

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0264
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Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 2 DP 530175, 57 Myoora Road TERREY HILLS NSW 2084
Proposed Development:	Use of industrial building as a warehouse facility for storage and distribution of warehouse products.
Zoning:	Warringah LEP2011 - Land zoned IN2 Light Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Hardware & General Properties Pty Ltd
Applicant:	Hardware & General Properties Pty Ltd

Application Lodged:	16/03/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Infrastructure
Notified:	04/08/2020 to 18/08/2020
Advertised:	Not Advertised
Submissions Received:	29
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 35,000.00
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EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of Development Application No. DA2020/0264 for use of industrial building as a warehouse facility for storage and distribution of warehouse products.

The subject site is zoned IN2 Light Industrial under the provisions of the Warringah Local Environmental Plan 2011 (WLEP 2011), and the proposed development is permissible with consent.

Amendment have been made to the plans during the assessment and additional information has been received in relation to traffic and noise. The application (that this report is based on) was renotified from 4 August 2020 to 18 August 2020.

The public exhibition period generated a total of 29 individual submissions. The submission raised

concerns regarding traffic and parking, noise and safety and permissibility of use. These concerns have been addressed within the report, and overall, there were no matters raised that would warrant the refusal of the application.

The application has been referred to the Northern Beaches Local Planning Panel due to having more than 10 unique submissions.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be approved subject to conditions attached to this report.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the use of the existing building as a Warehouse or distribution centre pursuant to Warringah LEP 2011.

Specifically, the proposed development consists of:

- Use of the existing building as a warehouse and distribution Centre;
- Internal fit out including loading area, office space, storage facilities;
- Signage;
- Hours of Operation: 6:00am - 6:00pm Monday to Friday. 7:00am - 4:00pm Saturday (No operation Sunday and Public Holidays);
- 4 staff;
- 15 Parking Spaces;
- Front fencing;
- Racking.

AMENDMENTS TO THE SUBJECT APPLICATION

Following a preliminary assessment of the application Council wrote to the applicant outlining a number of issues that would not allow for Council to support the application in its current form on 1 June 2020. The issues included traffic and noise. Following receipt of the letter the applicant advised that they intended to amend the development application. Council agreed to accept amendments to the application.

The applicant provided a traffic and acoustic report to address concern raised by Council referral bodies.

The applicant subsequently provided additional information and amended plans to address the concern raised on 24 July 2020. The application was re-notified from 4 August 2020 to 18 August 2020 to neighbouring properties and objecting parties.

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 - B5 Side Boundary Setbacks
 Warringah Development Control Plan - C2 Traffic, Access and Safety
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - C9 Waste Management
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 2 DP 530175 , 57 Myoora Road TERREY HILLS NSW 2084
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Myoora Road.</p> <p>The site is regular in shape with a frontage of 36.575m along Myoora Road and a depth of 76.2m. The site has a surveyed area of 2782m².</p> <p>The site is located within the IN2 Light Industrial zone and accommodates a industrial building.</p> <p>The front of the property is landscaped and relatively flat from the front to the rear with minimal cross fall.</p> <p>No easements or covenants restrict the proposed development.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by industrial development to the west and south. Residential development surround the site to the north and east.</p>

Map:



SITE HISTORY

The land has been used for industrial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

DA2009/0335 - Alterations & additions to an existing building. (Approved 2 June 2009)

DA2006/1086 - Extension to an Existing Industrial Building. (Approved 27 December 2006)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for industrial purposes for an extended period of time. The proposed development retains the industrial use of the site, and is not considered a contamination risk.
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	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development

Section 4.15 Matters for Consideration'	Comments
Assessment Regulation 2000 (EP&A Regulation 2000)	<p>consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to traffic, engineering, acoustic impact.</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> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 04/08/2020 to 18/08/2020 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 29 submission/s from:

Name:	Address:
Robert & Lynda Bale	16 Bindook Crescent TERREY HILLS NSW 2084
Mr Dennis John De Boos	3 Carramar Grove TERREY HILLS NSW 2084
Elizabeth Barraclough	Address Unknown
Mrs Kay Worrell	20 Nerang Avenue TERREY HILLS NSW 2084
Mr Dennis John Casper	307 / 0 Coonawarra Road TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Ms Lesley Dawn Nalbandian	47 / 0 Tooronga Road TERREY HILLS NSW 2084
Tasman KB Pty Ltd	61 Myoora Road TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Terrey Hills Progress Association	22 Myoora Road TERREY HILLS NSW 2084
Withheld	WARRIEWOOD NSW 2102
Withheld Withheld	BLACKTOWN NSW 2148
Withheld	TERREY HILLS NSW 2084
Mrs Georgina Sylvia Spinks	14 Bindook Crescent TERREY HILLS NSW 2084
Mr Alan David Brinkworth	22 Booralie Road TERREY HILLS NSW 2084
Mrs Rosemary Ann Brinkworth	22 Booralie Road TERREY HILLS NSW 2084
Mrs Elizabeth Ann Barraclough	64 Myoora Road TERREY HILLS NSW 2084
Mrs Margaret Sandra Thomas	11 Dandenong Road TERREY HILLS NSW 2084
John Anthony Harper	35 Booralie Road TERREY HILLS NSW 2084

Name:	Address:
Ms Sally C White Ms Susan Phillips	207 Tooronga Road TERREY HILLS NSW 2084
Mr Peter Geoffrey Addison	2 Wanari Road TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Mr John Barrie Arnold	27 Tiarri Avenue TERREY HILLS NSW 2084
Mr Benjamin Andrew Campbell	71 Booralie Road TERREY HILLS NSW 2084
Mr Peter Russell Storey	13 A Myoora Road TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Paul Davenport	2 Carramar Grove TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Duffys Forest Residents Association	PO Box 567 TERREY HILLS NSW 2084

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

- **Traffic and Safety**
- **Noise**
- **Permissibility**
- **Chemical use**
- **Pollution**
- **Biodiversity**
- **Built form non-compliance**

The matters raised within the submissions are addressed as follows:

- **Traffic and Safety**
Comment:
Concern is raised in regards traffic and potential dangers in regards to pedestrian safety as a result of the proposed use of the subject site. A traffic report was lodged as part of this application and reviewed by Council Traffic and Development Engineers. In summary, the proposed development is consistent with the underlying objectives of Part C2 Traffic, Access and Safety as well as C3 Parking Facilities of the Warringah DCP, subject to recommended conditions of consent, which have been included as part of this recommendation.
- **Noise**
Comment:
Concern is raised in regards to the noise impact that would result from use of the warehouse. While it is accepted there may be a noise impact associated with the off-street parking in terms of vehicles entering and exiting the site, the resulting impact is acceptable in this industrial context and not unreasonable in a IN2 Light Industrial Zone, this is further addressed under *Part D3 Noise* of this report. The application was referred off to Council's Environmental Investigations (Industrial) Officer for review and comment in regard to the hours of operation and noise impact of the proposal. Condition of consent have been imposed as part of this recommendation to mitigate noise impacts and allow for respite for neighbouring properties in the adjoining residential zone.

- **Permissibility**

Comment:

Concern is raised in regards to the permissibility of the proposed use of the existing premise. The application proposes to use the premise as a *'Warehouse or distribution centre'* which is permitted with consent within the IN2 Light industrial zone, pursuant to the Warringah LEP 2011. This use prohibits retail sales, and as such a condition has been imposed to ensure there is no retail sales throughout the operation of the building should the application be approved.

- **Chemical use**

Comment:

Concern is raised in regards to the potential use of chemicals on site. In relation to the proposed use of chemicals, the a condition of consent has been imposed by Council's Environmental (Industrial) Health Officer to ensure a trade waste permit is obtained if any contaminated wastewater is being discharged.

- **Pollution**

Comment:

Concern is raised in regards to pollution impacts as a result of the increased traffic on neighbouring residential properties. While it is acknowledged that an increase in general traffic will to increased pollution levels, the increase is not unreasonable in this industrial setting.

- **Biodiversity**

Comment:

An objection raised the potential impact of the proposed development on natural wildlife. The subject site is not located in a noted are of biodiversity and is not expected to have any adverse or detrimental impact on natural habitat of natural wildlife or vegetation. Physical works proposed are largely limited to existing built upon area, with only a minor area of landscaped open space being reduced to make way for storage racking. No significant natural vegetation is proposed for removal.

- **Built form non-compliance**

Comment:

This matter is addressed in detail elsewhere within this report (refer to B3 Side Setbacks under the Warringah DCP 2011 section of this report). In summary, the siting of the racking on the site, proposed building setbacks and resultant bulk and scale are considered to be appropriate in this industrial context and satisfy the requirements and objectives of Part B3 of the Warringah DCP 2011.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to conditions to ensure compliance with the Building Code of Australia.
Environmental Health (Industrial)	<p>Amended comments 19/08/2020</p> <p>An acoustic report was submitted to Council in support of the</p>

Internal Referral Body	Comments
	<p>development application of a Building Supplies warehouse at 57-59 Myoora Road, Terry hills. The acoustic report is referenced as 20110 – 57-59 Myoora Road, Terrey Hills – DA Acoustic Report – Revision 2 by Pulse Acoustic Consultancy dated 14 July 2020.</p> <p>The acoustic report has provided a number of administrative acoustic controls coupled with physical engineered controls and some elimination of noise noise sources. The controls proposed will be included as proposed conditions of consent.</p> <p>Environmental health recommend approval subject to a number of conditions being imposed on the development to ensure the operation of the business adhere to the recommendations in the acoustic report and do not cause a disturbance of amenity to neighboring residence.</p> <p>Recommendation</p> <p>APPROVAL - Subject to conditions</p>
NECC (Development Engineering)	<p>The subject site has an existing OSD system which is to remain. The proposed increase in impervious area will be accommodated by the existing OSD system. The existing driveway is to be widened to improve access to the site by trucks. The widening may impact upon an existing street tree which must be assessed by Council's Tree Management Officer. No objection to approval, subject to conditions as recommended.</p>
Traffic Engineer	<p><u>Traffic Comments in review of Amended Plans:</u> The following comments are provided on the revised plans and information provided by the applicant:</p> <p>Traffic generation:</p> <p>The projected traffic generation of the site is estimated based on on <i>daily</i> customer and staff visitation data at the Brookvale store, and is as follow:</p> <ul style="list-style-type: none"> - Supplier trucks – up to 1 vehicle per day - Hardware & General vehicles – up to 6 trucks vehicles per day - Call in Customers: up to 5 vehicles per day - Potential new customers: up to 10 vehicles per day - Staff: up to 4 vehicles per day <p>The expected traffic generated by the development during the morning and afternoon peak periods is proposed to be predominantly related to patron arrivals and departures, therefore the traffic report has assumed that the following traffic movements will arrive and depart during the peak periods:</p>

Internal Referral Body	Comments
	<p>- 30% of patron</p> <p>- 25% of truck/ute</p> <p>Based on the above, the following <i>weekday peak hour</i> traffic generation is projected to be:</p> <p>- 5 customer vehicles: 10 vehicle trips per hour</p> <p>- 2 trucks: 4 vehicle trips per hour</p> <p>Taking into consideration the site being located within the light industrial zone, the projected total traffic generation of 14 vehicle trips per peak hour is not considered to adversely impact the surrounding road network.</p> <p>Parking Provision:</p> <p>The traffic report has indicated the following in regards to the proposed parking provision:</p> <p><i>“Council’s (Warringah) DCP specifies the following parking criteria in relation to the</i></p> <p><i>proposed development elements:</i></p> <p><i>Warehouse 1.3 spaces per 100 m² GFA</i></p> <p><i>Application of these criteria to the proposed development would indicate the following:</i></p> <p><i>Warehouse (including office area) 1,023.9m² 13.3 (13) spaces</i></p> <p><i>It is proposed to provide a total of 15 parking spaces in compliance with the Council’s DCP criteria. Given the nature of the business, 1 of these spaces can accommodate one 10.7m rigid vehicle. 1 space will be designated for the proposed development will be suitable for disabled driver in accordance with BCA requirements.</i></p> <p><i>It is assessed that the proposed parking provision and arrangement will be suitable and appropriate to the needs of the business operation.”</i></p> <p>Given the above, the proposed parking provision is considered acceptable.</p>

Internal Referral Body	Comments
	<p>Access and car parking design:</p> <p>The existing 4.0m wide driveway is proposed be widened to 7.0m to accommodate the turning path of the largest vehicle expected to access the site, which is a 10.7m truck, as well as to provide passing opportunities between entering and exiting vehicles. All vehicles are proposed to enter and exit the site in a forward direction.</p> <p>The traffic report indicates that the open style fencing and gate designs allow a relatively unobstructed view for exiting drivers to pedestrians on the footpath along the western side of Myoora Road and entering vehicles. There is no detailed information provided on the material of the proposed 2.4m high fencing. The proposed new fencing can be supported subject to provision of adequate sight line to the pedestrian for vehicles existing the driveway.</p> <p>The proposed access can be supported subject to condition.</p> <p>Conclusion: The proposal can be supported subject to condition.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial 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 industrial 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 proposal is compatible with the existing and desired future character of the area and locality.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the industrial building and outdoor advertising in the area and the locality.	YES
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 site is not within any environmentally sensitive area, heritage area, natural or other conservation areas, open space areas, waterways, rural landscape or residential areas.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposal will not obscure or compromise any important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal will not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal respect 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?	The proposed scale, proportion and form of the signage is largely as existing, and considered appropriate and consistent with the established commercial nature of the surrounding area.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is intended to replace the existing site signs.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The replacement signage will not create visual clutter and will improve the overall appearance of the store's signage as a result of the modern	YES

	design features.	
Does the proposal screen unsightliness?	There is no unsightliness to be screened.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs are appropriate in height and scale, remaining comfortably below the maximum allowable height of 8.5m.	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?	The proposed signs are to replace the existing site signs, and are considered compatible with the streetscape and surrounding development in regard to scale and proportion.	YES
Does the proposal respect important features of the site or building, or both?	The proposal is not considered likely to affect any important features within the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signs are a contemporary advancement to the existing site signage,	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable.	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?	No illumination is proposed for the signage.	YES
Can the intensity of the illumination be adjusted, if necessary?	No illumination proposed	YES
Is the illumination subject to a curfew?	No illumination proposed	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposal will not reduce the safety for any public road, pedestrians or cyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal will not reduce the safety for pedestrians or children, by obscuring sight from public places.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.50m	5.5m (Top of Signage)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall Height	7.2m	2.4m (Racking) 5.3m (Signage)	-	Yes
B3 Side Boundary Envelope	4m (North)	Within Envelope	-	Yes
	4m (South)	Within Envelope	-	Yes

B5 Side Boundary Setbacks	0.9m (North)	0m (Racking)	100%	No
	0.9m (South)	21m (Racking)	-	Yes
B7 Front Boundary Setbacks	6.5m	20m	-	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	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
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	No	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

The proposed racking to the northern side of the development is located with a nil setback to the northern boundary. This represents a 100% variation to the numeric control.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas.*

Comment:

Sufficient landscaped open space is provided elsewhere on the site, specifically within the front setback, forward of the existing carpark, which is the primary address of the subject site.

- *To ensure that development does not become visually dominant.*

Comment:

There are no significant changes external changes to the existing building on site. The non-compliance in this situation is limited to the racking on site, which will not unreasonably impact upon the bulk and scale of the overall development. In this regard, the bulk and scale of the proposed building is now adequate in its context and this objective is satisfied.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The bulk and scale of the existing building on site remains unchanged. The side setback non-compliance is a result of the proposed racking along side the northern side of the property. The racking is proposed to a height of 2.4m, and will not contribute to visual bulk when viewed from the street.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The proposed racking will not unreasonably compromise the amenity of the adjoining industrial property to the north (No. 59 Myoora Road).

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

There are no significant views enjoyed from adjoining public and private properties that will be affected by the proposed nil side setbacks.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C2 Traffic, Access and Safety

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise traffic hazards.*

Comment:

Increasing the hours of operation and intensity of the use of the site increase the potential traffic hazard particularly during morning operation, due to the concentrated traffic movements during these hours having consideration of the nearby school and business model of the proposal. The traffic report relies on measures to ensure traffic hazards will be minimised despite the increased intensity of use of the proposal. The application proposes adequate off-street carparking to offset the increased traffic impact the use of the building will cause.

- *To minimise vehicles queuing on public roads.*

Comment:

Adequate off-street parking is provided on site to ensure vehicle queuing on public roads is minimised to a reasonable level.

- *To minimise the number of vehicle crossings in a street.*

Comment:

The proposed development while widening the vehicle crossing to the site does not propose to increase the number of vehicle crossing between the street and the property, maintaining adequate on-street parking.

- *To minimise traffic, pedestrian and cyclist conflict.*

Comment:

The development allows for sightline for vehicles exiting the driveway and which facilitates sufficient sightlines to pedestrians and cyclists approaching the driveway along the footpath.

- *To minimise interference with public transport facilities.*

Comment:

Use of the premises will not interfere with public transport facilities.

- *To minimise the loss of "on street" kerbside parking.*

Comment:

The proposal has been designed to ensure no unreasonable impact or demand on kerbside parking within the vicinity of the site. In order to ensure compliance with this, a condition is imposed to ensure a operational management plan is prepared to manage both on-street and off-street parking area for visitors and staff.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C3 Parking Facilities

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Warehouse or Distribution Centre	1.3 spaces per 100 m2 GFA (including up to 20% of floor area as office premises space component. Office premises component above 20% determined at office premises rate).	13.3 Spaces	15	+1
Total		14 Car Spaces	15	Complies

C9 Waste Management

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' waste, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

D3 Noise

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The subject site and adjoining properties on the western side of the road are zoned IN2 Light Industrial under WLEP 2011. On the opposite and eastern side of the road, residential premises are present and zoned R2 Low Density Residential WLEP 2011.

As per comments contained within the Referral section - Council's Environmental (Industrial) Health Officer of this report, the proposed weekday commencement time cannot be supported for potential adverse noise impacts on nearby residential properties until 7am, namely from operational and parking related impacts.

On this basis, and consistent with the weekday commencement time of adjoining and surrounding commercial, industrial and light industrial properties, it is recommended that the weekday commencement time start at 6:00am. Between 6:00am and 7:00am only staff will be allowed on site. Members of the general public will only be allowed on site from 7:00am. Accordingly, a recommended condition of consent for the following hours of operation is provided for the warehouse and distribution centre:

Monday – Friday: 6:00am-6:00pm

Saturday: 7:00am - 4:00pm

Sundays and Public Holidays: Closed

No public access to the premise is permitted during the following hours:

Monday to Friday - 6:00am - 7:00am

Monday to Friday - 5:00pm - 6:00pm

- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

The recommended hours of operation are suitable and appropriate for the subject site given the fact that it is surrounded by an R2 - Low Density Residential zoning.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D23 Signs

Description of non-compliance and/or inconsistency

The application proposes five (5) pieces of signage consisting of the following:

Sign	Requirement	Width	Height	M ²	Complies
Freestanding signs (not being a sign elsewhere listed in this table, and includes a bulletin board, tenancy board, and the like)	Shall not exceed 2 metres in height above the existing natural ground level;	2.7m	0.9m	2.75m ²	No
	Shall not have an area greater than 4sqm;	2.7m	0.9m	2.61m ²	No
	Shall not project beyond the boundary of the premises; and Shall not be illuminated.	1.5m	0.5m	0.75m ²	Yes
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	Shall not extend within 200mm of the top and sides of the wall.	14m	1.2m	16.8m ²	No
	Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall.	0.7m	0.7m	0.49m ²	Yes

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment:

The proposed signage is in replacement of those existing within the subject site to reflect the rebranding of the business, therefore the visual outcome will remain largely the same. The signage is well designed and suitably located so as to provide identification for the industrial usage.

- *To achieve well designed and coordinated signage that uses high quality materials.*

Comment:

The replacement signage will appear visually consistent with the existing signage.

- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*

Comment:

The signage will not hinder the visual impact on the streetscape; the new signage will be modern and contemporary in design, and not dissimilar to other business identification signage within the surrounding locality.

- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*

Comment:

The proposed signage is sympathetic with the residential properties which surround the subject site. The proposed signage is not likely to cause any unreasonable impact upon amenity to the neighbouring residential properties.

- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment:

Not applicable.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment

of this application.

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

This assessment has found that the proposed development is consistent with both the the industrial context and constraints of the site being that the subject site adjoins a residential zone. The resultant development will allow for safe access to and from the site, and will not result in any unreasonable impacts upon the character of the locality or the amenity of adjoining properties.

Conditions of consent have been included in the recommendation to minimise the impact of the on-going operation of the development.

Overall, the proposal has been found to be consistent with the relevant provisions of the WLEP 2011 and the Warringah Development Control Plan and has been recommended for approval.

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

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2020/0264 for Use of industrial building as a warehouse facility for storage and distribution of warehouse products. on land at Lot 2 DP 530175, 57 Myoora Road, TERREY HILLS, 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
Dwg No. 13B	1 October 2020	Peter Formoso
Page 1 of 6/ Racking Plan	December 2019	Joanne Macgregor
Page 3 of 6/ Site Plan	December 2019	Joanne Macgregor
Page 4 of 6/ Landscape Plan	December 2019	Joanne Macgregor
Page 5 of 6/ Signage Proposed	December 2019	Joanne Macgregor
Page 6 of 6/ Swept Path	December 2019	Joanne Macgregor

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Traffic Report	July 2020	Transport and Traffic Planning Associates
Acoustic Report	14 July 2020	Pulse Acoustic Consultancy
Plan of Management	13 July 2020	Vaughan Milligan

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

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

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

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated

Ausgrid	Response Ausgrid Referral	N/A
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(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

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

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a *warehouse or distribution centre*.

A **warehouse or distribution centre** is defined as:

“**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.”

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. **Retail Sales**

No approval is granted under this Development Consent for any retail sales on this property.

Reason: To ensure compliance with the relevant Local Environmental Plan.

5. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal 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.

6. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether

the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall

notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

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

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

FEES / CHARGES / CONTRIBUTIONS

7. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

8. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

9. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

10. External Finishes to Roof

The external finish changes to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is 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.

11. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

12. **Pedestrian sight distance at property boundary**

All fencing and/or vegetation along the frontage road(s) shall not impede pedestrian or driver visibility. A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

Reason: To maintain pedestrian safety.

13. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

15. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

16. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and

Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

17. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 7 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to kerb, footpath and grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

18. **Compliance with the operational plan of management**

The requirements of the operational plan of management required by this consent is to be fully implemented in perpetuity from the issue of any interim/final occupation certificate.

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity.

19. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

20. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

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

The building is to be upgraded where required so as to comply with Part D (Means of Egress),

and Part E (Essential Services) within the Building Code of Australia (BCA Volume 1). All required works are to be independently certified by a suitably qualified Accredited Certifier or Fire Engineer as compliant upon completion.

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

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

22. **Change of Use**

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

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

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

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

23. **Outdoor light**

Prior to the issue of an Occupation Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of and *Australian Standard 4282:1997 Control of the obtrusive effects of outdoor lighting*.

Reason: To protect public health and amenity.

24. **Trade waste**

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

Reason: To comply with legislation.

25. **Development of an operational plan of management**

An operational plan management plan shall be developed and submitted to the Environmental Health Department at Northern Beaches Council for their review and a recommendation of approval or refusal.

The operational plan of management must address;

- Noise control measures referenced in the acoustic report developed by Pulse Acoustic consultancy "Building Supplies Warehouse – 57-59 Myoora Road, Terrey Hills - DA Acoustic Assessment" referenced as 20110 – 57-59 Myoora Road, Terrey Hills – DA Acoustic Report – Revision 2 and dated 14 July 2020,
- Hazardous chemicals - storage, transport, disposal, spill management etc.
- Waste oil from the servicing of vehicles and equipment - storage, disposal, spill management etc.
- Wash-down facilities for vehicles and equipment – stormwater protection.
- Dust from the cutting or processing of any materials.
- Light pollution.

The operational plan of management and the recommendation response from Environmental Health is then to be submitted to Principle certifying authority and be to their satisfaction prior to the issuing of any occupation certificate.

Reason: To ensure the site is managed in a manner that does not disturb the amenity of surrounding residence.

26. 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 & 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 & 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.

27. Operational Management Plan

An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the operation of the development. The OMP shall include, but not be limited to the following

- . Vehicle access and egress.
- . Through-site circulation of vehicle movements.
- . Management of car parking areas.
- . The location and content of directional signage.
- . Complaints management.
- . Noise management.
- . Truck delivery times and methods of control to manage the sequencing of the loading docks.

. Waste management.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

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

28. Hours of operation

Hours of operation must only occur during the following hours:

- Monday to Friday – 6:00am – 6:00pm
- Saturday – 7:00am – 4:00pm
- Sunday and public holidays - Closed

No public access to the premise is permitted during the following hours:

- Monday to Friday - 6:00am - 7:00am
- Monday to Friday - 5:00pm - 6:00pm

Reason: To minimise disruption to neighboring properties. (DACHPGOG5)

29. Acoustic conditions

The following acoustic requirements shall be complied with for the life of the development, including:

- No truck movements between 6:00am and 7:00am. Trucks parked inside the warehouse may be packed between 6:00am and 7:00am.;
- No onsite customer parking before 7:00am;
- No more than 10 passenger vehicles < 4.5T Gross Vehicle Mass (GVM), in any 15-minute interval for 57 Myoora Road between;
- No more than 1 Rigid Flat Tray Truck in any 15-minute interval for 57 Myoora Road;
- Reversing alarms for all trucks associated with the business must include a “quacker” type reversing alarm;
- A site management plan must include all noise related conditions;
- All staff operating the forklifts must be trained and made aware of the sensitive noise conditions;
- The owner/operator of the site shall make arrangements with delivery providers to ensure that delivery vehicles do not queue on Myoora Road prior to 7:00am Monday to Friday.
- No waste collection or deliveries are to occur between the hours of 6:00pm and 7:00am Monday to Saturday and no deliveries or waste collection on Sunday.
- The use of amplified sound equipment and public address systems is not permitted, unless located entirely within the shop and used in such a manner that the noise cannot be heard in

any habitable room of any residential premises.

Reason: To protect the amenity of surrounding residents (DACHPGOG5)

30. **Loading and Unloading**

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

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

31. **Enter and exit in forward direction**

All vehicles accessing the site are to enter and exit the site in forward direction.

Reason: To ensure road safety and compliance with the DCP requirements (DACTRGOG1)