

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0162
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Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 10 SP 57385, 10 / 92 A Mona Vale Road WARRIEWOOD NSW 2102
Proposed Development:	Use of premises as a funeral home and signage
Zoning:	B7 Business Park
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	John Richard Ebsary Betty Jean Ebsary
Applicant:	Rapid Plans Pty Ltd

Application Lodged:	24/02/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	04/03/2020 to 18/03/2020
Advertised:	Not Advertised
Submissions Received:	4
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 87,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of change of use to a Mortuary and Funeral Home, internal alterations and fit-out and signage within Unit 10. Specifically, the development consists of:

- Change of use to a Mortuary and Funeral Home;
- Hours of operation 8am-5pm, Monday to Friday;
- New door sign,
- Internal fit-out consisting of storage areas, kitchen and WC for staff, office space, box lift.

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 Local Environmental Plan 2014 - 4.4 Floor space ratio

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

Pittwater 21 Development Control Plan - C2.11 Signage

SITE DESCRIPTION

Property Description:	Lot 10 SP 57385 , 10 / 92 A Mona Vale Road WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Mona Vale Road. There is no direct vehicular access from Mona Vale Road. The site also has a frontage to Daydream Street and is accessed via this street.</p> <p>The site has a surveyed area of 8769m².</p> <p>The site is located within the B7 Business Park zone and accommodates a complex consisting of fourteen (14) units of varied size. The units all have a two storey appearance and are used for various business purposes. The complex is strata subdivided with each unit consisting of a separate strata allotment. Car parking surrounds the units and provides off-street parking for the complex.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by industrial/commercial style developments which offer employment to the Warriewood locality.</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:

- The base complex consisting of 14 commercial units approved under No 95/211 by Pittwater Council.
- A mezzanine storage area was approved within Unit 10, development consent NO011/98, approved by Pittwater Council on 24 August 1998.

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	Pittwater 21 Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p>Division 8A 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>Clause 50(1A) 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>Clauses 54 and 109 of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to business operations to inform parking assessment.</p> <p>Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 93 and/or 94 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>Clause 98 of the EP&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&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&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) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration'	Comments
	(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.
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 4 submission/s from:

Name:	Address:
Fordham Laboratories Pty Ltd	PO Box 255 NORTH SYDNEY NSW 2060
Stuart Skeoch	1 / 92 A Mona Vale Road WARRIEWOOD NSW 2102
Mr Scott William Ross Beggs	7 Princes Street NEWPORT NSW 2106
Mr Jonathan Paul Milligan	77 A Myola Road NEWPORT NSW 2106

A total of four (4) submissions were received. Three (3) of the submissions objecting to the proposal, while one (1) in support of the proposal.

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

- Impact to parking
- Signage is too large
- No strata approval has been obtained
- Privacy - Not comfortable with seeing trolleys with the deceased being unloaded into the building
- Object on the grounds that Schedule 4 of the S149(5) Certificate issued by Council at the time of our purchase included "Undertakers Establishments" as a usage that is not permitted.

The matters raised within the submissions are addressed as follows:

- *Impact to parking*

Comment:

The application has been assessed against the off-street parking requirements under the DCP and found to be compliant with the required six (6) spaces based on the floor area of the Unit. Four (4) spaces are allocated to the unit, along with the ability to park two (2) vehicles within the unit during operation.

The applicant has outlined the business operation and this includes that funeral services are not held at the unit. A small (11sqm) viewing area is available for occasional family viewings, however this is not considered to give rise to an unreasonable traffic impact. Council is satisfied the floor layout is not capable of provided a funeral service which would result in an excessive parking demand. The main business activity is for storage and infrequent family viewings.

- *Signage is too large*

Comment:

In response to the concerns, the applicant has reduced the signage scheme originally proposed. The signage now only consists of one small door sign of 0.7sqm.

- *No strata approval has been obtained*

Comment:

The applicant has obtained strata approval and provided this to Council, with the strata management supporting lodgement of the application and signed owners consent in accordance with Council's lodgement requirements.

- *Privacy - Not comfortable with seeing trolleys with the deceased being unloaded into the building*

Comment:

The applicant has provided an outline of how the business operates. This includes that the delivery vehicle enters the unit and the roller door closed, with all unloading undertaken behind closed doors in a discreet manor. The health regulations require that unloading is undertaken within the unit. In this regard, Council has recommended a condition of consent requiring the business to be undertaken in accordance with the relevant health regulations.

- *Object on the grounds that Schedule 4 of the S149(5) Certificate issued by Council at the time of our purchase included "Undertakers Establishments" as a usage that is not permitted.*

Comment:

This may have previously been the case under the previous planning regime at the time of purchase. However, under the current planning instrument Pittwater LEP 2014 both 'Mortuary' and 'Funeral Home' are a permissible use in the B7 Business Park Zone. This would be reflected any current 149 certificate issued for the property.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to conditions.

Internal Referral Body	Comments					
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>Environmental Health has been requested to provide comment on the proposed development of a funeral home and mortuary. As part of the referral Environmental Health has looked at the construction requirements for mortuaries, trade waste requirements and the businesses obligation to register with a NSW Public Health unit.</p> <p>The construction standards of mortuaries as specified in the local government (general) regs detailed Schedule 2 Part . Finer detail of fixtures, fittings and finishing are not shown in the plans as such a condition is to be imposed that construction meets these standards and is certified by the PCA prior to CC.</p> <p>Mortuaries are required to register with NSW Public health under section 89 of the NSW public health regulation. A condition is to be imposed that the business is registered with the North Sydney public health unit prior to OC.</p> <p>Mortuaries produce clinical waste and liquid waste and may require a trade waste agreement. As such a condition is to be imposed that requires the occupier to contact Sydney water to determine their trade waste agreement requirements.</p> <p>Based on the provided information Environmental Health are satisfied and recommend approval subject to conditions being imposed.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>					
Strategic and Place Planning (Heritage Officer)	<table><tr><th>HERITAGE COMMENTS</th></tr><tr><th>Discussion of reason for referral</th></tr><tr><td><p>This application has been referred for heritage comment as it is in the vicinity of a heritage item, being <i>Item 2270088, Mona Vale General Cemetery (formally Turimetta General Cemetery), 107 Mona Vale Road, Mona Vale.</i></p></td></tr><tr><th>Details of heritage items affected</th></tr><tr><td><p>Details of heritage item, as contained within the Pittwater Inventory are:</p><p><i>Item 2270088, Mona Vale General Cemetery</i></p><p><u>Statement of Significance</u></p><p>This cemetery is important for the historical evidence recorded on gravestones concerning the residents of Mona Vale and its surrounding area. It is also significant as an example of twentieth century burial practices for a number of different religious and</p></td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>This application has been referred for heritage comment as it is in the vicinity of a heritage item, being <i>Item 2270088, Mona Vale General Cemetery (formally Turimetta General Cemetery), 107 Mona Vale Road, Mona Vale.</i></p>	Details of heritage items affected	<p>Details of heritage item, as contained within the Pittwater Inventory are:</p> <p><i>Item 2270088, Mona Vale General Cemetery</i></p> <p><u>Statement of Significance</u></p> <p>This cemetery is important for the historical evidence recorded on gravestones concerning the residents of Mona Vale and its surrounding area. It is also significant as an example of twentieth century burial practices for a number of different religious and</p>
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Internal Referral Body	Comments		
	cultural groups.		
	The gateposts are locally significant for their association with the original entrance to the first general cemetery in the area and because they were built by James Booth, a local stonemason who was also associated with the construction of a number of other important local structures.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Comment if applicable
	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	No	
	Consideration of Application		
	This application is for alteration and use of an existing industrial unit for a funeral home.		
	Given that this application is for use of an existing unit, within an existing industrial complex and that the heritage item is located across Mona Vale Road from this complex, there will be no material or visual impact on the heritage item in the vicinity.		
	Therefore no objections are raised to this application on heritage grounds and no conditions required.		
	<u>Consider against the provisions of CL5.10 of PLEP 2014.</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N/A		
	Further Comments		
COMPLETED BY: Janine Formica, Heritage Planner DATE: 6 March 2020			
Traffic Engineer	Referring to the Referral Trigger list, no traffic referral is required for the proposal.		

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 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 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
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Small door sign 0.7sqm is compatible.	Yes
Is the proposal consistent with a particular theme for outdoor advertising	Yes, modest door sign.	YES

in the area or locality?		
2. Special areas 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?	No, only visible internally from the site.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	No view impact.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No within door.	YES
Does the proposal respect the viewing rights of other advertisers?	Yes, modest door sign only.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, and not visible from street.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Minor sign not visible from street.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes, simple door sign.	YES
Does the proposal screen unsightliness?	No.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	YES
5. Site and building 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?	Yes, sign sits within door window.	YES
Does the proposal respect important features of the site or building, or both?	No.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Simple modest design, compatible with surrounds.	YES
6. Associated devices and logos with advertisements and advertising structures 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	No.	YES

displayed?		
7. Illumination 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?	Not illuminated.	YES
Can the intensity of the illumination be adjusted, if necessary?	N/A	YES
Is the illumination subject to a curfew?	N/A	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.	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
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Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	No Change	N/A	Yes
Floor Space Ratio	FSR: 1:1 (8769sqm)	Whole complex approval = 0.42:1 Additional 51.2sqm proposed.	N/A	Yes - See detailed discussion

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
5.10 Heritage conservation	Yes
7.10 Essential services	Yes

Detailed Assessment

4.4 Floor space ratio

The whole complex was approved with an FSR of 0.42:1 under NO 211/95. The complex consisting of 14 units was approved with a total floor area of 3,683sqm. Clause 4.4 PLEP requires a maximum FSR of 1:1 for the whole site equating to 8,769sqm floor area.

An additional 40sqm mezzanine extension was approved within Unit 10 under N0011/98.

The proposed development consists of an additional 51.2sqm of floor area in the form of mezzanine extension and storage space within unit 10.

There have been various alteration and change of use applications between 1995 and the present time, each of which have added minor amounts of floor area to the units. However, given the large surplus of floor area under the original application (5,086sqm) and minor change to the floor area (51.2sqm), Council is satisfied that the whole complex is still below the 1:1 FSR taking into account the original approval and the applications determined since 1995.

Pittwater 21 Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C2.11 Signage	Yes	Yes
C3.7 Pollution Control	Yes	Yes
C3.10 Waste and Recycling Facilities	Yes	Yes
C5.9 Signage	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The proposed use consists of 225sqm of floor area (excluding loading areas, as per LEP definition). The DCP requires that 2.5 parking spaces per 100sqm is provided for a Business Premises Use. A mortuary is considered a type of business for the purpose of calculating parking rates.

In accordance with the DCP, the use requires six (6) spaces (5.6 spaces rounded up).

The unit has four (4) allocated spaces within the complex, as well as the capacity to park two (2) vehicles within the unit, a total of six (6) spaces.

The applicant has outlined the operation of the mortuary so that Council can satisfied the development will not have an unreasonable impact on the surrounding land uses with regard to off-street parking.

The use is not designed in a way to facilitate funeral services or large public viewings/gatherings. The mortuary consists of a small viewing area (11sqm) which can accommodate a small amount of family. The applicant has indicated that this service is generally done 2 times per week which is considered to result in a negligible impact to the surrounding land uses with regards to parking. Council is satisfied that based on the proposed floor layout, funeral services would not be carried out resulting in an influx of people impacting upon parking.

C2.11 Signage

The proposal consists of a small door sign, modest in size being 0.7sqm located on the entrance door.

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.

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 DA2020/0162 for Use of premises as a funeral home and signage on land at Lot 10 SP 57385, 10 / 92 A Mona Vale Road, WARRIEWOOD, 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
DA1003 - Rev 1	18/03/2020	Rapid Plans

DA1007 - Rev 1	18/03/2020	Rapid Plans
DA1008 - Rev 1	18/03/2020	Rapid Plans
DA1009 - Rev 1	18/03/2020	Rapid Plans
DA1011 - Rev 1	18/03/2020	Rapid Plans
DA2001 - Rev 1	18/03/2020	Rapid Plans
DA2002 - Rev 1	18/03/2020	Rapid Plans
DA2003 - Rev 1	18/03/2020	Rapid Plans
DA3000 - Rev 1	18/03/2020	Rapid Plans
DA4001 - Rev 1	18/03/2020	Rapid Plans

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	24/02/2020	Rapid Plans

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 site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a 'Funeral Home' and 'Mortuary'.

A 'Funeral Home' and 'Mortuary' is defined as:
(Pittwater Local Environmental 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) 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) 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).

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

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

6. **Certification of construction requirements for mortuaries**

Prior to the issue of any Construction Certificate details demonstrating compliance (to the satisfaction of the Certifying Authority) with the requirements detailed Schedule 2 Part 4, under the Local Government (General) Regulation 2005.

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

Reason: To ensure facilities are adequate for the intended purpose.

7. **Trade waste requirements**

The applicant must contact Sydney Water to determine whether a Trade Waste Permit is required before discharging any waste waters to the sewerage system.

Reason: To comply with legislation.

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

9. **Building Upgrade and Fire Safety Compliance**

The building is to be upgraded where required so as to fully comply with Part D (Means of Egress), and Part E (Essential Services) within the Building Code of Australia (BCA Volume 1). All works are to be independently certified by a suitably qualified Accredited Certifier or Fire Engineer as compliant upon completion.

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

Reason: To ensure that the building complies with relevant legislation and is fit for purpose for building occupant safety..

10. **Change of Use**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

Reason: Statutory requirement under S109N of the Environmental Planning & Assessment Act 1979.

11. **Registration with NSW Public Health Unit**

The mortuary must be registered with the Appropriate Regulatory Authority (North Sydney Public Health Unit), prior to Occupation Certificate being issued.

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

12. **Trade waste requirements**

The applicant must contact Sydney Water to determine whether a Trade Waste Permit is required before discharging any waste waters to the sewerage system.

Reason: To comply with legislation.

13. **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 Interim / Final Occupation Certificate.

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

14. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 4 spaces - External of Unit
- 2 spaces - Within loading area internal of unit

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site.

15. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday – 8am - 5pm.

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.

16. Commercial Waste Collection

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.

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

Signed



Jordan Davies, Planner

The application is determined on 01/05/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments