

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0578
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 5 DP 1521, 3 Green Street BROOKVALE NSW 2100
Proposed Development:	Use of premises as a recreation facility (indoor) dance studio
Zoning:	Warringah LEP2011 - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Giovanni Mesiti Enzo Roberto Mesiti Frank Anthony Mesiti Flora Maria Mesiti
Applicant:	Elite Performance Studios Sydney Pty Ltd

Application Lodged:	03/06/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	15/06/2020 to 29/06/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 100,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal is for use of the tenancy for a recreational facility (indoor) for the purpose of conducting dance classes.

The proposal is seeking the following hours of operation:

Monday to Friday - 9:00am to 9:00pm

Saturday - 8:00am and 4:00pm,

Sundays and Public Holidays - Closed

Number of employees: Seven (7)

Number of staff on site at anytime: Four (4)

Twenty five (25) students per class within two (2) studios -Fifty (50) students.

Seven (7) car spaces.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

Property Description:	Lot 5 DP 1521 , 3 Green Street BROOKVALE NSW 2100
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Green Street.</p> <p>The site is regular in shape with a frontage of 20.11m along Green Street and a depth of 60.65m. The site has a surveyed area of 1220m².</p> <p>The site is located within the IN1 General Industry zone and accommodates is a three storey building with vehicular crossover from Green Street on the eastern side of the allotment. At the rear of the allotment are a number of dwellings forming a part of the R3 Medium Density Residential zone.</p> <p>The premise, identified as Tenancy 2, is located on the southern side of the property and sits amongst a number of</p>

light industrial land uses. Car parking spaces are located towards the northern and southern side of the allotment. The site comprises a total of fourteen (14) car parking spaces, of which seven (7) car parking spaces service the tenancy. Additionally, street parking is available along Green Street.

The site is well facilitated by public transport with bus stops along Green Street making it highly accessible. Pittwater Road and Warringah Road, which are classified regional roads, are located proximate to the site, carrying significant amounts of industrial traffic of various sizes and scales, serving the industrial area generally, as well as the broader locality.

Map:



SITE HISTORY

DA6000/6281 - Industrial Development of 2 Warehouse Units and Office approved on 2 September 1997

DA2003/0470 - Change of Use Wholesale Pet Supplies withdrawn on 11 June 2003

DA2007/0470 - Change of Use of Existing Premises for the Operation of a Youth Centre approved on 4 July 2007

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 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 commercial purposes for an extended period of time. The proposed development retains the commercial use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – 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. Additional information was requested in relation to a traffic report. This information was forwarded from the applicant on 25 July 2020.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>

Section 4.15 Matters for Consideration'	Comments
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 15/06/2020 to 29/06/2020 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Industrial)	<p>General Comments</p> <p>The hours of operation for the dance studio premises are:</p> <ul style="list-style-type: none"> • Monday – Friday 9:00am – 9:00pm • Saturday 8:00am – 4:00pm. • Sunday – Closed • Public Holidays - Closed <p>Although located in an industrial area the site backs onto residential premises.</p> <p>The acoustic assessment concludes as follows: Based on proposed activities to be undertaken as part of the dance studio and the potential noise emissions to the surrounding receivers has been reviewed and the proposed dance studio is consistent with achieving compliance with the relevant noise emissions criteria providing suitable acoustic treatments are included in the operation of the studio including the following:</p>

Internal Referral Body	Comments
	<p>1. The external facade openings including windows are closed during periods when the studio is to be used for dance with amplified music playing.</p> <p>2. Music not to be played with a level of greater than 85 dB(A) internally</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Traffic Engineer	<p>Proposed Development Information:</p> <ul style="list-style-type: none"> · Address: 3 Green Street, Brookvale · Proposal: The change of use of the premises (small industrial building) into recreation facility dance studio (indoor). · Dance Studio - gross floor area (GFA) = 226m². Studio1 GFA = 101m² & Studio2 GFA = 125m². · Dance Studio operating hours: 9am to 9pm, Monday to Friday (currently 3:30pm – 8:30pm and may extend morning classes over the time), 8am to 4pm Saturday and closed on Sundays & Public Holidays. · Max 50 students and 3 employees · The site has public transport facilities. · Parking requirements: <ul style="list-style-type: none"> - Required parking analysed based on RMS Trip Generation and Gymnasium Parking Survey data and public transport accessibility score. - DCP does not specify the exact land use however; it can be compare with Educational Establishments or Gym. But compare to RMS data, DCP requirements are high. - Real time demand projection and queuing has been analysed based on 25 students at a time and outcome show that no queueing or overflow would be expected. - Parents not allowed for long-term parking and only allowed for pick-up & drop-off. - The majority of students coming for afternoon classes and come directly from school via public transport. As such, most students are not dropped off.

Internal Referral Body	Comments
	<ul style="list-style-type: none"> - Dance classes are banded together such that most students are there for an extended period attending more than one class. Hence, traffic movements are reduced. - On-street parking is available for unlikely event of parking demand overflow. - Provided parking space 7. <p>By considering all the above facts, provided parking facility has been considered OK.</p> <p>Based on Trip analysis, Traffic generation is 13 vehicles / peak hour. Also, development peak hour traffic is outside road network peak hour. Therefore, traffic generation is negligible.</p> <p>Conclusion:</p> <p>In view of the above, the development proposal can be approved with development conditions.</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

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 commercial purposes for an extended period of time. The proposed development retains the commercial use of the site, and is not considered a contamination risk.

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.

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

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
Part D Design	Yes	Yes
D3 Noise	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

Merit consideration

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

- To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Total	4.5 spaces per 100 m2 GFA.	12	7	- 5

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

Comment: The existing carparking spaces are located under the building or are open spaces just in front of the building and hence demonstrate sufficient spatial separation from Green Street to minimise visual impact.

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

Comment: The existing carparking spaces are located under the building or are open spaces just in front of the building and hence demonstrate sufficient spatial separation from Green Street to ensure that these spaces do not dominate the street frontage.

A traffic report by Greys dated 20 July 2020 was submitted by the applicant on 25 July 2020. The report in summary and conclusions stated:-

Greys Consulting was engaged by Elite Performance Studio to prepare a traffic impact and parking assessment in support of a development application for a development consent for a Dance Studio at Brookvale. The proposed development was assessed in accordance to the Northern Beaches Council DCP, RMS Guidelines to Trip Generating Development and the AS 2890.1 Series and Trip Generation and Parking Demand Surveys of Gymnasiums . The assessment outcomes are as follows:

> An investigation of the public transport available was undertaken revealing several bus routes frequently passing through the subject site providing excellent access to important destinations in the vicinity and other metropolitan areas.

> No SIDRA intersection assessment was required due to trivial number of projected trip generation from the subject development which does not warrant SIDRA modelling at this stage.

> The proposed parking layout is designed in accordance to AS 2890.1-2004.

> As part of this report, a parking assessment was also undertaken. The proposed development provides a total of 7 (seven) compliant car parking spaces on the provided plans. The parking provision satisfies parking requirements stipulated in the Trip Generation and Parking Demand Surveys of Gymnasiums and Queuing analysis undertaken by Greys Consulting. it is considered that provision of 7 (seven) parking spaces will satisfy the actual parking demands likely to be generated by the development proposal and in the circumstances, it is concluded that the proposed development will not have any unacceptable parking implications.

> A maximum trip generation of 1 vehicle per 5 minute is estimated for the site(13 per hour). This trip generation rate will not have any detrimental impacts on the surrounding road network given development's peak hour falls outside surrounding road network peak hour.

> Given these factors, and the results of the high-level intersection and mid-block analysis, it is clear that this development is sustainable in transport terms, with acceptable impacts on the local transport network."

Council's Traffic Engineer reviewed the site, the plans and the Traffic Report by Greys and made the following comments/conclusions:-

By considering all the above facts, provided parking facility has been considered OK.

Based on Trip analysis, Traffic generation is 13 vehicles / peak hour. Also, development peak hour traffic is outside road network peak hour. Therefore, traffic generation is negligible.

Conclusion:

In view of the above, the development proposal can be approved with development conditions.

The proposal is therefore supported."

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in S1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3 Noise

The applicant lodged a Noise Impact Review prepared by White Noise Acoustics and made the following recommendations and conclusions:-

"Based on proposed activities to be undertaken as part of the dance studio and the potential noise emissions to the surrounding receivers has been reviewed and the proposed dance studio is consistent with achieving compliance with the relevant noise emissions criteria providing suitable acoustic treatments are included in the operation of the studio including the following:

- 1. The external façade openings including windows are closed during periods when the studio is to be used for dance with amplified music playing.*
- 2. Music not to be played with a level of greater than 85 dB(A) internally."*

Council's Environmental Health Officer (EHO) reviewed the site, plans and this acoustic report and made the following recommendations and conclusions:-

"APPROVAL - subject to conditions

The proposal is therefore supported."

The following was also included by the EHO:-

Noise

Compliance with the findings and recommendations of White Noise Acoustics 27 May 2020 report for acoustic treatments and the operation of the studio including the following:

- 1. The external facade openings including windows are closed during periods when the studio is to be used for dance with amplified music playing.*
- 2. Music not to be played with a level of greater than 85 dB(A) internally*

Additionally Council requires;

- 3. The sound level settings on music amplifiers being set/marked on equipment by an acoustic engineer to ensure sound levels are easily controlled and managed ongoing.*
- 4. Signage ,as a reminder to users, being placed on the external facade openings and windows requiring them to be closed when amplified music is played.*

Reason: To avoid any noise nuisance to neighbouring residential and commercial receivers (DACHPGOG5)"

Given the above it is considered subject to the recommendations and conclusions of the Noise Impact Review prepared by White Noise Acoustics and Council's EHO been included within the conditions for review that reasonable amenity (noise) levels will be maintained ensuring compliance with this clause.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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 DA2020/0578 for Use of premises as a recreation facility (indoor) dance studio on land at Lot 5 DP 1521, 3 Green Street, BROOKVALE, 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
20-112-00	April 2020	Wayne Wilson
20-112-01	April 2020	Wayne Wilson
20-112-02	April 2020	Wayne Wilson

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise Impact Review	27 May 2020	White Noise Acoustics
Operational Plan of Management	Undated	Elite Performance Studio

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. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

3. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges

paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

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

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

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

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

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

4. **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)

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

5. **Noise**

Compliance with the findings and recommendations of White Noise Acoustics 27 May 2020 report for acoustic treatments and the operation of the studio including the following:

1. The external facade openings including windows are closed during periods when the studio is to be used for dance with amplified music playing.

2. Music not to be played with a level of greater than 85 dB(A) internally

Additionally Council requires;

3. The sound level settings on music amplifiers being set/marked on equipment by an acoustic engineer to ensure sound levels are easily controlled and managed ongoing.

4. Signage ,as a reminder to users, being placed on the external facade openings and windows requiring them to be closed when amplified music is played.

Reason: To avoid any noise nuisance to neighbouring residential and commercial receivers (DACHPGOG5)

6. **Allocation of Spaces**

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

Seven (7) spaces - Commercial

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

Reason: To ensure that adequate parking facilities to service the development are provided on

site.

7. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday – 9am - 9pm
- Saturday – 8am to 4pm
- Sunday and Public Holidays – Closed

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.

8. 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)

9. Deliveries

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

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 17/09/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments