

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0180
----------------------------	-------------

Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 26 DP 204107, 14 Cross Street BROOKVALE NSW 2100
Proposed Development:	Use of premises as a goods repair and reuse premises
Zoning:	Warringah LEP2011 - Land zoned E4 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Annelize Kaalsen

Application Lodged:	07/03/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Industrial
Notified:	Not Notified
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 0.00
---------------------------------	---------

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the use of an existing premises for a goods repair and reuse premises. The Warringah Local Environmental Plan 2011 (WLEP) defines this land use as follows:

- **goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note—

Goods repair and reuse premises are a type of business premises—see the definition of that term in this Dictionary.

This premises will be occupied by Lifeline Northern Beaches (LLNB). This is a charity that predominately funds its local suicide prevention and crisis support services via a network of Op Shops.

The Lifeline Shop Network Operations & Recycling Hub will provide for:

- Donations Collection, repair & re-use.
- Receipt & collection of donated goods (furniture, homewares, clothing, books etc).
- Transformation (eg. steam, wash, press, repair, re-paint, conversion into other items and re-use).
- Preparing goods (sorting, pricing, merchandising).
- Enabling the recycling and re-use of pre-owned items.
- Storage for the Lifeline Shops network (eg out of season stock, additional stock). There are 11 stores which this facility will support for storage.
- Logistics & processing for online business including logistics, styling, photography, curation, pricing, dispatch, fulfilment and storage.
- Multi-purpose office space including for Op Shop Operations.
- Op Shop space (at front of premises) including an area set aside for bulky goods, homewares & reuse retailing.

The facility will operate seven days a week: Monday to Saturdays 9.00am - 5.00pm and Sundays 10.00am – 4.00 pm. No physical works are proposed under this application. The development will also maintain the existing five on-site car parking spaces to service the development.

ADVERTISING / NOTIFICATION

The application is not required to be publicly advertised or notified to surrounding properties in accordance with the Northern Beaches Community Participation Plan as the proposal involves a change of use in an industrial zone that does not immediately adjoin residential zoned land.

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 - Zone E4 General Industrial
 Warringah Local Environmental Plan 2011 - 5.21 Flood planning
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - C9 Waste Management
 Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

Property Description:	Lot 26 DP 204107 , 14 Cross Street BROOKVALE NSW 2100
Detailed Site Description:	<p>The subject site consists of one allotment located on the eastern side of Cross Street within the Brookvale locality. The site is irregular in shape and has a surveyed area of 928.7 square metres (sqm).</p> <p>The site located within the E4 General Industrial zone pursuant to the Warringah Local Environmental Plan 2011 and accommodates a two storey commercial building that is not currently occupied by any tenants. This building is constructed to the side boundaries of the site, with the rear corner of the site containing a grassed area and the front of the side including at-grade car parking for five vehicles and a garden bed adjacent to the front boundary which contains small trees.</p> <p>The site is generally flat and is mapped as being located within a 'medium risk' flood precinct under Council's mapping.</p> <p>The surrounding area is also zoned E4 General Industrial and accommodates two or three storey commercial and industrial buildings. The nearest residential receivers are located approximately 63 metres (m) to the north of the site. These residential receivers are residential flat buildings and social housing located on the southern side of Funda Place. These residential receivers are separated from the subject site by existing industrial and commercial development located on the northern side of Cross Street.</p>

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed no recent or relevant applications.

CURRENT DEVELOPMENT APPLICATION HISTORY

A site inspection was carried out on 18 March 2025. The site visit revealed that the applicant has erected business identification signage for the proposed Lifeline Hub (see **Figure 1**). It is unclear whether this signage meets the exempt development provisions (i.e. signage that does not require development consent) under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

It is noted that the applicant has not commenced operation of the Lifeline Hub.

To ensure that an appropriate investigation is undertaken to determine whether the signage requires development consent, the assessment officer has referred this matter to Council's Environmental Compliance Department to undertake an investigation separate to this development application. Additionally, a condition has been recommended to ensure that the existing signage is not approved under this development application. This investigation and recommended condition will ensure that consent can be granted for this proposal.



Figure 1 - existing signage at the site

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Environmental</p>

Section 4.15 Matters for Consideration	Comments
impacts on the natural and built environment and social and economic impacts in the locality	<p>Planning Instruments and Warringah Development Control Plan 2011 sections in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact 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 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 (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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application was not notified.

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>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.</p>

Internal Referral Body	Comments
NECC (Flooding)	<p>This proposal is for the change of use to an existing property to be used as a donations and repair facility. The proposal is assessed against Section E11 of the Warringah DCP and Clause 5.21 of the Warringah LEP.</p> <p>The proposal is located within the Medium Flood risk precinct and no physical changes have been proposed to the existing building.</p> <p>The proposal generally complies with E11 of the Warringah DCP and Clause 5.21 of the Warringah LEP.</p>
Traffic Engineer	<p>The application is for a change of use of the existing premises from manufacturing to a premises for goods repair and reuse leased to Lifeline. No physical works are proposed in conjunction with the DA. The site has a site area of 928.7m² and is served by 5 offstreet parking spaces and this will remain unchanged. The offstreet parking provisions are considered adequate to support the proposed use. There are no traffic engineering concerns with approval of the application subject to conditions .</p> <p><u>Planner Comment:</u></p> <p>The assessing officer has amended the Traffic Engineer's recommended condition titled 'Pedestrian sight distance at property boundary' to make the requirement of the condition to be satisfied prior to the issue of an Occupation Certificate rather than prior to the issue of a Construction Certificate, noting that a Construction Certificate is not required for this application as no construction works are proposed.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

Housing and Productivity Contribution

The Housing and Productivity Contribution is not applicable as the development application only seeks

consent for the use of an existing premises for a a goods repair and reuse premises and there are no building works proposed or increase in gross floor area proposed.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1) (b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

There are no applicable principal development standards, noting that the application merely seeks to use an existing premises for a goods repair and reuse premises and that there are no building works.

Compliance Assessment

Clause	Compliance with Requirements
5.21 Flood planning	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone E4 General Industrial

The proposed goods repair and reuse premises is permissible with development consent in the E4 General Industrial zone. The development is also consistent with the objectives of the E4 zone for the following reasons:

- The development provides an efficient and viable use of industrial zoned land.
- The development will not adversely impact on the amenity of sensitive receivers within the locality due to the sufficient separation from the nearest residential zoned land and due to the low-impact nature of the proposal, noting that the development will not result in significant noise impacts or traffic generation.

5.21 Flood planning

The site is mapped as being located within a 'medium risk' flood precinct under Council's mapping.

Council's Flooding Officer has reviewed the application and is satisfied that the development is consistent with the flooding controls under the WLEP and Warringah Development Control 2011 (WDCP).

In this regard, the development satisfies the jurisdictional requirements under Clause 5.21 of the WLEP.

Warringah Development Control Plan

Built Form Controls

There are no applicable built form controls, noting that the application merely seeks to use an existing premises for a goods repair and reuse premises and that there are no building works.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C9 Waste Management	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

C3 Parking Facilities

Description of non-compliance

The WDCP requires at least 25 car parking spaces to be provided for a 'business premises' of this size. There are no applicable car parking rates for a goods repair and reuse premises; however, this

land use falls under the broader land use definition for a business premises pursuant to the WLEP.

The development only provides five car parking spaces on the site to service the development, which does not comply with the minimum requirement under the WDCP.

Merit Assessment

With regard to the consideration for a variation to the numerical requirements of the control, a merit assessment against the objectives of the control is provided below.

- *To provide adequate off street carparking.*

Comment:

While the development does not meet the numerical parking requirements of the WDCP, Council's Traffic Engineer has reviewed the application and noted that the existing five off-street car parking spaces that are being retained are appropriate to services this Lifeline Shop Network Operations & Recycling Hub

The business premises parking requirements encapsulate a variety of land uses that would generate a higher car parking demand than the proposed Lifeline Shop Network Operations & Recycling Hub. In this regard, the comments from Council's Traffic Engineer are concurred with and the assessment finds that the development provides adequate off-street car parking to service the development, notwithstanding the WDCP numerical non-compliance.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

N/A - no new car parking structures are proposed.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

N/A - no new car parking structures are proposed.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, flexibility is afforded to the numerical requirements of the WDCP, consistent with Section 4.15(3A)(b) of the EP&A Act.

C9 Waste Management

The applicant has not submitted an operational waste management plan to detail waste management procedures/protocols for the facility, contrary to the requirements of this control. As such, a condition is recommended requiring this to be captured in an operational Plan of Management (POM), which must be prepared and approved by the Certifier prior to the issue of an Occupation Certificate. With this condition in place, the development will be consistent with the requirements of this control.

D3 Noise

The assessment finds that the development will not generate adverse noise impacts for the following reasons:

- The development does not involve the use of any significant industrial machinery or require the frequently delivery of large trucks that would generate high noise levels.
- The use of the premises is contained internally within a building and located 63m away from the nearest residential receiver.
- The facility will operate during daytime hours only.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

S7.12 levies are not applicable to this application as they were subject to the original development application relating to the whole site.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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 DA2025/0180 for Use of premises as a goods repair and reuse premises on land at Lot 26 DP 204107, 14 Cross Street, BROOKVALE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
367_DA_111	02	Site Plan	Collins and Turner	17 February 2025
367_DA_140	02	Change of Use Area Plan	Collins and Turner	17 February 2025
367_DA_141	02	Operational / Function Area Plan	Collins and Turner	17 February 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Building Code of Australia 2022 BCA Capability Statement	Project Number: GDL250013	Group DLA	19 February 2025

Accessibility Capability Statement	Our Ref: GDL250014	Group DLA	19 February 2025
------------------------------------	-----------------------	-----------	------------------------

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

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

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

2. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a goods repair and reuse premises. The Warringah Local Environmental Plan 2011 defines this land use as follows:

- ***goods repair and reuse premises*** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note—

Goods repair and reuse premises are a type of business premises—see the definition of that term in this Dictionary.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

3. **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 Certifier 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 Certifier 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 Certifier 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.

4. **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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
 - (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
 - (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
 - (e) 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.
 - (f) 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.
 - (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
 - (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
 - (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
 - (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
 - (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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 2018
 - (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 sewered areas or managed on-site in unsewered 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.

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

5. **No Consent for Business Identification Signage**

This consent does not approve any existing business identification signage at the premises.

Reason: The applicant has not sought consent for the particular signage that is currently at the premises.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

6. **Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5 metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access points to the property where they intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

7. **Category 1 Fire Safety Provisions**

The proposed change of use for the building must comply with the Category 1 Fire Safety Provisions applicable to the proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to this development consent. It is recommended you discuss the requirements for achieving compliance with this condition with an Registered Certifier (Building), who will be able to advise of any action or works which may be required.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Statutory requirement to ensure adequate provision is made for fire safety and for building occupant safety

8. **Plan of Management**

A Plan of Management (POM) is to be prepared and submitted to and approved by the Certifier prior to the issue of an Occupation Certificate. The POM must:

- a) Detail the operational waste management requirements for the premises.
- b) Detail a protocol for managing complaints from the community.
- c) Detail emergency response/assistance processes and procedures.

Reason: To ensure orderly management of the premises.

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

9. **Vehicle Parking**

The car parking area shown on the approved drawings must be used for vehicle parking only. Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

Reason: To ensure the safety and amenity of the general public using public streets, and to ensure the protection of the environment from spillage of materials.

10. **Landscaping adjoining vehicular access**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1 metre.

Reason: To maintain unobstructed sight distance for motorists.

11. **Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

12. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Saturday – 9.00am - 5.00pm.
- Sunday and Public Holidays – 10.00am - 4.00pm.

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.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Thomas Burns, Principal Planner

The application is determined on 27/03/2025, under the delegated authority of:



A handwritten signature in blue ink that reads "Steven Findlay".

Steven Findlay, Manager Development Assessments