

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2022/1807
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<b>Responsible Officer:</b>	Adam Susko
<b>Land to be developed (Address):</b>	Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099
<b>Proposed Development:</b>	Change of use and fitout of Warehouse 11 for the purpose of a golf facility (indoor recreation facility)
<b>Zoning:</b>	Warringah LEP2011 - Land zoned IN1 General Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	The Trust Company (Australia) Limited
<b>Applicant:</b>	Raymond Hawkins

<b>Application Lodged:</b>	04/11/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	10/11/2022 to 24/11/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Deferred Commencement Approval

<b>Estimated Cost of Works:</b>	\$ 2,205,500.00
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### PROPOSED DEVELOPMENT IN DETAIL

Development Consent is sought for a change of use and internal fitout of a warehouse for the purpose of an Indoor Recreation Facility, specifically being an indoor golf centre.

The proposal does not result in any physical changes to the exterior of the building, with the exception of ten (10) new at-grade car parking spaces to the front of the site. The new spaces are made in front of approved roller shutters to the warehouse, which are not required for frequent use for the golfing facility.

The application details the following elements to be included in the proposal:

- 10 x new parking spaces
- 2 x party rooms (8.3m x 3.3m)
- Mini golf course 18 holes

- 1.2m high fencing
- Club fitting facility (7.8m x 5.3m)
- Relocate AC units
- Kitchen (3.5m x 2.1m)
- Reception area
- Putting lab
- Retail
- 5 x Stimulator bay
- Golf pitching range 22 bays
- Netting
- Golf driving range 24 bays
- Office
- 2 x new sauna
- 1 x ancillary physio space. This will be used as an exclusive space for facility members when golf training
- Erection of business identification signage

The facility is anticipated to employ 4 - 5 full time staff, and is to have a maximum number of 35 patrons at any one time.

Consent is sought to operate the facility between 6am to 11pm Monday - Saturday, and 6am to 6pm on Sundays.

## **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**

Assessment - Concurrence - Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.118

Warringah Local Environmental Plan 2011 - Zone IN1 General Industrial

Warringah Local Environmental Plan 2011 - 5.10 Heritage conservation

## **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
<b>Detailed Site Description:</b>	<p>The site is legally described as Lot 1 within DP 1220196 and is known as No.4-10 Inman Road (also being known as 100 South Creek Road), Cromer. The subject site is more commonly referred to as the former Roche Products Australia premises. It has four (4) street frontages, being South Creek Road to the south, Inman Road to the west, Campbell Avenue to the east and Orlando Road to the north. The north-western corner of the site is bound by Orlando Road, which connects to Parkes Road.</p> <p>Within the site, the premises subject of this development application is known as Warehouse Unit 11 which is yet to be constructed. The unit is centrally located within the site and faces east. The location of the unit is depicted on the submitted architectural plans.</p> <p>The site also has frontage to Campbell Avenue, however the proposed development does not extend to the eastern part of the site. The remainder of the subject site shares a common boundary with existing residential dwellings and a childcare centre to the north.</p> <p>The site is zoned IN1 General Industrial under the Warringah Local Environmental Plan 2011 (WLEP2011) and includes mostly office buildings and large warehouse/manufacturing buildings.</p> <p>The site was previously development to include a variety of buildings and structures, ranging in age from the 1920's through to 2005. More recently, a large portion of the site has been cleared and demolished.</p> <p>The site contains three (3) heritage items, being the central industrial "Roche" building, the weatherboard cottage located in the south-eastern corner of the site and a stand of trees adjacent to Campbell Avenue. These items will remain unaffected by the current proposal. There is also known to be some Aboriginal cultural relics within or near the northwestern corner of the site.</p> <p>Vehicle access to the site is available off both South Creek Road and Inman Road.</p>

Map:



## SITE HISTORY

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

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

The site is heavily contaminated to a significant depth, as confirmed by the NSW Environmental Protection Authority and Council's Environmental Health Officers. The site is being remediated concurrent to construction works. DA2019/1346 requires that a Final Site Audit Statement be provided by an accredited Site Auditor prior to the occupation of the development. Such a statement has not been issued at the time of writing.

Because of this requirement in the 'parent' consent for the redevelopment of the site as a whole, it is considered necessary to impose a Deferred Commencement condition onto the requirements of this consent, to ensure that the land can be made suitable for occupation before the development subject of this application commences.

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iii) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 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 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 10/11/2022 to 24/11/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Supported, with conditions</b></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Contaminated Lands)	<p><b>Supported, subject to conditions</b></p> <p>As per the previous comments provided by Environmental Health are imposing conditions around contamination during works and providing a deferred commencement condition requiring a Site Audit Statement from a NSW EPA accredited Site Auditor to certify the site as suitable for use under relevant provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p>
Environmental Health (Industrial)	<p><b>Supported, subject to conditions</b></p> <p>Environmental Health has reviewed the acoustic of the proposed development as part of this referral. In particular the development has provided an acoustic report by acoustic dynamics to supplement the proposal and is proposed to operate Monday to Friday 6am – 11pm, Saturday 6am – 11pm &amp; Sunday 6am – 6pm. The acoustic report provide a sound assessment methodology against the noise policy for industry showing compliance with the established amenity criteria but fails to provide any recommendations. Based on this Environmental Health are in support of the acoustic side of the proposal and propose conditions requiring the applicant to provide details demonstrating compliance with section 3.1 &amp; 3.2 of the report which lists the modeling assumptions and noise sources and operations prior to CC and confirmation of the build form and plant prior to occupation.</p>
Traffic Engineer	<p>The development application is for an indoor mini golf and driving range facility in warehouse unit 11 of the business park development at 100 South Creek Road.</p>

Internal Referral Body	Comments
	<p>The development operate 6am-11pm Mon-Sat and 6am-6pm on Sunday and will be served by 21 at grade parking spaces and 10 additional (overflow) parking spaces in the basement.</p> <p>It is noted and accepted that the peak hours of operation for the development are likely to be in the early evening and on weekends when parking and traffic demands generally in the Cromer Industrial Area will be low. The parking supply for the development is considered to be adequate to support the generated parking demands and the traffic generated by the development is likely to be low. The development is also not expected to require a significant number of truck deliveries with it accepted that most deliveries are likely to be completed by small rigid trucks.</p> <p>There are no traffic engineering concerns with approval of this development</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><b><i>Supported, with standard requirements</i></b></p> <p>The proposal was referred to Ausgrid who raised no objections to the proposal, subject to compliance with standard network requirements.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP (Transport and Infrastructure) 2021

#### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity

power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

**SEPP (Industry and Employment) 2021**

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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.

The proposal includes one (1) wall mounted business identification sign measuring 2m x 2m.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<p><b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	The business identification sign is located internally within the site and is not visible from the public domain. The design and proportions of the sign are generally consistent with other signs that could be expected within an industrial area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes	YES
<p><b>2. Special areas</b> 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?</p>	No	YES
<p><b>3. Views and vistas</b> Does the proposal obscure or compromise important views?</p>	No	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No	YES
Does the proposal respect the viewing rights of other advertisers?	No	YES
<p><b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	Yes, the sign is 2m x 2m and sits comfortably on the facade.	YES



Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	N/A
Does the proposal screen unsightliness?	No unsightliness to be screened	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No	YES
<b>5. Site and building</b> 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	YES
Does the proposal respect important features of the site or building, or both?	Yes	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No	N/A
<b>7. Illumination</b> 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?	No	YES
Can the intensity of the illumination be adjusted, if necessary?	No	YES
Is the illumination subject to a curfew?	No	YES
<b>8. Safety</b> 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 / not considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of this chapter and its underlying objectives.

### SEPP (Resilience and Hazards) 2021

Refer to comments from Council's Environmental Health - Contaminated Lands Officer earlier in this report.

## Warringah Local Environmental Plan 2011

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

### Principal Development Standards

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

### Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

### Detailed Assessment

#### **Zone IN1 General Industrial**

The proposal is for the use of a warehouse as an indoor golf centre, best described as an Recreation Facility (Indoor), which is defined in the WLEP 2011 as:

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

The use of the land for the purpose of a Recreation Facility (indoor) is permitted within consent in the IN1 General Industrial zone.

#### **5.10 Heritage conservation**

The subject site includes several heritage items which have been approved (under separate consent) for restoration and adaption to cater for contemporary office requirements. This modification, being an internal fit-out and exterior changes for parking spaces and one sign, does not materially change the appearance of the building nor its relationship to the heritage items.

The works sought under this application are largely non-discernible from the public domain and from within the site itself and therefore do not necessitate a formal referral to Council's Heritage department.

## Warringah Development Control Plan

### Built Form Controls

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

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

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

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

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

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

### **POLICY CONTROLS**

## **Northern Beaches Section 7.12 Contributions Plan 2022**

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

A monetary contribution of \$22,055 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,205,500.

### **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

### **RECOMMENDATION**

#### **DEFERRED COMMENCEMENT APPROVAL**

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2022/1807 for Change of use and fitout of Warehouse 11 for the purpose of a golf facility (indoor recreation facility) on land at Lot 1 DP 1282038,4 - 8 Inman Road, CROMER, subject to the conditions printed below:

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

## DEFERRED COMMENCEMENT CONDITIONS

### 1. **Site Audit Statement**

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

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

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

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

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

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

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA01 A - Location Plan	10 August 2022	SBA Architects
DA02 A - Ground Floor Plan	10 August 2022	SBA Architects
DA02 A - Ground Floor Plan [sic]	10 August 2022	SBA Architects
DA04 A - Elevation and Section	10 August 2022	SBA Architects

<b>Reports / Documentation – All recommendations and requirements contained</b>
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<b>within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BCA Assessment Report (ref: 116746-BCA-r1)	27 September 2022	BCA Logic
Statement of Heritage Impact (ref: 9689)	27 September 2022	Heritage 21
Plan of Management	Undated	Precision Golf
Transport Impact Assessment (ref: 300304136)	27 September 2022	Stantec Pty Ltd
Operational noise Emission Assessment	26 September 2022	Acoustic Dynamics

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

<b>Waste Management Plan</b>		
<b>Report Title</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	24 October 2022	MRA Consulting Group

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

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

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Ausgrid Referral Response	Undated

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

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

### 4. **Approved Land Use**

Nothing in this consent shall authorise the use of Warehouse Unit 11, as detailed on the approved plans, for any land use of the site beyond the definition of a Recreation Facility (Indoor), in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

***Recreation Facility (Indoor)*** means a building or place used predominantly for indoor

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

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.

## 5. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the

excavation, and

- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

## 6. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$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

### 7. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$22,055.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$2,205,500.00.

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

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

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

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

### 8. Security Bond

A bond (determined from cost of works) of \$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 Certifier prior

to the issue of the Construction Certificate.

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

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

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

### 9. **Building Code of Australia Fire Safety Requirements**

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA Assessment Report prepared by BCA Logic, dated 27/9/2022, Ref 116746-BCA-r1, is to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of the Construction Certificate..

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

### 10. **Access and Facilities for Persons with Disabilities**

Access and facilities to and within the building are to be provided for Persons with a Disability in accordance with the Building Code of Australia and AS1428 are to be included as part of the Construction Certificate assessment. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

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

### 11. **Acoustic details and confirmation**

Prior to issue of a construction certificate detailed plans and specifications of equipment to be installed are to be provided to the principle certifier for their approval. Plans and specifications must demonstrate that the built form of the building and proposed mechanical equipment comply with those listed in section 3.1 & section 3.2 within the Acoustic assessment by Acoustic dynamics referenced as 5767R001.DK.220913 and dated 26 September 2022.

Reason: To meet acoustic requirements

### 12. **Compliance with Standards**

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

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

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 13. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones are monitored and installed correctly.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 14. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

### 15. **Compliance with any Voluntary Management Proposals and Remedial Action Plan issued for the site**

All site works are to be in accordance with:

- Any current Voluntary Management Proposal approved by NSW EPA issued on the site as a whole as part of the development approval for DA2019/1346 and any associated modifications; and
- Any Remedial Action Plan required under DA2019/1346 and any associated modifications.

Reason: Effectively manage land contamination to prevent harm to health.

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

### 16. **Allocated Parking Spaces**

Parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development, including directional signposting to the overflow basement parking spaces. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability.

### 17. **Acoustic certification**

Prior to any occupation certificate being issued, details are to be provided to the principle certifier demonstrating compliance with section 3.1 & section 3.2 of the Acoustic assessment by Acoustic dynamics referenced as 5767R001.DK.220913 and dated 26 September 2022.

Reason: To maintain acoustic amenity and protect surrounding residence from any noise generated by the operation of the development.

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

18. **Parking Enclosure**

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

19. **Amplified Noise Management**

The use of amplified sound equipment and public address systems is not permitted, unless located entirely within the facility and used in such a manner that the noise cannot be heard in any habitable room of any residential premises.

Reason: To protect surrounding residents from any noise generated by the operation of the development.

20. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 6:00am to 11:00pm
- Saturday – 6:00am to 11:00pm
- Sunday and Public Holidays – 6:00am to 6:00pm

Upon expiration of the permitted hours, all service shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 10 minutes.

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

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

**Signed**



**Adam Susko, Principal Planner**

The application is determined on 30/01/2023, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**