

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1013
----------------------------	-------------

Responsible Officer:	Penny Wood
Land to be developed (Address):	<p>Lot 22 DP 516006, 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 101 DP 564655, 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 7 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 8 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 21 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 25 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 26 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 23 DP 518721, 176 - 180 Condamine Street BALGOWLAH NSW 2093</p>
Proposed Development:	Alterations and additions to existing retail premises
Zoning:	Manly LEP2013 - Land zoned B6 Enterprise Corridor
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Wadins Pty Ltd
Applicant:	Wadins Pty Ltd

Application Lodged:	13/07/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	22/07/2021 to 05/08/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,761,100.00
---------------------------------	-----------------

PROPOSED DEVELOPMENT IN DETAIL

The subject development application proposes the following:

Ground Floor

- Ground floor lobby extension, reconfiguration of accessible parking spaces and provision of pedestrian pathway (additional 33.3sqm floorspace);
- Conversion of ground floor mezzanine office area and warehouse floorspace to retail floor space and associated construction works (provide for 274.5sqm of retail floor space as per architectural drawings);
- Removal of redundant fan room and conversion to three (3) parking spaces;
- Renew the existing glazing on Condamine Street and retain existing shutter to be utilised when the store is closed only;
- Upgrade the existing amenities; and
- Removal of fire swing doors on the ground floor and replacement with fire curtain.

First Floor

- Remove existing fire doors and concrete panels separating the retail areas and install fire shutter. Expand openings, install new window and drenchers;
- Provide full height glazing around escalator;
- Removal of existing plantroom at level 1 and conversion to retail floorspace (additional 23.8sqm of retail floorspace); and
- Upgrades to the existing amenities.

The proposed works are to refresh the appeal of the store for both in-store customers and for "click-and-collect" customers collecting goods they have ordered on-line. This refresh is intended to maintain existing customers and sales levels and improve the customer experience. The refresh is not expected to significantly increase the traffic generation of the site.

An amended Traffic Report was requested by Council's Traffic Engineer who raised concern with the proposal with the application being unacceptable for the following reasons:

- *The number of accessible parking spaces on the ground level should be verified on the amended plans.*
- *The number of existing parking spaces on the ground floor in the traffic report should be matched with the number of parking spaces shown on the architectural plans.*
- *If the four (4) informal parking spaces under ramps do not meet the requirements of Australian standards regarding parking spaces dimensions and head height, they should be removed.*
- *One of the proposed parking spaces width (the middle one among the three (3) proposed spaces) is 2.4m which needs to be amended to at least 2.5m in width.
The deficiency of parking spaces resulting from the proposal should be identified in the traffic report, and justifications should be made for the overall quantity of car parking spaces which will be maintained as existing.*
- *A survey of parking utilisation is suggested to be undertaken throughout a month to determine how many spaces are occupied during peak demand periods.*
- *Compliant Bike parking spaces with locking rails are to be confirmed on the amended plans.*
- *The design of the shared area for one of the accessible parking spaces should be confirmed by the accessibility consultant.*
- *The parking envelope is to be shown around the proposed parking spaces to ensure compliance with AS2890.1:2004 Off Street Car Parking.*
- *In terms of the number of loading bays required for the proposal to meet anticipated additional*

demand, some information should be included in the traffic report on the nature of the activity and the intensity of use for the proposed alterations/additions.

- *The traffic impact of the proposal on the surrounding road network should be included in the amended traffic report.*

The issues raised above were addressed in the amended Traffic report which is supported by Council's Traffic Engineer subject to conditions. Revised plans were provided to Council accurately indicating the number of accessible spaces and car parking spaces outlined in the Traffic Report.

Council's Natural Environment Officer requested a Flood Management Report prepared by a suitably qualified engineer as the site is identified as flood prone land. This report was provided to Council with Council's Natural Environment Officer supporting the proposal subject to conditions.

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

SITE DESCRIPTION

Property Description:	<p>Lot 22 DP 516006 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 101 DP 564655 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 7 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 8 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 21 DP 975160 , 176 - 180 Condamine Street</p>
------------------------------	---

	<p>BALGOWLAH NSW 2093 Lot 25 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 26 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 23 DP 518721 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p>
<p>Detailed Site Description:</p>	<p>The subject site consists of eight (8) allotments with frontage to both Condamine Street (the primary frontage) and Roseberry Street (the secondary frontage).</p> <p>The site is located within the B6 Enterprise Corridor zone of Manly LEP 2013 and accommodates a multi-level commercial building used for retail of electrical / household products (Harvey Norman). The building comprises 11,850sqm of floor space.</p> <p>The site provides 215 car parking spaces, including six (6) accessible parking space at both ground floor level and level 1. Access to the site is provided from both Condamine Street and Roseberry Street.</p> <p>Adjoining and surrounding development is characterised by commercial development east of Condamine Street and residential properties to the west.</p>

Map:



SITE HISTORY

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

- DA2020/0081 - Alterations and additions to an existing retail premises. Approved 16 March 2020.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for commercial purposes for an extended period of time. The proposed development retains the commercial use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly 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&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&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&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to flooding and traffic and car parking. Council's Flood Engineer requested a Flood Report be submitted to Council given the site is identified as flood prone in the Manly Lagoon Flood Study, 2013. A flood report was received by Council on 6 October and supported by Council's Flood Engineer with comments received on 2 November 2021 subject to conditions imposed in the consent. Council's Traffic Engineer raised concerns regarding parking and traffic issues (discussed through report). These issues have been addressed within a Traffic Report submitted to Council on 6 October with comments received on 19 October 2021 raising no concerns subject to conditions imposed in the consent.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has</p>

Section 4.15 Matters for Consideration	Comments
	<p>been addressed via a condition of consent.</p> <p><u>Clause 93 and/or 94</u> of the EP&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> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&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>
<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>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly 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> <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>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

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 22/07/2021 to 05/08/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 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>The application proposes the internal refurbishment and fit out of the existing retail premises and generally involve an expansion to the ground floor lobby to improve the main pedestrian entrance; minor changes to car parking at ground level to accommodate the modified entrance; an increase in retail floorspace at the ground floor; refurbishment of amenities; and other minor alterations to improve the operation and appearance of the store.</p> <p>Subject to the Construction Certificate addressing any BCA issues as detailed in the accompanying report/s submitted with the application, no objection subject to conditions.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Application is for alteration to a Harvey Norman Store. From a review of the SEE there appears to be no major acoustic concerns with the proposed development. Furthermore, the premises is located away from any sensitive receptors.</p>
NECC (Development Engineering)	<p>The application proposed the internal modifications within the existing building.</p> <p>The vehicle accesses and stormwater system are remained.</p> <p>As such, Development Engineering has no objection to the application.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The subject site is largely affected by the Medium Flood Risk Precinct, with floodwaters approaching from the west. Council's information, based on the Manly Lagoon Flood Study (2013), indicates a 1% AEP depth of 0.13m in the vicinity of the proposed works (points 11 & 16 in the Flood Information Report). However in reality, depths would be greater than this as the modelling undertaken in the Manly Lagoon Flood Study did not block out the area taken up by the Harvey Norman building, so more floodwaters would need to flow through the car park rather than "through the building". It is considered that a freeboard of 0.5m in determining the Flood Planning Level (as opposed to 0.3m) is sufficient to account for the increased water level.</p> <p>The Flood Planning Level in the vicinity of the proposed works may be taken as $0.13 + 0.5 = 0.63\text{m}$ above the existing car park surface.</p> <p>It is considered that the proposed works generally comply with the flood requirements of the LEP and DCP, and will not cause any noticeable impact on neighbouring properties.</p>

Internal Referral Body	Comments
Traffic Engineer	<p>Proposal description: Harvey Norman store Balgowlah - Alterations and additions to existing retail premises and some refurbishment within the carpark</p> <p>The Transport Assessment (second version) prepared by Henson Consulting dated 06 October 2021 and the plans DA01 and DA06 Revision B prepared by GILES TRIBE ARCHITECTS dated June 2021 have been reviewed by the Traffic team.</p> <p>All the traffic issues outlined in the referral comments dated 18/08/2021 have been addressed in the amended Transport Assessment. Some minor items are as follows:</p> <p><u>Parking requirements and design</u></p> <ul style="list-style-type: none"> In the plans DA01, both Rev A and B (Ground Level), the whole site is divided into two parts. The left side is the retail area, and the right side is the Bulky store area. As there was no information provided in the first version of the report, Council has initially considered the bulky store area as an area for storage of bulky goods; hence the advice on the parking requirement was one (1) parking space for every 100sqm of gross floor area (under the DCP). <p>The consultant contends that the existing Bulky Goods use as well as the additional floor area will operate as retailing of bulky goods. Under the Manly DCP 2013, one (1) parking space for every 50m² of gross floor area is required for retailing of bulky goods as correctly outlined in the amended traffic report.</p> <ul style="list-style-type: none"> It is reported in the traffic report that bike parking for an additional 10 bikes will be provided under ramps where non-compliant car parking is removed. Signage providing advice on the head height clearance is required for the safety of pedestrians pushing their bicycles under the ramp. There is a minor non-compliance in terms of the width of the shared zone between two of the accessible parking spaces which is only 2.25m in width. Figure 2.3 of AS2890.6:2009 requires that the shared zone be 2.4m in

Internal Referral Body	Comments
	<p>width. The transport report outlines that a shared area of less than 2.4m and down to 1.1m in width is acceptable in New Zealand however this is not the case in Australia. Dimensions for accessible parking spaces and shared areas which are acceptable in New Zealand, are not applicable in Australia. The width of the shared area (2.250m) should be confirmed as acceptable by the accessibility consultant prior to the OC stage.</p> <p><u>Traffic Impact</u></p> <p>It is reported that the proposed works are to refresh the appeal of the store for both in-store customers and for "click-and-collect" customers collecting goods they have ordered online. This refresh is intended to maintain existing customers and sales levels and improve the customer experience.</p> <p>The proposal will generate minimal traffic during the peak periods; therefore, it will not have any unacceptable implications in terms of road network capacity performance.</p> <p><u>Conclusion</u></p> <p>The transport team has no objection to the proposal in principle, and it can be supported subject to the conditions.</p>

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 commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

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 not referred to Ausgrid. Therefore no objections are raised and no conditions are recommended.

Manly Local Environmental Plan 2013

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	Yes
Floor Space Ratio	FSR: 1:1	No change	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.1 Acid sulfate soils	Yes

Clause	Compliance with Requirements
6.3 Flood planning	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Manly Development Control Plan

Built Form Controls

	Requirement	Proposed	% Variation*	Complies
Schedule 3 Parking and Access	Retailing / bulky goods: 1 space per 50sqm = 131.1 spaces (based on 6554sqm retailing bulky goods area) Bulky goods / storage: 1 space per 100sqm = 18.2 spaces (based on 1824sqm of bulky goods storage area) Total: 149.3 parking spaces required as part of the development	219 spaces (total)	N/A	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.6 Energy efficiency/conservation requirements for non-residential developments	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	Yes	Yes
4.3 Development in LEP Zone B6 Enterprise Corridor	Yes	Yes
4.3.2 FSR and Height	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.3.4 Access, Loading and Parking	Yes	Yes
4.3.5 Setbacks	Yes	Yes
4.3.6 Drainage	Yes	Yes
4.4.1 Demolition	Yes	Yes
5.4.3 Flood Prone Land	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 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$17,611 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,761,100.

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly 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 DA2021/1013 for Alterations and additions to existing retail premises on land at Lot 22 DP 516006, 176 - 180 Condamine Street, BALGOWLAH, Lot 101 DP 564655, 176 - 180 Condamine Street, BALGOWLAH, Lot 7 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 8 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 21 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 25 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 26 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 23 DP 518721, 176 - 180 Condamine Street, BALGOWLAH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Overall Site Plan - Ground (DA01 - Rev B)	June 2021	Giles Tribe Pty Ltd
Overall Site Plan - L1 (DA02 - Rev A)	June 2021	Giles Tribe Pty Ltd
Proposed Ground Retail Space (DA03 - Rev A)	June 2021	Giles Tribe Pty Ltd
Ground Retail Space Sections (DA05 - Rev A)	June 2021	Giles Tribe Pty Ltd
Ground Floor Lobby Extension - Plan (DA06 - Rev B)	June 2021	Giles Tribe Pty Ltd
Lobby Extension - Elevation & Section (DA07 - Rev A)	June 2021	Giles Tribe Pty Ltd
Ground Floor Lobby Extension - RCP (DA08- Rev A)	June 2021	Giles Tribe Pty Ltd
Ground Amenities Upgrade Plan (DA09 - Rev A)	June 2021	Giles Tribe Pty Ltd
Works to Condamine Street Plan (DA10 - Rev A)	June 2021	Giles Tribe Pty Ltd
Works to Condamine Street Elevation (DA11 - Rev A)	June 2021	Giles Tribe Pty Ltd
Opening on Ground Escalator Enclosure (DA12 - Rev A)	June 2021	Giles Tribe Pty Ltd

Level 1 Entry Lobby (DA13 - Rev A)	June 2021	Giles Tribe Pty Ltd
Level 1 Entry Lobby ELE/SEC (DA14 - Rev A)	June 2021	Giles Tribe Pty Ltd
L1 Openings Plan (DA15 - Rev A)	June 2021	Giles Tribe Pty Ltd
L1 Openings Elevations and Sections (DA16 - Rev A)	June 2021	Giles Tribe Pty Ltd
Balustrade of Level Escalator Void (DA17 - Rev A)	June 2021	Giles Tribe Pty Ltd
Glazing on Level 1 Escalator Enclosure (DA18 - Rev A)	June 2021	Giles Tribe Pty Ltd
Level 1 Amenities Upgrade (DA19 - Rev A)	June 2021	Giles Tribe Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Transport Assessment	October 2021	Henson Consulting
Flood Management Report	25 August 2021	Rienco Consulting
Building Audit Review - Fire Safety Measures	21 June 2021	MCG Building Code Consulting Private Certification

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Northern Beaches Waste Management Plan	21 June 2021	Giles Tribe Pty Ltd

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. 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.

3. 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 a final 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 \$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.
- (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.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to 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

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$17,611.00 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 2021. The monetary contribution is based on a development cost of \$1,761,100.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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 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).

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

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

6. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level shall be constructed from flood compatible materials.

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Flood Planning Level, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

7. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic

- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

8. **Compliance with Standards**

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having

appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

10. **Certification of the Structural Stability of the Building (B2)**

A suitably qualified structural engineer is to certify the structural stability of the new development considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact up to the Flood Planning Level.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

11. **Certification of Services (B3)**

A suitably qualified electrical engineer or contractor is to certify that all new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections are located above the Flood Planning Level and any existing electrical devices, wiring and the like located below the FPL are protected from water egress or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

12. **Bicycle Parking Signage - Internal**

A plan showing details of appropriate wayfinding signage to the bicycle parking spaces and including head clearance signage for cyclists adjacent to low height areas over bicycle parking rails is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: cyclist amenity and safety.

13. **Disabled Parking Spaces**

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

A report from an access consultant confirming that the proposed disabled parking spaces are compliant with the standard and appropriately dimensioned to serve their intended purpose is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure accessible spaces are fit for purpose in accordance with Australian Standards.

14. **Shared Zone Bollard**

A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with Australian Standards.

15. **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 Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate (or where applicable, relating to the part of the building, being the subject of this Consent).

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

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

16. **Flood Management**

Storage of Goods (G1)

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

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

Signed



Penny Wood, Planner

The application is determined on 16/11/2021, under the delegated authority of:



Rebecca Englund, Acting Development Assessment Manager