

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/0257
<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	<p>Lot 3 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot B DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 7 DP 8172, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410, 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
<b>Proposed Development:</b>	Use of Premises as a Gymnasium
<b>Zoning:</b>	<p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p>

<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>	Karimbla Properties (No41) Pty Ltd
<b>Applicant:</b>	Karimbla Constructions Services (NSW) Pty Ltd

<b>Application lodged:</b>	21/02/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	06/03/2018 to 22/03/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 777,600.00
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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

<b>Property Description:</b>	<p>Lot 3 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot B DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 7 DP 8172 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
<b>Detailed Site Description:</b>	<p>The site is irregular in shape and is bound by Howard Avenue to the north, Oaks Avenue to the south and Pittwater Road to the west. The site is further bound by shared boundaries between itself and several other development sites both to the east and south-west.</p> <p>The site has a total area of 14.466m<sup>2</sup>.</p> <p>The site is centrally located within the Dee Why Town Centre as defined in the Dee Why Town Centre Master Plan 2013 (DYTC Masterplan).</p> <p>The existing topography of the site slopes from west to east, with a cross-fall of approximately 4m from the highest point on the south-western corner of the Pittwater Road frontage, to the lowest point</p>

Map:



## SITE HISTORY

Development Application (DA2016/0705) for the redevelopment of the site was approved by the Sydney Planning Panel on 10 May 2017.

## PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for change of use and fit-out of the approved commercial units (known as unit 11-17, a total of 1,710m<sup>2</sup> of GFA), which is located on the first floor level of the eastern building within the approved development on Site B to be used as Gymnasium (Gym) to be operated by Crunch Fitness.

The proposal involves undertaking fitout works including the introduction of partition walls to create rooms occupied by change facilities, studios, and staff facilities.

The hours of operation will be from 5 am to 11 pm seven days a week.

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 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See the discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning	None applicable.

Section 4.15 Matters for Consideration'	Comments
instrument	
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
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. The impacts arising from the proposed works are largely confined to acoustic impacts which are considered acceptable for the reasons given elsewhere in this report. Also, conditions have been imposed on the consent to mitigate impacts where necessary</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, having regard to the size and floor space of the approved building for conversion to a gym and the availability car parking and safe vehicular access.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See the 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.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

Name:	Address:
Mr Paul Apostolou	31 / 10 Oaks Avenue DEE WHY NSW 2099
Ms Adriana Sammartano	31 / 10 Oaks Avenue DEE WHY NSW 2099

The matters raised within the submissions are addressed as follows:

- **Acoustic Impact**

Two (2) letters of submissions have been received from the owners of No.10 Oaks Ave, Dee Why raising concerns that the acoustic impact of the proposed gym will impact on the surrounding residential properties.

Comment: This issue is addressed in detail under Clause D3 - Noise under WDCP 2011 section of this report. In summary, the location of the proposed gym and recommended conditions will mitigate the acoustic impact.

Accordingly, the concern raised 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 and Disability upgrades	No objections to 'Crunch Gym' proposal subject to attached conditions.
Environmental Health (Industrial)	<p>The proposed operating hours for the Crunch Gym are Monday through Sunday 5 am to 11 pm. (noise before 7 am and noise after 10 pm are of concern and likely to be offensive). The Gym is located on level 1. Residential receivers are located immediately above on level 2.</p> <p>Noise and Vibration are issues to be correctly dealt with as Council as the approval authority has had complains of similar types of operations with vibration and bass in music being the main issues. Structure-borne noise particularly from dropping of weights may adversely affect residents and disturb sleep. The intermittency of noise events will likely result in complaints. (the acoustic report</p>

Internal Referral Body	Comments
	<p>acknowledges this)</p> <p>The applicant has supplied an acoustic report which confirms potential noise issues especially vibration noise and makes recommendations which appear reasonable to ensure compliance. subject to compliance with the recommendation of the acoustic report, no objection is raised to the proposed development.</p>
NECC (Stormwater & Floodplain Engineering – Flood risk)	<p>The proposed modification for internal fit-out for use as a gym is not considered to increase flood risk.</p> <p>No flood related objection.</p>
Traffic Engineer	<p>The proposal involves the internal fit out and use of commercial units 11-17 situated at first floor level within the approved Dee Why Town Centre Site B development for use by Crunch Fitness.</p> <p>The traffic study carried out for the assessment of the Meriton Development (site B) has been based on the allocation of 1500m<sup>2</sup> floor spaces area to Fitness Centre within the Meriton development. The study has adopted the equal parking rate to Commercial (1 space per 24m<sup>2</sup>) for the 1500m<sup>2</sup> Fitness Centre use. The proposed 1710m<sup>2</sup> will result in a negligible shortfall of parking spaces in compare to the approved parking provision within the Meriton development and is acceptable.</p> <p>The impact of traffic generating from Fitness Centre use with the mentioned floor area has been considered in the traffic assessment of the Meriton development. The additional traffic generation resulting from the proposed Gym (additional 220m<sup>2</sup>) in compare to envisaged traffic generation would be minimal and acceptable.</p> <p>In view of above, no objection is raised on the proposal on traffic grounds.</p>

External Referral Body	Comments
NSW Police - Local Command (CPTED)	<p>The proposal was referred to NSW Policy. 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.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

operational provisions which the proposal is considered to be acceptable against.

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

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

### **SEPP 55 - Remediation of Land**

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether the land is contaminated. The potential for contamination within the site was assessed as part of the original DA for the site (DA2016/0705). This included detailed consideration of the suitability of the site for the fitness centre, which confirmed that the site is suitable for proposed development.

### **SEPP (Infrastructure) 2007**

#### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of a 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 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

#### Compliance Assessment



Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
Part 6 Additional Local Provisions	Yes
6.3 Flood planning	Yes
Part 7 Dee Why Town Centre	Yes
7.3 Objectives for development within Dee Why Town Centre	
7.13 Mobility, traffic management and parking	Yes

## Warringah Development Control Plan

### Built Form Controls

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D3 Noise	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	N/A	N/A
Part E The Natural Environment	Yes	Yes
E11 Flood Prone Land	Yes	Yes

### Detailed Assessment

## C3 Parking Facilities

The Warringah Development Control Plan (DCP) 2011 requires parking for commercial and child care

centre uses to be provided at the rates shown listed:

<b>Existing</b>	Office Premises (1,710m <sup>2</sup> )	1 space per 40m <sup>2</sup> GFA
<b>Proposed</b>	Gymnasium (1,710m <sup>2</sup> )	4.5 spaces per 100m <sup>2</sup>

The approved contains three levels of basement parking containing a total of 1,035 parking spaces.

As indicated in the table above, the proposed Gymnasium requires 77 parking spaces to comply with the DCP. The Assessment of the original Development Application (DA2016/0705) for the redevelopment of the site allowed a discounted parking rate (25% reduction) in car parking on the basis that the facility is located within a Town Centre and is part of a mixed-use development, and the car parking for the Gymnasium can be used by the retail uses during the weekend.

The reduction in the DCP rate is also consistent with the proposed parking provision for the Dee Why Town centre, which states:

*The DCP rate for gymnasiums corresponds with the parking rate recommended in the RMS Guide to Traffic Generating Developments for metropolitan sub-regional areas. In regional centres that are in close proximity to rail/bus services, a parking rate of 3.0 spaces per 100m<sup>2</sup> gross floor area is recommended. As Dee Why is identified as a Strategic Centre under A Plan for Growing Sydney (NSW Department of Planning and Infrastructure), it is considered a metropolitan regional centre under direction from an accompanying technical note published by the RMS (Car parking requirements in SEPP 65).*

Accordingly, the RMS parking requirement for a gymnasium in a metropolitan regional centre is 3 spaces per 100m<sup>2</sup> GFA, which equates to a requirement of 51 spaces. The approved commercial spaces that is proposed to convert to the gym have 68 parking spaces currently allocated to it (based on 1 space per 25m<sup>2</sup> of space).

Accordingly, the car parking provision is found to be acceptable by Council's Traffic Engineer.

### **D3 Noise**

An acoustic assessment which considers both internal and external noise sources including noise emissions associated generated by the proposed Gymnasium use has been submitted. The acoustic assessment report prepared by Acoustic Logic found that noise generated by the premises that the proposed gym will comply with the criteria of the EPA NSW Noise Policy for Industry provided that the acoustic treatments/management controls presented in section 5 of the report are adopted.

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 on the draft consent.

### **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 \$ 777,600		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 7,387
Section 94A Planning and Administration	0.05%	\$ 389
Total	1%	\$ 7,776

## 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 DA2018/0257 for Use of Premises as a Gymnasium on land at Lot 3 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot B DP

371110, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 371110, 884 - 896 Pittwater Road, DEE WHY, Lot 2 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 209503, 884 - 896 Pittwater Road, DEE WHY, Lot 7 DP 8172, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 307937, 884 - 896 Pittwater Road, DEE WHY, Lot 3 DP 307937, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 416469, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 504212, 884 - 896 Pittwater Road, DEE WHY, Lot 10 DP 231418, 884 - 896 Pittwater Road, DEE WHY, Lot 11 DP 231418, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 339410, 884 - 896 Pittwater Road, DEE WHY, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
WD.00, WD.01, WD.02, WD.03, WD.04, WD.07, WD.08, (issue A)	18/09/2017	Studio CCP
GL01 (Issue F)	27/09/2017	Studio CCP
FS01 - Finishes	25/10/17	-

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Statement of Environmental Effect	13 February 2018	Meriton
proposed Gymnasium - Traffic Impact Statement	20 January 2018	Traffix
Acoustic Report - Crunch Gym	08/02/2018	Acoustic Logic

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

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

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	9/06/2016	Elephants Foot Recycling Solutions

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**

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

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





- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;  
  
Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2008
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (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 \$ 777,600.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 7,387.20
Section 94A Planning and Administration	0.05%	\$ 388.80
Total	1%	\$ 7,776.00

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 \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed

with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

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

### 7. Preparation of a Noise Management Plan

The applicant and/or operator is to prepare a Noise Management Plan addressing the following:

- a. Measures to minimise noise to nearby residential properties by general operations, equipment and patrons.
- b. Details on the gym's website and at the front counter of the contact person who is responsible for addressing noise complaints.
- c. Keeping a log of any complaints received and what actions are taken to address the complaint.
- d. An outline of the methods to manage any noise complaints received.
- e. Compliance with The Noise Policy for Industry NSW EPA, 2017.
- f. Provision for annual review and amendment to improve the performance of the Plan in ensuring noise is managed in a manner to avoid noise impacts on neighbours.
- g. Complaints register available for Council inspection upon request.

The Noise Management Plan is to be forwarded to Council for review and written approval is to be issued by Council prior to release of the Construction Certificate.

*Reason: To ensure that the activity maintains the amenity of nearby residential properties (DACHPGOG5)*

### 8. Compliance with Standards

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

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

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

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

### 9. **Acoustic Report**

All recommendations made by the consultant in the Acoustic Report titled "Crunch Gym", Dee Why, dated 08/02/2018 (Document Reference: 20180122.1/0802A/ R0/TA), must be implemented in full prior to the issue of an Occupation Certificate in order to ensure compliance with requirements of the acoustic report and the conditions of this consent.

Reason: To protect the amenity of adjoining and nearby premises from offensive noise. (DACHPFPOC1)

### 10. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

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

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

### 11. **Amplified Noise**

Amplified noise is not to be audible from any residential premises (within the Meriton Development and neighbouring properties) before 7.00am or after 10.00pm on any day.

Reason: To protect the amenity of residential occupants from excessive noise impacts (DACHPBOC5)

12. **Implementation and Compliance with Approved Noise Management Plan**

The approved Noise Management Plan is to be implemented in full at all times.

*Reason: To ensure that the activity maintains the amenity of nearby residential properties (DACHPGOG5)*

13. **Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

14. **Hours of Operation**

The hours of operation are to be restricted from 5.00am to 11.00pm seven days.

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

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

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

**Signed**



**Lashta Haidari, Principal Planner**

The application is determined under the delegated authority of:



**Steven Findlay, Manager Development Assessments**

## **ATTACHMENT A**





No notification plan recorded.





## **ATTACHMENT B**

No notification map.



## ATTACHMENT C

Reference Number	Document	Date
 2018/129226	Annexure 4 - Waste Management	09/06/2016
 2018/129202	Plans - Annexure 1- Location Plan	16/01/2018
 2018/129211	Annexure 2 - Master Set	16/01/2018
 2018/129165	Builders Quote	08/02/2018
 2018/129227	Annexure 5 - Acoustic	13/02/2018
 2018/129194	Report - Statement of Environmental Effects	14/02/2018
 2018/129221	Annexure 3 - Traffic	20/02/2018
 2018/129161	ASIC - Current Extract	20/02/2018
 DA2018/0257	884-896 Pittwater Road DEE WHY NSW 2099 - Development Application - Alterations and Additions	21/02/2018
 2018/126141	invoice for ram applications - Karimbla Properties (No41) Pty Ltd	21/02/2018
 2018/126464	DA Acknowledgement Letter - Karimbla Properties (No41) Pty Ltd	21/02/2018
 2018/129072	Development Application Form	22/02/2018
 2018/129074	Applicant Details	22/02/2018
 2018/129188	DA Receipt	22/02/2018
 2018/129191	Letter - Cover	22/02/2018
 2018/158528	Environmental Health (Industrial) - Assessment Referral - DA2018/0257 - 884 - 896 Pittwater Road DEE WHY NSW 2099	05/03/2018
 2018/155235	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0257 - 884 - 896 Pittwater Road DEE WHY NSW 2099-PR	05/03/2018
 2018/149587	Request for Further Information - DA2018/0257	05/03/2018
 2018/157484	DA Acknowledgement Letter (not integrated) - Karimbla Constructions Services (NSW) Pty Ltd	06/03/2018
 2018/157522	Notification Letter - 425	06/03/2018
 2018/172771	Notification letter to property - DA2018/0257 - 884-896 Pittwater Road, Dee Why	14/03/2018
 2018/175543	Final Environmental Health Referral Response - industrial use	15/03/2018
 2018/177683	Building Assessment Referral Response	15/03/2018
 2018/178343	Online Submission - Apostolou	16/03/2018
 2018/178360	Online Submission - Sammartano	16/03/2018
 2018/217870	Natural Environment Referral Response - Flood	05/04/2018
 2018/240328	External Referral Comments - MOD2018/0257 -884-896 Pittwater Road Dee Why - NSW Police Dee Why Police Station	16/04/2018

	2018/265738	DA Fees Receipt	01/05/2018
	2018/272970	Development Application Invoice	03/05/2018
	2018/301095	Traffic Engineer Referral Response	17/05/2018
	2018/335764	Stamped Plans	01/06/2018