

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2023/1202
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<b>Responsible Officer:</b>	Brittany Harrison
<b>Land to be developed (Address):</b>	Lot 3 DP 1282038, 10 Inman Road CROMER NSW 2099 Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099
<b>Proposed Development:</b>	Use of Premises as an indoor recreational facility, fitout and signage
<b>Zoning:</b>	Warringah LEP2011 - Land zoned E4 General Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	The Trust Company (Australia) Limited
<b>Applicant:</b>	Dan Collins

<b>Application Lodged:</b>	07/09/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	03/10/2023 to 17/10/2023
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 185,537.00
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### EXECUTIVE SUMMARY

This development application seeks consent for the use of an industrial units as an indoor recreational facility, including fit-out and signage.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the proposal including partial demolition of a local heritage item, in particular an internal wall. The building to which the development relates is a building which has been repurposed for industrial uses as part of a larger redevelopment of 4-8 Inman Road. There are no changes to the external façade of the building, with the exception of proposed business identification signage. The demolition works do not significantly affect the original building fabric and is minor in nature. However, any form of demolition

associated with a heritage item is defined as a form of Sensitive Development.

The development application was notified for fourteen (14) days. No submissions were received.

Amended Plans were received on 12 February 2024 to address concerns in relation to Heritage, Building Compliance and Waste Management. Refer to Site History, elsewhere in this report for further discussion.

Based on a detailed assessment of the application, it is considered that, on balance the proposal is a suitable and an acceptable development for the subject site for the reasons outlined in this report.

This report concludes with a recommendation that the NBLPP grant **approval** to the development application, subject to recommended conditions

## **PROPOSED DEVELOPMENT IN DETAIL**

This application seeks development consent for the use of premises as an indoor recreational facility, fit-out and signage. The works will occur at Office No. 4 within Office Building B (Roche Building) on the first floor.

Specifically, the works will comprise of the following:

### **Internal**

- Demolition of an internal wall and the construction of new walls.
- Reception with desk, seating, lockers, glove/ towel return.
- Office, storage and utility rooms.
- Retention of existing amenities (i.e. bathroom/showers).
- Studio area with stage and punching bags.
- Internal entry door decal/sign.

### **External**

- Business Identification Signage to Northern and Western elevations (illuminated font) - Sign No. 1 and No. 6.
- Window signage/decal - Sign No. 2, No. 3 and No. 5.

**Note:** Conditions have been included to remove the external window sign/decals No. 2, No. 3 and No. 5. These signs do not form part of this proposal. Additionally, all internal works and external signage must be undertaken in such a way that the works are reversible in the future without causing any remnant visible damage to original fabric and surfaces.

### **Operational Hours/Staff**

- Monday to Sunday 5:00am to 7:30pm with 45-minute group fitness classes.
- There will be one (1) staff member operating the reception desk and performing administrative tasks, and one (1) staff member instructing the class with a maximum of twenty-eight (28) participants per class.

## **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 Local Environmental Plan 2011 - 5.10 Heritage conservation

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 3 DP 1282038 , 10 Inman Road CROMER NSW 2099 Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the eastern side of Inman Road and the northern side of South Creek Road.</p> <p>The subject site is legally identified as Lot 1 in Deposited Plan 1282038, No. 4-8 Inman Road, Cromer. Otherwise known as Northern Beaches Business Park.</p> <p>The site is irregular in shape and relatively flat. The subject site is located at Office No. 4 or Office Building B (Roche Building), with the subject tenancy being approximately 423m<sup>2</sup> in area, located on the first floor. The Roche building is a local heritage item.</p> <p>The site is located within the E4 General Industrial zone under the provisions of the <i>Warringah Environmental Plan 2011</i> and accommodates both existing and newly built warehouse/office tenancies. Vehicle access to the site is available from both South Creek Road and Inman Road.</p>

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by industrial and commercial development. Cromer Park and Cromer High School is located to the west of the site.

Map:



### SITE HISTORY

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

#### **DA2017/0948**

Development Application for the removal of Signage from a heritage listed industrial building (Roche). Determined on 9 January 2018.

#### **DA2019/1346**

Development Application for the demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self-storage, office premises and ancillary café. Determined on 17 August 2020.

#### **Mod2020/0611**

Section 4.55 (2) Environmental Impact - Modification of Development Consent 2019/1346 granted for Demolition works and alterations and additions to an existing industrial facility including new warehouse and self-storage office premises and ancillary café. Determined on 1 April 2021.

#### **DA2021/1464**

Development Application for the subdivision of existing land into three (3) allotments Determined on 23 February 2022.

## **Mod2022/0396**

Section 4.55 (1a) Minor Environmental Impact - Modification of Development Consent 2019/1346 granted for Demolition works and alterations and additions to an existing industrial facility including new warehouse and self-storage office premises and ancillary café.  
Determined on 16 November 2022.

### **Application History**

The development application was notified for a period of fourteen (14) days, as stated within Council's Community Participation Plan (CPP) and resulted in no submissions.

Council requested amended plans on 18 December 2023 to address concerns in regard to the following:

- **Waste Management Referral:** A space was to be dedicated for the storage of the 2 x 240 litre waste and recycling bins within the building. A collection point was to be shown on the plans and to be entirely within the private property.
- **Building Assessment Referral:** A 'Building Code of Australia (BCA) Assessment Report' from an appropriately qualified Registered Certifier was to be submitted.
- **Heritage Referral:** Heritage Impact Statement was inadequate and requested to be updated. Proposed signage was considered excessive for the heritage building. One (1) business identification sign on each of the three (3) faces of the building of a suitable size, would be considered the maximum signage. No window signage or additional glazing allowed. Construction of the internal walled studio was not supported due to an adverse impact upon the heritage significance of the building.

A meeting was held on 17 January 2024 with the applicant and Council's Heritage Advisors to discuss the above raised heritage concerns. Amendments were agreed upon which included:

- There was no requirement for a revised Heritage Impact Statement to be submitted.
- All window signage and obscuring of windows is to be removed. Rumble business signage on the northern and western facades (removable).
- Information regarding the operational hours etc. should be on a freestanding sign in the ground floor foyer, not attached to any original glass doors or windows.
- The proposed internal walls enclosing the studio/theatre are to be located inside the existing columns around all four (4) sides. The side of the wall facing inside (to atrium and office/storage/reception areas) should be painted white. All other external wall surfaces (facing external glazing) are to be painted in a dark colour. All works are to be done in a way that they are reversible, without impacting on original building fabric.
- There would be no enclosure of the other 3 sides facing the atrium.

Amended plans were received on 12 February 2024 which addressed the above issues. Re-notification was not required as the amendments reduced the overall environmental impact, as stated within Council's Community Participation Plan (CPP).

## **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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 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 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to waste referral response, building assessment referral response and the heritage advisor response. Refer to 'Site History'; for further detail.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 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 62 and/or 64</u> of the EP&amp;A Regulation 2021 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 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development,	(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the

Section 4.15 Matters for Consideration	Comments
including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
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 application has been publicly exhibited from 03/10/2023 to 17/10/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b><i>Supported, subject to conditions.</i></b></p> <p><u>Amended Comment 29/01/2024</u> The application has been investigated with respects to aspects relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p>

Internal Referral Body	Comments
	<p><b>Note:</b> The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p> <p><u>Original Comment 10/09/2022</u></p> <p>The Executive Summary of the BCA Logic Report dated 23/9/2021 refers to the proposed construction of a new Warehouse &amp; Distribution Facility at 4-10 Inman Rd, Cromer.</p> <p>The report is not relevant to the proposed change of use for the building to a Gymnasium. The following report is therefore required :</p> <p>A 'Building Code of Australia (BCA) Assessment Report' from an appropriately qualified Registered Certifier will need to be submitted to address the following prior to further assessment by Building Control :</p> <p>The report is to detail the extent to which the existing building does or does not comply with the deemed-to satisfy provisions of Sections C, D, E and F of the Building Code of Australia. The report is to also provide recommendations with respect to the existing building / works required to ensure that the specified measures and facilities contained in the existing building, including any modifications to be made by the proposed development are appropriate for its intended use to:</p> <ul style="list-style-type: none"> <li>i) restrict the spread of fire from the building to other buildings nearby, and</li> <li>ii) protect persons using the building, and to facilitate their egress from the building in the event of fire, and</li> <li>iii) as required, provide access for persons with a disability, and</li> <li>iv) provide facilities and services appropriate for the development.</li> </ul> <p>Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety</p>
Environmental Health (Contaminated Lands)	<p><b><i>Supported, no conditions required.</i></b></p> <p><u>General Comments</u></p> <p>This application is seeking consent for change of use to a gym (known as Rumble) with associated fit-out and signage at office No.4, 4-10 Inman Road, Cromer.</p> <p>The proposed gymnasium will operate Monday to Sunday 5:00am to 7:30pm with 45-minute group fitness classes. At any one time, there will be one (1) staff member operating the reception desk and performing administrative tasks, and one (1) staff member instructing the class with a maximum of twenty-eight (28) participants per class.</p> <p>There is no excavation of the ground level therefore contaminated lands will not be affected through this development.</p> <p>Environmental Health supports this approval.</p>



Internal Referral Body	Comments
Environmental Health (Industrial)	<p><b>Supported, subject to conditions.</b></p> <p><u>General Comments</u> This application is seeking consent for change of use to a gym (known as Rumble) with associated fit-out and signage at office No.4, 4-10 Inman Road, Cromer.</p> <p>The proposed gymnasium will operate Monday to Sunday 5:00am to 7:30pm with 45-minute group fitness classes. At any one time, there will be one (1) staff member operating the reception desk and performing administrative tasks, and one (1) staff member instructing the class with a maximum of twenty-eight (28) participants per class.</p> <p>An acoustic report has been provided by Pulse White Noise Acoustics dated 25 August 2023.</p> <p>Environmental Health recommends approval subject to conditions.</p>
NECC (Flooding)	<p><b>Supported, no conditions required.</b></p> <p>The proposed development seeks consent for the change of use of a newly constructed industrial unit to a gymnasium with associated fit-out and signage.</p> <p>The development site is located on the first floor of the industrial complex and is expected to be above the probable maximum flood extent.</p> <p>The application is recommended for approval.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p><b>Supported, subject to conditions.</b></p> <p>This application has been referred as the site contains a heritage item, being <b>Item I52 - Roche Building</b> and is within the vicinity of 2 other heritage items being <b>Item I53 - Givaudan-Roure Offices</b> and <b>Item I38 Trees - Campbell Avenue</b>, which are all listed within Schedule 5 of Warringah LEP2011.</p>
	Details of heritage items affected
	<p>Details of heritage item on site, as contained within the Heritage Inventory, are:</p> <p><b>Item I52 - Roche building</b></p> <p><u>Statement of Significance</u> A substantial &amp; excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature</p>
Other relevant heritage listings	

Internal Referral Body	Comments		
	SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	However, Roche building was previously on RAIA Register
	Other	No	
Consideration of Application			
<p><b>Revised proposal - 22 January 2024</b></p> <p>This application proposes a change of use to a gymnasium with associated fit out works and signage. The proposal involved internal changes - removal of walls and construction of new walls to create a reception, office areas and exercise studio. External changes included 7 separate identification signs on 3 sides of the building, including extensive window signage. This proposal could not be supported on heritage grounds as it would not be sympathetic with the identified heritage significance of the original Roche office building.</p> <p>A meeting was held with the applicants on 17 January 2024, to discuss heritage concerns and to determine what changes could be made to make this proposal supportable. As a result of that meeting, the applicant submitted revised plans and a revised Heritage Impact Statement on 22 January 2024. These comments are based on this revised proposal.</p> <p>The revised proposal includes the changes discussed at the meeting, being:</p> <ul style="list-style-type: none"> <li>• Reduction in signage to 2 x business identification signs on 2 facades of the building (north and west);</li> <li>• Removal of all other signage including window signage and obscuring of windows;</li> <li>• A change to the location of the new walls enclosing the exercise studio/theatre, so that they are located on the inside of the internal structural columns;</li> <li>• The remaining 3 sides of the internal atrium to remain open.</li> </ul> <p>While the revised plans do not specifically mention the colour of the external walls of the new enclosed studio/theatre, this was discussed at the meeting and it was agreed that the internal wall</p>			

Internal Referral Body	Comments
	<p>facing the atrium be painted white and the other 3 walls facing the windows, should be painted medium to dark grey. This will be conditioned.</p> <p>The revised proposal does still include some window decals on doors for directional and other business information. These can be agreed to, as long as they are removable without damage to finishes. This will also be conditioned.</p> <p>The application was accompanied by a revised Heritage Impact Statement (HIS) by Archispectrum, dated January 2024, which has been updated to reflect the revised works and also to reference the Conservation Management Plan for the site.</p> <p>It is important that the works are undertaken in a way that is reversible in the future without remnant damage to heritage fabric or surfaces, and this will be conditioned. Also, given the high heritage significance of this building, it is recommended that a conservation architect be required to sign off on the proposed works prior to issue of the Occupational Certificate. Other conditions are proposed to ensure that no additional signage is fixed to the building, that the other sides of the atrium are not enclosed and that all works are removed upon the end of the lease/occupation.</p> <p><b>The revised proposal is now considered supportable on heritage grounds, subject to the imposition of a number of conditions.</b></p> <p><u>Consider against the provisions of CL5.10 of WLEP 2011:</u>  Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? Existing CMP for site.  Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>
Traffic Engineer	<p><b><i>Supported, subject to conditions.</i></b></p> <p>The proposed change of use for level 1 of lot 4 at 4-10 Inman Road from warehouse to gymnasium.</p> <p><u>Parking</u>  The approved warehouse use would attract a parking requirement of two (2) spaces while the gym use attracts a DCP parking requirement of seven (7) spaces. The gym therefore increases the parking demands associated with the lot by some five (5) parking spaces. It is however noted that the gym will have access to forty-two (42) unassigned shared parking spaces on the site. As the gym will not occupy a ground floor premises there is no capacity to provide additional parking and noting that the quantum of parking demand increase is small, the absence of dedicated parking is not opposed.</p>

Internal Referral Body	Comments
	<p>There is bicycle parking available on the development site that could be used by gym clients.</p> <p><u>Traffic Generation</u> The level of traffic generation associated with the gym use will be low and is unlikely to result in adverse impacts on the surrounding road network.</p> <p><u>Summary</u> There are no traffic engineering concerns relating to approval of the change of use</p>
Waste Officer	<p><b><i>Supported, subject to conditions.</i></b></p> <p><u>Waste Management Assessment - Amended Plans dated 12/02/2024</u> The plans submitted address the waste issues and the proposal is supported subject to conditions.</p> <p><u>Waste Management Assessment - dated 25/09/2023</u> Unsupported.</p> <p>The Waste Management Plan for DA2023/1202 references DA2019/1346 as an explanation as to how the ongoing waste will be managed at the proposed gymnasium.</p> <p>The WMP for DA2019/1346 states: <i>"Waste storage areas for each tenancy will be made available within each industrial unit, with waste collection occurring entirely on site property, adjacent to tenancies for ease of management and handling".</i></p> <p>There are no waste storage facilities within the subject unit shown on the plans submitted with this application.</p> <p>A space must be dedicated for the storage of the 2 x 240 litre waste and recycling bins within the building. The collection point must be shown on the plans. This is to be entirely within the private property.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><b><i>Supported, subject to conditions.</i></b></p> <p>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.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs 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 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 (Transport and Infrastructure) 2021**

#### Ausgrid

Section 2.48 of Chapter 2 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 raised no objections, subject to conditions which have been included in the recommendation of this report.

### **SEPP (Industry and Employment) 2021**

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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.

It is to be noted that Signage No. 2, No. 3 and No. 5 on the external façade (window) of the building is to be deleted via a condition. Therefore, these signs will not be addressed in the assessment below.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b> Is the proposal compatible with the existing or	The proposed signage (Sign No. 1 and No. 6) is generally consistent with the	Yes

desired future character of the area or locality in which it is proposed to be located?	existing signage surrounding the premises within the industrial zone.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the current theme for outdoor advertising of commercial premises	Yes
<b>2. Special areas</b> 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 premises is situated within a local heritage building (Roche Building). The signage (Sign No. 1 and No. 6) is limited to business identification on only two (2) elevations, and includes red simple font. The signage is considered to achieve visual interest, enhancing the visual quality of the vicinity, and will not disrupt the surrounding environment. No concerns have been raised by the relevant internal or external referral bodies, in this regard.	Yes
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The signage (Sign No. 1 and No. 6) will be attached to the existing business and will not protrude higher than the existing height of the building, therefore not disrupt or obscure any significant views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage (Sign No. 1 and No. 6) is modest in nature, and will be attached to the existing built structures. Therefore, no domination of the skyline or reduction in the quality of vistas shall occur.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposal does not disrupt the viewing rights of other advertisers	Yes
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage (Sign No. 1 and No. 6) will be located on the north and west elevation. As noted above, will include red simple font for business identification.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The scale and design of the signage respects the heritage values of the site, and has incorporated materials and finishes that will achieve an acceptable level of visual interest to the setting, street and landscape	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does not result in visual clutter.	Yes
Does the proposal screen unsightliness?	The proposed signage (Sign No. 1 and No. 6) will aid in visual enhancement and identification.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	Yes

<p><b>5. Site and building</b> 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?</p>	<p>The proposal is considered compatible with the scale, proportion and characteristics of other signage within the industrial area. Council's Heritage Advisor supports the proposal, subject to conditions. The signage (Sign No. 1 and No. 6) is considered acceptable for the heritage building and surrounding heritage items.</p>	<p>Yes</p>
<p>Does the proposal respect important features of the site or building, or both?</p>	<p>The signage is considered simple and effective. Subject to conditions the signage (Sign No. 1 and No. 6) will respect important features of the building.</p>	<p>Yes</p>
<p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The signage (Sign No. 1 and No. 6) exhibits innovation and imagination in relation to the site and building.</p>	<p>Yes</p>
<p><b>6. Associated devices and logos with advertisements and advertising structures</b> 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?</p>	<p>The business identification signs (Sign No. 1 and No. 6) will be illuminated.</p>	<p>Yes</p>
<p><b>7. Illumination</b> 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?</p>	<p>The illumination will be located on the top floor external walls located and facing other industrial units, not residential. The signage (Sign No. 1 and No. 6) to be illuminated will not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation. The illumination of the signage is considered to be acceptably placed.</p>	<p>Yes</p>
<p>Can the intensity of the illumination be adjusted, if necessary?</p>	<p>Yes, as stated within the Statement of Environmental Effects.</p>	<p>Yes</p>
<p>Is the illumination subject to a curfew?</p>	<p>It is proposed that the illumination occur during operational hours, these being between Monday to Sunday 5:00am to 7:30pm.</p>	<p>Yes</p>
<p><b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?</p>	<p>No.</p>	<p>Yes</p>
<p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>No.</p>	<p>Yes</p>

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 this chapter and its

underlying objectives.

## SEPP (Resilience and Hazards) 2021

### Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial / commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the industrial / commercial land use.

Council's Environmental Health - Contaminated Lands Team has reviewed the proposal and makes the following comment:

*"There is no excavation of the ground level therefore contaminated lands will not be affected through this development."*

## 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	11.0m	No change to existing building height Proposed signage < 11.0m	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

### Detailed Assessment

#### 5.10 Heritage conservation

The objectives of Clause 5.10 Heritage conservation will be addressed below:



**(a) to conserve the environmental heritage of Warringah,**

Comment

The proposal acceptably conserves the heritage significance of Warringah by limiting the façade changes to business identification signs. Conditions have been included for design amendments to further ensure the heritage value is preserved for the internal fit-out.

**(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,**

Comment

The proposed works are predominantly internal and will consist of a fit-out for a gymnasium and external business identification signs. Conditions have been recommended by Council's Heritage Advisors that all internal works and external signage must be undertaken in such a way that the works are reversible in the future without causing any remnant visible damage to original fabric and surfaces. In addition to all works, including the introduced walls for the studio/theatre, are to be fully removed at the end of the lease/occupation which is the subject of this consent. The removal of these works must be done in such a way that causes no permanent damage or impact upon heritage fabric/surfaces or the overall heritage significance of the building. For the purposes of this condition, the works include all internal changes as well as external changes (i.e. signage). This is to ensure that the heritage value and materials are protected in an acceptable manner.

**(c) to conserve archaeological sites,**

Comment

The proposed works are contained within or on an existing heritage building. The works will not impact (if any) archaeological sites.

**(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.**

Comment

The subject site is not located atop any known Aboriginal places of heritage significance.

The proposal is considered to comply with the requirements and objectives of this clause.

**Warringah Development Control Plan**

Built Form Controls

The proposed development seeks consent for the use of premises, internal fit-out and signage. The works will be located within the existing footprint of the building. Therefore, no built form controls shall apply in this instance.

Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### **C3 Parking Facilities**

##### Merit Consideration

As stated within the Traffic Engineer referral comment: *"The approved warehouse use would attract a parking requirement of two (2) spaces while the gym use attracts a DCP parking requirement of seven (7) spaces. The gym therefore increases the parking demands associated with the lot by some five (5) parking spaces. It is however noted that the gym will have access to forty-two (42) unassigned shared parking spaces on the site."*

The Traffic Engineer is not opposed to the absence of dedicated parking, as the unassigned parking will be sufficient in providing the required seven (7) parking spaces as per the DCP requirement.

The development is considered against the underlying Objectives of the Control as follows:

- ***To provide adequate off street carparking.***

Comment

As noted in the above referral comment by Council's Traffic engineer, despite the lack of dedicated parking to the gymnasium the overall site does include forty-two (42) unassigned shared parking spaces.

- ***To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.***

Comment

There is no change to the previously approved at-grade parking arrangement on site.

- ***To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.***

Comment

There is no change to the previously approved at-grade parking arrangement on site.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported.

### **D3 Noise**

Merit Consideration

The proposed gymnasium use seeks consent for the following hours of operation:

**Monday to Sunday - 5:00am to 7:30pm with 45-minute group fitness classes.**

The proposal was accompanied by a Noise Impact Assessment prepared by Pulse White Noise Acoustics (dated 25 August 2023).

It is noted that the subject site is located within an industrial area, with similar usages (gymnasium) being present within the immediate vicinity and its surrounds. The closest residential area is to the east at approximately 150 metres from the gymnasium.

The development is considered against the underlying Objectives of the Control as follows:

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

Council's Environmental Health Officer has reviewed the proposal and Noise Impact Assessment and is in support, subject to conditions. These conditions include acoustic design recommendations and operational noise management to further ensure the prevention of unacceptable noise nuisance.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported.

### D23 Signs

The application proposes two (2) business identification signs to the external façade of the building, and three (3) window decals. The window decals will be deleted via a condition, and will not need further assessment.

Sign No. 1 will be located to the northern elevation and Sign No. 6 will be located to the western elevated (fronting Inman Road).

Sign	Requirement	Size	Height	Complies
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)	<p>Shall not extend within 200mm of the top and sides of the wall.</p> <p>Shall not cover any window or architectural projections;</p> <p>Must be of a size and shape that relates to the architectural design of the building to which it is attached;</p> <p>Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and</p> <p>Shall not project more than 300mm from the wall.</p>	<p><b>Sign No. 1:</b> 5890mm x 800mm</p> <p><b>Sign No. 6:</b> 5890mm x 800mm</p>	<p><b>Sign No. 1 and No. 6:</b> Above 2.7m</p>	Yes

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 two (2) business identification signs are acceptably located and limited to the words of the business name and simple logo.

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

Comment

The materials used for the signage are of high quality/durable materials. The signage will be conditioned to be removal, without causing damage to the façade of the heritage building.

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

Comment

The signage is simple and not cluttered in design, and will add acceptable visual interest to the

site. The signage is located on an existing building and is consistent with other signs in the industrial area.

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

Comment

The signage faces Inman Road and toward the north of the subject site, within an existing commercial/industrial area, and is located a fair distance from surrounding residential areas. The illumination will be switched off after operational hours have ceased.

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

Comment

Council's Heritage Advisors have reviewed the proposal and are in support subject to conditions. The external signage has been limited to two (2) business identification signs to limit impact to the heritage building.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy (Industry and Employment) 2021*. 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 2022**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$ 928 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 185,537.

## **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 2021;
- 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

## **PLANNING CONCLUSION**

This proposal, for the use of premises as an indoor recreational facility, fit-out and signage has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to demolition of part of a local heritage item. Therefore, meets the requirements for the determination by the NBLPP for Sensitive Development.

The development application was notified for fourteen (14) days, as stated within Council's Community Participation Plan. No submissions were received.

The critical assessment includes a detailed consideration of the relevant provisions under the *State Environmental Planning Policy (Industry and Employment) 2021* in relation to the proposed business identification signage and Clause 5.10 Heritage conservation of the *Warringah Local Environmental Plan 2011*. The application has also been assessed against other relevant State Environmental Planning Policy's, the *Warringah Local Environmental Plan 2011*, and the controls under the Warringah Development Control Plan 2011.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has therefore been recommended for **approval**.

## **REASON FOR DETERMINATION**

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 DA2023/1202 for Use of Premises as an indoor recreational facility, fitout and signage on land at Lot 3 DP 1282038, 10 Inman Road, CROMER, Lot 1 DP 1282038, 4 - 8 Inman Road, CROMER, subject to the conditions printed below:

### Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA01.01	C	Site Plan	Archispectrum	12 February 2024
DA02.01	C	Existing Tenancy Plan	Archispectrum	12 February 2024
DA03.01	C	Proposed Tenancy Plan	Archispectrum	12 February 2024
DA04.01	C	External Elevation & Signage Details	Archispectrum	12 February 2024
DA04.02	C	External Elevation & Signage Details	Archispectrum	12 February 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BCA & Access Assessment Report (Ref. P23078-BCA-r1)	-	BCA Clarity	22 January 2024
Noise Impact Assessment	Revision 1	Pulse White Noise Acoustics Pty Ltd	25 August 2023
Plan of Management Plan	Issue A	Archispectrum	July 2023
Traffic & Parking Assessment (Ref. 197/20230)	Issue A	Transport and Traffic Planning Associates	August 2023

Waste Management Plan	Issue A	Archispectrum	July 2023
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In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

## 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	Ausgrid Referral Response	13 September 2023

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://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. 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 Certifier 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 Certifier 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 Certifier 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.

#### 4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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 an 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 following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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 2018
    - (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.

## 5. **Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Principal Certifier.

Reason: To ensure pedestrian safety and continued efficient network operation.

## **FEES / CHARGES / CONTRIBUTIONS**

### **6. Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$927.69 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$185,537.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### **7. Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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 Certifier prior to the issue of the Construction Certificate.

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

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

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **8. Amendments to the approved plans**

The following amendments are to be made to the approved plans:

**a) Signage:** The following signage/window decals as shown on the approved plans are to be removed from the external façade of the building; Sign No. 2, Sign No. 3 and Sign No. 5. These signs are located on the external windows of the building and will not be permitted. Any references to these signs shall be deleted from the approved plans. Signage No. 1 and No. 6 are to be the only external signage to the building.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

**9. Building Code of Australia Fire Safety Requirements**

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA and Access Assessment Report prepared by BCA Clarity, dated 22/1/2024, Reference No P23078 – BCA – r1, including any required Performance Reviews, are to be included as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

**10. Access and Facilities for Persons with Disabilities**

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

**11. Colour of external walls of studio/theatre**

The external walls of the studio/theatre are to be painted white facing internally towards the atrium and stairs and painted medium to dark grey on the other three sides facing towards the external windows. Details of the colours to be used are to be submitted to Council's heritage officer for approval, prior to the issue of the construction certificate.

Reason: To minimise the impact of these walls on the visual heritage significance of the building.

**12. Compliance with Standards**

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

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

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

**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 Certifier 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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 14. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane

Reason: To ensure Work zones are monitored and installed correctly.

## DURING BUILDING WORK

### 15. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

### 16. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

### 17. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be

disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

**18. Works to be reversible without damage to fabric**

All internal works and external signage must be undertaken in such a way that the works are reversible in the future without causing any remnant visible damage to original fabric and surfaces.

Reason: To protect original heritage fabric and surfaces and enable works to be removed without damage, when no longer needed.

**19. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

## **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**20. Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**21. Acoustic Design Recommendations - Mechanical Equipment**

All future plant and equipment are to be acoustically treated to ensure the noise levels at all surrounding receivers comply with noise emission criteria detailed within this report. Examples of the possible acoustic treatments to mechanical equipment includes the following:

1. Supply and Exhaust Fans – location of fans within the building and treated using internally lined ductwork or acoustic silencers.

2. General supply and exhaust fans – general exhaust and supply fans such as toilet, kitchen, lobby and other small mechanical fans can be acoustically treated using acoustic flex ducting or internal lined ducting. Details of the required mechanical services equipment and acoustic treatments to ensure the relevant noise level criteria is achieved will be provided as part of the CC submission of the project.

Reason: To prevent noise nuisance by using mitigation measures in design.

22. **Works signed off by conservation architect**

Before the issue of an occupation certificate, the works are to be signed off by a conservation architect, confirming that the works have been undertaken in accordance with the heritage conditions of this consent and in accordance with the Heritage Impact Statement and the Conservation Management Plan for the site.

Reason: To ensure that works have not affected the visual and material heritage significance of the building.

23. **Removal of All Temporary Structures/Material and Construction Rubbish**

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

24. **Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

25. **No additional signage permitted**

No additional signage, apart from that approved by this application, is to be attached to any of the external windows or doors. This includes any window decal signage or obscuring of existing glazing.

Reason: To ensure the visual heritage significance of the building is protected.

26. **Waste must be fully contained within closed containers On site**

Waste must be fully contained within closed containers at all times, and waste must be collected from within the property and presented for collection on Council road reserves.

Reason: To maintain the health and amenity of the area.

27. **Works to be removed at end of lease/occupation**

All works, including the introduced walls for the studio/theatre, are to be fully removed at the end of the lease/occupation which is the subject of this consent. The removal of these works must be done in such a way that causes no permanent damage or impact upon heritage



fabric/surfaces or the overall heritage significance of the building. For the purposes of this condition, the works include all internal changes as well as external changes (i.e. signage).

Reason: To ensure that the heritage significance of the building is not permanently affected.

**28. Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday (including Public Holidays): 5:00am - 7:30pm.

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

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

**29. Hours of Illumination**

Illumination of signage at the subject premises shall be switched off when the operational hours of the gymnasium cease.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination.

**30. Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.

**31. No additional enclosure of atrium**

No additional enclosure of the atrium space is allowed at any time. The only side approved to be enclosed is the wall of the studio/theatre, which is to be located behind the internal columns and painted white facing towards the atrium. The other three (3) sides of the atrium must remain open.

Reason: To ensure the visual heritage significance of the internal atrium is protected.

**32. Noise Management**

1. All windows within the gym are to be fixed closed during operation.
2. All door openings are to include self-closing devices.
3. No playing of music or the like externally to the building and no amplified music inside the building.

Reason: To ensure acoustic compliance in an operational situation.

