

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0614
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 4 DP 835792, 61 Darley Street MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a car showroom
Zoning:	E4 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	AMG Headquarters Six Pty Ltd
Applicant:	Williams River Steel Pty Ltd

Application Lodged:	05/06/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	12/06/2023 to 26/06/2023
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	4.3 Height of buildings: 5.5%
Recommendation:	Approval

Estimated Cost of Works:	\$ 6,075,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal involves demolition of existing structures and the construction of a new three level 'Toyota' showroom with underground basement parking.

In detail, this involves:

Lower Basement

- 18 vehicle parking spaces, 3 motor cycle spaces, and 4 bicycle spaces
- Waste Storage area
- Lift foyer
- Access to vehicle
- Goods lift to service

Ground Floor

- Vehicle showroom with space for 8 vehicles
- Office space
- Café facilities
- Amenities
- New vehicle delivery bay

First Floor

- Showroom for 14 vehicles
- A Boardroom
- Staff lunch
- Storage area
- Sales offices
- Amenities
- A vehicle and goods lift

Amended plans

Amended plans were provided to reduce the Gross Floor Area from 1169.5sqm to 1032sqm. This reduction provided a compliant Floor Space Ratio, a reduction from the 13.3% variation to the Floor Space Ratio in the original plans.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - C2.11 Signage

Pittwater 21 Development Control Plan - D9.6 Front building line

SITE DESCRIPTION

Property Description:	Lot 4 DP 835792 , 61 Darley Street MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of an allotment located on the the north-western side of Barrenjoey Road and the south-eastern side of Darley Street.</p> <p>The site is irregular in shape with a frontage of 33.8m along Barrenjoey Road and 22.96m along Darley Street. The site has a surveyed area of 1032m².</p> <p>The site is located within the E4 General Industrial zone and accommodates a large hard stand parking area with an associated building.</p> <p>The site is relatively flat and is on a corner allotment, surrounded by a relatively large landscaped road reserve.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by industrial and commercial development.</p>

Map:



SITE HISTORY

The land has been used for industrial purposes for an extended period of time. A search of Council's

records has revealed the following relevant history:

- DA95/100 approved for construction of a single storey office building incorporating a car sales yard at the abovementioned property approved on 25 May 1995.

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	Pittwater 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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&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 61</u> of the EP&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>Clause 69</u> of the EP&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, 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</p>

Section 4.15 Matters for Consideration	Comments
	impact on the locality considering the nature of the existing and proposed land use.
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 12/06/2023 to 26/06/2023 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 process council is in receipt of 2 submission/s from:

Name:	Address:
Ann Wilson Funerals	844 Pittwater Road DEE WHY NSW 2099
Invoke Australia Pty Ltd	Level 2 40 Miller Street NORTH SYDNEY NSW 2060

The following issues were raised in the submissions and are addressed as follows::

- Impacts during construction including noise and dust**

Submissions raise concerns that the impacts of noise and dust will be inappropriate for the nearby funeral centre.

Comment:

Conditions have been imposed to require a Construction and Traffic Management Plan, and a Demolition Traffic Management Plan. These plans make provisions to minimise impacts during construction. Further to this, a condition is also imposed, requiring sediment control (to assist in reducing dust), and a site management plans is required to assist in further minimising impacts during construction.

- **Parking**

A submission raised concerns with parking and impact to on-street parking availability.

Comment:

The proposal provides for 18 off-street car parking spaces, which is 7 spaces in excess of the requirement for the proposed use (under Pittwater DCP21). As such, the proposal provides a reasonable allocation of parking to ensure there will not be an unreasonable impact to on-street parking availability.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect 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> <p>Note: 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>
Environmental Health (Acid Sulfate)	<p>General Comments JKEvironments Pty Ltd 31 Jan 2023 advises:</p> <p>Acid Sulfate Soil Risk Map</p> <p>A review of the acid sulfate soils (ASS) risk maps prepared by Department of Land and Water Conservation (1997)⁵ indicates that the site is located in an area classed as 'high probability' of ASS occurrence between 1m-3m below the ground surface and JKE note that the assessment was undertaken for waste classification purposes and was not designed to meet all aspects of the ASS assessment guidelines. Further assessment of ASS may be required to satisfy regulatory requirements for the proposed development.</p> <p>On this basis Environmental Health supports the proposal subject to conditions.</p>
Environmental Health (Industrial)	<p>General Comments The applicant advises: The proposed works include the demolition of the existing structures & pavements along with the construction of a new three level Toyota showroom including underground basement parking. The lower basement level will consist of parking for 18 vehicles, 3 motor cycles & 4 bicycles along with a dedicated waste storage area, lift foyer & access to a vehicle / goods lift to service the upper floors.</p>

Internal Referral Body	Comments
	<p>At ground floor will be a vehicle showroom for no less than 8 vehicles with ancillary sales offices, Reception, café facilities for customer use, amenities & a dedicated new vehicle delivery bay for customers to receive new vehicles & leave the showroom environment.</p> <p>The First will house vehicle showroom for 14 x vehicles, a boardroom, staff lunch room, storage area, 3 x sales offices & amenities. Vehicle access to the upper floor will be via a vehicle / goods lift.</p> <p>The applicant is not proposing to service or repair vehicles. Cars will require some form of cleaning; no washing area (with disposal to sewer) is shown. To enable progress of this application a condition will be added.</p> <p>It is assumed that the customer cafe by its size does not include food and just coffee for waiting customers.</p> <p>Environmental Health supports the proposal with conditions.</p>
Landscape Officer	<p>The proposal is supported with regard to landscape issues.</p> <p><u>Additional Information Comment 07/11/23:</u> The amended plans are noted.</p> <p>The amendments to the Landscape Plans have improved the presentation to Darley Street and Barrenjoey Road, now allowing for planting of a scale to soften the proposed built form. All proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent, and on slab landscape planters shall meet Council's minimum soil depth requirements.</p> <p><u>Original Comment Summary:</u> The following concerns were raised:</p> <ul style="list-style-type: none"> • The proposal did not satisfy the outcomes and controls of the PDCP section C3.1, and Appendix 9 section 3.4.4, • The building and hard paved areas dominated the streetscape and planting was squeezed into leftover spaces, • It was suggested that hard paved access around the building be reconfigured to allow for more landscaped area that can satisfy the PDCP controls, • The proposed turf area along the southern boundary was not supported. Any on slab planting required a soil depth of 1000mm to support small trees and 600mm to support shrub planting, • Street trees were required along the Barrenjoey Rd frontage in accordance with C3.18.
NECC (Development Engineering)	<p>01/12/2023: No objections to approval subject to conditions as recommended. For Planner:</p>

Internal Referral Body	Comments
	<p>Please refer page 13 of Geotech Report by JK Geotechnics Pty Ltd, Ref: 35451Lrpt-rev 1 , Dated 9th November 2023</p> <p><i>Prior to the commencement of any site works, including demolition of existing buildings/structures, we recommend that detailed internal and external dilapidation reports be carried out on adjoining properties to the north-west (No.63 Darley Street) and to the south-west (No.25 Barrenjoey Road), including boundary retaining walls.</i></p> <p>12/07/2023: The application seeks consent for a new three (3) storey car showroom including:</p> <ul style="list-style-type: none"> • A lower / basement level containing eighteen (18) parking spaces will be accessed via the vehicle access ramp. • A ground floor level with vehicle delivery bay & the vehicle lift. Pedestrian access via the main entry on the Darley Street & Barrenjoey Road. • An upper level containing offices, staff lunchroom & amenities, a dedicated training / boardroom, customer lounge and vehicle display area. • New landscaping to the Barrenjoey Road frontage of the lot. <p>Access Environmental Statement states that the site has restrictions on the title which dictate the vehicle access is to be off Darley Street. The existing driveway access is located towards the northern end of the Darley Street site frontage. The proposal provides a new entry/exit driveway at the same location with two pedestrian access points located at the intersection of both streets & along the Darley street frontage.</p> <p>Applicant to provide longitudinal section of proposed driveway showing existing and proposed levels from street gutter to parking also showing grades and chainage @ 1m interval.</p> <p>Stormwater Detailed stormwater design has been prepared by Marline Engineers which seems satisfactory.</p> <p>Geotech An excavation to a maximum depth of about 3m will be required for the proposed basement level, Geotech Report by JK Geotechnics Pty Ltd, Ref: 35451Lrpt , Date: 8 December 2022 provided. Geotech Report is not supported with Form 1 and 1a.</p> <p>Applicant to provide Form 1 and 1a.</p> <p>For Planner: As the stormwater proposal includes treatment measures, this requires further assessment from Council's Water Management</p>

Internal Referral Body	Comments
	Team.
Strategic and Place Planning (Urban Design)	<p>This advice is provided as an internal referral from the Urban Design Unit to the Development Assessment Officer for consideration and coordination with the overall assessment.</p> <p>The application seeks consent for a new car showroom at 61 Darley Street, Mona Vale (Lot 4 DP 835792).</p> <p>The application proposes construction of a three (3) storey car showroom, including:</p> <ul style="list-style-type: none"> · A lower / basement level containing eighteen (18) parking spaces will be accessed via the vehicle access ramp. · A ground floor level with vehicle delivery bay & the vehicle lift. Pedestrian access via the main entry on the Darley Street & Pittwater Road. · An upper level containing offices, staff lunchroom & amenities, a dedicated training / boardroom, customer lounge and vehicle display area. · New landscaping to the Barrenjoey Road frontage of the lot. <p>The proposal is marginally over the 8.5m height control and a section 4.6 accompanies the application.</p> <p>The applicant provided the additional information requested by Urban Design.</p> <p>Urban Design raise no objection to the proposed development.</p>
Traffic Engineer	<p><u>Additional comments on amended plans - 15/12/23</u></p> <p>The additional information provided by the applicant has addressed the traffic engineering concerns raised. It is noted that waste services have supported the development in terms of waste servicing aspects</p> <p><u>Original comments - 9/6/23</u></p> <p>The proposed development involves the demolition of existing</p>

Internal Referral Body	Comments
	<p>structures on the site to facilitate the construction of a new two-storey motor sales showroom.</p> <p>Traffic Generation and Impact to Road Network</p> <p>The existing driveway access is located towards the northern end of the Darley Street site frontage. The proposal provides a new entry/exit driveway at the same location.</p> <p>It is projected that the development would generate 10 vehicles per hour during the am and pm peak. This results in an increase of 3 trips during the peak periods. The traffic generation on the road network capacity is considered acceptable.</p> <p>The access driveway is located approximately north of the intersection with Barrenjoey Road (State Road), which is controlled by traffic lights. Darley Street is also classified as a Regional Road. A separate Road Occupancy Licence (ROL) approval must be obtained from the Transport Management Centre (TMC) where works are proposed within 100m of traffic lights and/or stands on any State or Regional Road. Truck access therefore may be restricted during peak hours.</p> <p>Parking</p> <p>The parking requirements are assessed in accordance with Council's Pittwater 21 Development Control Plan (DCP) and RMS Guide to Traffic Generating Developments which indicates that parking rates for Motor Showrooms, require 0.75 spaces per 100m² of site area. This yields an off-street parking requirement of 11 parking spaces. The proposed development makes provision for a total of 18 off-street car parking spaces. The proposal also makes provisions for 3 motorcycle parking and 4 bicycles.</p> <p>Loading Facilities and Waste Collection</p> <p>The Applicant proposes a delivery bay, for customers to receive deliveries of their new car, which is located near the top of the basement ramp with access to the ground level showroom. A car lift is also proposed to provide display vehicles with access to both showroom areas from the basement car parking area. The Statement of Environmental Effects mentions that all loading and unloading facilities will remain off site at the local parent site in Brookvale Toyota where vehicle carriers will deliver new vehicles which will then be driven to the site independently. It is proposed that waste collection will be undertaken by a private contractor operating a utility or van with domestic vehicle access provided to the</p>

Internal Referral Body	Comments
	<p>basement parking area. Height clearance restricts access to the basement car park level for larger vehicles, as the design vehicle dimensions for a Small Rigid Vehicle (SRV) require a clearance height of 3.5m.</p> <p>The Applicant has provided a delivery bay for showroom and sales vehicles, however no designated parking area has been provided for service vehicles and general deliveries. A dedicated space should be provided in the basement car park adjacent to the bin storage area for waste collection and deliveries.</p> <p>Additional information</p> <p>Additional swept path analysis using a B99 vehicles is required to demonstrate entry and exit to the car lift in the basement car park, and delivery bay on the ground floor. Swept paths must also be provided to demonstrate suitable access to the parking space for service vehicles and deliveries using the largest vehicle anticipated for waste collection.</p> <p>There is insufficient information provided to fully assess access to the required parking areas. It is therefore requested that the Applicant consider the above comments and provide an updated plan and swept paths so that it can be reviewed for further consideration.</p>
Waste Officer	Waste Management Assessment Supported, subject to conditions

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 (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 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 land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	9m	5.5%	No (see comments)
Floor Space Ratio	FSR: 1:1 (1032sqm)	FSR: 1:1 (1032sqm)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No
4.4 Floor space ratio	Yes
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

4.6 Exceptions to development standards

Description of non-compliance:

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	9m
Percentage variation to requirement:	5.5%

The following diagrams provide a representation of the height non-compliance:

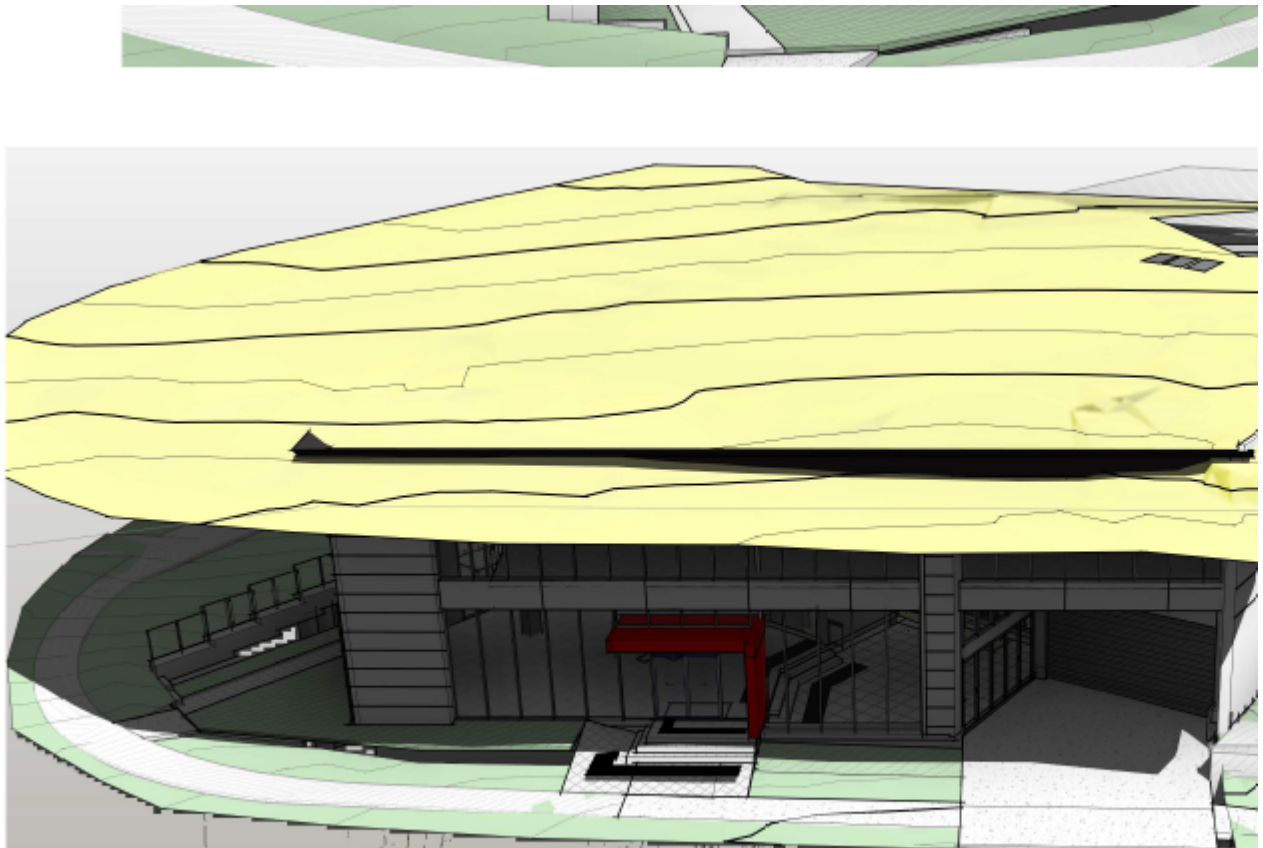


Figure 1: Representation of height blanket provided by applicant (and confirmed as accurate through assessment of architectural plans and survey)

4 DASHED RED

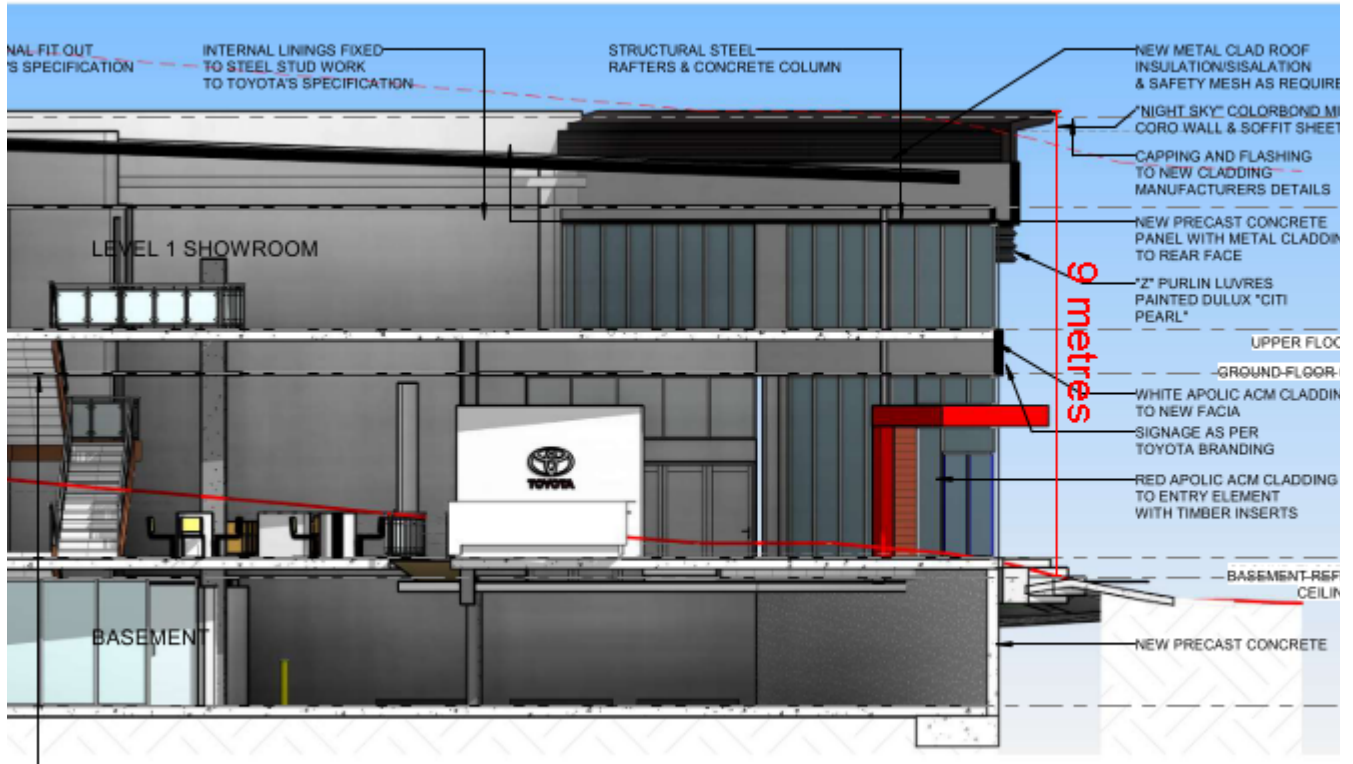


Figure 2: Section showing location of Height non-compliance

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3 - Height of Buildings, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130.

Clause 4.6 Exceptions to development standards:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.3 - Height of Buildings development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) assessment:

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

The Applicant's written request has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The applicants written request argues, in part:

The proposal has been designed with floor-ceilings to optimise access for vehicles. It is also suggested that the proposal will complement the the presentation of height to the building at the south-west. It is also stated that the non-compliance will not cause visual (impact), privacy or overshadowing issues.

It is also stated hat the non-compliance occurs in a location where the site slopes away to the boundary.

It is agreed that the non-compliance occurs as a result of slope and a need to provide suitable access. It is also agreed that any adverse impact is appropriately avoided.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development

is proposed to be carried out

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the R2 Low Density Residential zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the PLEP 2014 are:

(1) The objectives of this clause are as follows:

a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment:

The proposal is generally two storeys in height, and the majority of the built form's footprint complies with Building height. As such, the building is of a height and scale that is consistent with much of the surrounding form, and is also consistent with desired character.

b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The surrounding area is generally characterised by one and two storey buildings. The proposal is for a two storey building. As such, the proposal is compatible with the height and scale of surrounding and nearby development.

c) to minimise any overshadowing of neighbouring properties,

Comment:

The proposal is in an industrial zone and adjoins a commercial Building to the south. The proposed form also complies with the development standard for Building height toward the south of the site. As such, there would no unreasonable overshadowing impact.

d) to allow for the reasonable sharing of views,

Comment:

The siting of the proposed building is not in a location that would have any unreasonable impact on the sharing of views.

e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The proposal is two stories in height with one level of basement. There is minor extent of height non-compliance to the north of the site. As such, this form provides a response to topography that is typical of the area and consistent with desired character.

f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,

Comment:

The two storey nature, and landscaped area to surround the building (both on site and in the road reserve), provides a situation in which there would be no adverse impact.

Zone objectives

The underlying objectives of the E4 General Industrial zone are:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
To ensure the efficient and viable use of land for industrial uses.
To minimise any adverse effect of industry on other land uses.
To encourage employment opportunities.
To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be, or are inappropriate to be, located in other zones.
To provide healthy, attractive, functional and safe light industrial areas.

Comment:

The proposal provides a 'vehicle sales or hire premise' which is a permissible use in the zone. This use provides employment opportunities, contributes to the range of uses in the area. The design also suitably provides for an appropriate development on the site that will minimise any adverse impact.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the E4 General Industrial zone.

It is considered on balance, that having regard to the particular circumstances of the minor northern section of the building that does not comply, the proposed departure from the development standard is acceptable and it is reasonable that flexibility to the standard be applied.

Exception to Development Standards conclusion

The submitted written Clause 4.6 variation request is considered to be well founded having regard to the circumstances of the development is considered appropriate that flexibility in the application of the Building height development standard be applied. In this context the proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the delegate of Council as the development contravenes a numerical standard by less than or equal to 10%.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	Merit Assessment	2m- 3.5m	N/A	Yes (see comments)
Side building line	Nil	Nil	N/A	Yes
	Nil	Nil	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.6 On-Street Parking Facilities	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C2.1 Landscaping	Yes	Yes
C2.2 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2.5 View Sharing	Yes	Yes
C2.7 Building Facades	Yes	Yes
C2.8 Energy and Water Conservation	Yes	Yes
C2.9 Waste and Recycling Facilities	Yes	Yes
C2.10 Pollution Control	Yes	Yes
C2.11 Signage	Yes	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.15 Car/Vehicle/Boat Wash Bays	Yes	Yes
C2.16 Undergrounding of Utility Services	Yes	Yes
C2.22 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes
D9.12 Fences - General	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D9.16 Character of the Public Domain - Mona Vale Commercial Centre	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The proposal provides parking that is in excess of the requirements for off-street parking. As stated by Council's Traffic officer:

"The parking requirements are assessed in accordance with Council's Pittwater 21 Development Control Plan (DCP) and RMS Guide to Traffic Generating Developments which indicates that parking rates for Motor Showrooms, require 0.75 spaces per 100m² of site area. This yields an off-street parking requirement of 11 parking spaces. The proposed development makes provision for a total of 18 off-street car parking spaces. The proposal also makes provisions for 3 motorcycle parking and 4 bicycles."

C2.11 Signage

Signage is not proposed under this application as it is stated signage will be provided under future applications.

As such a condition is imposed to state no signage is approved under this application and to require removal of signage from plans.

D9.6 Front building line

Description of setback

The front setback to Darley Street is 2m.

The front setback to Barrenjoey Road is 3.5m. However, due to the large road reserve (that includes an RE1 zone), the proposal is setback 12m from Barrenjoey Road.

The front setback along Barrenjoey Road, aligns with the prevailing building line.



Merit Assessment

A Merit assessment against the relevant Outcomes is provided below:

Achieve the desired future character of the Locality.

Comment:

The proposal involves two storey building, provided with landscaped strips between the building and the street facing boundaries.. The proposal also generally aligns with setbacks of nearby development. This design and landscaped setting ensures that the proposal will meet the desired future character.

Equitable preservation of views and vistas to and/or from public/private places.

Comment:

The two storey nature, and setbacks to each street ensure equitable preservation of views and vistas.

The amenity of residential development adjoining a main road is maintained.

Comment:

The proposed setback to Barrenjoey road involves a landscaped strip and a path, and aligns with the prevailing building line established by the buildings to the south. There is also a large area of landscaping between the site and Barrenjoey Road, formed by the road reserve and the adjacent lot which is zoned RE1.

Vegetation is retained and enhanced to visually reduce the built form.

Comment:

The proposal provides landscaped strips at each street elevation to visually reduce any the built form.

Vehicle maneuvering in a forward direction is facilitated.

Comment:

The proposal involves a large basement parking area that will allow for vehicle maneuvering in a forward direction.

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

Comment:

The proposal involves a two storey form that is below the height of tree canopies in the surrounding area. This provides an appropriate scale and density.

To encourage attractive street frontages and improve pedestrian amenity

Comment:

The landscaped strips and paths to the front boundaries, along with the large landscaped road reserves, provide attractive street frontages with improved pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

Comment:

The proposed built form is well articulated and setback from the street so that the proposal relates appropriately to the spatial characteristics of the existing urban environment.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / PDCP 21 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

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 \$60,750 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$6,075,000.

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

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

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

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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
- b) There are sufficient environmental planning grounds to justify the contravention.

2) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

RECOMMENDATION

That Northern Beaches Council as the consent authority permits a contravention of clause 4.3 Height

of Building development standard pursuant to clause 4.6 of the PLEP 2014 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly Council as the consent authority grant Development Consent to DA2023/0614 for Demolition works and construction of a car showroom on land at Lot 4 DP 835792, 61 Darley Street, MONA VALE, 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. Café use

The Café shall only supply coffee, tea and associated items to customers and staff and not retail food to the public unless separate approval is requested from Council.

Reason: To comply with Food Standards

2. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A102 - Site Plan - Rev 2	24/10/2023	Williams River Steel
A200 - Showroom - Rev 3	19/01/2024	Williams River Steel
A201 - Showroom Upper Plan - Rev 3	19/01/2024	Williams River Steel
A202 - Basement Floor Plan - Rev 3	19/01/2024	Williams River Steel
A300 - Roof Plan - Rev 3	19/01/2024	Williams River Steel
A400 - Ground Floor Reflected Ceiling Plan	19/01/2024	Williams River Steel
A401 - Upper Floor Reflected Ceiling Plan	19/01/2024	Williams River Steel
A402 - Basement Reflected Ceiling Plan	19/01/2024	Williams River Steel
A500 - Glazing Schedule	19/01/2024	Williams River Steel
A600 - Showroom Elevations	19/01/2024	Williams River Steel
A601 - Showroom Elevations	19/01/2024	Williams River Steel
A700 - Showroom Sections	19/01/2024	Williams River Steel

Engineering Plans		
Drawing No.	Dated	Prepared By
A903 - Driveway Details	19/01/2024	Williams River Steel
P300 - Preliminary Services Layout Plan	3.05.23	vt Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation & Assessment	9 November 2023	JK Geotechnics
Traffic and Parking Assessment Report	6 March 2023	Varga Traffic Planning Pty Ltd
Landscape	9 February 2023	Daracon
Acid Sulfate	31 January 2023	JK Geotechnics
DA Access Report	18/05/2023	Accessed.

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

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
L01-L03 - Landscape Plans	12/10/2023	Daracon

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Site Waste and Minimisation Plan	10/2/23	Williams River Steel

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.

3. **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 - Underground Cables	07/06/2023
Ausgrid	Ausgrid Referral Response - Overhead Cables	07/06/2023

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$60,750.00 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 \$6,075,000.00.

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.

5. Security Bond

A bond (determined from cost of works) of \$10,000 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).

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

6. Construction, Excavation and Associated Works Security Bond(s)

The applicant is to lodge a bond with Council for the following:

Crossing / Kerb & Gutter / Footpath Works

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$20,000.000.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Acid Sulfate Soils Assessment and Management

An Acid Sulfate Soils assessment and Management Plan is to be prepared by a suitably qualified geotechnical engineer and in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to the Certifier for review. All recommendations and requirements are to be complied with at all times during works. Details being supplied to the Certifying Authority before works proceed.

Reason: To ensure Acid Sulfate is assessed and managed.

8. On Slab Landscape Planters

a) details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support landscaping: 600mm for groundcovers and shrubs; and 1m for small trees.

b) design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

9. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Marline Building Services Engineers, Project No MN13816, Drawing No SW-1--001 to 004 and SW-30-001 to 006, Rev 2, Dated 09/02/2023. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

i. OSD to be provided in accordance with Clause 9.0 of Council's Water Management for

Development Policy.

ii. Discharge to kerb & gutter should be gravity fed.

iii. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

10. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by JK Geotechnics Pty Ltd, Ref: 35451Lrpt-rev 1 , Dated 9th November 2023 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

11. **Car Parking Standards**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of a construction certificate.

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

12. **Construction Traffic Management Plan**

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

Due to heavy traffic congestion throughout the Mona Vale town centre and on Barrenjoey Road, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times

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

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

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

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and

vehicular traffic systems.

13. Removal of Redundant Driveways

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

14. Car Lift

The applicant is to provide information on the proposed vehicular car lift, operation details, and instructions to staff on using the device, maintenance plan, and contingency plan during a malfunction.

Details demonstrating compliance are to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifier prior to the release of the Construction Certificate.

Reason: To ensure no vehicle conflicts within the basement carpark.

15. Pedestrian sight distance at property boundary

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

16. Amendments to the approved plans

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

- All signage is to be removed from the plans as no signage is approved under this application.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

17. 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 Compliance Assessment Report prepared by McCarthy Consulting Group, dated 12/5/2023, is to be considered 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.

18. **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. In this regard the DA Access Report prepared by ACCESSED dated 18/5/2023, Project No. CA230062 Is to be taken into consideration as part of the assessment of the Construction Certificate . 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.

19. **Submission Roads Act Application for Civil Works in the Public Road**

he Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include copy of Civil Engineering plans for the design of the vehicular crossing and re-construction of footpath along frontage of site in Darley Street which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- 1) Vehicle crossing to be 7.2 metres wide at the kerb of Darley Street and the driveway profile to be in accordance with Northern Beaches Council's standard vehicle crossing profile.
- 2) At a minimum, the drawings must show the works in plan view, longitudinal section, details at a relevant scale including all existing levels, any existing services/ infrastructure to be retained in the area of works.
- 3) Longitudinal section of driveway from street gutter invert to parking space within site with existing and proposed levels and grades.
- 4) All driveways gradients and safe sight distances etc. shall be designed comply with AS 2890.1:2004 (Off-street Parking Standards).
- 5) Existing services plan to be provided and any adjustment to existing services are to be approved by the relevant service authority with all costs associated borne by the applicant
- 6) The proposed development involves excavations that has potential to adversely impact neighboring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Civil or Structural Engineer specialising in geotechnical and the hydrogeological field to design.
- 7) Incorporation of recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Assessment by JK Geotechnics Pty Ltd, Ref: 35451Lrpt-rev 1 , Dated 9th November 2023
- 8) Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted.
- 9) Reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath..

10) Details of the swept path of the vehicles entering and exiting the subject site, as well as maneuverability through the site is to be provided and shall be in accordance with AUSTROADS

11) Re-construct footpath along frontage of site in Darley Street.

12) Re-construct any damaged kerb and gutter along frontage of site in Darley Street.

13) Reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate

14) Street tree planting along frontage of Barrenjoey Road landscape plan(drawing L02 by Daracon Landscaping dated 12/10/23) as per Landscape condition Street Tree Planting.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification

20. **Tanking of Basement Level**

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of Water NSW are to be complied with and a copy of the approval must be submitted to the Certifier.

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

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

21. **Vehicle washing area to be provided**

Washing of vehicles is to be conducted in a dedicated car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or re-used on the site. Any such alternative option is to comply with all relevant Standards.

The following Standards applied at the time of determination:

- Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section Small Business (Car Washing Waste)
- Environment Protection Authority's Environment Protection Manual for Authorised Officers - Technical Section Water (Bunding and Spill Management)

Reason: To ensure that a vehicle washing area is provided and is carried out in a manner that is not harmful to the environment.

22. **Pre-Commencement Dilapidation Report**

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The dilapidation report must be submitted to Council for written approval and the written

approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

23. Construction Site Management Plan

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970- 2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

24. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

25. 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 and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

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

26. Road Occupancy Licence (ROL) from Roads and Maritime Services

The developer shall apply for a Road Occupancy Licence (ROL) from the TfNSW Transport Management Centre (TMC) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified with 'Prepare a Work Zone Traffic Management' accreditation or equivalent. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TMC.

Reason: To inform the relevant Roads Authority of proposed disruption to traffic flows.

27. Road Occupancy Licence

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flow or the the operation of the traffic signals at Barrenjoey Road and Darley Street.

Reason: Requirement of TMC for any works that impact on traffic flow.

28. Demolition Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.

- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

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

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

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

DURING BUILDING WORK

29. Site Contamination - Acid Sulfate Soils

All stockpiles of potentially contaminated soil must be stored in a secure area in a way that is not likely to cause pollution or be a public health risk.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines.

Copies of all test results and disposal dockets must be retained by whom? for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997;
- ii) Environment Protection Authority, Waste Classification Guidelines (2014);
- iii) Water Quality Australia, National Acid Sulfate Soils Guidance (2018); and
- iv) Acid Sulfate Soil Advisory Committee, Acid Sulfate Soil Manual (1998).

Reason: To protect environment and public health.

30. Road Reserve

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

Reason: Public safety.

31. Implementation of Demolition Traffic Management Plan

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

32. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

33. 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.

34. 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.

35. 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.

36. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

37. 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.

38. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

39. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

40. Street Tree Planting

a) Street tree planting shall be installed in accordance with the approved Landscape Plan(s) (drawing L02 by Daracon Landscaping dated 12/10/23).

b) All street trees shall be a minimum pre-ordered planting size of 100 litres, and shall meet the requirements of Natspec - Specifying Trees. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2 metres from footpaths, and shall generally be centralised within the road verge.

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

Reason: to maintain environmental and streetscape amenity.

41. Landscape Completion

a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings L01, L02, L03 by Daracon Landscaping dated 12/10/23), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres; meet the requirements of Natspec - Specifying Trees; be located at least 2.2 metres from buildings; be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established,
- iv) mass planting shall be installed at minimum 1 metre intervals (or less) for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

b) prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

42. Disabled Parking Spaces

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

43. Shared Zone Bollard

A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

44. Footpath Construction

The footpath, in accordance to Council's standard specifications, shall be reconstructed along the property frontage to Council's satisfaction. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To provide pedestrian access to and from the property.

45. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

46. 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.

47. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

48. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The application shall include the original completed request forms (NSW Land Registry standard forms 13PC) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

49. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

50. Post-Construction Dilapidation Report

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

51. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

52. Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

53. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

54. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

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

55. Cafe Use

The Café shall only supply coffee, tea and associated items to customers and staff and not retail food to the public unless separate approval is requested from Council.

Reason: To comply with Food Standards

56. Landscape Maintenance

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) if any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

d) a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

e) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

57. Vehicle Parking

The car parking area shown on the approved drawings must be used for vehicle parking only. Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site.

Reason: To ensure the safety and amenity of the general public using public streets

58. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

59. Parking Enclosure

No parking spaces, or access thereto, shall be constrained or enclosed by any form of

structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

60. Landscaping/signage adjoining vehicular access

The applicant must ensure that the planting or signage chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

61. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday – 8:00am - 5:30pm
- Saturday – 8:00am - 5:30pm
- Sunday and Public Holidays – 10:00am - 5:00pm

Upon expiration of the permitted hours, all service 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.

62. Commercial Waste Collection

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.

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

Signed



Thomas Prosser, Principal Planner

The application is determined on 26/02/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments