302	Plan - Notification	05/07/2017
 2017/211208	Report - Statement of Environmental Effects	05/07/2017
 2017/211336	Plans Master Set	05/07/2017
 2017/216688	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/0646 - 884 - 896 Pittwater Road DEE WHY NSW 2099 - PR	06/07/2017
 2017/218259	Environmental Investigations (Industrial) - Assessment Referral - DA2017/0646 - 884 - 896 Pittwater Road DEE WHY NSW 2099	06/07/2017
 2017/216907	Development Application Advertising Document - Karimbla Constructions Services (Nsw) Pty Ltd	07/07/2017
 2017/222631	Natural Environment Referral Response - Flood	11/07/2017
 2017/229581	Notification Letter - 266	13/07/2017
 2017/229666	Notification Map	13/07/2017
 2017/229745	Karimbla	13/07/2017
 2017/238479	Building Assessment Referral Response	19/07/2017
 2017/238695	Environmental Investigations Referral Response - industrial use	19/07/2017
 2017/262098	Landscape Referral Response	02/08/2017
 2017/266192	Traffic Engineer Referral Response	04/08/2017
 2017/304190	Re- Notification Letter - 341	23/08/2017
 2017/326339	Traffic Engineer Referral Response	04/09/2017
 2017/392387	Traffic Engineer Referral Response	12/10/2017
 2017/394506	Stamped Plans	13/10/2017