

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|   |  |
|---|--|
| <b>Application Number:</b>                | DA2018/2007  |
| <b>Responsible Officer:</b>               | Adam Urbancic  |
| <b>Land to be developed (Address):</b>    | Lot 1 DP 1216244, 95 Darley Street MONA VALE NSW 2103                            |
| <b>Proposed Development:</b>              | Change of Use to a Indoor Recreational Facility including internal fit-out works |
| <b>Zoning:</b>                            | IN2 Light Industrial   |
| <b>Development Permissible:</b>           | Yes  |
| <b>Existing Use Rights:</b>               | No   |
| <b>Consent Authority:</b>                 | Northern Beaches Council   |
| <b>Land and Environment Court Action:</b> | No   |
| <b>Owner:</b>                             | Joyce Irene Forbes   |
| <b>Applicant:</b>                         | HDC Planning   |
| <b>Application lodged:</b>                | 18/12/2018   |
| <b>Integrated Development:</b>            | No   |
| <b>Designated Development:</b>            | No   |
| <b>State Reporting Category:</b>          | Commercial/Retail/Office   |
| <b>Notified:</b>                          | 02/01/2019 to 29/01/2019   |
| <b>Advertised:</b>                        | Not Advertised   |
| <b>Submissions Received:</b>              | 2  |
| <b>Recommendation:</b>                    | Approval   |
| <b>Estimated Cost of Works:</b>           | \$ 110,000.00  |

### 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

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - C2.11 Signage

Pittwater 21 Development Control Plan - D9.3 Building colours and materials

## SITE DESCRIPTION

|                                   |  |
|-----------------------------------|--|
| <b>Property Description:</b>      | Lot 1 DP 1216244 , 95 Darley Street MONA VALE NSW 2103   |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the southern side of Darley Street.</p> <p>The site is regular in shape with a frontage of 18.86m along Darley Street and a depth of 80.77m. The site has a surveyed area of 1,523m<sup>2</sup>.</p> <p>The site is located within the IN2 Light Industrial zone and accommodates a recently constructed industrial complex comprising three (3) units and associated parking for 14 vehicles. The proposed development specifically relates to Unit 1, which is located at the front of the complex.</p> <p>The site is relatively flat with no dominant slope.</p> <p>The site is largely covered by hard surface areas, with the exception of a small garden within the front setback containing groundcover vegetation and two (2) small trees.</p> <p>The site is located within the low and medium risk flood precincts, and is also within the Risk to Life H3 Flood Category.</p> <p>A site inspection was conducted on 21 March 2019.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by industrial complexes of a similar scale with both industrial and commercial uses.</p> |

Map:



## SITE HISTORY

The land has been used for industrial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

### 24 September 2013

Development Application N0206/13 for the demolition of all existing site improvements and construction of a new industrial development was granted consent.

### 24 October 2014

Modification Application N0206/13/S96/1 to modify Development Consent N0206/13 pursuant to Section 96 (1A) of the *Environmental Planning and Assessment Act 1979* was granted consent. The application deleted Condition B16 which related to the relocation or placement of all utility services as part of the industrial development underground.

## PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the first use of Unit 1 as a recreation facility (indoor) including internal fit-out works and associated business identification signage on the glazed frontage to the northern and eastern elevations, specifically the following works:

### Ground Floor

- construction of new internal walls to create a reception area, staff lounge, and dance studio with associated barres and mirrors; and
- installation of business identification signage on the windows on the northern and eastern elevations.

### First Floor

- construction of new walls to create two (2) dance studios, including the installation of an

operable wall between the studios to allow for the use of one (1) larger studio, and the installation of associated barres and mirrors.

The proposed hours of operation are: Monday - Friday 3pm to 8:30pm and Saturday 8am to 5pm. There will be no operation on Sunday.

Staffing numbers are a maximum of 3.

The maximum number of students at any one time is 24.

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

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

| Section 4.15 Matters for Consideration'   | Comments   |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument   | See discussion on "Environmental Planning Instruments" in this report.   |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                      | None applicable.   |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan  | Pittwater 21 Development Control Plan applies to this proposal.  |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement   | None applicable.   |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> |

| Section 4.15 Matters for Consideration'  | Comments   |
|--|--|
|  | <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>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 in accordance with the Environmental



Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

| Name:       | Address:                         |
|-------------|----------------------------------|
| Withheld    | NSW                              |
| Mark Horton | 2 Elwyn Close MONA VALE NSW 2103 |

The following issues were raised in the submissions and each have been addressed below:

- consistency between information on the website for the business and the documentation submitted with the development application;
- traffic generation and parking; and
- number of students.

The matters raised within the submissions are addressed as follows:

- Consistency of Information

Comment:

The information contained on the website for the business is not relevant in the assessment of this development application, and as such, has not been considered or utilised in the assessment of the application. The assessment has been solely based on the information provided within the documentation lodged with the development application, including details such as the number and age of the students, and the timetable for classes.

- Traffic Generation and Parking

Comment:

The proposed development is unable to provide the required five (5) parking spaces, being three (3) for staff and two (2) for drop off/pick-up services, as prescribed by Council's Traffic Engineer. The application proposes the use of three (3) parking spaces, including an accessible parking space, located within the subject site as staff parking, which is supported by the Traffic and Parking Assessment Report (prepared by Varga Traffic Planning Pty Ltd, dated 14 December 2018) submitted with the application. A further review of this arrangement found that the deficiency in the amount of parking spaces could be adequately resolved through the utilisation of the two (2) parking spaces as short stay drop off/pick-up parking spaces for parents (maximum 15 minute stay), with the accessible parking space remaining available for use by staff or students entitled to use that parking space. As such, a condition of consent will be placed to ensure that the two (2) parking spaces within the subject site are utilised for drop off/pick-up, with a maximum stay of 15 minutes, rather than for staff parking. This arrangement is considered to be acceptable. For further information, refer to the discussion under Clause 6.3 Off-Street Vehicle Parking Requirements within this report.

Council's Traffic Engineer has also reviewed the application in terms of traffic generation, pedestrian access, and servicing, and does not anticipate that the recreation facility (indoor) will have any major impacts on the local road network.

- Number of Students

Comment:

The documentation submitted with the application states that the maximum number of students

on site will be restricted to 24 at any one time. The potential impacts of the proposed development has been based on this information, including impacts on traffic generation and parking. In order to ensure that the business operates in accordance with the information provided with the application, a condition of consent will be placed to ensure that the maximum number of students on site at any one time does not exceed 24.

## MEDIATION

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

## REFERRALS

| Internal Referral Body                                    | Comments   |
|---|--|
| Building Assessment - Fire and Disability upgrades        | <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>  |
| Environmental Health (Industrial)                         | <p><b>General Comments</b></p> <p>The applicant is proposing to operate a dance tuition school in an existing light commercial building. Given the proposed hours, there is minimal Environmental risk associated with the business' operations. Environmental Health consider noise from amplified music to have the greatest potential for impacting the residents in neighbouring apartments. We recommend approval subject to conditions.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p> |
| NECC (Stormwater and Floodplain Engineering – Flood risk) | <p>The proposed works are for internal alterations to existing commercial premises. The subject tenancy is located outside the adopted Flood Planning Level extent and the subject proposal is not considered to increase the flood risk to the property or future occupants.</p>  |
| Strategic and Place Planning (Heritage Officer)           | <b>HERITAGE COMMENTS</b>   |
|   | <b>Discussion of reason for referral</b>   |
|   | <p>The proposal has been referred to heritage as it is within proximity to two heritage items:</p> <p><b>Dungarvon (house) at 28 Park Street</b></p> <p><b>House at 26 Park Street</b></p>   |
|   | <b>Details of heritage items affected</b>  |
|   | <p>Details of the items as contained within the Pittwater inventory are:</p>   |

| Internal Referral Body   | Comments   |                                  |  |  |  |    |  |                              |    |  |                             |    |  |                                       |    |  |   |    |  |       |     |  |
|--|--|----------------------------------|--|--|--|----|--|------------------------------|----|--|-----------------------------|----|--|---------------------------------------|----|--|---|----|--|-------|-----|--|
|  | <p><b>Dungarvon</b></p> <p><u>Statement of Significance</u><br/>Dungarvon house at 28 Park St, Mona Vale is of local significance as one of the earliest surviving houses in the locality, associated with local identities. It is also aesthetically and architecturally significant due to its highly individual character in the context of Pittwater and the Northern Beaches. Eclectic in style, the house combines Victorian and Edwardian period features, from the Italianate and Queen Anne / Federation styles.</p> <p><u>Physical Description</u><br/>Stone house in Federation picturesque style, with corrugated iron roof built in 1904. Eclectic blend of Queen Anne (ornamental cast iron brackets, bay windows), Federation (square tower room with window on each aspect) and Arts and Crafts (hip and gable roof and tall chimneys).</p> <p><b>House</b></p> <p><u>Statement of Significance</u><br/>The House at 26 Park St, Mona Vale is of local significance as it is one of the earliest surviving houses in the locality, built in c1904 during the early phase of settlement of Mona Vale. It has associations with the community through its use as a primary school and police office in its early years.</p> <p><u>Physical Description</u><br/>Single storey rendered masonry federation dwelling featuring rusticated sandstone base courses and veranda piers. Typical Federation elements include the bay window, decorative veranda joinery, decorated gable and chimney.</p> <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>NO</td><td></td></tr><tr><td>Australian Heritage Register</td><td>NO</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>NO</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>NO</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>NO</td><td></td></tr><tr><td>Other</td><td>N/A</td><td></td></tr></table> <p><b>Consideration of Application</b><br/>The proposal seeks consent for the use of a building for an indoor recreation facility and alterations and additions. The heritage items</p> | Other relevant heritage listings |  |  | Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | 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 |  | Other | N/A |  |
| Other relevant heritage listings                                   |  |                                  |  |  |  |    |  |                              |    |  |                             |    |  |                                       |    |  |   |    |  |       |     |  |
| Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | 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   |                                  |  |  |  |    |  |                              |    |  |                             |    |  |                                       |    |  |   |    |  |       |     |  |
| Other  | N/A  |                                  |  |  |  |    |  |                              |    |  |                             |    |  |                                       |    |  |   |    |  |       |     |  |



| Internal Referral Body | Comments  |
|------------------------|---|
|                        | <p>are located to the south west of the subject property across an industrial property. Given the separation afforded by the property in between, the proposal is considered to not impact upon the heritage items or their significance.</p> <p>Therefore heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No<br/>         Has a CMP been provided? No<br/>         Is a Heritage Impact Statement required? No<br/>         Has a Heritage Impact Statement been provided? No</p> <p><b>Further Comments</b></p> <p>COMPLETED BY: Brendan Gavin, Strategic Planner</p> <p>DATE: 13 February 2019</p>  |
| Traffic Engineer       | <p><b>Parking:</b><br/>         Based on 19 vehicles attending the site in any given hour, and with classes being staggered approximately every 30 min, it would be safe to assume that approximately 10 vehicles will be visiting per class. Presuming that each vehicle will wait between 1-5 minutes (as specified in the Traffic report), and most vehicles will arrive to site 10-15 minutes in advance of the class commencing, the need for at least 2 additional parking spaces to cater for the drop-off/pick-up of students would be necessary. The applicant would therefore need to demonstrate a provision of 5 parking spaces allocated to the school (3 for staff and 2 for drop-off/pick-up services).</p> <p><u>Planner Comment:</u><br/>         Refer to discussion under Clause B6.3 Off-Street Vehicle Parking Requirements within this report for further details. In summary, the variation to the required parking spaces is supported for the reasons outlined in Clause B6.3 Off-Street Vehicle Parking Requirements.</p> |
| Traffic Engineer       | <p>The proposed development involves the internal fit-out of Unit 1 within the near-new industrial unit development on the site to facilitate its conversion to a dance school. The proposed dance school comprises three studios and seeks to operate weekday afternoons after school and all day Saturday. Class sizes comprise both individual lessons as well as group lessons with an average of 10 students per group class.</p> <p><b>Traffic:</b><br/>         The impact of the school is not anticipated to have any major impacts on the local road network.</p> <p><b>Pedestrian:</b><br/>         Pedestrian in and around the site is deemed adequate.</p> <p><b>Servicing:</b></p>   |

| Internal Referral Body | Comments  |
|------------------------|---|
|                        | Waste services and delivery vehicles will operate as per current commercial arrangements. |

| External Referral Body | Comments   |
|------------------------|--|
| Ausgrid: (SEPP Infra.) | The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended. |

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

#### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the industrial land use.

#### SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

| Matters for Consideration | Comment | Complies |
|---------------------------|---------|----------|
|---------------------------|---------|----------|

|  |   |     |
|--|---|-----|
| <b>1. Character of the area</b><br>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?   | The use of the existing ground floor window signage on the northern and eastern elevations is compatible with the existing and desired character of the area for the purpose of light industry and also the desired future character of the Mona Vale Locality.     | YES |
| Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?  | The existing signage is consistent with the theme for outdoor advertising within the IN2 Light Industrial zone and the Mona Vale Locality.  | YES |
| <b>2. Special areas</b><br>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | The subject site is located within the IN2 Light Industrial zone and in proximity to two (2) heritage items located to the south of the site on Park Street. The signage is affixed to the face of the ground floor windows on the northern and eastern elevations. | YES |
| <b>3. Views and vistas</b><br>Does the proposal obscure or compromise important views?   | The signage is affixed to the face of the ground floor windows on the northern and eastern elevations of Unit 1, and as such, does not obscure or compromise important views,   | YES |
| Does the proposal dominate the skyline and reduce the quality of vistas?   | As above, the signage is affixed to the face of the ground floor windows on the northern and eastern elevations of Unit 1, and as such, does not dominate the skyline or reduce the quality of vistas.  | YES |
| Does the proposal respect the viewing rights of other advertisers?   | As the signage is affixed to the face of the ground floor windows on the northern and eastern elevations of Unit 1, it respects the viewing right of other advertisers to place signage elsewhere on the subject site or adjoining properties.                      | YES |
| <b>4. Streetscape, setting or landscape</b><br>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?  | The scale, proportion and form of the signage is appropriate for its location within the streetscape of Darley Street, and the industrial setting and landscape.  | YES |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape?  | The signage creates a point of visual interest within the streetscape of Darley Street, and the industrial setting and landscape.   | YES |
| Does the proposal reduce clutter by rationalising and simplifying existing advertising?  | The signage has been affixed to a recently completed industrial complex, which otherwise does not, and has not previously, contain business identification signage.   | YES |
| Does the proposal screen unsightliness?  | The signage screens the internal areas of the reception area and ground floor dance studio, which although are not necessarily unsightly, prevents public view into these internal areas.   | YES |
| Does the proposal protrude above   | The signage is affixed to the face of the ground  | YES |

|  |   |     |
|--|---|-----|
| buildings, structures or tree canopies in the area or locality?  | floor windows on the northern and eastern elevations, and therefore, does not protrude above buildings, structures or tree canopies within the industrial area or the Mona Vale Locality.   |     |
| <b>5. Site and building</b><br>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?   | The signage is compatible with the scale, proportion and other characteristics, including the size of the windows of the building, and with the industrial complex located on the subject site.   | YES |
| Does the proposal respect important features of the site or building, or both?   | The signage respects the important features of the site and building by maintaining the existing small garden within the front setback of the site by being affixed to the face of the windows, retaining the existing awnings attached to the building, and by not restricting or hindering access to and from the subject site. | YES |
| Does the proposal show innovation and imagination in its relationship to the site or building, or both?  | The signage shows innovation and imagination in its relationship to the site and building by being located on the face of the windows and also forming a privacy barrier between the internal areas and the street.   | YES |
| <b>6. Associated devices and logos with advertisements and advertising structures</b><br>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | There are no safety devices, platforms, lighting devices or logos contained as an integral part of the signage or structure.  | YES |
| <b>7. Illumination</b><br>Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?  | The signage is not illuminated, therefore, it does not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence or other form of accommodation.  | YES |
| Can the intensity of the illumination be adjusted, if necessary?   | The signage is not illuminated.   | N/A |
| Is the illumination subject to a curfew?   | The signage is not illuminated.   | N/A |
| <b>8. Safety</b><br>Would the proposal reduce the safety for any public road, pedestrians or bicyclists?   | The signage is affixed to the face of the ground floor windows on the northern and eastern elevations of Unit 1, and therefore, does not reduce the safety for any public road, pedestrians or bicyclists.  | YES |
| Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?  | As above, the signage is affixed to the face of the ground floor windows and does not obscure sightlines from public areas, and as such, does not reduce the safety for pedestrians, particularly children.   | YES |

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

## SEPP (Infrastructure) 2007

### Ausgrid

Clause 45 of the SEPP 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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## Pittwater Local Environmental Plan 2014

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

### Principal Development Standards

| Standard             | Requirement | Proposed  | % Variation | Complies |
|----------------------|-------------|-----------|-------------|----------|
| Height of Buildings: | 11m         | No change | N/A         | N/A      |
| Floor Space Ratio    | FSR: 1:1    | No change | N/A         | N/A      |

### Compliance Assessment

| Clause   | Compliance with Requirements |
|--|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| 4.3 Height of buildings                                  | Yes                          |
| 4.4 Floor space ratio                                    | Yes                          |
| 4.5 Calculation of floor space ratio and site area       | Yes                          |
|  |                              |

| Clause                     | Compliance with Requirements |
|----------------------------|------------------------------|
| 5.10 Heritage conservation | Yes                          |
| 7.1 Acid sulfate soils     | Yes                          |
| 7.3 Flood planning         | Yes                          |
| 7.10 Essential services    | Yes                          |

## Pittwater 21 Development Control Plan

### Compliance Assessment

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted   | Yes                          | Yes                         |
| A4.9 Mona Vale Locality   | Yes                          | Yes                         |
| A5.1 Exhibition, Advertisement and Notification of Applications   | Yes                          | Yes                         |
| B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance   | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land  | Yes                          | Yes                         |
| B3.11 Flood Prone Land  | Yes                          | Yes                         |
| B3.13 Flood Hazard - Flood Emergency Response planning  | Yes                          | Yes                         |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land  | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements  | No                           | Yes                         |
| B6.6 On-Street Parking Facilities   | Yes                          | Yes                         |
| B6.7 Transport and Traffic Management   | Yes                          | Yes                         |
| C2.1 Landscaping  | Yes                          | Yes                         |
| C2.2 Safety and Security  | Yes                          | Yes                         |
| C2.5 View Sharing   | Yes                          | Yes                         |
| C2.6 Adaptable Housing and Accessibility  | Yes                          | Yes                         |
| C2.7 Building Facades   | Yes                          | Yes                         |
| C2.8 Energy and Water Conservation  | Yes                          | Yes                         |
| C2.9 Waste and Recycling Facilities   | Yes                          | Yes                         |
| C2.10 Pollution Control   | Yes                          | Yes                         |
| C2.11 Signage   | No                           | Yes                         |
| C2.12 Protection of Residential Amenity   | Yes                          | Yes                         |
| D9.1 Character as viewed from a public place  | Yes                          | Yes                         |
| D9.2 Scenic protection - General  | Yes                          | Yes                         |
| D9.3 Building colours and materials   | Yes                          | Yes                         |

### Detailed Assessment



### B6.3 Off-Street Vehicle Parking Requirements

The proposed development provides three (3) off-street parking spaces, including an accessible parking space, located within the undercroft parking area between Units 1 and 2 on the subject site. It has been confirmed with the applicant that the three (3) parking spaces located directly behind the rear wall of Unit 1 are allocated for the exclusive use of the occupants of Unit 1. The amount of parking is non-compliant with the required five (5) parking spaces, being three (3) for staff and two (2) for drop off/pick-up services, as specified by Council's Traffic Engineer.

The control states that the minimum number of off-street parking required for development not included in the table must be in accordance with *Roads and Maritime Services Guide to Traffic Generating Development* or analysis drawn from surveyed data for similar development uses. The *Roads and Maritime Services Guide to Traffic Generating Development* does not specifically outline parking requirements for a dance studio or similar development, however, the submitted Traffic and Parking Assessment Report (prepared by Varga Traffic Planning Pty Ltd and dated 14 December 2018) supports the provision of three (3) parking spaces based on a comparative analysis of typical average peak parking demand of similar sized dance studios, which was found to be at a rate of *1 space per 50m<sup>2</sup>* on weekday afternoons/evenings and *1 space per 60m<sup>2</sup>* on Saturday mornings. It is noted that the provision of three (3) parking spaces in accordance with the Traffic and Parking Assessment Report includes the accessible parking space and only meets the required parking for staff, with a total reliance on the use of on-street parking for parents.

In order to resolve the deficiency in off-street parking, a condition of consent will be placed requiring the two (2) parking spaces located at the rear of the unit, excluding the accessible parking space, to be used as short stay drop off/pick-up spaces for parents, with a maximum stay of 15 minutes. The accessible parking space is to remain available for staff or students who are entitled to use the parking space. In order to limit the amount of students on site at any one time, and also the associated demand for parking, a condition of consent will be placed restricting the maximum amount of students on the site at any one time to 24, as stated within the submitted Statement of Environmental Effects. This arrangement is still non-compliant with the requirements of the amount of parking recommended by Council's Traffic Engineer and does not comply with the recommended provision of parking within the submitted Traffic and Parking Assessment Report, and therefore, further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment

Although the provision of three (3) off-street parking spaces results in an overall shortfall of two (2) parking spaces, it is considered that this is an adequate number of parking and service spaces for the demands generated by the development. The subject site is located within an established industrial area and the proposed recreation facility (indoor) will generally operate outside of the general hours of operation for industrial uses, meaning that there is likely to be an increased availability of on-street parking within close proximity of the subject site for both staff and parents who are not using the two (2) dedicated drop off/pick-up parking spaces, or the accessible parking space, within the subject site. The subject site is also located within close proximity to several bus stops on Pittwater Road, Barrenjoey Road and Darley Street, which enables staff and students to utilise public transport as an alternative mode of transport to a private vehicle.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment

The proposed development provides three (3) functional off-street parking spaces within the

subject site. As these parking spaces were approved and constructed as part of the development application for the industrial complex, and are not required to be modified as part of this application, there will be no change to the existing amount of rainwater run-off on the site, or any increase to the visual or environmental impacts of the parking spaces. These parking spaces are considered to provide maximum pedestrian and vehicle safety by being located within the confines of the industrial complex, which utilises appropriate pedestrian and vehicle safety measures, such as a dedicated pedestrian path to the main entrance of Unit 1.

- *Safe and convenient parking.*

Comment

The use of the two (2) off-street parking spaces located at the rear of Unit 1 as drop off/pick-up spaces provides both safe and convenient parking for parents within the subject site. The parking is safe as it is located within subject site, with a dedicated pedestrian path leading from the parking spaces to the main entrance of Unit 1 at the street frontage. The provision of drop off/pick-up parking also reduces the need for parents to find on-street parking on Darley Street or surrounding streets, and the potential need to cross Darley Street to access the main entrance. The provision of the two (2) drop off/pick-up spaces within the subject site is also convenient for parents as they are both located in close proximity to the main entrance to Unit 1, reducing the overall time needed to for the drop off or pick-up process.

Based on the above, the proposed development is consistent with the outcomes of the control, subject to recommended conditions, and the non-compliance is supported on merit.

## C2.11 Signage

The application proposes business identification signage to be affixed to the windows on the northern and eastern elevations of the ground floor of Unit 1, however, there is insufficient information provided with the application regarding the dimensions and content of the proposed signage. The site inspection revealed that signage has already been affixed to the windows on both the ground and first floors of Unit 1 on the northern and eastern elevations. As the physical works associated with the signage have already taken place, this development application can only grant consent for the use of the existing signage as business identification signage. It is noted that there is also a discrepancy between the plans and the existing signage regarding the signage on the first floor of Unit 1. The submitted Statement of Environmental Effects states that the business identification signage will comply with the requirements of this control for a window sign, however, the existing signage covers the whole of the lower three-quarters of the display windows, which does not comply with the requirements of this control which states that a window sign shall not cover the whole of the display window so as to obstruct natural light, and the signage is also located on the first floor windows, which does not comply with the requirements of the control which states that window signs shall only be permitted on ground floor windows. As the first floor signage was not indicated on the submitted plans, the use of the first floor signage will not be considered or authorised as part of this application. Further consideration of the use of the existing ground floor signage and the associated non-compliance with respect to the level of coverage of the windows will be given in accordance with the outcomes of the control, as below.

- *Signage is compatible with the desired amenity and visual character of the locality. (S)*

Comment

The use of the existing ground floor signage is compatible with the desired amenity and visual character of the Mona Vale Locality. As the recreation facility (indoor) is located within an industrial area and has a large, direct street frontage to a local road, being Darley Street, it is considered to be reasonable to have a greater amount of coverage on the windows to provide privacy within the ground floor dance studio and reception area. The top quarter of the ground floor windows are not covered, therefore, allowing natural light to filter through into the internal

areas of the facility.

- *Signage does not adversely impact upon any heritage item or conservation area. (S)*

Comment

The subject site is located within proximity to two (2) heritage items located on Park Street, just south of the subject site. Due to the physical separation between the subject site and the heritage items, and the location of the signage on the northern and eastern elevations of Unit 1, which are only visible from Darley Street, the signage does not adversely impacts upon the heritage items. Council's Strategic Planner - Heritage has also reviewed the application and is satisfied that the proposed development, including the signage, will not impact upon the heritage items or their significance.

- *Signage does not result in visual clutter of the landscape. (S)*

Comment

The existing landscape of Darley Street consists of a variety of business identification signage associated with the industrial uses, and as such, the use of the ground floor signage is considered to be consistent with the existing signage along Darley Street and therefore, does not result in visual clutter of the landscape.

- *Signage is of high quality design and finish. (S)*

Comment

The existing signage is of high quality design being a point of visual interest, without being overly busy or loud, and appears to be of a high quality finish.

Based on the above, the use of the existing window signs on the northern and eastern elevations of the ground floor of Unit 1 is consistent with the outcomes of the control and the non-compliance is supported on merit.

### **D9.3 Building colours and materials**

The external appearance of the existing building is to be generally retained, with the exception of the business identification signage which has been affixed to the ground floor windows on the northern and eastern elevations of Unit 1. The control states that the limited use of corporate colours may be permitted within Business and Light Industrial zoned land, and in this case, the subject site is located within the IN2 Light Industrial zone and the signage uses corporate colours of Dynamite Premiere Academy, being purple, for the business identification signage. The limited use of corporate colours for the business identification signage is considered to be acceptable.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

### **POLICY CONTROLS**

#### **Pittwater Section 94 Development Contributions Plan**

S94 Contributions are not applicable to this 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;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/2007 for Change of Use to a Indoor Recreational Facility including internal fit-out works on land at Lot 1 DP 1216244, 95 Darley Street, MONA VALE, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. **Approved Plans and Supporting Documentation**

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

##### a) Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b> |               |                           |
|--|---------------|---------------------------|
| <b>Drawing No.</b>   | <b>Dated</b>  | <b>Prepared By</b>        |
| Site Plan - 001A & Existing Floor Plans 001B               | December 2018 | Dynamite Premiere Academy |

|                                 |         |                     |
|---------------------------------|---------|---------------------|
| Ground Floor Plan and Elevation | undated | STM Studio Supplies |
| First Floor Plan                | undated | STM Studio Supplies |

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

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.

## 2. **Approved Land Use**

Nothing in this consent shall authorise the use of Unit 1 as detailed on the approved plans for any land use of the site beyond the definition of a Recreation Facility (Indoor).

A Recreation Facility (Indoor) is defined as:

"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."

(development is defined by the Pittwater Local Environment Plan 2014 (as amended) Dictionary)

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

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

## 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:

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

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

#### 4. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the



Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) 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 and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.

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

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

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

- (i) Swimming Pools Act 1992

- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in 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

### 5. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

### 6. **Compliance with Standards**

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

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

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

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

### **7. Noise**

The use of the premise including any amplified music must be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver and compliance with The Noise Policy for Industry NSW EPA, 2017.

Reason: To ensure that any noise generated does not cause a nuisance to adjoining residents.

### **8. Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 3:00pm to 8:30pm
- Saturday – 8:00am to 5:00pm

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

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

### **9. Commercial Waste Collection (DACPLG18)**

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

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

### **10. Deliveries**

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

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

### **11. Maximum Number of Patrons/Students**

The maximum number of patrons/students within Unit 1 must not exceed 24 at any one time.

Reason: To ensure that the development does not cause adverse impacts to the traffic network and parking.

### **12. Off-Street Parking Requirements**

A minimum of three (3) off-street parking spaces (including an accessible parking space) must be maintained for the exclusive use of Unit 1 at all times. At least two (2) of these parking spaces, excluding the accessible parking space, are to be available for the use for drop off/pick-up services (maximum 15 minute stay) during the approved hours of operation.

Reason: To ensure that the development does not cause adverse impacts to on-street parking.

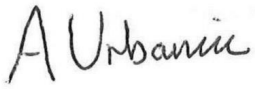
13. **Use of Existing Ground Floor Signage**

This consent authorises the use of the existing business identification signage affixed to the ground floor windows on the northern and eastern elevations of Unit 1.

Reason: To ensure that business identification signage does not have an adverse visual impact on the landscape.

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

**Signed**



**Adam Urbancic, Planner**

The application is determined on 05/04/2019, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**