



# PITTWATER COUNCIL

## Application for Building Certificate

Environmental Planning & Assessment Act, 1979 (as amended)  
Section 149A, B, C, D

Effective from 1/7/10 till 30/6/11

Office Use – BC No BC0020/11

### PROPOSAL DESCRIPTION

Number 77 (UNIT 2C) Street BASETT ST  
Suburb MONA VALE  
Lot 1 DP 88028

### APPLICANTS

Applicants Name BOSTON BLUTH FLEMING  
Postal Address SUITE 1, NO 9 NARABANG WAY  
Suburb BEUROSE Postcode 2085  
Phone ( ) 0986 2535 Daytime Contact No ( ) \_\_\_\_\_  
Mobile ( ) 0413 824 653 Fax ( ) 0986 3050  
Email ross@bbfplanners.com.au

You can apply for a building Certificate if you are  
(Please tick the appropriate box)

- I am the owner of the building
- I have the owners consent to lodge this application (see below)
- I am the purchaser under a contract for the sale of the property
- I am the owner's or purchasers solicitor or agent
- We are a public authority, which has notified the owner of its intention to apply for the certificate

Signature [Signature] Date 18/2/11

For access to the building please contact ROSS FLEMING

Phone 0986 2535 Mobile 0413 824 653

22 FEB 2011

Owner/s Name/s NOWENC DEANE

Postal Address \_\_\_\_\_

Suburb \_\_\_\_\_ Postcode \_\_\_\_\_

Phone ( ) 09971173 Mobile ( ) 0408 254 481

Email \_\_\_\_\_

I/We consent to the lodgement of this application and permit Council authorised personnel to enter the site for the purpose of inspections

Signature SEE ATTACHED

Whole Property

Whole Building i e \_\_\_\_\_

Part Building i e BUILDING RC

Pool , Fencing & Access \_\_\_\_\_

Processing Fees	
Class 1 Building (together with any class 10 building on the site) or a class 10 Building	\$210 00 each
In the case of any other Class of Building – as follows	
Floor Area of building or part –	
(i) Not exceeding 200 square meters	\$210 00 each
(ii) Exceeding 200 square metres but not exceeding 2000 square metres <u>454 Sm<sup>2</sup> = \$400 89</u>	\$210 00 plus \$0 42 cents for each sqm in excess of 200sqm
(iii) Exceeding 2000 square metres	\$966 00 plus \$0 063 cents for each sqm in excess of 2000sqm
(iv) Fee for additional inspection	\$75.00
In the case of any unapproved structures or works (\$210 00 certificate fee plus \$380 00 inspection & assessment of unauthorised works)	<u>\$590 00</u>

Applicant Checklist	Documents Required	Office Use Received
	A detailed survey prepared by a Registered Surveyor clearly showing the location of the structures and/or works on the site. The date of the survey is irrelevant in so far as the information contained therein is still current.	
	<p>Where the property is identified on either</p> <p>Pittwater Councils Geotechnical Risk Management Map 2003</p> <p>and/or</p> <p>Pittwater Councils Coastal Hazard map 97-003 as being Bluff Management Areas</p> <p>A geotechnical Engineers report prepared in accordance with Councils Interim Geotechnical Risk management policy is to be provided, together with completed form 4 &amp; 4a pursuant to that policy</p>	
Where the Certificate Application relates to <b>unapproved structures or works</b> the following additional information is to be provided		
	A detailed survey prepared by a Registered Surveyor clearly showing the site & location of the structures on the property and any nearby structures on adjacent properties together with floor levels, finish surface levels and the like (A detail and contour survey as required to accompany Development Applications as outlined on Councils Development Application form will satisfy this requirement)	
	Works as constructed plans. These plans should be prepared by a suitably qualified professional e.g. Architect/Draftsman and clearly annotate the unapproved structures and/or works as to their compliance with the relevant Council Development controls.	
	Certification as to the structural and/or Geotechnical adequacy of the structures and/or works as built. All built structures will require certification as to their structural integrity by a qualified Structural Engineer, all earthworks and foundations will require certification by a qualified & experienced Geotechnical Engineer as to their adequacy.	
	Certificate by an appropriately qualified person that the structures and/or works comply with the Building Code of Australia and appropriate Australian Standards.	
	Council may require additional information to enable appropriate assessment and determination of the Building Certificate.	
<b>Miscellaneous</b>		
Receipt No <u>297137</u> Date <u>18/2/11</u> Cashier Code (FHEA) _____		

The Privacy and Personal Information Protection Act 1998 (PPIPA) was introduced by the NSW government to provide for the protection of personal information and the protection of privacy of individuals generally. The Act applies to information collected, used and stored by public sector agencies such as local councils. Under the Act, personal information is any information that identifies a person, such as their name, address and contact details. Pittwater Council requires this type of information to carry out even their most primary core services. Council is committed to handle this information in accordance with PPIPA and other State and Federal legislation. In the year 2000, Pittwater Council adopted a Privacy Management Plan based on the Act's 12 Information Protection Principles. Fundamental to Council's implementation of the Act is the premise that personal information is to be used only for the purpose for which it is collected.

Re lot 1 DP 88028—77 Bassett St Mona Vale

I am the owner of the abovementioned property

I hereby consent to my tenant Mr Edson Ortiz or his agents lodging with Council the following

- a Development application for usage
- b Application for building certificate for unauthorised works
- c All supporting statements and reports

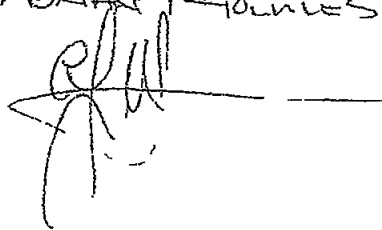
If you have any queries please contact me on <sup>TEL</sup> 02 9997 1173  
MOS 0406 254 481  
FAX 02 9979 8158

NOELVE DEANE

OWNER: Noelve Deane

18<sup>th</sup> February 2011

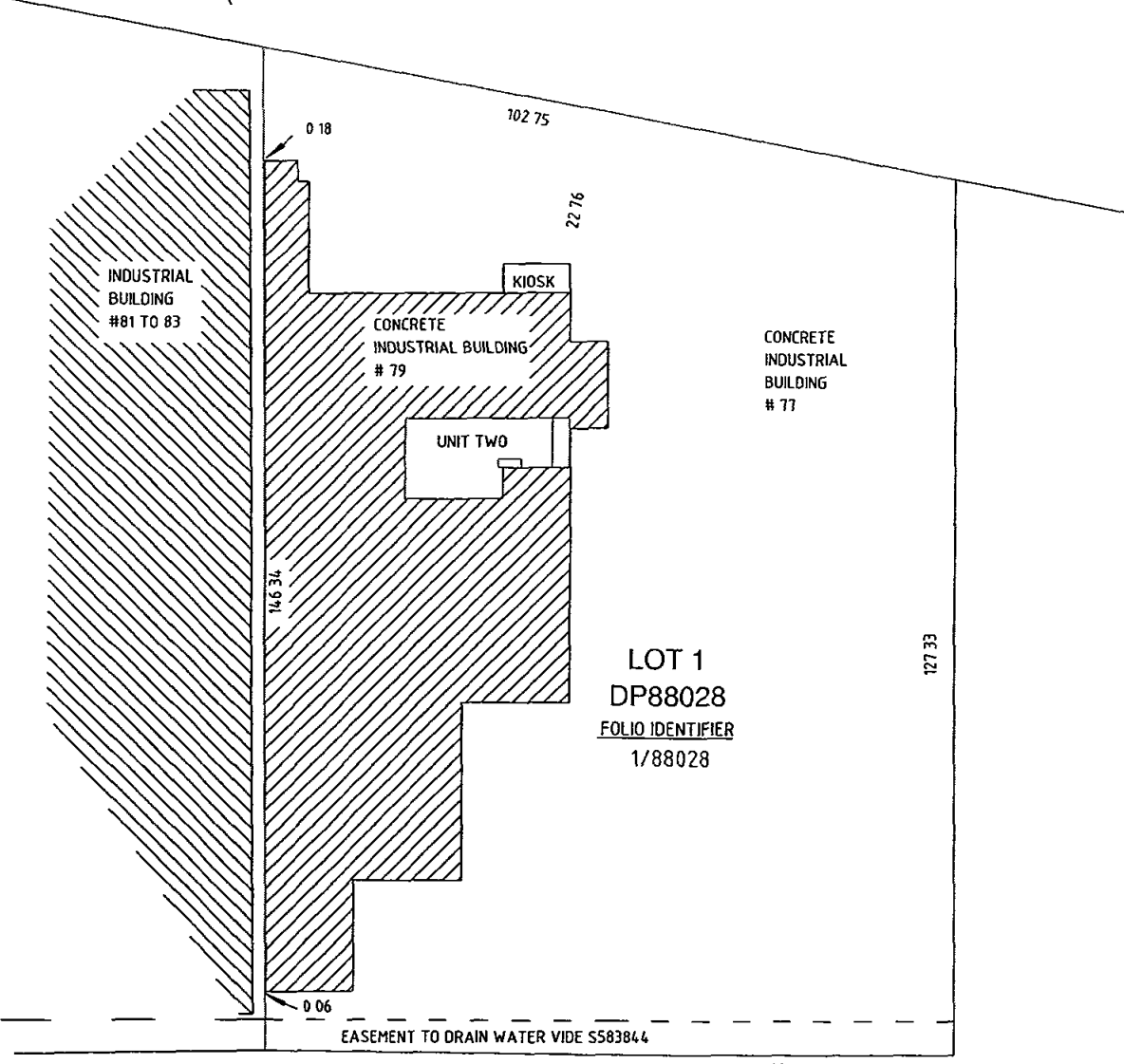
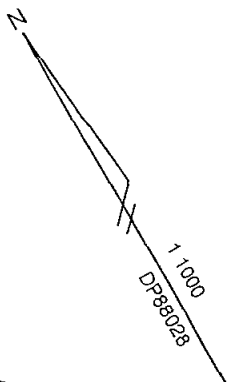
WITNESS: ADRIAN HOLLIES



18<sup>th</sup> FEB 2011

LGA PITTWATER  
Locality MONA VALE

BASSETT STREET



LOT 1  
DP88028  
FOLIO IDENTIFIER  
1/88028

OPEN DRAINAGE CANAL

ENCLOSED DRAINAGE

Ref 11\_101.dwg

Date 25TH JANUARY 2011

KIPROVICH & ASSOCIATES PTY LTD

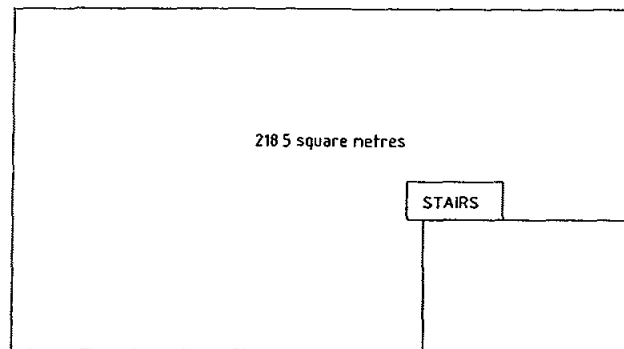
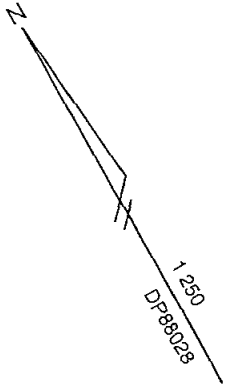
144 Anzac Avenue COLLARBY NSW 2097

Phone 0417 449 037 Fax 02 9982 8913

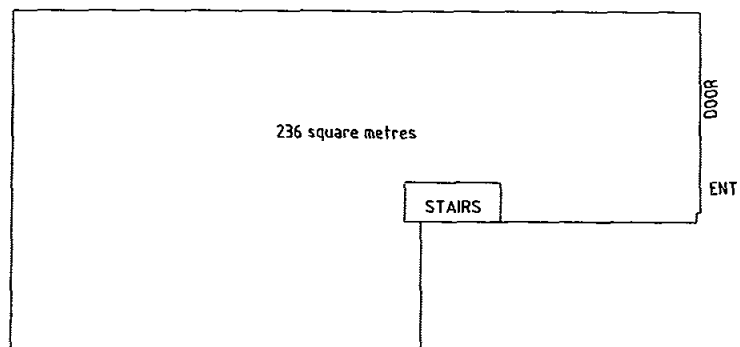
ACN 080 101 042

ABN 20 080 101 042

LGA PITTWATER  
Locality MONA VALE



MEZZANINE LEVEL



GROUND FLOOR

Ref 11\_101.dwg

Date 25TH JANUARY 2011

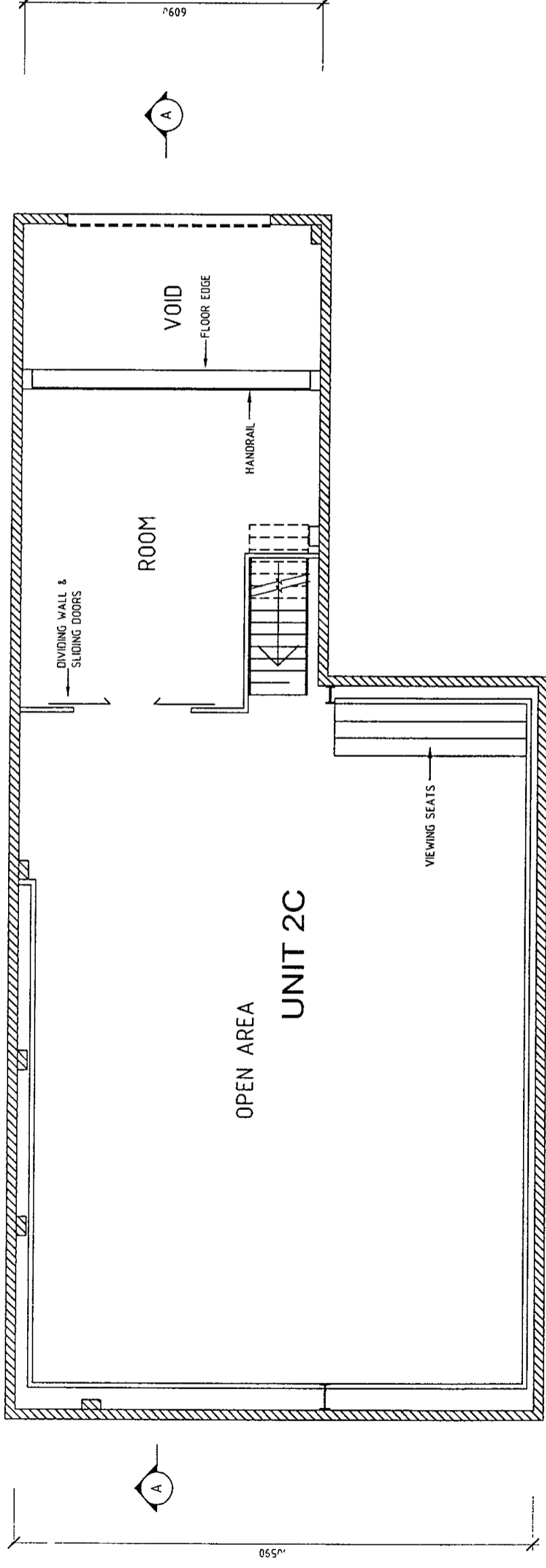
**KIPROVICH & ASSOCIATES PTY LTD**

144 Anzac Avenue COLLAROY NSW 2097

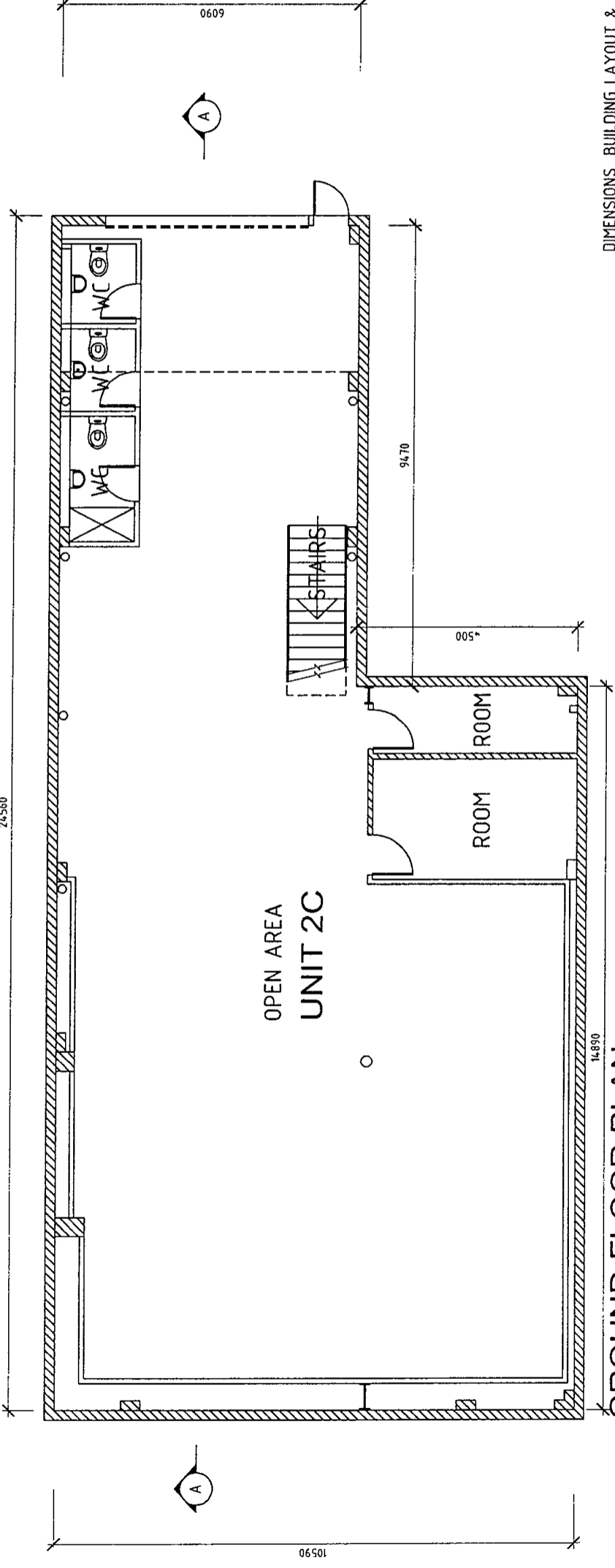
Phone 0417 449 037 Fax 02 9982 8913

ACN 080 101 042

ABN 20 080 101 042



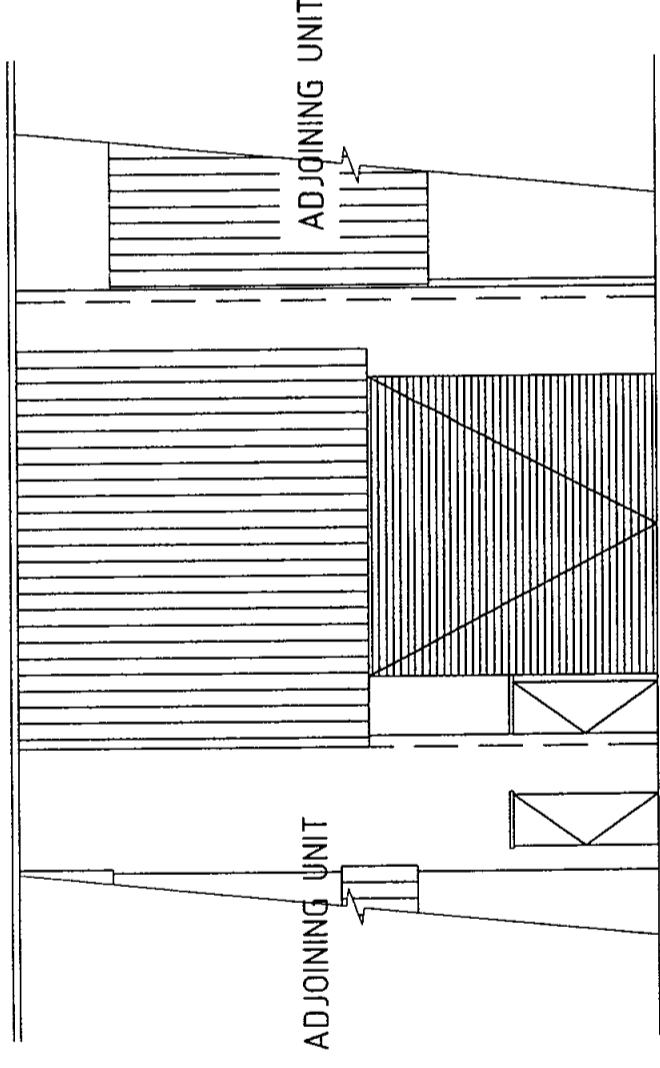
MEZZANINE FLOOR PLAN



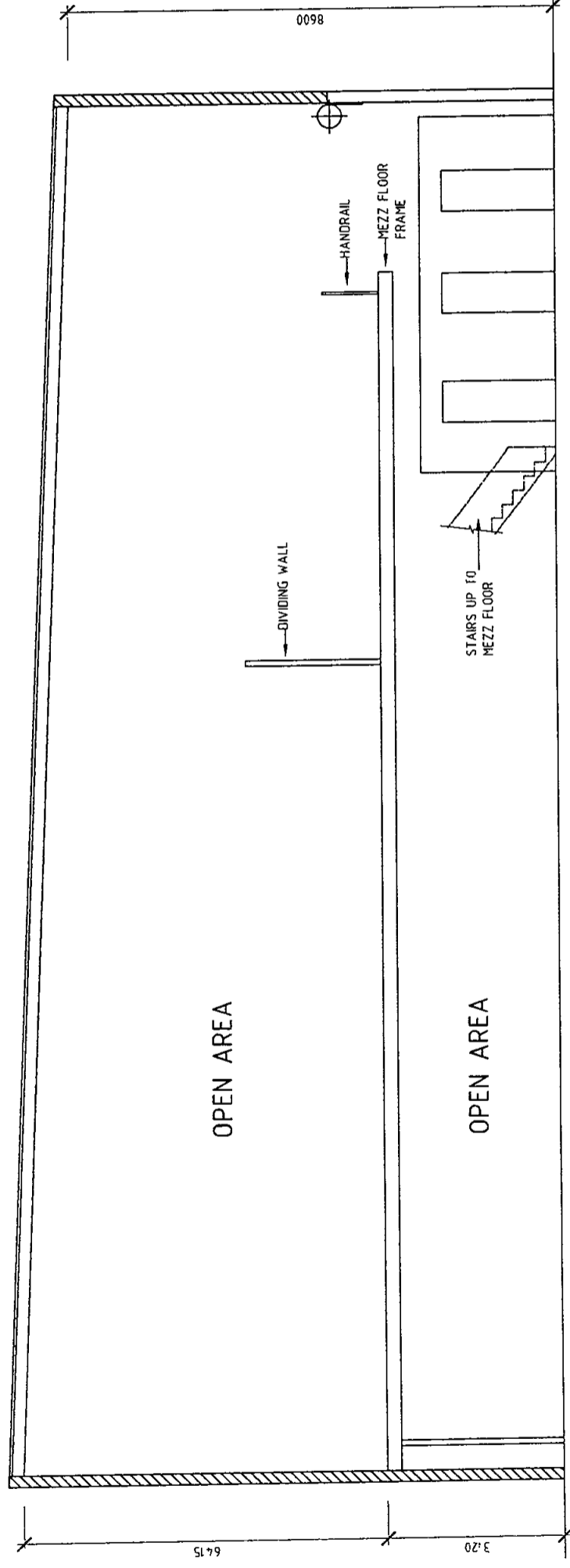
GROUND FLOOR PLAN

PROJECT			
LAYOUT & USAGE OF EXISTING BUILDING			
UNIT 2C / 79 BASSETT ST MONA VALE			
FOR			
GROUND & MEZZANINE PLANS			
SCALE	1 100 / A3 SHEET	DATE	JAN 11
JOB NO.	2087	DRAWING NO.	1 of 2
REVISION	A	DRAWN	RG
DRAWN			
NORTH SHORE PLANS			
PO Box 497 B Gosford NSW 2250			
PH 041 0058 Fax 041 0058 Mobile 0408 29 75			
Email: nsh@opt.onetel.com.au			

DIMENSIONS BUILDING LAYOUT & SITE INFORMATION APPROXIMATE ONLY



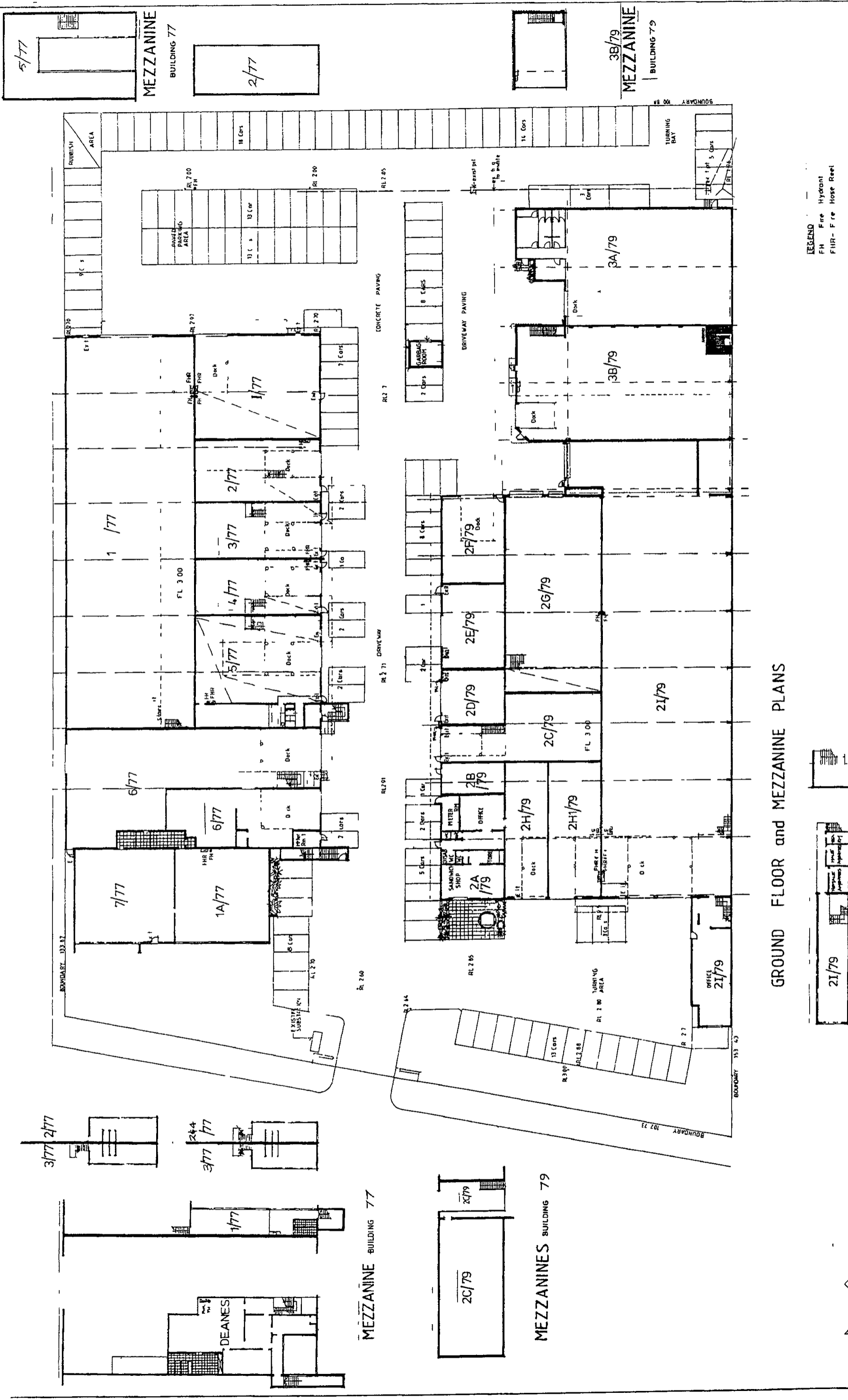
FRONT ELEVATION



SECTION A-A

PRODUCT <b>LAYOUT &amp; USAGE OF EXISTING BUILDING</b> AT <b>UNIT 2C / 79 BASSETT ST MONA VALE</b> FOR			
FRONT ELEVATION & SECTION A-A			
SCALE	1:100 / A3 SHEET	DATE	JAN 11
JOB NO.	2067	DRAWING NO.	2 of 2
REVISION	A	DRAWN	RG
DRAWN <b>NORTH SHORE PLANS</b> PO Box 897 Brockley NSW 2108 Ph 8401 0068 Fax 8401 0058 Mobile 0408 20 38 75 Email nsp@northshoreplans.com.au			





GROUND FLOOR and MEZZANINE PLANS

LEGEND  
 FH Fire Hydrant  
 FH/H Fire Hose Reel

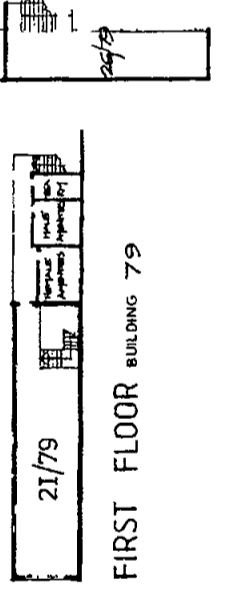


THE COPYRIGHT IN THIS DESIGN AND DRAWING REMAINS THE PROPERTY OF RON H ALLARS PTY LTD

**RON H ALLARS PTY LTD ARCHITECTS**  
 2 Perentie Road Belrose NSW  
 PO Box 243 Perentie Road Belrose NSW  
 Tel 0020451 8833

Scale 1:750  
 Date APR 98  
 Number 9819  
 T1

TENANCY MASTER PLAN	
This Project	INDUSTRIAL BUSINESS PARK
Site	77-79 BASSETT STREET MONA VALE
Client	DEANS MANAGEMENT PTY LTD
Amendment/Issue	
No	Date



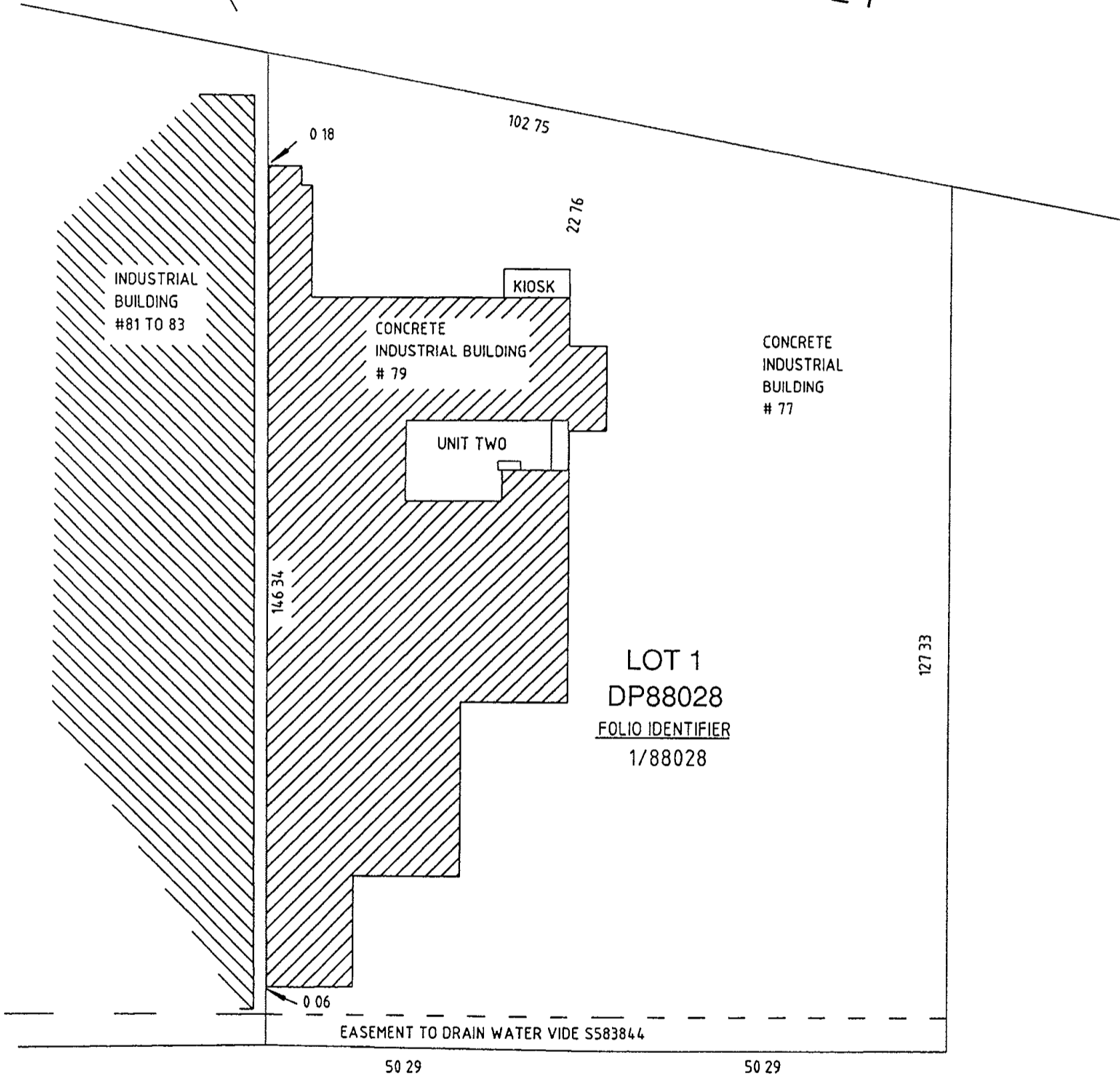
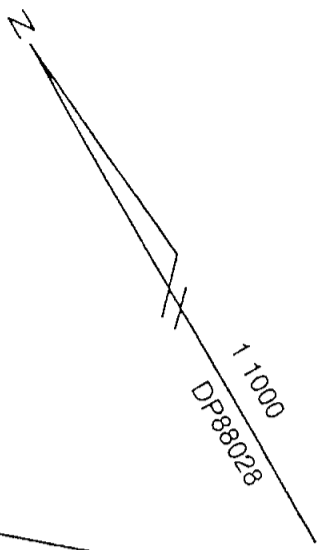
FIRST FLOOR BUILDING 79

MEZZANINE BUILDING 77

MEZZANINES BUILDING 79

LGA PITTWATER  
Locality MONA VALE

BASSETT STREET



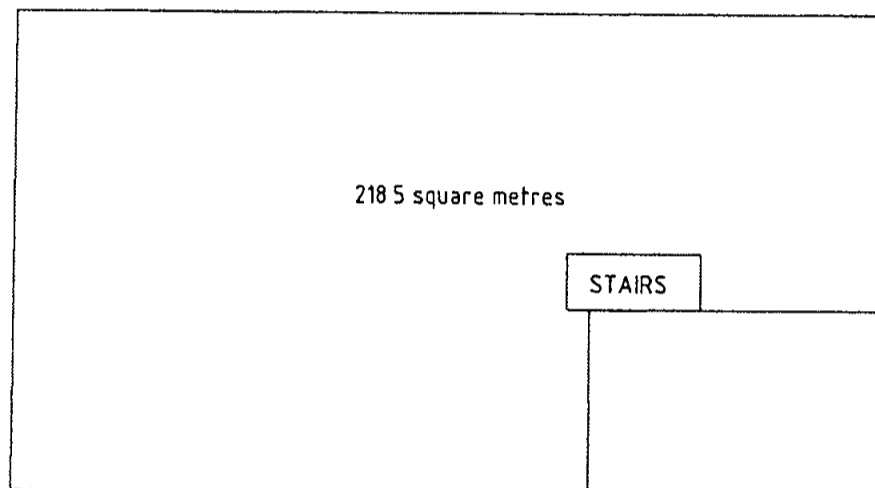
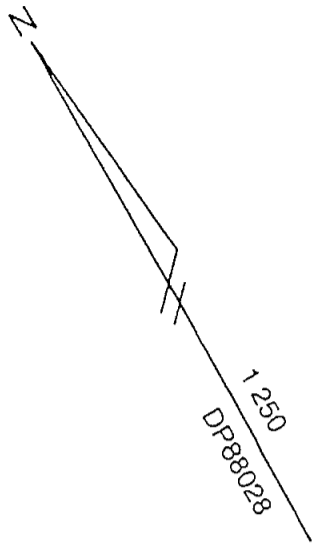
LOT 1  
DP88028  
FOLIO IDENTIFIER  
1/88028

OPEN DRAINAGE CANAL      ENCLOSED DRAINAGE

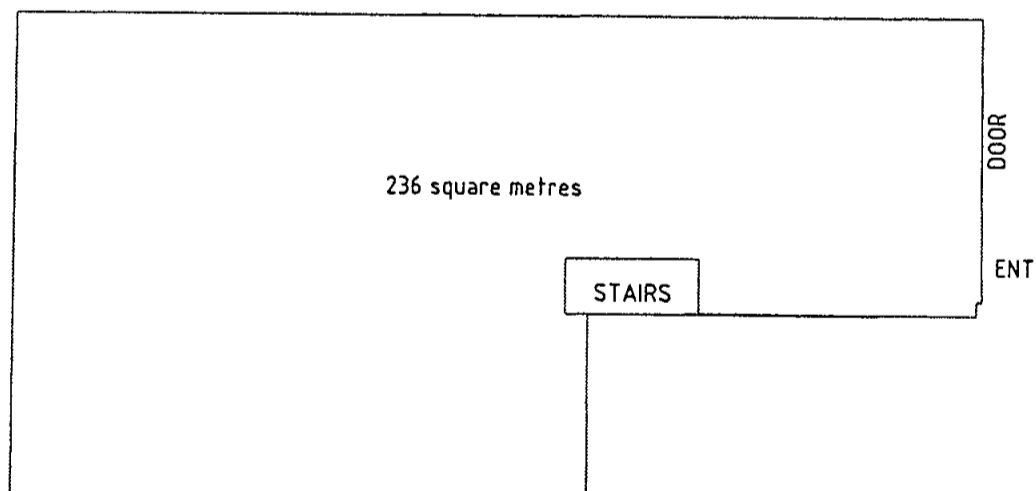
Ref 11\_101.dwg  
Date 25TH JANUARY 2011

**KIPROVICH & ASSOCIATES PTY LTD**  
144 Anzac Avenue COLLAROY NSW 2097  
Phone 0417 449 037 Fax 02 9982 8913  
ACN 080 101 042  
ABN 20 080 101 042

L G A PITTWATER  
Locality MONA VALE



MEZZANINE LEVEL



GROUND FLOOR

Ref 11\_101.dwg

Date 25TH JANUARY 2011

**KIPROVICH & ASSOCIATES PTY LTD**

144 Anzac Avenue COLLAROY NSW 2097

Phone 0417 449 037 Fax 02 9982 8913

ACN 080 101 042

ABN 20 080 101 042

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Proposed Recreation Facility (indoor)

Fit out & Use

**Factory Premises 2(c) –  
77 Bassett Street  
MONA VALE**

## **Statement of Environmental Effects**

**Gymnasium – Fit out and Use**

**Factory Premises 2C – 77 Bassett Street Mona Vale**

prepared under instructions from

**Mr E Ortiz and Bundock/Palmer Lawyers**

by

**Ross Fleming**

B Urb & Reg Plan (UNE) MPIA

**Boston Blyth Fleming**

(ACN 121 577 768)

Town Planners

Suite 1 No 9 Narabang Way

Belrose NSW 2085

Tel (02) 9986 2535

Email ross@bbfplanners.com.au

Feb 2011

---

## **TABLE OF CONTENTS**

### **1 0 INTRODUCTION**

### **2 0 SITE DESCRIPTION AND LOCATION**

- 2 1 The Site
- 2 2 The Locality

### **3 0 DEVELOPMENT PROPOSAL**

### **4 0 STATUTORY PLANNING FRAMEWORK**

- 4 1 General
- 4 2 Pittwater Local Environmental Plan 1993
- 4 3 Matters for Consideration Pursuant to section 79C (1) of the EP&A Act

### **5 0 CONCLUSION**

## **TABLE OF APPENDICES**

ANNEXURE 1	Council draft notice 24 <sup>th</sup> December 2010
ANNEXURE 2	Site Survey - Kiprovič & Associates
ANNEXURE 3	Floor plans (North Shore Plans) and Site Plan (Ron Allars P/L Architects)
ANNEXURE 4	Structural Certification – Jack Hodgson Consulting
ANNEXURE 5	Application for a building certificate

## 1 0 INTRODUCTION

This document accompanies a development application that proposes the fitout and use of premises for the purpose of 'recreation facility (indoor)' as defined pursuant to the standard environmental planning instrument prescribed pursuant to S 33A of the Environmental Planning & Assessment Act 1979. The subject premises comprise a ground floor and first floor mezzanine within an established factory unit and industrial complex. The use of the premises comprises a gymnasium and Jujitsu/martial arts academy.

In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended
- The Environmental Planning and Assessment Regulation
- Pittwater LEP 1993 and Pittwater 21 DCP

A detailed floor plan accompanies the DA submission.

The application has been prepared in response to a Council draft order dated 24<sup>th</sup> December 2010 (**Annexure 1**) alleging the use of the premises is a prohibited pursuant to Pittwater LEP 1993 and that works have been undertaken without the necessary consent/approvals and constitute illegal building work. In response to this notice it is intended that this application will address the use and fit out of the premises and that a concurrent building certificate application will address the works as executed within the premises.

It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

## 2 0 SITE DESCRIPTION AND LOCATION

### 2 1 The Site

The development relates to factory premises 2C at 77 Bassett Street, Mona Vale. A detailed site survey (**Annexure 2**) accompanies the application. The land is described as Lot 1 DP 88028. The site has a frontage to Bassett Street of 102.75m and side boundaries of 146.34m and 127.33m.

The premises is detailed within the floor plans (Annexure 3). Unit 2C is one of a number of factory premises on the land that comprise a

multiplicity of uses including manufacturing, warehousing and other specialist land uses

## **2 2 The Locality**

The southern side of Bassett Street is an established light industrial zone that provides for a range of service and business related activities and land uses including service and trade related activities. The adjoining land is also within the same zoning with land opposite developed for residential and recreational purposes. The subject site forms a component of a large industrial unit development with extensive onsite parking (refer site plan **Annexure 3**)

## **3 0 DEVELOPMENT PROPOSAL**

The development application proposes the use and occupation of factory premise 2C for the purpose of a gymnasium including a range of fitness related and group activities including instruction in martial arts activities including Brazilian Ju Jitsu, judo, Thai boxing and mixed martial arts, training and conditioning classes and gymnasium facilities.

The landuse activities are confined to hours of operation 4 00 pm – 9 00 pm daily and typically involve 1 5 hour sessions with between 15 - 30 participants per session. The gymnasium currently provides for a membership of 116 people. The layout of the premises is as depicted in **Annexure 3** and involves a gross floor area of 454 5m<sup>2</sup> (refer **Annexure 3**). The Unit 2C entitlement includes access to 4 designated parking spaces but site provides a general or public parking area at the rear of the site for 60 spaces. The intended hours of use and the intensity of the landuse activity, being outside core business hours means that gymnasium clients have convenient parking access to this general parking area as per the site plan.

## **4 0 STATUTORY PLANNING FRAMEWORK**

### **4 1 General**

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.



## 4.2 Pittwater Local Environmental Plan 1993

The Council draft notice refers to the use of the premises as an 'education establishment' as defined clause 5 of that LEP. That being the case the land use would be a prohibited use within the zone. However the basis for that classification of the use is not explained within the draft notice and we do not consider this interpretation is correct. The definition of an education establishment is

**educational establishment** means a building or area of land used as a school, college, technical college, academy, lecture hall, gallery or museum, whether or not that building is also wholly or partly used for meeting rooms, public entertainment, sport or recreation, child care centres or a cultural or similar use, whether or not for commercial gain, which is, in the opinion of the Council, a use for a community purpose, but does not include a building used wholly or principally as an institution

We make the following points

- The use itself evidently is not a school or any of the other related uses referred to within that definition
- People attending the site do so for the principle benefit of the exercise regime. The grading of the participants in terms of their skill level is a matter for the co-ordinator of the centre and not a matter of formal tuition and external evaluation
- The definition of education establishment as per the Pittwater LEP should properly be compared to the standard environmental planning instrument which limits the definition to specific educational land uses that are constituted as such by the relevant Act. Clearly the use is not an education establishment within the modern definition of that use
- Accordingly the nearest definition within the LEP is that adopted by reference to the EP&A Model Provisions 1980 as a 'recreation establishment' viz

**Recreation establishment** means health farms, religious retreat houses, rest homes, youth camps and the like but does not include a building or place elsewhere defined in this clause or a building or place use or intended for use for a purpose elsewhere specifically defined

There is no adopted definition within the LEP that applies directly to the use as established and proposed by this application. Accordingly it is evident that the use is either a recreation establishment (which we doubt by reference to the categorisation of the land uses) or is an in nominate land use but one that is nonetheless a use permissible with consent in the zone.

- For the purpose of this application we have adopted the definition provided for by the standard environmental planning instrument as adopted by S 33A of the Act being a recreation facility (indoor) and meaning *a building or place used predominantly for indoor recreation, whether or not operated for the purpose of gain, including squash court, indoor swimming pool, gymnasium, table tennis, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include and entertainment facility, a recreation facility (major) or a registered club*

In our opinion the use is a land use that is permissible with the consent of the Council in the zone.

#### **4.3 Matters for Consideration Pursuant to Section 79C (1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 79C of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (*in italics*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

##### **4.3.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations**

Refer to discussion above.

##### **4.3.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality**

*Context and Setting*

i) *What is the relationship to the region and local context on terms of*

- *the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

The premises are within the established industrial facility and the proposed utilisation of the space provides for a functional and convenient landuse activity. The application does not change or impact upon the built form of the structure as established. The matter of the unauthorised works within the premises is addressed by the building certificate application submitted with this development application.

ii) *What are the potential impacts on adjacent properties in terms of*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The nature of the landuse is considered to have minimal impact on adjacent properties being a quite and relatively unintensified use without reliance on plant or machinery that is likely to create a disturbance.

*Access, transport and traffic*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*

- *vehicular parking spaces?*

The hours of operation of the landuse and the general availability of parking on the site will adequately cater of the use as proposed Part B6 6 of Pittwater 21 DCP does not have a specific reference to a generic gymnasium landuse but the RTA standards provide for an outcome of 4.5 space/100m<sup>2</sup> GFA or in this instance 20 parking spaces Access to these spaces is readily available on the site at the hours of use as proposed by this application

#### *Public domain*

The proposed development will have no impact on the public domain (ie roads, parks etc )

#### *Utilities*

Existing utility services will adequately service the development

#### *Flora and fauna*

The site does not contain any significant flora or fauna

#### *Waste*

Appropriate commercial arrangements concerning waste collection and disposal will be put in place

#### *Natural hazards*

The site is within a defined flood hazard area but the application is confined to the use of the established premises

#### *Economic impact in the locality*

The proposed development provides for a permitted use in the locality and will have a limited economic impact on the locality

#### *Site design and internal design*

- i) *Is the development design sensitive to environmental conditions and site attributes including*
  - *size, shape and design of allotments?*
  - *the proportion of site covered by buildings?*
  - *the position of buildings?*
  - *the size (bulk, height, mass), form, appearance and design of buildings?*

- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

Refer fitout plans

*ii) How would the development affect the health and safety of the occupants in terms of*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The premises provides for appropriate facilities for the use as proposed

*Construction*

*i) What would be the impacts of construction activities in terms of*

- *the environmental planning issues listed above?*
- *site safety?*

N/A

### **4 3 3 The suitability of the site for the development**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or impossible development constraints. The site is reasonably located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

*Are the site attributes conducive to development?*

Access to the site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed development

**4 3 4 Any submissions received in accordance with this Act or the regulations**

It is envisaged that no resident concerns will be raised

**4 3 5 The public interest**

It is considered that the development is sensitive both to the natural and built environments It is the Council policy to notify the application and Council will consider issues if any as raised through that process

**5 0 CONCLUSION**

The application proposes a permissible landuse within the subject locality plan and is one that is considered to be consistent with the locality and the functional application of the building as approved and constructed

Having given due consideration to the matters pursuant to Section 79C of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance

Ross Fleming  
**BOSTON BLYTH FLEMING**

**ANNEXURE 1**

**Draft Notice**

Andrew Caponas Development Compliance Officer  
8am to 5 30pm Mon-Thurs 8am to 5pm Fri  
Phone 9970 1145

4 January 2011

NOT0258/10

MR EDSON ORTIZ  
PO BOX 420  
NEWPORT NSW 2106

**ORDER NO 19 UNDER SECTION 121B  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (as amended)  
PREMISES Lot 1 DP 88028, 77 BASSETT STREET MONA VALE NSW 2103**

Pittwater Council hereby orders you MR EDSON ORTIZ being the lessee of the subject premises to comply with the terms set out in Schedule 1 to this Order within the times specified in the schedule below

The reasons why this Order is given to you are

The premises known as unit 2c were inspected on 21 December 2010 at 1 10pm due to a complaint being received regarding the alleged unauthorised use of the premises and alleged unauthorised building works within the premises

Internal inspection revealed that the mezzanine level has been extended to cover most of the floor area of the industrial unit. The mezzanine is constructed of steel beams and columns plus timber joists with structural flooring and on the ground level, amenities are in the process of being constructed which includes plumbing, drainage, tiling plus lined timber framed walling

A check of Council's records indicates that no Development Application has been received for the building works

A check of Council's records also indicates that no Construction Certificate or Complying Development Certificate has been issued for the above mentioned building works

The extension of the mezzanine level plus the amenities on the ground floor are not regarded as exempt development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 therefore, are regarded as unauthorised building works

The use of the premises as a martial arts academy (educational establishment' as defined under the provisions of Pittwater Local Environmental Plan 1993) is a prohibited use within the industrial 4(b1) zoning of Pittwater Local Environmental Plan 1993



Schedule 1

Cease forthwith all unauthorised building works. The unauthorised building works include the mezzanine constructed of steel beams and columns plus timber joists with structural flooring and on the ground level amenities being constructed which includes plumbing drainage tiling plus lined timber framed walling.

Failure to comply

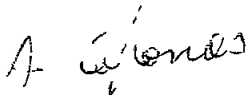
Failure to comply with this Order may result in Council instigating legal action under the provisions of the Environmental Planning and Assessment Act 1979 (as amended) or the serving of penalty notices (on-the-spot fines) under the provisions of the Environmental Planning & Assessment Act Regulations.

Right of appeal

You are advised that you have a right of appeal to the Land and Environment Court against

- 1 The Order
- 2 A specified part of the Order

An appeal to the Court must be lodged within twenty-eight (28) days of the date of service of this Order.



Andrew Caponas  
**ACTING PRINCIPAL DEVELOPMENT COMPLIANCE OFFICER**

**ANNEXURE 2**

**Site Survey**

## KIPROVICH & ASSOCIATES PTY LTD

ACN 080 101 042

Consulting Surveyors & Land Services  
144 Anzac Avenue  
COLLARROY NSW 2097

Mobile 0417 449 037  
Fax 02 9982 8913

Mr Edson Ortiz  
PO BOX 420  
NEWPORT NSW 2106

25 January 2011

### Report

**Re** Identification survey and report with areas shown  
**Property** Unit 2 Number 77 Bassett Street Mona Vale 2103  
**Your Reference** Emailed request from Bundock/Palmer 24<sup>th</sup> January 2011

As instructed, we provide a survey and report, for identification purposes, over the land comprised in Certificate of Title, Folio Identifier 1/88028 being Lot 1 in Deposited Plan 88028 having a frontage of 102.75 metres to Bassett Street and depths of 146.34 and 127.33 metres to Bassett street, Mona Vale in the Local Government Area of Pittwater Parish of Narrabeen County of Cumberland New South Wales, the boundary of the above described land being shown by red edging on the accompanying sketch

### **It is our opinion**

That upon the subject land stand two concrete industrial buildings. Unit 2 the subject of this report is shown on the sketch, together with title details. The Unit is wholly contained within the building as indicated on the sketch and consists of a ground floor and mezzanine level. The Unit is currently undergoing internal fit out and is occupied by 'Ortiz Martial Arts Centre' at the date of survey.

The boundaries of the subject land are partially fenced as indicated on the sketch.

There are no encroachments by or upon the subject land other than indicated on the accompanying sketch plan.

This survey is confined to visible structures above ground and no investigation has been made into any improvements which may exist below ground.

### **Encumbrances**

Title is held subject to Reservations and Conditions in the Crown Grant.

This report does not cover the leases, covenant and easement notations on title.

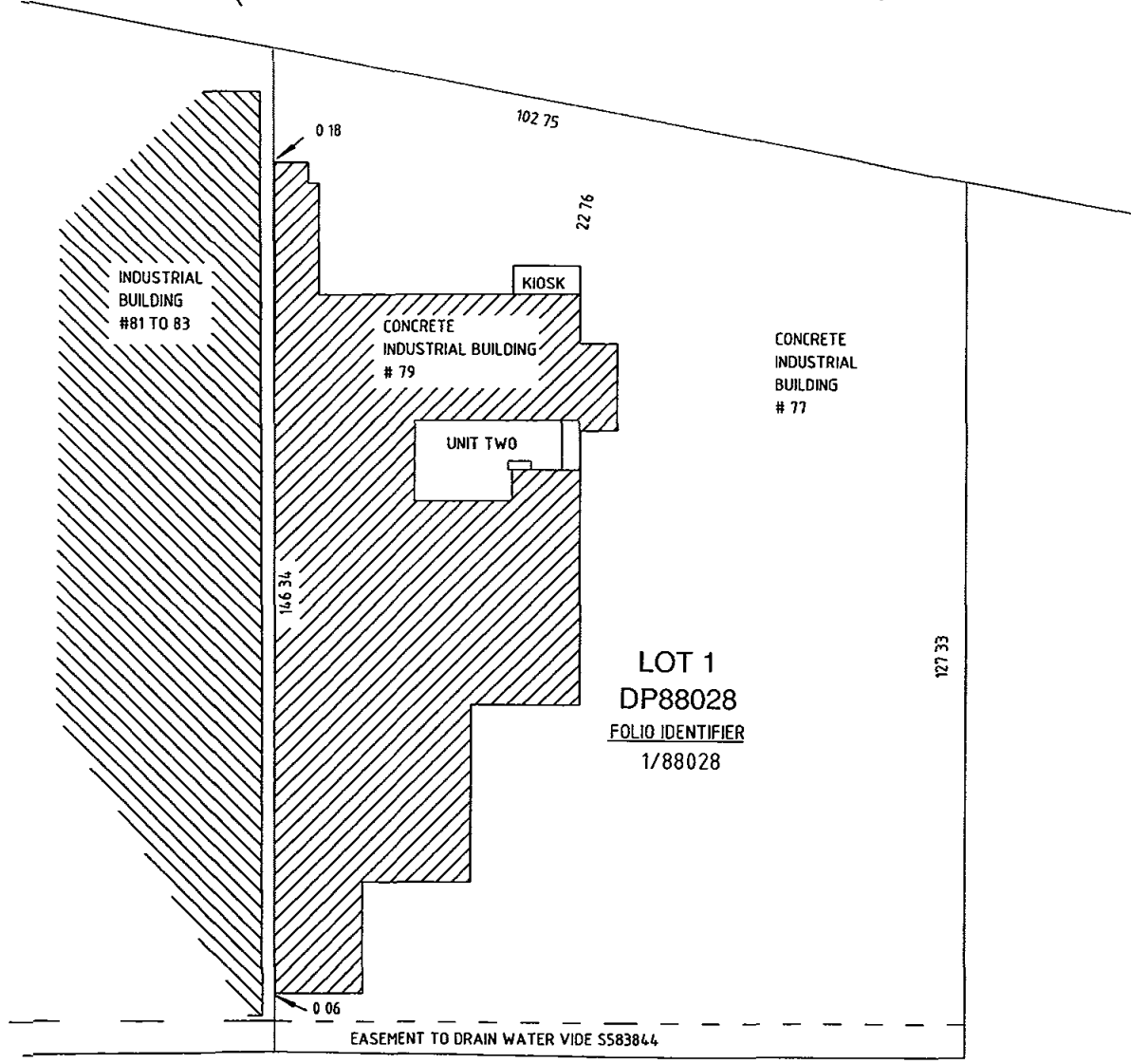
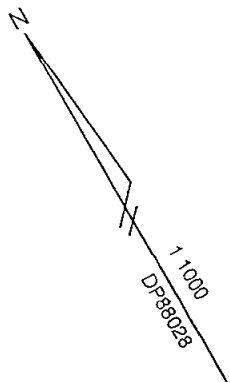
This survey has been undertaken for specific identification purposes and Council application only and should not be used for any other purpose. Should any building or construction works be identified for the site, it is recommended a remark of the boundaries be carried out.

Yours faithfully,

Robert Kiprovich  
Registered Surveyor  
Ref 11\_101#report

LGA PITTWATER  
Locality MONA VALE

BASSETT STREET



LOT 1  
DP88028  
FOLIO IDENTIFIER  
1/88028

OPEN DRAINAGE CANAL      ENCLOSED DRAINAGE

EASEMENT TO DRAIN WATER VIDE S583844

Ref 11\_101.dwg

Date 25TH JANUARY 2011

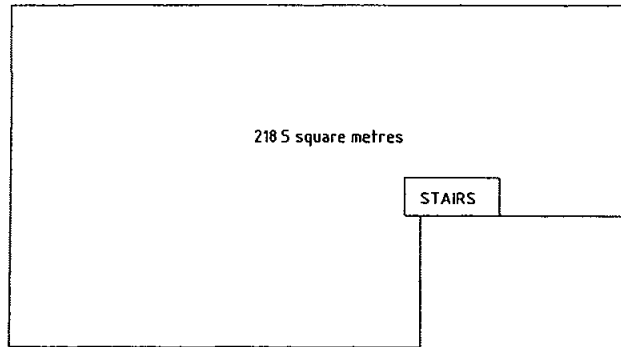
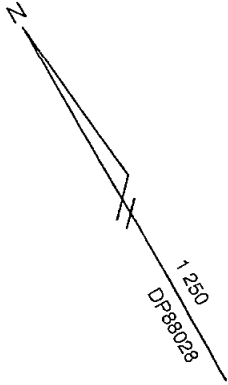
**KIPROVICH & ASSOCIATES PTY LTD**

144 Anzac Avenue COLLARROY NSW 2097

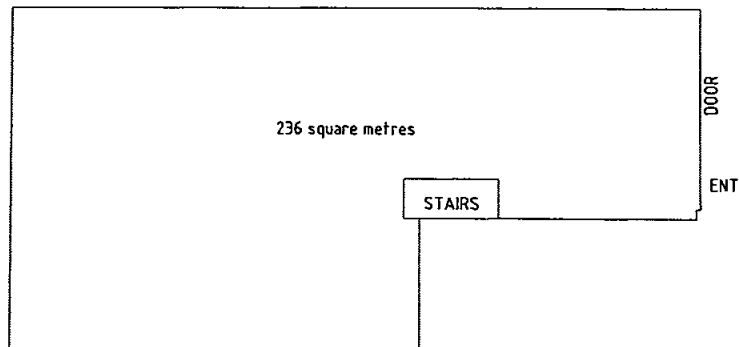
Phone 0417 449 037 Fax 02 9982 8913

ACN 080 101 042  
ABN 20 080 101 042

LGA PITTWATER  
Locality MONA VALE



MEZZANINE LEVEL



GROUND FLOOR

Ref 11\_101.dwg

Date 25TH JANUARY 2011

**KIPROVICH & ASSOCIATES PTY LTD**

144 Anzac Avenue COLLAROY NSW 2097

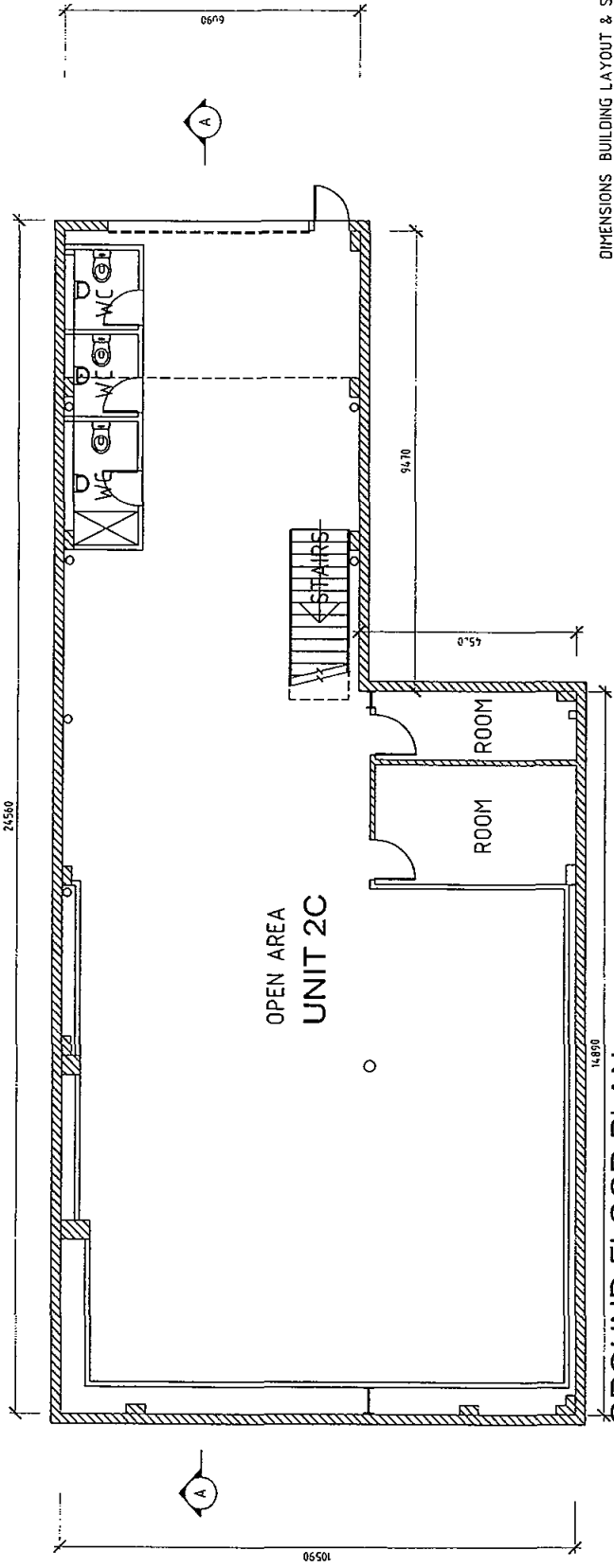
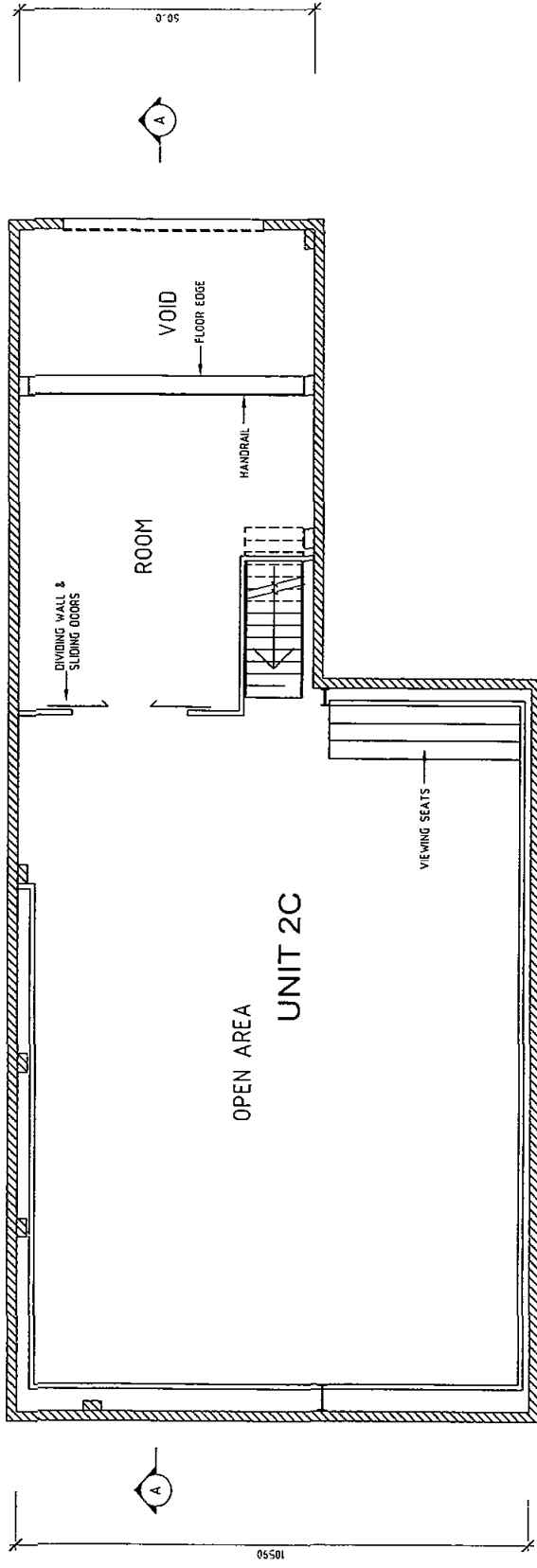
Phone 0417 449 037 Fax 02 9982 8913

ACN 080 101 042

ABN 20 080 101 042

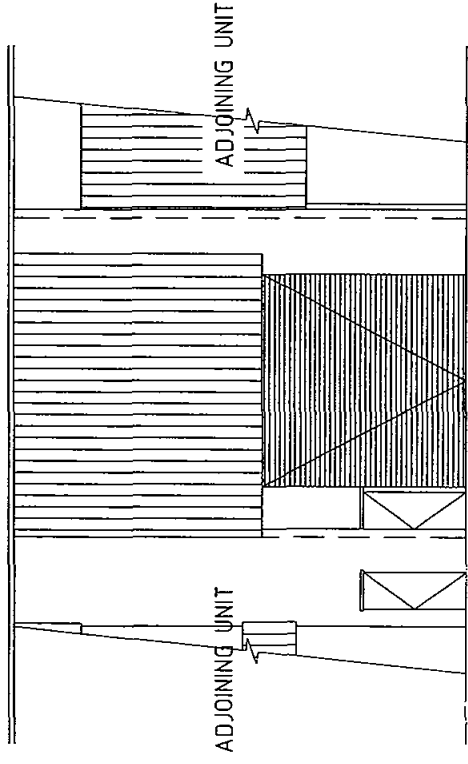
---

**ANNEXURE 3**  
**Fit Out Plans & Site Plan**

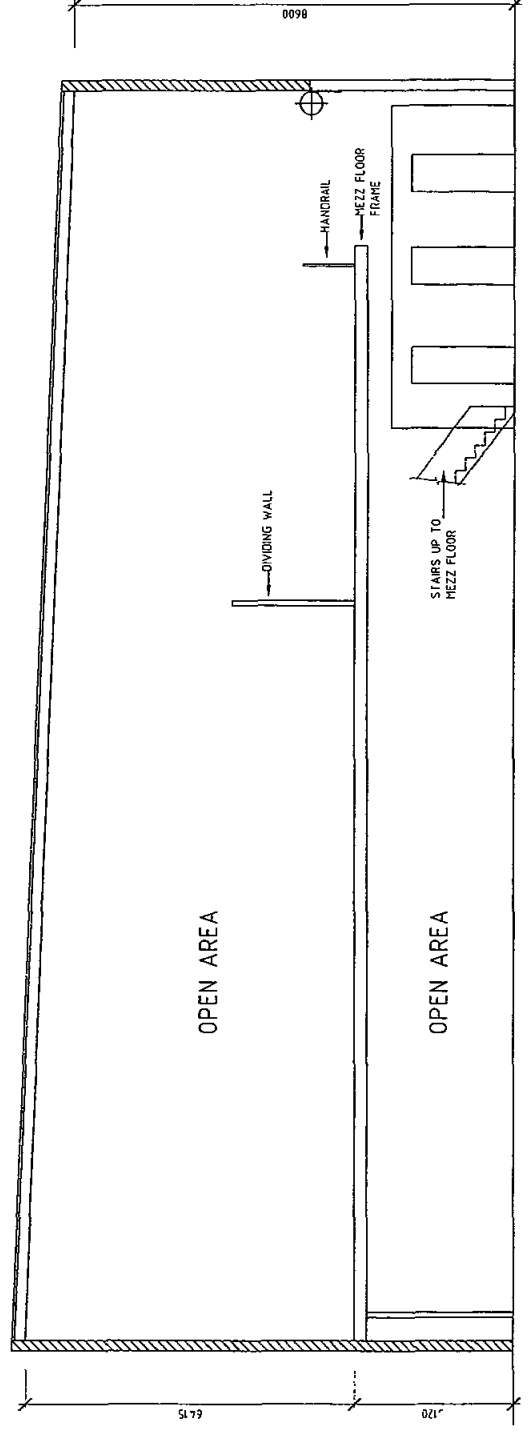


100/103 LAYOUT & USAGE OF EXISTING BUILDING UNIT 2C / 79 BASSETT ST MONA VALE	
GROUND & MEZZANINE PLANS	JAN 1
100/103 SHEET	1.1.2
2067	W RG
A	RG
NORTH SHORE PLANS C.B. 45, Phone No. 5972 00 Fax No. 5566 00, 100, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	

DIMENSIONS BUILDING LAYOUT & SITE INFORMATION APPROXIMATE ONLY

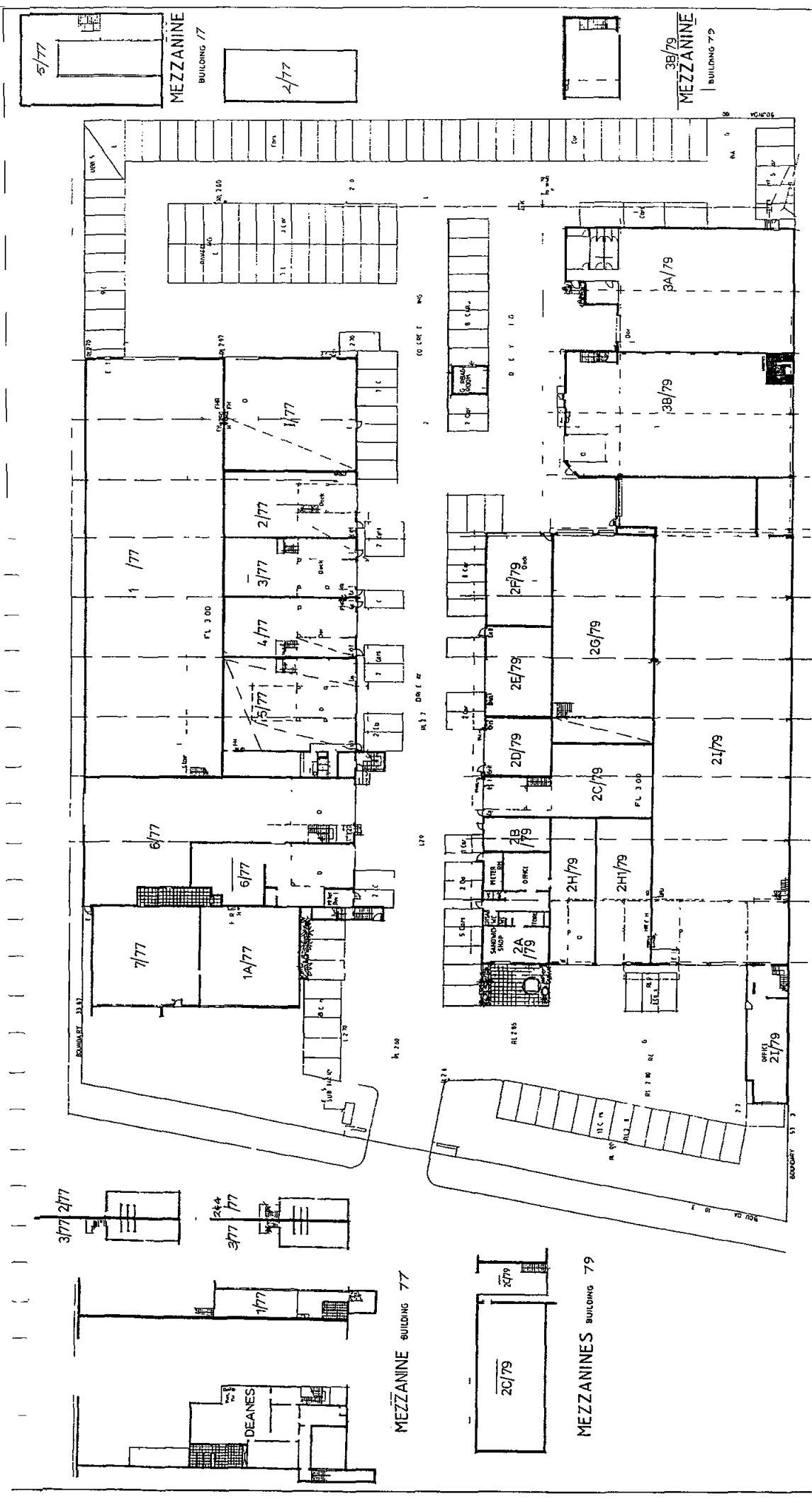


FRONT ELEVATION

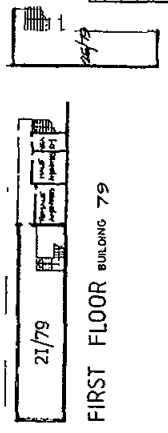


PROJ. T	
LAYOUT & USAGE OF EXISTING BUILDING	
UNIT 2C / 79 BASSETT ST MONA VALE	
FRONT ELEVATION & SECTION A-A	
1:100 / A3 SHEET	JAN 11
2067	2 / 2
A	RG
NORTH SHORE PLANS	
P. 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015	





GROUND FLOOR and MEZZANINE PLANS



LEGEND  
 FH F Hyd I  
 FL F L H S R I

Scale 1:500  
 Date APR 98  
 N 005 9819 T1

**RON H ALLARS PTY LTD ARCHITECTS**  
 2 Peartree Road Belconnen NSW  
 Tel: 02 625 918 33

TENANCY MASTER PLAN  
 INDUSTRIAL BUSINESS PARK  
 17 79 BASSETT STREET MONA VALE  
 DEANS MANAGEMENT PTY LTD

TH	TH	TH	TH	TH	TH	TH	TH



---

**ANNEXURE 4**  
**Structural Certification**



Jack Hodgson Consultants Pty Limited

CIVIL, ELECTRICAL, MECHANICAL AND STRUCTURAL ENGINEERS

APN 24 055 10 0

MV 27283

2<sup>nd</sup> November 2010

Page 1

Adrian Holmes  
ND Rental  
128 Waterview Street  
MONA VALE NSW 2103

### UNIT 2C No 79 BASSFIELD STREET MONA VALE

On the 27<sup>th</sup> October 2010 we inspected the subject unit in regards to a new mezzanine extension to the north of the existing mezzanine at the subject industrial unit. There are two existing steel beams spanning 3.0 metres approximately 500mm high and two back to back 300 high purlin beam and a single purlin beam. The loading code of Australia AS 1170 recommends that the live load for a floor of a gymnasium be 5.0 kPa and as the subject unit is to be used as a martial arts gym we used this live load in our calculations. A lightweight timber floor with 15.0 kg/m<sup>2</sup> impact mats is to be constructed.


We have calculated the likely loads to be placed upon the existing 500mm approximate high steel beams and in our opinion are adequate for the likely loads to be placed upon them.

The existing 300 high purlin beams are in our opinion not adequate for the likely loads to be placed upon them.

We recommend that 300x70 Hynco joists at 450mm centres be used as a minimum or similar and in our opinion adequate for the likely loads to be placed upon them.

New mezzanine support beams are to be 360UB44 for a load width of 3.6m and end beams a 300UB32 for a load width of 1.8m and a clear maximum span of 5.6m. Supports to be on existing concrete block piers with minimum 150mm end bearing or similar CHS posts to existing end side of UB provided.

### JACK HODGSON CONSULTANTS PTY LIMITED

  
J.D. Hodgson M Eng Sc  
F I E Aust, CP ENG  
Civil & Structural Engineer  
Nper3 Struct Civil No 149788  
Director

DIRECTOR: J.D. HODGSON M Eng Sc F I E Aust CP ENG Nper3 Struct Civil No 149788

128 WATerview Street, MONA VALE NSW 2103

TEL: 02 9392 1111 FAX: 02 9392 1112

---

**ANNEXURE 5**  
**Application for a Building Certificate**

## **APPLICATION FOR A BUILDING CERTIFICATE**

**Property No - Factory Premises 2C No 77 Bassett Street MONA VALE**

### **1 Introduction**

We act for Mr E Ortiz the proprietor of the subject premises

### **2 Chronology**

- Council has served a draft notice in respect of unauthorized works involving the construction of a mezzanine structure and ground floor amenity facilities including associated plumbing and drainage
- This application for a building certificate in respect of these works is made in association with a development application for the use and fit out of the premises

### **3 Pittwater LEP 1993**

The subject site is zoned 4(b1) Light Industrial Mona Vale

### **4 Details of Works**

The application is accompanied by

- Identification survey prepared by Kiprovlch & Associates Pty Ltd consulting surveyors dated 25<sup>th</sup> January 2011
- As built drawings 01 prepared by North Shore Plans
- Structural certificate dated 27<sup>th</sup> November 2011 by Jack Hodgson Consulting Pty Ltd

### **5 Building Certificate**

The works described have been completed. In the circumstances this application seeks the Council issuance of a building certificate to address the details of the draft Council notice of the 9<sup>th</sup> July 2009. The Act requires the Council

#### ***149D Obligations of council to issue building certificate***

*(1) The council must issue a building certificate if it appears that*

*(a) there is no matter discernible by the exercise of reasonable care and skill that would entitle the council, under this Act or the Local Government Act 1993*

*(i) to order the building to be demolished, altered, added to or rebuilt, or*

*(ii) to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or*

*(iii) to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, or*

*(b) there is such a matter but, in the circumstances, the council does not propose to make any such order or take any such proceedings*

## **6 Commentary**

It is submitted the building certificate should issue for the following reasons

- The works have been undertaken in a workman like manner and to the appropriate certification of a structural engineer accompanies the application
- The works sought to be rectified by the building certificate application have been undertaken in association with the use of the premises as a gymnasium. The development application seeks consent to that use of the premises and the fit out as constructed and addresses the parking standards associated with Part B6.6 of Pittwater 21 DCP. In the circumstances of that use being consented to, then a change of use to revert the factory to an industrial use will require the consent of Council as the exempt and complying codes will not apply. It is the applicants submission that the Council will retain adequate opportunity to review the implications associated with any future landuse and parking at that future time.
- The works as constructed are entirely internal works and have no consequence in relation to the external presentation or streetscape associated with the premises.
- On merit it is submitted there is no technical reason to require the works to be demolished, altered or rebuilt and that the works associated with the use of the premises as a gymnasium are works associated and particular to that use. Accordingly it is reasonable for the Council to conclude that there is no reason to require the works as built to be demolished.

## **7 Conclusion**

In our opinion the works undertaken have been undertaken in a workman like manner and do not detract from the character of the area, nor the amenity of the adjoining sites. Accordingly there is no reason pursuant to S 149D of the Act for the Council to require the works to be demolished or altered.

We would be pleased to clarify or supply additional detail and documentation as required by Council in its assessment of the application.

Ross Fleming  
**BOSTON BLYTH FLEMING**

bas77m1