

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0822
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 1 DP 1253393, 12 - 12 A Ponderosa Parade WARRIEWOOD NSW 2102
Proposed Development:	Use of premises as a storage facility and truck depot
Zoning:	IN2 Light Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	H D Investments (International) Pty Ltd
Applicant:	H D Investments (International) Pty Ltd

Application Lodged:	24/07/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	04/08/2020 to 18/08/2020
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 0.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed use is as a Depot and Storage Premises for the storage of construction materials, plant machinery, and other goods.

This application is purely for use and no works are proposed by the applicant.

Hours of operations - 6am to 6pm

Parking - Four (4) rigid trucks and three (3) cars

Site - Consists of two (2) original existing dwellings approximately 60 years old. House 12a is used for staff amenities and House 12b is occupied by a company employee as yard/plant caretaker. In addition there is one (1) existing 12m by 12m by 6m high temporary vinyl container shelter.

Staff - No permanent staff on site on a regular basis (expect for the yard/plant caretaker). A maximum of five (5) staff maybe present at any one time.

Signage - No signage is proposed.

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

Pittwater 21 Development Control Plan - D16.12 Fences

SITE DESCRIPTION

Property Description:	Lot 1 DP 1253393 , 12 - 12 A Ponderosa Parade WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Ponderosa Parade.</p> <p>The site is regular in shape with a frontage of 30.48m along Ponderosa Parade and a depth of 59.85m. The site has a surveyed area of 1827m².</p> <p>The site is located within the IN2 Light Industrial zone and accommodates a current depot and storage of construction materials, plant machinery and other goods for HD Projects. Currently on the site two existing dwellings, a temporary fabric container based work shelter and fencing.</p> <p>The site has a slight slope running from the rear boundary to the front boundary of 1% grade.</p>

The site has a limit number of native and exotic species of vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by industrial and warehouse uses.

Map:



SITE HISTORY

The site has been previously used by an air conditioning company who occupied and operated the site for approximately 10 - 15 years as a depot for storage of construction materials and trucks.

T0467/16 - Tree/Bushland Works for the removal of 1 x Grevillea robusta – Silky Oak in front yard of property approved on 8 November 2016.

DA2019/0567 - Use of Premises as a Depot for trucks and construction materials & REV2019/0035 - Use of Premises as a Depot for trucks and construction materials refused 13 November 2019.

Development Application No. 2019/0567 was rejected by Council on 14 June 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- "A full description of works has not been completed on the Development Application form. In this regard, the description provided is "change of use/continuation of existing use", but fails to mention what the use actually is.
- The Statement of Environmental Effects does not address the status of the buildings and structures onsite, any proposed upgrades of the environmental measures (truck washing, servicing/repair), provision of administrative facilities, staff amenities, waste management, signage and carparking areas.
- The application has failed to provide plans for the occupation of the site as a Depot, mainly in the form of a Site Plan which depicts where and how the various uses on the site are to be

carried out, including, trucks, cars, storage areas, any signage, any lighting and waste storage area(s). Also, details of any new temporary or permanent structures are to be provided in the plans, including elevations, sections, materials and colours as well as to any proposed upgrades of driveways and internal parking, storage and access areas.

- The application has failed to provide a Site Plan.
- The application has failed to provide Floor Plans of the existing buildings (used as offices, amenities, storage?) and any alterations and additions to those buildings.
- The application has failed to mention the legitimacy of all buildings and structures (temporary and permanent) onsite."

There is currently compliance action related to the use of the premises and this application has been submitted to regularise the use as a Depot and Storage Premises.

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	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</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>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of</p>

Section 4.15 Matters for Consideration'	Comments
	Australia (BCA). This matter has been addressed via a condition of consent.
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 Pittwater 21 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 (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 2 submission/s from:

Name:	Address:
Mr Brock Vanzino	3 Beaconsia Close MONA VALE NSW 2103
Withheld	NSW

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

- No heavy vehicles be parked on Ponderosa Parade;
- Use of the site without approval;
- Will they be fined;
- Fence

The matters raised within the submissions are addressed as follows:

- No heavy vehicles be parked on Ponderosa Parade;

Comment: Concerns were raised about the parking of heavy vehicles on the road reserve at the front of the subject site. A review by Council's Traffic Engineer has included the following condition:-

"Heavy vehicle parking restrictions

All vehicles are to be parked wholly within the subject site and general parking within the road reserve shall be in accordance with the Australian Road Rules.

Reason: Maintain Public Safety within the Road Reserve.(DACTRBOC1)"

Given the above it is considered that this issue has been adequately addressed and does not warrant refusal or further amendment by condition.

- Use of the site without approval;

Comment: Issue was raised that the site has been used for over 4 years by HD Projects. As stated by the applicant they thought they had existing use rights as the previous owner of the site operated an air conditioning company which consisted of depot for storage of construction materials and trucks.

Council's Compliance Department has issued a Development Control Order on the owner's on 11 June 2020. The current Development Application (DA) seeks formal consent for the use of the site as a "Depot" and "Storage Premises" which address this order.

Given the above it is considered that this DA consent will resolve this matter and it is considered that the issue does not warrant refusal and/or further amendment by condition.

- Will they be fined?

Comment: This is not a matter for consideration under the relevant planning legislation and can be dealt with via the Compliance Team.

- Fence

Comment: Issue was raised about the height of the front fence addressing Ponderosa Parade.

Clause 16.12 Fences of the Pittwater Development Control Plan 21 (PDCP 21) has the outcomes: -

"To achieve the desired future character of the Locality.

To contribute positively to the public domain and define the boundaries and edges between public and private land and between areas of different function.

A safe and clear view of public areas such as the street, creekline corridor, buffer strip or reserve for pedestrians, cyclists and motorists is achieved.

Casual surveillance of public areas from buildings is achieved.

Fences and walls, where provided, are attractive, compliment the development and adjoining development, and provide visual interest for the streetscape."

Given the above and the planner's site inspection it is considered that the front fence is out of character with the above outcomes. A condition will be added for the front fence to be replaced with a fence with a maximum height of 1.8m.

Given the above it is considered that this issue has been adequately addressed subject to condition.



Existing front fence at the subject site

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Environmental Health has no objection in the proposal of DA2020/0822 considering the history of the site, the location and surrounding industrial use. As long as the proposal complies with the "Statement of Environmental Effects" dated 22 June 2020 and they comply with the two conditions for the control of hazardous materials on site.</p> <p>Recommendation</p> <p>APPROVAL - subject to condition</p>
Landscape Officer	<p>The application is indicated to be for change of use. The SEE provided does not indicate any trees to be removed on the site.</p> <p>On this basis, no objections are raised to approval subject to conditions as recommended.</p>
NECC (Development Engineering)	<p>The proposed change of use to a depot and storage facility is supported subject to conditions.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed development is not flood affected.</p> <p>There are no applicable flood controls.</p>
NECC (Water Management)	<p>There are no changes to imperviousness, therefore no objections on the basis of water quality.</p>
Traffic Engineer	<p>Manager Review.</p> <p>The application is for a change of use and is temporary in nature. All vehicles are to enter and leave the site in a forward direction and this has been demonstrated as achievable on the updated plan. All heavy vehicles are to fully contained within the subject site and the Australian Road Rules (specifically Road Rule 200) will be applicable.</p> <p>Temporary usage supported subject to conditions provided.</p> <p>The development application does not include adequate information to enable the traffic team to proceed with their detailed assessment. Therefore, the proposal cannot be supported due to lack of information</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether 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 (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. No response has been received within the 21 day statutory

period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Pittwater Local Environmental Plan 2014

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

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
1.9A Suspension of covenants, agreements and instruments	Yes
Part 5 Miscellaneous provisions	Yes
5.10 Heritage conservation	Yes
Part 7 Additional local provisions	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Section A Shaping Development in Pittwater	Yes	Yes
A1 Introduction	Yes	Yes
A1.7 Considerations before consent is granted	Yes	Yes
A4 Localities	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
Section B General Controls	Yes	Yes
B1 Heritage Controls	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3 Hazard Controls	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4 Controls Relating to the Natural Environment	Yes	Yes
B4.18 Heathland/Woodland Vegetation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6 Access and Parking	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
Section C Development Type Controls	Yes	Yes
C3 Design Criteria for Industrial Development	Yes	Yes
C3.10 Waste and Recycling Facilities	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
Section D Locality Specific Development Controls	Yes	Yes
D16 Warriewood Valley Locality	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.9 Solar access	Yes	Yes
D16.12 Fences	Yes	Yes

Detailed Assessment

D16.12 Fences

The front fence is to be conditioned to be a maximum height of 1.8m. This is a reasonable outcome having regard to the zoning and consistency with the outcomes of this control.

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.

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;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0822 for Use of premises as a storage facility and truck depot on land at Lot 1 DP 1253393, 12 - 12 A Ponderosa Parade, WARRIEWOOD, 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
Site Plan	18 July 2018	Andrew Korompay
Evacuation Sign and Diagram		

b) 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. 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 depot and storage premises.

A depot is defined as:

"depot means a building or place used for the storage (but not sale or hire) of plant, machinery

or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building."

A storage premises is defined as:

"storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre."

(development is defined by the Pittwater Local Environmental Plan 2014 (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.

3. **Front fence**

The front fence shall be a maximum height of 1.8m.

Reason: Demonstrate compliance with Clause 16.12 Fences of PDOP 21

4. **Heavy vehicle parking restrictions**

All vehicles are to be parked wholly within the subject site and general parking within the road reserve shall be in accordance with the Australian Road Rules.

Reason: Maintain Public Safety within the Road Reserve.(DACTRBOC1)

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

5. **Vehicular Swept Paths**

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.2:2004 - Parking facilities - Off-street commercial vehicle parking.

Details demonstrating compliance with this condition for the largest vehicle kept at the site must be submitted to the Certifying Authority prior to the issue of the construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

6. **Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an TfNSW accredited person and submitted to and approved by the Northern Beaches Council prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless prior approval is granted by Council
- Include a Traffic Control Plan prepared by a person with suitable TfNSW accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

7. **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.

8. **Compliance with Standards**

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

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

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm). <www.hreoc.gov.au/disability%20rights%20/buildings/good.htm>

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

9. **Tree protection**

(a) Existing trees which must be retained

- i) All trees unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **Vehicle Crossings**

The Applicant is to construct one industrial vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal.] 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 footpath/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.

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

11. **Stormwater Disposal**

The existing stormwater drainage system shall be certified as functioning 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.

12. **Evidence of adequate bunding of hazardous materials to be provided.**

Prior to the occupation certificate, evidence is to be provide that the bunded area for all hazardous materials including fluids has been housed under a covered area that is bunded, with

walls and floor including joints of the bunded area are impervious and have a capacity of at least 100% of the total stored fluids to be housed in area with an appropriate sized spill kit is to be maintained at the location of hazardous materials.

Reason: To ensure hazardous materials are protected from possible becoming a pollution to the environment and a hazard to persons in the area.

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

13. **Containment of hazardous materials**

All hazardous materials including fluids to be housed under a covered area that is bunded. The walls and floor including joints of the bunded area are to be impervious and have a capacity of at least 100% of the total stored fluids to be housed in area. An appropriate sized spill kit is to be maintained at the location of hazardous materials.

Reason: To ensure hazardous materials are protected from possible becoming a pollution to the environment and a hazard to persons in the area. (DACHPGOG5)

14. **Allocation of Spaces**

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- Four (4) rigid trucks
- Three (3) cars

Car-parking provided shall be used solely in conjunction with the uses contained within the development.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

15. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday – 6am to 6pm

Upon expiration of the permitted hours, all service shall immediately cease.

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

16. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

17. **Deliveries**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 6pm and 6am on any day.

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

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

Signed



Phil Lane, Principal Planner

The application is determined on 09/12/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments