

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0294
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099
Proposed Development:	Change of use and fitout of Warehouse 7 and 8 for the purpose of a indoor recreation facility
Zoning:	Warringah LEP2011 - Land zoned E4 General Industrial OLDWarringah LEP2011 - Land zoned IN1 General Industrial
Development Permissible:	Yes - Zone IN1 General Industrial Yes - Zone E4 General Industrial
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	The Trust Company (Australia) Limited
Applicant:	Shaista Mason

Application Lodged:	12/04/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	19/04/2023 to 03/05/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 903,100.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seek consent for a change of use and fit out for a Trampoline facility (indoor recreation facility) in Warehouses 7 and 8.

In detail, the proposal involves:

- Mezzanine café seating
- Kitchen
- Party rooms
- Recreation areas

- Bathrooms
- First Aid room
- 20 car parking spaces allocated to tenancy
- Hours of operation (am-9pm Monday to Sunday)

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

SITE DESCRIPTION

Property Description:	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
Detailed Site Description:	<p>The site is known as No.4-10 Inman Road (also being known as 100 South Creek Road), Cromer. The subject site is more commonly referred to as the former Roche Products Australia premises. It has four (4) street frontages, being South Creek Road to the south, Inman Road to the west, Campbell Avenue to the east and Orlando Road to the north. The north-western corner of the site is bound by Orlando Road, which connects to Parkes Road.</p> <p>The site is currently under construction.</p> <p>The site is zoned IN1 General Industrial under the Warringah Local Environmental Plan 2011 (WLEP2011) and includes mostly office buildings and large warehouse/manufacturing buildings.</p>

The site was previously development to include a variety of buildings and structures, ranging in age from the 1920's through to 2005. More recently, a large portion of the site has been cleared and demolished.

The site contains three (3) heritage items, being the central industrial "Roche" building, the weatherboard cottage located in the south-eastern corner of the site and a stand of trees adjacent to Campbell Avenue. These items will remain unaffected by the current proposal. There is also known to be some Aboriginal cultural relics within or near the northwestern corner of the site.

Vehicle access to the site is available off both South Creek Road and Inman Road.

Map:



SITE HISTORY

The site as a whole is undergoing extensive redevelopment pursuant to **DA2019/1346**.

DA2019/1346 was for demolition works and alterations and additions to an existing industrial facility including new warehousing, self-storage units, office premises and an ancillary cafe. The application was approved by the Sydney North Planning panel on 17 August 2020 and works are underway.

The site is heavily contaminated to a significant depth, as confirmed by the NSW Environmental Protection Authority and Council's Environmental Health Officers. The site is being remediated concurrent to construction works. DA2019/1346 requires that a Final Site Audit Statement be provided by an accredited Site Auditor prior to the occupation of the development.

Due to the requirement in the 'parent' consent for the redevelopment of the site as a whole, a Deferred Commencement condition is imposed on this consent, to ensure that the land can be made suitable for

occupation before the development subject of this application commences.

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	<p>See discussion on “Environmental Planning Instruments” in this report.</p> <p>The NSW employment zones reforms have been made and will come into force on 26 April 2023. These reforms will result in this property changing from an IN1 General Industrial zone to a E4 General Industrial zone. The proposed use is permissible in the new zone.</p>
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 applies to this proposal.
Section 4.15 (1) (a)(iia) – 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>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. 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 insurance requirements under the Home Building Act 1989. 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 impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration	Comments
	<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 development application has been publicly exhibited from 19/04/2023 to 03/05/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>Further Comments - The Access Report dated 1/5/2023 prepared by Access & Equality (Access Consultants) has been considered and found to be acceptable. A DA condition has been included with this response.</p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. Prior to further assessment of this application the applicant is required to submit an Access Report for People with Disabilities. The report is required to be prepared by an accredited Access Consultant.</p>
Environmental Health (Contaminated Lands)	<p>General Comments The Proposal includes the fit out of the existing Warehouse 7 and 8</p>

Internal Referral Body	Comments
	<p>and the provision of 20 new car parking spaces.</p> <p>Contamination was considered under DA2019/1346 Demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self-storage, office premises and ancillary café. A requirement is included in DA2019/1346 for the applicant to obtain a Site Audit Statement certifying that the site is suitable for its use from a Site Auditor and submit it to the principal certifying authority prior to commencement of occupation.</p> <p>An email sent by Willowtree Planning on 2 May 2023 confirms that "there would be no earthworks or ground penetration as a result of this development".</p> <p>As such, Environmental Health supports the proposal and no conditions related to contaminated lands are required.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>The Proposal seeks consent for the change of use and fit out of Warehouses 7 and 8 for the purpose of a trampoline facility (indoor recreation facility). The future end user is identified as Bounce Inc.</p> <p>An Operational Noise Emission Assessment (dated 9 March 2023) for the Proposal was prepared by Acoustic Dynamics. The Assessment concluded that acoustic risks associated with the Proposal can be adequately controlled and provided a number of recommendations.</p> <p>The Assessment considered the emission of noise from the following sources:</p> <ul style="list-style-type: none"> • Internal operations; • Mechanical plant (kitchen exhaust fan, A/C condenser fan and toilet exhaust fan); • Vehicle movements; and • Patron and staff movements. <p>The following sensitive receivers were identified in the Assessment:</p> <ul style="list-style-type: none"> • Proposed residential receivers located within 4-8 Inman Road (east); • Residential receivers on Orlando Road (north); and • Industrial receivers located within 4-8 Inman Road (north/south).

Internal Referral Body	Comments
	<p>The planned hours of operation for the facility are 9 am to 9 pm Monday to Sunday.</p> <p>Environmental Health supports the Proposal provided that the recommendations and advice included in Section 6. of the Assessment are included as conditions.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
<p>Environmental Health (Food Premises, Skin Pen.)</p>	<p>General Comments</p> <p>The Proposal includes the fit out of the existing Warehouse 7 and 8 including, but not limited to, the construction of 1 x kitchen, mezzanine cafe' seating and 4 x party rooms.</p> <p>The Proposal includes the construction of 2 x male bathrooms, 2 x disabled bathrooms and 2 x female bathrooms. Based on the number of seats in the mezzanine cafe' seating and party rooms (108) detailed in the Plans - Master Set (TRIM Record 2023/217965E), the Proposal is compliant with the BCA requirements for sanitary facilities (1 male toilet, 2 male urinals and 3 female toilets).</p> <p>The Plans - Master Set does not include a cleaner's sink for wastewater disposal, a grease trap or a bunded and covered area for waste oil storage. Based on the Construction & Operational Waste Management Plan (dated 02/02/2023) prepared by Foresight Environmental, garbage bins will be located directly in front of the building near the car parking area. Environmental Health recommends conditions are included to ensure appropriate storage and disposal of waste and waste water.</p> <p>Environmental Health recommends that compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises' is conditioned.</p> <p>In addition, compliance with Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings" should be conditioned.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
<p>NECC (Development Engineering)</p>	<p>The application seeks consent for change of use and fitout of Warehouse 7 and 8 for the purpose of a indoor recreation facility.</p> <p>Access</p>

Internal Referral Body	Comments														
	<p>No changes are proposed to the previously approved driveways and parking facilities for the subject site.</p> <p>Stormwater No changes are proposed to the previously approved stormwater management system for the subject site.</p> <p>No objections to the proposal. Supported, without conditions.</p>														
NECC (Riparian Lands and Creeks)	Supported without conditions. The changes of use of warehouses 7 and 8 are unlikely to impact the creek which lies more than 200m to the south of the development . A Controlled Activity Permit is not required.														
NECC (Water Management)	NECC water management (quality and water balance) has no objection to the proposal.														
Strategic and Place Planning (Heritage Officer)	<table border="1"> <thead> <tr> <th data-bbox="520 837 1439 875">HERITAGE COMMENTS</th> </tr> </thead> <tbody> <tr> <td data-bbox="520 875 1439 913">Discussion of reason for referral</td> </tr> <tr> <td data-bbox="520 913 1439 1093"> <p>This application has been referred as the site contains a heritage item, being Item I52 - Roche Building .The site is also within the vicinity of 2 other heritage items, being Item I53 - Givaudan-Roure Office and Item I38 - Trees - Campbell Avenue.</p> </td> </tr> <tr> <td data-bbox="520 1093 1439 1131">Details of heritage items affected</td> </tr> <tr> <td data-bbox="520 1131 1439 1169">Item I52 - Roche building</td> </tr> <tr> <td data-bbox="520 1169 1439 1207"><u>Statement of Significance</u></td> </tr> <tr> <td data-bbox="520 1207 1439 1361">A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature</td> </tr> <tr> <td data-bbox="520 1361 1439 1400">Item I53 - Givaudan-Roure office</td> </tr> <tr> <td data-bbox="520 1400 1439 1438"><u>Statement of Significance</u></td> </tr> <tr> <td data-bbox="520 1438 1439 1592">A representative example of an inter-war dwelling. Displays good integrity with much original fabric. Historically it is a rare survivor of development of this area prior to release & development for industrial purposes.</td> </tr> <tr> <td data-bbox="520 1592 1439 1630">Item I38 - Trees, Campbell Ave</td> </tr> <tr> <td data-bbox="520 1630 1439 1668"><u>Statement of Significance</u></td> </tr> <tr> <td data-bbox="520 1668 1439 2078">The collection of trees in the south-east sector of the Roche Products site, facing South Creek Rd and Campbell Ave at Dee Why have a moderate degree of heritage significance at the Local level. They have existed on this site since the turn of the 19th -20th century and may have been associated with the nurseryman Charles Hirsch who owned the land immediately to the north during that period. They are esteemed by local residents and confer on the area a distinctive sense of place. While the trees are not individually rare, the presence in Dee Why of such a mixed collection of trees in good condition and representing planning takes of their period is rare.</td> </tr> <tr> <td data-bbox="520 2078 1439 2116">Other relevant heritage listings</td> </tr> </tbody> </table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>This application has been referred as the site contains a heritage item, being Item I52 - Roche Building .The site is also within the vicinity of 2 other heritage items, being Item I53 - Givaudan-Roure Office and Item I38 - Trees - Campbell Avenue.</p>	Details of heritage items affected	Item I52 - Roche building	<u>Statement of Significance</u>	A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature	Item I53 - Givaudan-Roure office	<u>Statement of Significance</u>	A representative example of an inter-war dwelling. Displays good integrity with much original fabric. Historically it is a rare survivor of development of this area prior to release & development for industrial purposes.	Item I38 - Trees, Campbell Ave	<u>Statement of Significance</u>	The collection of trees in the south-east sector of the Roche Products site, facing South Creek Rd and Campbell Ave at Dee Why have a moderate degree of heritage significance at the Local level. They have existed on this site since the turn of the 19th -20th century and may have been associated with the nurseryman Charles Hirsch who owned the land immediately to the north during that period. They are esteemed by local residents and confer on the area a distinctive sense of place. While the trees are not individually rare, the presence in Dee Why of such a mixed collection of trees in good condition and representing planning takes of their period is rare.	Other relevant heritage listings
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Internal Referral Body	Comments		
	SEPP (Biodiversity and Conservation) 2021	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	However, Roche building previously on the RAIA Register
	Other	N/A	
	Consideration of Application		
	<p>The proposal seeks consent for the fitout and use of two industrial warehouse units for an indoor trampoline facility. External works appear to be limited to the provision of additional car parking spaces outside the unit warehouses with all other works being internal. The warehouse units were approved under DA2019/1346 as part of the redevelopment of the former Roche site. The proposed works are considered to not impact upon the significant retained buildings or items on site, or their significance and or impact upon the adjoining items.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>		
Traffic Engineer	<p>Proposal description:</p> <p>The proposal is for a Change of use and fitout of Warehouse 7 and 8 for the purpose of an indoor recreation facility (Trampoline Facility).</p> <p>Proposed hours of operation: 9:00am – 9:00pm Monday to Sunday.</p> <p>The current proposal pertains to Warehouses 7 and 8 that was subject to approval under DA2019/1346</p> <p>Traffic Generation</p> <p>The existing approved use for the site is as a warehouse. The proposed use for a trampoline facility differs from a warehouse.</p>		

Internal Referral Body	Comments
	<p>The RMS Guide to Traffic Generating Developments does not provide traffic generation rates for an indoor trampoline facility. The following estimates of traffic generation associated with the use have been developed by the applicant's traffic consultant in their Transport Impact Statement:</p> <p>15 vehicles/hr weekday AM road network Peak Period 22 vehicles/hr weekday PM road network Peak Period 58 Vehicles/hr weekend Midday - road network Peak Period 76 vehicles/hr after 3pm - site peak</p> <ul style="list-style-type: none"> • It is noted that although the traffic generated during the weekday AM and PM road network Peak Period are estimated to be higher when compared to the use as a warehouse, the new business park was determined to generate significantly less traffic than the historic use of the site. • During the weekend midday peak period and the centre peak period when traffic generation from the centre will be at its highest 58 & 76 Vehicle trips/hour respectively there will also be high levels of traffic activity associated with the adjacent Cromer Park sports grounds however Cromer High School and most surrounding business premises within the industrial area will be closed and the traffic generated by the trampoline centre is not expected to have unacceptable implications in terms of road network capacity performance. <p>Parking Requirements</p> <p>As the proposed indoor recreation facility (Trampoline Facility) is a relatively new concept there are no comparable guidelines for parking requirements in the Warringah DCP. However, they may be compared to other similar facilities.</p> <p>The Empirical Assessment of Car Parking Demand and the input variables set out in the <i>Transport Impact Statement: Prepared by Stantec</i> are considered reasonable for an indoor recreational trampoline facility.</p> <p>With a maximum anticipated demand of 34 spaces on a weekday and 53 spaces on a weekend, the available parking for the centre 20 spaces can be supplemented by overflow parking of 60 spaces on weekdays and 82 spaces on weekends which is deemed suitable to accommodate the expected demand.</p> <p>Bicycle Parking</p> <p>Under the Warringah DCP, 16 bicycle parking spaces would be required for the proposal. Section 3.2 of the Transport Impact Assessment noted the business park will have 40 on-site bicycle parking spaces that can accommodate the demand expected to be generated by the trampoline facility proposal.</p>

Internal Referral Body	Comments
	<p>Therefore, the existing arrangement is deemed adequate.</p> <p>Loading and Servicing</p> <p>The proposed trampoline facility will have minimal impact on the existing demand for deliveries and waste collection. With the low frequency of deliveries able to be completed by small rigid trucks which can park easily within existing offstreet parking bays.</p> <p>Therefore, the existing arrangement is considered adequate.</p> <p>Design and Accessibility</p> <p>No changes are proposed to the previously approved driveways and parking facilities for the subject site.</p> <p>CTMP</p> <p>Not Required</p> <p>Workzone</p> <p>Not Required</p> <p>Conclusion</p> <p>The traffic report and plans require no further amendments.</p>
Waste Officer	<p>The arrangements appear suitable although it would be preferable if the waste bins were stored within the building rather than the car parking area. This would be a matter for the internal lease of the warehouses with the landlord.</p> <p>The bins should not be visible from the street/public view.</p>
External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021,	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the

External Referral Body	Comments
s2.48	relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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)

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Council's Environmental Health officer for contaminated lands has reviewed the application and is satisfied that no further conditions or requirements are required. This is because there is no ground disturbance proposed under this application.

Contamination was also considered under the 'parent' application for this site, DA2019/1346. A

requirement is included in DA2019/1346 for the applicant to obtain a Site Audit Statement certifying that the site is suitable for its use from a Site Auditor and submit it to the principal certifying authority prior to commencement of occupation.

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?	Yes
zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes

Detailed Assessment

Zone E4 General Industrial

The proposal is for the use of a warehouse as a trampoline facility, fitting the definition of a *Recreation Facility (Indoor)*, defined in the WLEP 2011 as:

Recreation Facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The use of the land for the purpose of a Recreation Facility (indoor) is permitted within consent in the E4 General Industrial zone.

Warringah Development Control Plan

Built Form Controls

The development application does not seek to alter any elements of the building which would change the approved built form control conclusions. Therefore, no further assessment on these matters are required.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$9,031 is required for the provision of new and augmented public

infrastructure. The contribution is calculated as 1% of the total development cost of \$903,100.

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

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2023/0294 for Change of use and fitout of Warehouse 7 and 8 for the purpose of a indoor recreation facility on land at Lot 1 DP 1282038,4 - 8 Inman Road, CROMER, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

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.

DEFERRED COMMENCEMENT CONDITIONS

1. Site Audit Statement

A Site Audit Statement must be obtained from a NSW EPA accredited Site Auditor to certify the site as suitable for use under relevant provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Reason: Certification of potentially contaminated land as suitable for use under SEPP (Resilience and Hazards) 2021.

Evidence required to satisfy these conditions must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation. Applicants must complete two essential steps to request their consent become operational:

1. Submit a completed 'Deferred Commencement Document Review Form' (available on Council's website), include the relevant evidence and the application fee as per Council's Fees and Charges.
2. Submit a request for operational consent to Council via the NSW Planning Portal. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

GENERAL CONDITIONS

2. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A-100 - Floor Plan - Rev A	21.03.23	2M Creative
T-202 - Ground Floor Plan - Rev C	21.03.23	2M Creative

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Transport Impact Assessment	15/12/2022	Bounce Inc.

Operation Noise Emission Assessment	9 March 2023	Acoustic Dynamics
Access Report	1/05/2023	Access Equality

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Construction & Operational Waste Management Plan	7/02/2023	Foresight Environmental

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.

3. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	22/04/2023

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

4. **No Approval for signage**

No approval is granted under this Development Consent for any signage.

Reason: To ensure the proposal is granted consent for the proposal as notified to the public.

5. **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.

6. 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) 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.
- (c) 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) 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.
- (e) 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.
- (f) 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 \$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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (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 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.

- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (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 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.

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$9,031.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$903,100.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

8. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifier 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.northernbeaches.nsw.gov.au).

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. **Access and Facilities for Persons with Disabilities**

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the recommendations contained in the Preliminary Accessibility Assessment Report prepared by Access

and Equity (Access Consultants) are to be taken into consideration as part of the assessment of the

Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the

Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a

10. **Building Code of Australia Fire Safety Requirements**

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA Assessment Report prepared by Jensen Hughes, dated 3/3/2023, Rev. No. 117454-BCA-r1, is to be considered as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

11. **Plans of Kitchen Design, construction and fit out**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Principle certifier. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

12. **Cleaners Sink**

Prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle Certifier demonstrating that a cleaners sink will be installed in the food premises.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure wastewater generated from mop buckets, cleaning mops and other cleaning activities is disposed of so that it does not contaminate food.

13. **Mechanical ventilation Plans**

Where Mechanical ventilation is required to be installed in the food premises ,prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle certifier that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

14. **Waste Oil**

Prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and

approved by the Principle Certifier that demonstrate that an area will be provided for waste oil with bunding that has a capacity of at least 110% the volume of the waste oil tank and that the tank and bunding are covered.

These plans are to be prepared by a suitably qualified person.

Reason: To prevent pollution to the environment and stormwater.

15. **Waste Storage**

Prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle Certifier demonstrating that a covered external area or a refuse room will be provided to the premises.

The refuse storage area must:

- adequately contain the volume and type of garbage and recyclable matter that will be produced by the premises;
- enclose the garbage and recyclable matter to prevent harborage of pests;
- be designed and constructed so that it can be easily and effectively cleaned;
- be paved with an impervious material;
- be graded and drained to the sewer; and
- be provided with a hose and tap connected to a water supply.

These plans are to be prepared by a suitably qualified person.

Reason: To prevent unhealthy conditions.

16. **Grease Trap**

Prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle Certifier demonstrating that a grease trap designed to filter grease and oil generated from the food business operations will be installed. Access openings to the grease trap must not be located in food storage or preparation areas.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the food premises has a wastewater disposal system that effectively disposes of wastewater and is constructed and located so that it does not contaminate food.

17. **Noise Mitigation**

Prior to the issue of any Construction Certificate, details of constructions systems and mechanical systems must be submitted to a suitably qualified acoustic consultant for approval.

Reason: To ensure that noise emission is mitigated and to verify that the construction systems and mechanical systems comply with the recommendations detailed in the Operational Noise Emission Assessment (dated 9 March 2023) prepared by Acoustic Dynamics.

18. **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 Certifier prior to the issue of the Construction Certificate.

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

19. **Waste and Recycling Requirements**

Waste bins are to be stored within the building rather than the car parking area.

The bins should not be visible from the street/public view.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

20. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

DURING BUILDING WORK

21. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

22. **Registration of food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

23. **Waste Oil Containment**

Prior to the issuing of any Occupation Certificate, evidence is to be submitted to the Principal Certifying Authority demonstrating that an area has been provided for waste oil with bunding that has a capacity of at least 110% the volume of the waste oil tank and that the tank and bunding are covered.

Reason: To prevent pollution to the environment and stormwater.

24. **Grease Trap**

Prior to the issuing of any Occupation Certificate, evidence is to be submitted to the Principal Certifying Authority demonstrating that a grease trap designed to filter grease and oil generated from the food business operations has been installed. Access openings to the grease trap must not be located in food storage or preparation areas.

Reason: To ensure that the food premises has a wastewater disposal system that effectively disposes of wastewater and is constructed and located so that it does not contaminate food.

25. **Cleaners Sink**

Prior to the issuing of any Occupation Certificate, evidence is to be submitted to the Principal Certifying Authority demonstrating that a cleaners sink has been installed in the food premises.

Reason: To ensure wastewater generated from mop buckets, cleaning mops and other cleaning activities is disposed of so that it does not contaminate food.

26. **Waste Storage**

Prior to the issuing of any Occupation Certificate, evidence is to be submitted to the Principal Certifying Authority demonstrating that a covered external area or a refuse room has been provided that:

- adequately contains the volume and type of garbage and recyclable matter that will be produced by the premises;
- encloses the garbage and recyclable matter to prevent harborage of pests;
- is designed and constructed so that it can be easily and effectively cleaned;
- is paved with an impervious material;
- is graded and drained to the sewer; and
- is provided with a hose and tap connected to a water supply.

Reason: To prevent unhealthy conditions.

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

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating 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.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

28. **Mechanical Ventilation certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

29. **Noise Management Plan - Prior to Occupation Certificate**

Prior to the issuing of an Occupation Certificate, a noise management plan incorporating the recommendations detailed in Section 6. of the Operational Noise Emission Assessment prepared by Acoustic Dynamics (dated 9 March 2023) must be prepared and submitted to Council for approval.

Reason: To minimise noise nuisance to sensitive receivers.

30. **Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

31. **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 Principal Certifier prior to the issue of an 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 of the Environmental Planning and Assessment Regulation 2021.

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

32. **Deliveries, waste and recycling collection hours**

Deliveries, waste and recycling collection from the site is to be carried out between 7am and 10 pm only to minimise noise.

Reason: To minimise noise nuisance to sensitive receivers.

33. **Noise Management Plan - On-Going**

The noise management plan incorporating the recommendations detailed in Section 6. of the Operational Noise Emission Assessment prepared by Acoustic Dynamics (dated 9 March 2023) and approved by Council prior to Occupation Certificate, must be complied with in perpetuity.

Reason: To minimise noise nuisance to sensitive receivers.

34. **Internal Operations**

1. Only openings on the west-facing facade are permitted to be open during operations. All other openings must remain shut.
2. Any air compressors used to inflate systems must be located internally within the warehouse.

3. Noise from music must not exceed LAeq(15 min) 75 dB. The maximum internal reverberant sound pressure level can be set to ensure the adjacent receivers are not adversely affected by the operation of the subject gym, following the fit out of the premises and the installation of the speaker system.
4. Low frequency speakers (sub-woofers) should not be used, and all speakers are to be mechanically isolated from the building structure.

Reason: To minimise noise nuisance to sensitive receivers.

35. **Hours of Operation**

The hours of operation are to be restricted to:

- o Monday to Sunday– 9am-9pm

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 Prosser, Planner

The application is determined on 18/07/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments