

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0792
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Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 868761, 114 Old Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Alterations and Additions to an existing warehouse and distribution centre
Zoning:	LEP - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Primewest Funds Ltd
Applicant:	Michael Rumble

Application lodged:	11/08/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Other
Notified:	18/08/2017 to 04/09/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 250,000.00
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in

relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

Property Description:	Lot 1 DP 868761 , 114 Old Pittwater Road BROOKVALE NSW 2100
Detailed Site Description:	<p>No. 114 Old Pittwater Road is currently occupied by a two-story office and warehouse building with approximately 255 car spaces and loading dock. The subject site has frontage to Old Pittwater Road and adjoins the Council owned public reserve to the rear, which forms part of Allenby Park. The subject site benefits from a right of carriageway over the adjoining site at No. 108 Old Pittwater Road, Brookvale.</p> <p>The subject site adjoins industrial/warehouse units with an ancillary office in the immediate vicinity of the site.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following:

- Application DA2013/0686 for Installation of storage containers was approved on 03/09/2013.
- Application DA2011/0652 for Alterations and additions to an existing warehouse/office building was approved on 13/07/2011
- Application DA2010/0229 for Alterations and additions to an industrial building was approved on 29/03/2010
- Application DA2016/0828 for the internal fit out and use of the Ground level of the building for Service NSW was approved 28 September 2016

The first floor of the building has recently been approved by Complying Development Certificate (Ref D2017.032) to use the premises for warehouse and distribution center, for the purpose of a Woolworths 'Dedicated Online Store (DOS)' Distribution Centre. The applicant has indicated that the use involves the two key internal activities:

- Picking - Where customer orders are collected by staff in response to online orders and sorted onto delivery trucks; and
- Replenishment - Shelves are replenished in advance of the next 'picking' session.

These activities will occur within the existing warehouse building on the site on a 24-hour operational schedule. The 24-hour operation was approved by Council 23 August 2017 (DA2017/0730).

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for additions and alterations to the existing warehouse and distribution centre, for the purpose of a Woolworths 'Dedicated Online Store (DOS)' Distribution Centre.

This use has recently been approved under a Complying Development Certificate Ref D2017.032.

The proposed works comprise the following:

- **Loading Dock and Adjacent Truck** - The proposal involves the addition of a loading platform with 13 outbound loading docks and associated loading ramps as well as the reconfiguration of the existing loading bays to the north of these docks. The northern bays will accommodate two loading bays for inbound vehicles.
- **Ramps; Construction of a new deck on the south-west corner of the site** - The proposal involves the construction of a cantilevered deck on the south-west corner of the tenancy, for the purpose of a staff break out space. This deck will also have a door and awning.
- **Signage** - The proposal involves the erection of a "business identification sign". This will read 'Woolworths' and will be accompanied by the corporate logo. The sign will be fixed to the eastern wall of the site. The sign dimensions are 2500mm X 11,700mm. The sign will project 125mm from the supporting wall.
- **Reconfiguration of on-site car parking** - The proposal involves the reconfiguration of existing car parking on the site. On the ground level, parking spaces will be relocated to accommodate the new loading docks. 29 spaces will sit against the rock wall; 15 spaces will sit parallel to the proposed inbound loading dock and the remaining 3 will be placed to the south of the outbound docks.
Altogether 82 spaces will be provided on-site, 47 to be accommodated on the hardstand area with the balance to be provided on the rooftop carpark of the complex.
- **Licensed storage area** - A portion of the warehouse space will be used to supply Woolworths online liquor ordering service. Approvals will be subject to a separate 'Category A' Packaged Liquor Licence, granted by the Independent Liquor and Gaming Authority NSW. No stock will be displayed for direct sale and the site will be closed to the public.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See the discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&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><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (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) 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) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental</p>

Section 79C 'Matters for Consideration'	Comments
	economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See the discussion on “Public Exhibition” in this report.
Section 79C (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.

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 Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Meredith Jean Goulding	50 Allenby Park Parade ALLAMBIE HEIGHTS NSW 2100

The matters raised in the submission is addressed as follows:

- **Acoustic**

The submission received states that the premises should not generate any additional noise.

Comment:

This issue has been addressed in detail in Clause D3 of this report. In summary, the issue relating to the acoustic requirement was addressed in the previous Development Application (DA2017/0730) for the 24-hour operation.

The proposed development will not generate any additional acoustic impact. Therefore, this issue does not warrant the refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire	The application has been investigated with respects to aspects

Internal Referral Body	Comments
and Disability upgrades	<p>relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA. Issues such as this, however, may be determined at Construction Certificate stage.</i></p>
Development Engineers	Development Engineers have reviewed the proposed development and raises no objection to the proposal with no conditions.
Environmental Investigations (Industrial)	<p>Environmental Health has reviewed the following 3 reports in conjunction with prior acoustic reports submitted with the Development Application</p> <ul style="list-style-type: none"> Acoustic report titled Noise Impact – Hours of Operation Online Distribution Outlet – 114 Old Pittwater Road, Brookvale dated 31 August 2017 Ref: 17-2092-L2 Acoustic Statement titled Noise Impact – Hours of Operation Online Distribution Outlet – 114 Old Pittwater Road, Brookvale dated 24 August 2017 ref 17-2092-L1 Noise Impact Assessment titled Noise Impact Assessment Online Distribution Outlet 114 Old Pittwater Road Brookvale NSW dated July 2017 report no. 17-2092-R1 <p>Environmental Health has no objections to the proposed modification for the increased hour for deliveries from 6 am a start to 5 am start subject to conditions:</p>
Health and Protection (Food Premises, Skin Pen.)	No objection subject to conditions.
Natural Environment (Flood)	All proposed works are located outside the adopted Flood Planning Level extent. No flood related development controls applied.
Traffic Engineer	<p>The two articulated truck loading bays do not appear to be correctly aligned with with the loading area. If the trucks are correctly repositioned this could possibly limit the one of the reverse turning movements into the loading dock. If these spaces are marked in accordance to the provided truck swept paths, this would not be an issue.</p> <p>The premises also has not proposed a disabled parking space. Generally for this size of development, a minimum disabled parking provision of 3 spaces would be required.</p> <p>There are no objections to this development on traffic or parking grounds.</p>

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

External Referral Body	Comments
	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 the land is contaminated. Council records indicate that the subject site has been used for office/ 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?	The proposed sign will address Old Pittwater Road where the surrounding development is a mix of commercial and industrial uses, away from any sensitive residential uses. The proposed signage will not extend past the awning of the building and will sit within the building form, and therefore will not be a visually dominant feature of the locality.	YES
Is the proposal consistent with a particular theme for outdoor advertising	The sign complements the dominant character of the surrounding development, this being for	YES

in the area or locality?	industrial purposes and is similar in scale to existing signage in the precinct	
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?	The proposed signage will not obscure or compromise any significant views within the surrounding locality.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	No important views are impacted by the proposed signage	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is subservient to the building and does not dominate the skyline.	YES
Does the proposal respect the viewing rights of other advertisers?	The signage is subservient to the building and does not dominate and respects the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	As noted above, the signage is low key and subservient to the overall building. The scale, proportion, and form of the signage is compatible with the streetscape and does not detract from the surrounding setting.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The subject site sits within the established Brookvale industrial precinct and is not considered an area of environmental, heritage or conservation significance or adjacent to open space areas, waterways, rural landscapes or residential areas. Therefore, the proposal will not detract from the amenity or visual quality of these natural or other conservation areas.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal involves a coordinated suite of signage that is simple, clear and uncluttered. It will not result in excessive signage.	YES
Does the proposal screen unsightliness?		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?	As noted above, the signage has been designed as an integral part of the building and its surrounds. The different forms of signs, their location and design are appropriate to the intended message and their relationship to the building and landscape.	YES
Does the proposal respect important features of the site or building, or both?	As noted above, the signage is subservient to the building and does not impact on important architectural or landscape features.	YES
Does the proposal show innovation and	The signage has been designed as a compatible	YES

imagination in its relationship to the site or building, or both?	component of the overall facility.	
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 displayed?	The proposed sign serves to identify the tenancy on the site and does not form advertising of any services or uses at a different location. The sign will measure 2500mm x 11,700mm, will cover a small portion of the host building and is compatible with the scale, the proportion of the existing warehouse.	YES
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?	The signs are not proposed to be illuminated and will not cause a visual disturbance to the surrounding development.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Because of the nature of the signage, it is not expected that the signs will impact on the road, pedestrian or bicyclist safety. In particular, the signs will remain static and will not create glare.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs will not impact on sightlines from public areas.	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 the 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.

Warringah Local Environment 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

No changes are proposed to the existing building

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	No changes are proposed to the existing height	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
Part 6 Additional Local Provisions	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

The built form controls under the Warringah Development Control plan are not applicable to this application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C5 Erosion and Sedimentation	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
Part D Design	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	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
Part E The Natural Environment	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native 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
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

C3 Parking Facilities

The WDCP 2011 requires a total parking provision of 322 spaces for the overall development at 114 Old Pittwater Road and a total 82 vehicles for the subject warehouse tenancy. The reconfiguration of the hardstand parking area will result in 47 spaces being accommodated on the ground level, with the balance to be provided on the rooftop carpark of the complex. For the overall site, this equates to the provision of 330 parking spaces, 8 spaces more than the total DCP requirements.

D3 Noise

An acoustic assessment which considers the potential noise impacts associated with the proposed development has been submitted as part of the previous application, that related to 24 operations of the site. The acoustic assessment identified two sensitive receivers to the site operations, which are located to the west and south-west of the site, being some 120m and 160m from the existing building respectively. The Noise Impact Assessment concludes:

"This assessment has shown that the site is suitable for the intended purpose providing recommendations outlined in this report are incorporated into the design. With these or equivalent measures in place, noise from the site will be either within the criteria or generally below the existing background noise level in the area for the majority of the time.

Considering the relatively constant traffic on nearby roads and activity associated with nearby commercial developments, noise generated by the site may be audible at times but not intrusive at any nearby residents. As the character and amplitude of activities associated with the site will be similar to those already impacting the area, it will be less intrusive than an unfamiliar introduced source and should be acceptable to residents, considering the economic and social benefit to the local community as a whole.

In conclusion, the operation of the facility will not cause any long term excessive environmental noise at any residential properties".

The assessment recommends that certain acoustic treatments be implemented to ensure internal noise levels comply with relevant Australian Standards. These have been included as conditions in the consent that related to the 24 operations of the site.

in addition to the above, the applicant has submitted additional acoustic details, which indicates that the deliveries to the site can commence at 5am instead of the 6am which was imposed in the previous consent. The additional acoustic details have been assessed by Council's Environmental section, who has raised no objection to the 5am start relating to the deliveries. Accordingly, the condition has been imposed which restricts the deliverers to the site from 5am till 10pm.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 250,000		
Contributions	Levy Rate	Payable

Total Section 94A Levy	0.95%	\$ 2,375
Section 94A Planning and Administration	0.05%	\$ 125
Total	1%	\$ 2,500

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2017/0792 for Alterations and Additions to an existing warehouse and distribution centre on land at Lot 1 DP 868761, 114 Old Pittwater Road, BROOKVALE, 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

DA01/A, DA02/A, DA03/A, DA04/A, DA05/A, DA06/A, and DA07/B	05/07/2017	Leffler Simes Architects
WA200 (A) - Liquour Area	-	Trg

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Hazard Assessment (Ref No. 17/0825)	3 August 2017	Bushfire Consulting Services P/L
Traffic and Parking Assessment	August 2017	Colston Budd Rogers & Kefes Pty Ltd
Statement Of Environmental Impact	9 August 2017	Urbis
Acoustic report titled Noise Impact (Ref:17-2092-L2)	31 August 2017	Reverb Acoustics (Noise and Vibration Consultants)
Acoustic Statement titled Noise Impact (Ref:17-2092-L1)	24 August 2017	Reverb Acoustics (Noise and Vibration Consultants)
Noise Impact Assessment titled Noise Impact Assessment (Ref: 17-2092-R1)	July 2017	Reverb Acoustics (Noise and Vibration Consultants)

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

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. (DACPLB01)

2. No Approval for any Signage above the parapet / roof line

No approval is granted under this Development Consent for the erection of any advertising or business identification signage located above the roof/parapet line. All signage above the roof/parapet shall be deleted.

Reason: Compliance with Warringah Local Environment Plan. (DACPLB07)

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 (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(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 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 sewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works

must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 250,000.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,375.00
Section 94A Planning and Administration	0.05%	\$ 125.00
Total	1%	\$ 2,500.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

6. **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.warringah.nsw.gov.au/your-council/forms).

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

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

7. **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. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

8. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

9. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

10. Provision of disabled parking

Three (3) disabled parking spaces shall be provided within the internal carpark positioned within reasonable distance to the development entrance compliant to Australian standards AS2890.6:2009. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure compliance with Australian Standards. (DACTRCPC1)

11. Marking of articulated truck loading bays

Two articulated truck loading bays are to be marked in accordance to the 19.0m articulated vehicle swept paths provided by Colston Budd Roders & Kafes Pty Ltd. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure adequate space for articulated truck reversing movements. (DACTRCPC2)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Removal of All Temporary Structures/Material and Construction Rubbish (crown land only)

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure bushland management. (DACPLE01)

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

13. Use of Vehicles

The following vehicles are not permitted on site prior to 7 am on any day:

- All Trucks that are less 10 tonnes tare; and

- Any vehicles installed with “wheel brake air mechanisms”

Reason: To protect acoustic impact on the surrounding developments

14. **Hours of Operation**

The hours of operation are to be restricted to that approved under DA2017/0730.

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

15. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

16. **Signs/Goods in the Public Way**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: To ensure pedestrian safety and to protect the streetscape. (DACPLG15)

17. **Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

18. **Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 5am on any day.

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

19. **Mechanical Plant**

Mechanical plant area on the premises must ensure emissions generated shall not create offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997.

The Council may require the owner or occupier of the premises to engage the services of a suitably qualified professional to undertake an acoustic assessment of the premises in the event concerns regarding the emission of offensive noise are raised and/or justified by Council.

Reason: To ensure compliance with legislation and to protect public health and amenity (DACPLGOG1)

20. **Offensive Noise**

The ongoing use of the premises/property must not give rise to ‘offensive noise’ as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity (DACPLGOG2)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.


Signed

Lashta Haidari, Principal Planner

The application is determined under the delegated authority of:

Anna Williams, Manager Development Assessments

ATTACHMENT A








Notification Plan	Title	Date
 2017/282309	Plans - Notification	08/08/2017

ATTACHMENT B

Notification Document	Title	Date
 2017/295010	Notification Map	18/08/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/282307	Report - Bushfire	04/08/2017
 2017/282308	Plans - Survey	07/08/2017
 2017/282309	Plans - Notification	08/08/2017
 2017/282304	Report - Traffic and Parking Assessment	09/08/2017
 2017/282312	Plan - Internal (Liquor Storage)	09/08/2017
 2017/282302	Report - Statement of Environmental Effects	09/08/2017
 DA2017/0792	114 Old Pittwater Road BROOKVALE NSW 2100 - Development Application - Alterations and Additions	11/08/2017
 2017/281793	DA Acknowledgement Letter - Michael Rumble - Primewest Funds Ltd	11/08/2017
 2017/281796	invoice for ram applications - Michael Rumble - Primewest Funds Ltd	11/08/2017
 2017/282295	Development Application Form	11/08/2017
 2017/282298	Applicant Details & Owners consent	11/08/2017
 2017/282301	Cost Summary Report & Estimated Cost	11/08/2017
 2017/282323	Plans - Master Set	11/08/2017
 2017/295255	Environmental Investigations (Industrial) - Assessment Referral - DA2017/0792 - 114 Old Pittwater Road BROOKVALE NSW 2100	18/08/2017
 2017/295263	Health and Protection (Food Premises, Skin Pen.) - Assessment Referral - DA2017/0792 - 114 Old Pittwater Road BROOKVALE NSW 2100	18/08/2017
 2017/295291	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/0792 - 114 Old Pittwater Road BROOKVALE NSW 2100 - PR	18/08/2017
 2017/294614	Development Engineering Referral Response	18/08/2017
 2017/294995	DA Acknowledgement Letter (not integrated) - Michael Rumble	18/08/2017
 2017/295010	Notification Map	18/08/2017
 2017/295023	Notification Letter - 122	18/08/2017
 2017/297411	Natural Environment Referral Response - Flood	21/08/2017
 2017/303086	Building Assessment Referral Response	23/08/2017
 2017/308438	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/0792 - 114 Old Pittwater Road BROOKVALE NSW 2100 - PH	24/08/2017
 2017/309426	Environmental Investigations (Industrial) - Assessment Referral - DA2017/0792 - 114 Old Pittwater Road BROOKVALE NSW 2100 - MS	24/08/2017
 2017/309430	Health and Protection (Food Premises, Skin Pen.) - Assessment Referral - DA2017/0792 - 114 Old Pittwater Road BROOKVALE NSW 2100 - MS	24/08/2017

	2017/313563	Submission - Goulding	27/08/2017
	2017/313576	Submission Form - Pirola	27/08/2017
	2017/321560	Health and Protection (Food Premises, Skin Pen.) - Assessment Referral - DA2017/0792 - 114 Old Pittwater Road BROOKVALE NSW 2100 - MS	30/08/2017
	2017/321562	Environmental Investigations (Industrial) - Assessment Referral - DA2017/0792 - 114 Old Pittwater Road BROOKVALE NSW 2100 - MS	30/08/2017
	2017/322276	Submission Acknowledgement Letter - Meredith Jean Goulding - SA2017/313563	01/09/2017
	2017/328549	Request for plans - 114 Old Pittwater Road Brookvale	04/09/2017
	2017/330666	Traffic Engineer Referral Response	06/09/2017