

NORTHERN BEACHES COUNCIL

	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
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Development Unit - WLEP
Land and Environment Court Action:	No
Owner:	Karimbla Properties (No41) Pty Ltd
Applicant:	Karimbla Constructions Services (Nsw) Pty Ltd

Application lodged:	27/04/2017
Application Type:	Local
State Reporting Category:	Other
Notified:	05/05/2017 to 23/05/2017
Advertised:	06/05/2017
Submissions:	20
Recommendation:	Approval

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 Local Environmental Plan 2011 - Part 7 Dee Why Town Centre
Warringah Development Control Plan - C8 Demolition and Construction
Warringah Development Control Plan - D3 Noise

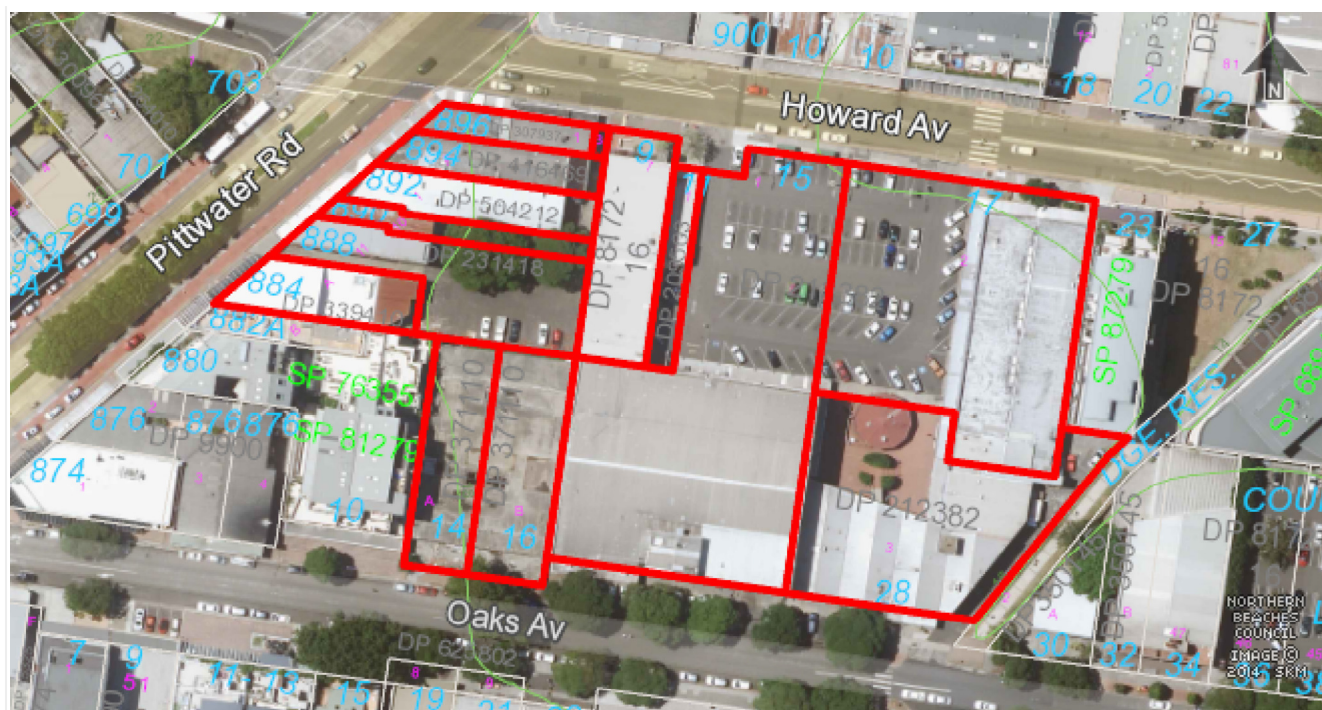
SITE DESCRIPTION

Property Description:	Lot 3 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot B DP 371110 , 884 - 896 Pittwater Road DEE WHY
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	<p>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>
Detailed Site Description:	<p>The site is known as 'Site B' of the Dee Why Town Centre in the WLEP 2011 and presently comprises of 13 individual allotments.</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 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 (DA2015/0612) was made for excavation of the site and the relocation of the existing Council stormwater pipe which traverses the site. This DA was approved by Council on 22 December 2015.

This consent has been modified on a number of occasions, which included two (2) modification that allowed the construction works to commence at 7 am instead of 8 am for the period of 4 months.

PROPOSED DEVELOPMENT IN DETAIL

The current modification application seeks consent to amend Condition 4 'Demolition, Excavation and Construction Hours' to extend the permitted construction hours. The specific amendments to Condition 4 are as follows (deleted text shown in ~~strikethrough~~, new text shown in bold):

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~~ **7.00am to 8.30pm** inclusive Monday to Friday,
- ~~8.00 am to 1.00 pm~~ **7.00am to 8.30pm** inclusive on Saturday,
- No work on Sundays and Public Holidays.

Delivery of material hours are restricted to:

- **6.30am to 6pm** inclusive Monday to Friday,
- **6.30am to 6pm** inclusive on Saturday,
- **No work on Sundays and Public Holidays.**

Demolition works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

Excavation works are restricted to:

- ~~8.00 am to 5.00 pm~~ 7.00am to 6.00pm Monday to Friday only.
- 8.00am to 4.00pm inclusive on Saturday

The application seeks to extend the construction hours and states that the extended construction hours are proposed to provide a more convenient timeframe for work and to replace lost wet weather days. It is argued that the extended hours will permit the project to be undertaken in a timely manner and will reduce the overall construction period. This will reduce the inconvenience to the surrounding residents.

A 'Proposed Further Extended Construction Hours for the Construction of Ground Level - Noise and Vibration Impact Assessment' (the Acoustic Report) prepared by Acoustic Logic Consultancy dated 19 April 2017 was submitted with the modification application to address the acoustic and vibration impact of the proposed modification.

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:
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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and 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 (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2015/0612, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(2) of the Environmental Planning and Assessment Act, 1979, are

Section 96(2) - Other Modifications	Comments
A consent authority may, on an application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as	The development as modified is considered to be substantially the same development as the development for which consent was

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Section 96(2) - Other Modifications	Comments
originally granted was modified (if at all), and	originally granted. The proposed changes do not alter the scale of the approved buildings or the intensity of the approved uses.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	No conditions require consultation with the Minister, a public authority or an approval body.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan 2011.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	As discussed, a total of 15 submissions have been received. The issues raised in the submissions have been considered and warrant a reduction in the hours proposed under this application to minimise any adverse impacts on the surrounding property owners/occupants.

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of 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) –	None Applicable.

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Section 79C 'Matters for Consideration'	Comments
Provisions of any draft environmental planning instrument	
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None Applicable to the proposal.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	All relevant provisions of the EP&A Regulation 2000 have been taken into consideration during the assessment of the development application and this modification application.
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	(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. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The proposed modifications do not alter the site's suitability for the proposed use.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See the discussion on "Public Exhibition" in this report.
Section 79C (1) (e) – the public interest	The proposed modifications are consistent with the planning controls applying to the site and do not result in any unreasonable impacts on the adjoining properties, subject to a reduction in the noise which may be generated by the construction works during the extended construction hours. As such, the revised modifications are considered to be 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 process council is in receipt of 20 submission/s from:

Name:	Address:
Miss Kathryn Renee Young	8 / 10 Oaks Avenue DEE WHY NSW 2099
Craig Anthony Mott	9 / 23 Howard Avenue DEE WHY NSW 2099

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Name:	Address:
Katie Trahair	207 / 12 Howard Avenue DEE WHY NSW 2099
Louise Ebbrell	10 / 10 Oaks Avenue DEE WHY NSW 2099
Withheld	DEE WHY NSW 2099
Melissa Tracey Collins	28 / 10 Oaks Avenue DEE WHY NSW 2099
Qiqi Chen	23 / 10 Oaks Avenue DEE WHY NSW 2099
Mr David Martin	35 / 880 Pittwater Road DEE WHY NSW 2099
Mr Andrew James Swaffer	6 / 10 Oaks Avenue DEE WHY NSW 2099
Mr Ben Sullivan	31/11-13 Oaks Avenue DEE WHY NSW 2099
Ms Joana D'Orey Novo	2 / 15 Oaks Avenue DEE WHY NSW 2099
Mr William Antonius Choeng	5 / 10 Oaks Avenue DEE WHY NSW 2099
Withheld	DEE WHY NSW 2099
Withheld	DEE WHY NSW 2099
Withheld	DEE WHY NSW 2099
Mathuree Warawanticha	9 / 23 Howard Avenue DEE WHY NSW 2099
Jann Marx	34 / 880 Pittwater Road DEE WHY NSW 2099
Timothy Hogan	17 / 10 Oaks Avenue DEE WHY NSW 2099
Frederike Mueller	17 / 10 Oaks Avenue DEE WHY NSW 2099
Mrs Deborah Marie Powell	3 / 10 Oaks Avenue DEE WHY NSW 2099

In addition to the above, Council has received nine (9) template letters objecting to the proposed extended construction hours.

Assessment of Residents Issues

- **Details of proposed extended hours**

Two submitters indicated that they were unable to find details of the proposed extended construction hours.

Comment: The documentation submitted with the modification application was available for viewing at the Civic Centre in Dee Why and online on Council's website. The availability of the relevant information in these locations provided an adequate opportunity for interested parties to view the documentation.

- **Impact on the quality of life of neighbouring residents**

Several submissions stated that residents have a right to peace and quiet after business hours and residents should not have to suffer due to the mismanagement of the construction on site.

Several submissions stated that residents should not have to deal with increased noise, dust and lighting after business hours.

Comment: It is acknowledged that the construction of such of a large project within the Dee Why Dee Why Town Centre will impact on the occupants within nearby residential and commercial development.

However, the reduced span of the extended construction hours recommended for approval in this report and the restrictions imposed on the noise level from the extended construction hours will adequately protect the quality of life of neighbouring residents whilst allow the project to be completed within a reasonable timeframe.

Accordingly, this issue does not warrant the refusal of the application.

- **Dust impact**

The concern is that the development is creating excessive dust. A submission stated that until the dust issue is resolved no further consideration should be given to extending the construction hours.

Comment: This issue is not specifically related to the activities that will be undertaken during the proposed extended hours and does not warrant the refusal of the application. Any complaints related to the dust generated during construction are to be directed to the Private Certifier or to Council's Regulatory Compliance division.

- **Existing non-compliances (Construction Out of the Approved Hours)**

Several submissions state that Meriton is already working outside the approved hours and Council is not doing anything about it, despite the fact that numerous complaints have been made to Council in relation to this issue.

Comment: The concerns associated with breaches of the conditions of the Development Consent are not a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 in relation to this application, and do not warrant the refusal of the application. These concerns should be referred to Council's Regulatory Compliance Department for action.

- **Acoustic impact**

All of the submissions received have raised concerns that the extended construction hours will result in unreasonable acoustic impact.

Comment: This issue is discussed in detail elsewhere in this report (refer to section addressing Clause C8 of WDCP). In summary, the recommended reduction in the span of hours and the noise restrictions are considered to adequately minimise noise emissions and protect the amenity of the surrounding properties.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Environmental Investigations	

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Internal Referral Body	Comments	
(Industrial)	Is the proposal for an industrial use?	YES
	Was sufficient documentation provided appropriate for a referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Have you reviewed the Statement of Environmental Effects, and considered ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, Liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES
	Have you Considered the impact of noise, hours of operation, location to nearest residential properties, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
	If the proposal is Scheduled Premises have you recommended that the DAO refer the proposal to OEH?	NO
General Comments <u>Applicants Proposal</u> Pouring of slabs, preparation/installation of form work, steel reinforcement, piling, crane use and delivery of materials up to ground level: <ul style="list-style-type: none"> · 7.00 am to 8:30 pm inclusive Monday to Friday; and · 7.00 am to 6.00 pm inclusive on Saturday. Excavation works are restricted to: <ul style="list-style-type: none"> · 7.00 am to 6.00 pm Monday to Friday; and · 8.00 am to 4.00 pm inclusive on Saturday. <u>Assessment Comments</u> Environmental Investigations has reviewed the modification and cannot support the increase of hours proposed because of the following: <ul style="list-style-type: none"> • The acoustic report does not address noise levels of machinery (i.e cement pumps) it only states the "<i>Noise Emission Goal</i>" it is planning to achieve. And if the noise goal is still exceeded after applying all practical engineering controls to limit noise emissions, investigate management and other techniques to mitigate noise emissions which is not a sufficient noise management plan to ensure offensive 		

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Internal Referral Body	Comments		
	<p>noise is not created.</p> <p>Council Recommendation</p> <p>Building construction, delivers of material, <i>pouring of slabs, and preparation/installation of form work, steel reinforcement, piling, crane use and delivery of materials up to ground level:</i></p> <ul style="list-style-type: none"> · 7.00 am to 7:00 pm inclusive Monday to Friday; and · 8.00 am to 5.00 pm inclusive on Saturday. <p>Excavation works are restricted to:</p> <ul style="list-style-type: none"> · 7.00 am to 6.00 pm Monday to Friday; and · 8.00 am to 4.00 pm inclusive on Saturday. <p>recommended added condition</p> <p>Any recommendations made by the acoustic consultant must be implemented in order to achieve Noise Emission Goal detailed in the report titled <i>Proposed Further Extended Construction Hours for Construction to Ground Level at 888 Pittwater Road, Dee Why Noise and Vibration Impact Assessment</i>, project no. 20160744.7 dated 19 April 2017.</p> <p>Reason: to minimise disturbance on Surrounding Areas</p> <table border="1"> <tr> <td>Recommendation</td><td>APPROVAL subject to conditions</td></tr> </table>	Recommendation	APPROVAL subject to conditions
Recommendation	APPROVAL subject to conditions		

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 (Infrastructure) 2007

The original development application was referred to Ausgrid and Roads and Maritime Services (RMS) pursuant to clauses 45 and 104 of the Infrastructure SEPP. The comments received by the Ausgrid and RMS were considered and incorporated into the approved conditions of consent where appropriate. The proposed modifications do not require consultation with Ausgrid and RMS prior to determination.

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
Land Use Table	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes
Part 7 Dee Why Town Centre	N/A

Detailed Assessment

Part 7 Dee Why Town Centre

The Clauses of WLEP 2011 applicable to development within the Dee Why Town Centre are not applicable to the proposed development.

Warringah Development Control Plan

Built Form Controls

No built form controls apply to the proposed modifications.

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
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part D Design	Yes	Yes
D3 Noise	Yes	Yes

Detailed Assessment

C8 Demolition and Construction

Clause C8 states that construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety or the natural environment. Condition 4 '*Construction hours*' is a standard condition applied to all development applications involving demolition, excavation and construction work. The condition is imposed to ensure that residents are given relief from associated noise, during those hours. The restriction on construction hours recognises that construction can generate high noise levels that can adversely affect sleep, concentration and mental and physical health.

Proposal

The application proposes to extend work hours from 5.00pm to 8.30pm Monday to Friday and from 1.00pm to 6 pm on Saturdays. The extended hours are also proposed to be extended during the morning period from an 8.00am start to 7.00am start.

Interim Construction Noise Guidelines

The *Interim Construction Noise Guidelines* prepared by the Department of Environment and Climate Change dated July 2009 have been used to assist in determining appropriate construction hours and noise levels.

The *Interim Construction Noise Guidelines* recommend the following standard construction hours;

- Monday to Friday – 7 am to 6 pm
- Saturday – 8 am to 1 pm
- No work on Sundays or public holidays

The guidelines state that outside the standard construction hours noise should not exceed the noise affected Rating Background Level (RBL) plus 5dBA and;

- A strong justification would typically be required for works outside the recommended standard hours.
- The proponent should apply all feasible and reasonable practices to meet the noise affected level.
- Where all feasible and reasonable practices have been applied and noise is more than 5dB (A) above the noise affected level, the proponent should negotiate with the community.

Acoustic and Vibration Report Findings

The Acoustic Report submitted with the application lists the Background Noise Level dB(A)_{L₉₀} and the Allowable

Noise Emissions dB(A)_{L₉₀ (15min)} (up to 8.30pm) for the most sensitive receivers. The report makes the following conclusions:

"This document presents a noise and vibration assessment for the excavation/construction activities up to ground level at Dee Why Town Centre Development, Dee Why during the proposed further extended hours.

The assessment of noise and vibration indicates that:

- It is likely that parts of the work period will likely generate noise levels that will require additional management. Adoption of the elements of these controls will ensure that noise impacts will be minimised.*
- Ground vibration goals have been set in this report to safeguard existing structures close to the project site and protect human comfort at the amenity of the project site. It's recommended that vibration be monitored during the excavation phase as to ensure those vibration goals are met".*

Assessment Officer's Recommended Amendments to Condition 4

Whilst extended construction hours may be required to allow for the finishing of concrete and to enable the construction of the development to be completed within the scheduled timeframe, the impact of the extended construction hours on the surrounding property owners/occupiers must be mitigated, managed and minimised. In this regard, and based on the *Interim Construction Noise Guidelines*, it is recommended that on weekdays, when concrete finishing works are required, work may be carried out until 7 pm and until 5 pm on Saturday, but only for a period of 4 months.

The 7 am start during the weekends only is supported, as it is consistent with the *interim Construction Noise Guidelines*. The 7 am start on a Saturdays is not supported. The request to modify the timing for delivery of material is also not supported.

Subject to the extended construction hours being restricted as described above, the amendment to condition 4 in the recommendation of this report is considered to be consistent with the requirements of Clause C8 of WDCP 2011.

D3 Noise

The provisions of Clause D3 relate to completed development, not construction sites. As such, the requirements of Clause D3 are not relevant to the proposed modification of Condition 4 to extend the permitted construction hours.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

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

Section 94 contributions were levied on the Development 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
- Inconsistent 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

Whilst extended construction hours may be required to allow for the finishing of concrete structures and to enable the construction of the development to be completed within the scheduled timeframe, the impact of the extended construction hours on the surrounding property owners/occupiers must be mitigated, managed, and minimised. In this regard, it is recommended that a reduced span of extended hours be supported for the period of 4 months.

Subject to the reduction in the extended construction hours described in this report, the proposal will be consistent with the requirements of WDCP 2011.

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 approval Modification Application No. Mod2017/0106 for Modification of Development Consent DA2015/0612 granted for Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation 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

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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:

Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Approved Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Proposed Further Extended Construction Hours for Construction to Ground Level at 888 Pittwater Road, Dee Why Noise and Vibration Impact Assessment	19/04/2017	Acoustic Logic

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)

Modify Condition 4. General Requirements to read as follows:

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

The extended hours is granted for a period not exceeding four (4) months from the date of the determination of Modification Application No. MOD2017/0106.

Demolition works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

Excavation works are restricted to:

- 7.00 am to 6.00 pm Monday to Friday
- 8.00 am to 4.00 pm inclusive on Saturday - subject to the work being undertaken to include the machinery that only requires the excavation of material that does not include rock hammering and the like.

The extended hours is granted for a period not exceeding four (4) months from the date of the determination of Modification Application No. MOD2017/0106.

All the recommendations made in the report titled "*Proposed Further Extended Construction Hours for Construction to Ground Level at 888 Pittwater Road, Dee Why Noise and Vibration Impact Assessment*", project no. 20160744.7 dated 19 April 2017 must be implemented.

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

(g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

(i) 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.

(j) 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.

(k) 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 pe

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- 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.


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

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ATTACHMENT A

No notification plan recorded.

ATTACHMENT B



Notification Document	Title	Date
 2017/123458	Notification Map	04/05/2017

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ATTACHMENT C

Reference Number	Document	Date
 2017/119252	Letter - Annexure 1 - Keller - Soil Condition	12/04/2017
 2017/119258	Letter - Annexure 2 - Boral	19/04/2017
 2017/119262	Report - Annexure 3 - Noise and Vibration Impact	19/04/2017
 2017/119247	Letter - Amended Condition 4 - Extended Work	21/04/2017
 MOD2017/0106	896 Pittwater Road DEE WHY NSW 2099 - Section 96 Modifications - Section 96 (2) Environmental Impact	27/04/2017
 2017/115383	DA Acknowledgement Letter - Karimbla Constructions Services (Nsw) Pty Ltd	27/04/2017
 2017/119241	Modificaiton Application Form	01/05/2017
 2017/119242	Applicant Details	01/05/2017
 2017/122413	Environmental Investigations (Industrial) - Assessment Referral - Mod2017/0106 - 9 Howard Avenue DEE WHY NSW 2099	02/05/2017
 2017/121964	Development Application Advertising Document - Karimbla Constructions Services (Nsw) Pty Ltd	03/05/2017
 2017/123458	Notification Map	04/05/2017
 2017/123560	Notification Letter - Mod - 696 (includes Council)	04/05/2017
 2017/125704	Online Submission - Young	06/05/2017
 2017/130464	Online Submission - Mott	10/05/2017
 2017/133389	Online Submission - Trahair	14/05/2017
 2017/133393	Online Submission - Ebbrell	15/05/2017
 2017/136406	Submission - Details withheld	16/05/2017
 2017/136725	Online Submission - Collins	17/05/2017
 2017/138934	Online Submission - Chen	18/05/2017
 2017/140045	Online Submission - Martin	19/05/2017
 2017/141479	Online Submission - Swaffer	20/05/2017
 2017/141489	Online Submission - Sullivan	21/05/2017
 2017/141503	Online Submission - D'Orey Novo	21/05/2017
 2017/142270	Submission - Details withheld	22/05/2017
 2017/141872	Submission - Details withheld	22/05/2017
 2017/142035	Online Submission - Choeng	22/05/2017
 2017/142498	Online Submission - Warawanitcha	22/05/2017
 2017/142499	Online Submission - Marx	22/05/2017
 2017/142520	Submission - Marx	22/05/2017
 2017/142527	Online Submission - Hogan	22/05/2017
 2017/142531	Online Submission - Mueller	22/05/2017
 2017/142535	Online Submission - Powell	23/05/2017
 2017/142876	Deleted document	23/05/2017

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	2017/143068	Environmental Investigations Referral Response - industrial use	23/05/2017
	2017/154403	CEO response - Meriton - request - : DEE WHY WORKING HOURS - Meriton	26/05/2017

PANEL PLANS

No plans titled 'ADP Panel Plans' found in TRIM.