

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2608
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 1220196, 4 - 10 Inman Road CROMER NSW 2099
Proposed Development:	Use of Premises (Warehouse 1) as an Indoor Recreation Facility (swim school), internal fit-out, reconfiguration of car parking and signage
Zoning:	
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Perpetual Corporate Trust Ltd
Applicant:	Aquatic Achievers Operations Pty Ltd

Application Lodged:	17/02/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	01/03/2022 to 15/03/2022
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 2,298,090.86
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to use and fit out Warehouse 1 for the purpose of a swimming pool being a recreation facility (indoor). This includes:

- Two swimming pools including associated pump and mechanical equipment
- Amenities
- Reception/Staff area
- Relocation of 4 parking spaces
- Pedestrian and footpath crossings
- Mechanical plant room
- Business identification signage
- Hours of operation - 6:30am-9pm

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities
Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 1 DP 1220196 , 4 - 10 Inman Road CROMER NSW 2099
Detailed Site Description:	<p>The site is legally described as Lot 1 within DP 1220196 and is known as No.4-10 Inman Road (also being known as 100 South Creek Road), Cromer. It has four street frontages, being South Creek Road to the south, Inman Road to the west, Campbell Avenue to the east and Orlando Road to the north. The north-western corner of the site is bound by Orlando Road, which connects to Parkes Road.</p> <p>The site also has frontage to Campbell Avenue, however the proposed development does not extend to the eastern part of the site. The remainder of the subject site shares a common boundary with existing residential dwellings and a childcare centre to the north.</p> <p>The site is zoned IN1 General Industrial under the Warringah Local Environmental Plan 2011 (WLEP2011) and includes mostly office buildings and large warehouse/manufacturing buildings.</p>

The site included a variety of buildings and structures, ranging in age from the 1920's through to 2005.

Vehicle access to the site is available off both South Creek Road and Inman Road.

Map:

Could not find land

SITE HISTORY

Previous Approvals

Building Application No.B1206/63 - A "factory" building for 'Roche Products' was approved by Council in 1963.

Between 1963 and the current time there have been numerous building and development approvals for the site including, additional factory buildings, laboratory premises, offices, caretakers dwelling/s, warehouses, alterations to factory buildings and the like. This includes miscellaneous approvals for flag poles, squash courts, tennis courts, car parking, cool rooms, tree removal and the like.

The most recent relevant approvals include:

- Development Application No.DA2005/0467 for construction of a new office building, renovations of existing buildings, new car parking areas and demolition was approved on 14 September 2005.
- Development Application No.DA2010/1923 for alterations and additions to an office building was approved on 17 March 2011.
- Development Application No.DA2012/1102 for subdivision of land was approved on 23 March 2013. This proposal included excising 6,696 sqm of land from Lot 100 that is located in the NW corner of the site fronting Orlando Road and Inman Road, and a concept building footprint with car parking and detention basin with landscaped setbacks to all boundaries. The associated Subdivision Certificate No.SC2014/0002 was withdrawn by the applicant on 2 April 2014.
- DA2019/1346 - Demolition works and alterations and additions to an existing industrial facility, including new warehouse, and self-storage, office premises and ancillary café approved by

SNPP on 17 August 2020.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 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>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</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 Pittwater Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social</p>

Section 4.15 Matters for Consideration	Comments
	<p>impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 01/03/2022 to 15/03/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	<p>General Comments</p> <p>In response to a site review of contamination issues by TRACE Environmental, Council spoke with the NSW EPA, current site auditor and the applicant’s contamination consultant, to establish the following key points:</p> <ul style="list-style-type: none"> · likelihood of contamination in the portion of the site to be excavated for pool installation is low, VENM is likely to be encountered · likelihood of groundwater intrusion is very low -ground water at approximately 4.0m bgl, excavation to 2m bgl · it is suggested that decontamination and dewatering are not required

Internal Referral Body	Comments
	<p>· NSW EPA and site auditor recommended the provision of interim advice from an accredited site auditor to demonstrate that the site can be made suitable for the proposed use</p> <p>Following which, the applicant has provided an interim report from a site auditor. This interim report, in-effect, re-iterates that the site can be made suitable for use as commercial / industrial land, and advises that the below conditions are an appropriate control measure regarding clearance of the land prior to occupation certificate.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Council has considered the amenity impacts on surrounding developments including residential receivers and conclude that control measures offered in the acoustic report are satisfactory and in-line with <i>Noise Policy for Industry 2017</i> guideline principles. We have no objections to the proposal as a commercial operation in this location and recommend the below conditions be applied to the consent document if approved.</p>
NECC (Development Engineering)	<p>The application proposed a swimming facility in the approved building of DA 2019/1346.</p> <p>Development Engineering has no objection to the application.</p>
Strategic and Place Planning (Heritage Officer)	<p>HERITAGE COMMENTS</p>
	<p>Discussion of reason for referral</p>
	<p>This application has been referred as the site contains a number of heritage items, being Item 152 - Roche Building; Item 153 - Givaudan-Roure Office and Item 138 - Trees-Campbell Avenue. These 3 items are listed as local heritage items in Schedule 5 of Warringah Local Environmental Plan 2011.</p>
	<p>Details of heritage items affected</p>
	<p>Details of these heritage items, as contained within the Warringah Heritage Inventory, are:</p> <p>Item 152 - Roche building <u>Statement of Significance</u> A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature</p> <p>Item 153 - Givaudan-Roure office <u>Statement of Significance</u> A representative example of an inter-war dwelling. Displays good integrity with much original fabric. Historically it is a rare survivor of development of this area prior to release & development for industrial purposes.</p> <p>Item 138 - Trees, Campbell Ave <u>Statement of Significance</u> The collection of trees in the south-east sector of the Roche Products site, facing South Creek Rd and Campbell Ave at Dee Why have a moderate degree of heritage significance at the Local level.</p>

Internal Referral Body	Comments		
	<p>They have existed on this site since the turn of the 19th -20th century and may have been associated with the nurseryman Charles Hirsch who owned the land immediately to the north during that period.</p> <p>They are esteemed by local residents and confer on the area a distinctive sense of place. While the trees are not individually rare, the presence in Dee Why of such a mixed collection of trees in good condition and representing planning takes of their period is rare.</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	However, Roche building previously on the RAIA Register - also included within RAIA publication - "444 Sydney Buildings"
	Other	No	
	Consideration of Application		
	<p>This application is for the internal fitout of proposed warehouse unit No.1, as a swim school. The works include the installation of 2 x swimming pools with associated amenities and supporting office facilities. The proposal also includes the relocation of 4 car parking spaces at the entrance to the swim school use and the installation of a building identification sign above the main entry to the facility.</p> <p>The warehouse unit in question was approved by DA2019/1346 as part of an overall redevelopment of the former Roche site. Important original Roche buildings on the site were incorporated into the redevelopment, to retain important elements of the site's heritage significance, including the office buildings and cottage fronting Inman Road.</p> <p>This proposal is for use of a new warehouse building and will not affect the fabric of the heritage buildings being retained on the site. Works are internal to the warehouse unit, with the exception of the business identification sign which will face the retained heritage buildings. This sign is considered acceptable in its context as part of an industrial complex. Relocation of the 4 at ground parking spaces will not remove any proposed landscaping, and is acceptable on heritage grounds.</p>		

Internal Referral Body	Comments
	<p>Therefore, it is considered that there will be no impact from this proposal upon the heritage significance of the Roche buildings being retained as part of the site redevelopment. The proposed unit (1) is also physically remote from the other 2 heritage items on the site (<i>being Givaudan-Roure office and trees on the eastern part of the site fronting Campbell Ave</i>) and will have no impact upon their heritage significance.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of WLEP2011:</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Heritage addressed in SEE</p> <p>Further Comments</p> <p>COMPLETED BY: Janine Formica, Heritage Planner DATE: 23 February 2022</p>
Traffic Engineer	<p>The DA seeks consent for a proposed swim school within Warehouse 1 of the approved (DA2019/1346) but yet-to-be constructed Northern Beaches Business Park. The swim school can accommodate up to 14 staff and up to 86 students/ patrons. Warehouse 1 has an area of 1,089 square metres gross floor area (GFA).</p> <p>The swim school will operate with the following characteristics:</p> <ul style="list-style-type: none"> • Hours of Operation: 6:30 am – 9:00 pm Monday to Sunday • Staff: 6-14 employees at any one time, 40 employees overall • Person capacity: 100 persons (including staff) • Parking allocation: 35 spaces within the business park (31 spaces in the basement and four adjacent to the warehouse). <p>It is expected that the swim school would be operating at capacity during the weekend AM (100%), at 50% during the weekday AM and 75% during the weekday PM.</p>

Internal Referral Body	Comments
	<p>Traffic:</p> <ul style="list-style-type: none"> The approved business park was assessed to generate 168 and 181 vehicle trips in the weekday AM and PM peak hours respectively. This was determined to be less than the historic use on the site. As a result, the business park was determined to generate approximately 130 vehicles less during peak hours, or at least 40% less traffic compared to the previous site operation. Further, SIDRA analysis was carried out for Northern Beaches Business Park development. Based on that, nearby intersections were found to operate satisfactorily during the peak periods post development with development traffic not impacting the existing Level of Service (LOS) for any movement. The post-development traffic modelling also suggested that traffic impacts are not compromising the safety or function of the surrounding road network. The TfNSW Guide 2002 provides an hourly rate of nine vehicle trips per 100 square metres for gymnasium uses which would be comparable to that for a swim school. The proposal could generate up to 98 vehicles per hour ($9 \times 1089 / 100$). <p>Based on a first principles analysis the proposal is expected to generate on average 48 trips in the weekday AM peak, 76 trips in the weekday PM peak and 124 trips in the weekend AM peak.</p> <p>Most of the traffic will be from nearby residential areas using the local road network to access the swim school instead of Pittwater Road. There is adequate capacity in the surrounding road network to cater to the traffic generated by the proposal. Although the weekend AM peak trips are the highest, it is unlikely to have a significant effect on the road network, as it would operate both outside the network peak noting the surrounding commercial, industrial, and warehouse uses are generally closed for the weekend. It is however noted that Cromer Park generates significant levels of vehicle activity particularly during the winter football season however, again the weekend swim school use is likely to be more intense during the summer months when activity levels at Cromer Park are lower.</p> <p>Overall, the anticipated traffic volumes associated with the swim school are not expected to compromise the safety or function of the surrounding road network during either the weekday or weekend peaks.</p> <p>Parking:</p> <ul style="list-style-type: none"> the parking required as per Warringah DCP is 4.5 spaces

Internal Referral Body	Comments
	<p>per 100 m² GFA (Swimming School can be compared with rates for a gymnasium)</p> <p>The swim school is 1,089 m² GFA and therefore 49 parking spaces are required.</p> <ul style="list-style-type: none"> the traffic consultant has conducted an empirical assessment of Car Parking Demand which suggests the following demands: <ul style="list-style-type: none"> - Weekday AM = 28 - Weekday PM = 44 - Weekend AM = 71 <p>The business park provides 279 parking split between basement parking & spaces adjacent to warehouses.</p> <p>Under the leasing agreement, the swim school would be allocated 35 spaces, 31 spaces in the basement, and four spaces adjacent to warehouse 1.</p> <p>Three (3) accessible parking spaces in the basement car park can be used by the swim school. Additional accessible car parking spaces are provided across the estate.</p> <ul style="list-style-type: none"> The available parking (35) is less than the DCP requirement of 49. However, the available parking is considered satisfactory to cater for anticipated weekday AM peak demand (28 spaces) with a 9 space shortfall to cover the anticipated weekday PM demand of 44 spaces. <p>Approximately 40 kerbside parking spaces are available on the site frontages along South Creek Road and Inman Road. Further, warehouse and industrial uses are expected to generate a lower parking demand in the weekday PM peak and there would therefore be minimal conflicting demand for such on-street parking. There is also a 36 spaces shortfall to cover the anticipated weekend demand of 71 spaces.</p> <p>As most of the commercial, warehouse, and industrial uses within the business park are expected to be closed on weekends, the applicant proposes to negotiate with surrounding tenants to use some of the remaining 244 spaces available across the site (preferably also in the basement) to contain all demand on-site as far as practicable. The additional spaces could be signposted for swim school use only on weekends.</p> <p>By considering the above, parking provisions are considered satisfied with condition.</p>

Internal Referral Body	Comments
	<p>Access and swept paths:</p> <ul style="list-style-type: none"> Vehicle access to the car park is via Inman Road with an egress driveway provided on South Creek Road. <p>No changes are proposed to the basement car parking layout. The four (4) spaces adjacent to warehouse 1 are proposed to be relocated west to improve the entrance and back-of-house for the swim school.</p> <ul style="list-style-type: none"> Swept paths and design review were completed as part of the approved Northern Beaches Business Park. However, four (4) spaces adjacent to warehouse 1 are proposed to relocate, and hence swept paths are required for these 4 spots. <p>Bicycle parking</p> <p>Swim school can be compared with Recreational facility. As per Warringah DCP...</p> <p>Required = 1per 4 employees + 1 per 200m2 GFA. So 9 parking spots are required.</p> <p>The business park will have some 40 on-site bicycle parking spaces that can accommodate the modest demand expected to occur with the proposal.</p> <p>Service Vehicles / Loading Area</p> <p>It is expected that the swim school will be serviced by 6.4 metre long small rigid vehicles, with less than one delivery daily.</p> <p>Out of operating hours, service vehicles can utilise the parking provided adjacent to warehouse 1.</p> <p>Pedestrian safety: No concerns.</p> <p>Public transport availability</p> <p>Available on Inman Road and South Creek Road.</p>

Internal Referral Body	Comments
	<p>Conclusion</p> <p>In view of the above, the development proposal can be approved with conditions.</p> <p>The proposal is therefore supported.</p>
Waste Officer	<p>Waste Management Assessment Acceptable, without conditions. No residential component, no waste referral required. Ray Creer Waste Services Officer</p>

External Referral Body	Comments
Aboriginal Heritage Office	<p>Council's Aboriginal Heritage officer requires compliance with the recommendations provided under the report for Aboriginal Archaeological and Cultural Heritage Impact Assessment (AACHIA) was prepared for the property in 2012 by Dominic Steele Consulting Archaeology. The same condition was also imposed under the "base build" consent (DA2019/1346).</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated.

In response to the above requirements of the SEPP, the applicant has submitted a Preliminary Environmental Site Investigation dated 10 May 2022 and prepared by Trace Environmental. In its conclusion, the investigation states:

"Based on the responses outlined above, it is considered that sufficient measures are in place to identify potential risks to the proposed development, including at the proposed Warehouse Unit 1

portion of the development. To date there are no known soil, groundwater or soil vapour impacts at the proposed Warehouse Unit 1 portion of the development that are considered to pose a risk to future site users. In addition, there are sufficient measures in place (as outlined in the TRACE Environmental [2021] RAP and the Costin Roe [2022] CDMP) to manage and/or remediate any impacts that may be encountered during the development works."

As such, Councils Environmental Health officer, in consultation with the NSW EPA has recommended appropriate conditions which provide control measures for the new use on the site.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is located on a industrial site, zoned IN1 General Industrial. The proposed signage is located on a large blank wall. An appropriate balance is found for the desired future character of this site and area by providing signage that has a background that complements the colour and nature of this existing wall.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal maintains signage that appropriately meets the theme by identifying the use on site.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed sign is of a scale that matches existing elements and colours of the building and does not protrude away from the building to an extent in which the visual amenity of the coastal area would be negatively impacted.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage is attached to the existing wall of the building and would not have any unreasonable impact on views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs are at the level of the existing pub and would not have an unreasonable impact on vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage is well separated from other signage so as to no have any unreasonable impact on other advertisers.	YES

4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The sign is flush to the existing building and the total proportion of wall covered is minimal. As such, this is appropriate for the area.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage adds an element of visual interest to the existing blank wall.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No existing signage exists within close proximity to this location	YES
Does the proposal screen unsightliness?	The proposal does not introduce any unsightliness due to reasonable bulk and scale.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage remains below tree canopies and generally within the confines of the existing building envelope and footprint	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage provides information and identification for the use.	YES
Does the proposal respect important features of the site or building, or both?	The proposal provided signage to be flush to the existing wall so as to not provide a bulk or scale that would have an unreasonable impact on neighbouring residential properties.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal involves signage with colouring to add interest to the existing blank grey wall.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No	N/A
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	N/A (no illumination proposed)	YES
Can the intensity of the illumination be adjusted, if necessary?	N/A	YES
Is the illumination subject to a curfew?	N/A	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed sign is flush with a wall and would not cause any road safety or any other safety issues.	YES

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	YES
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Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

Warringah Local Environmental Plan 2011

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

Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

Merit consideration

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

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Swimming school (compared with gymnasium)	4.5 spaces 100sqm	49 spaces	35 space	-14 space

The existing site provides off-street parking in the form of an approved basement along with parking adjacent to warehouses with a total amount of spaces being 279. Despite a shortfall in parking, adjacent warehouses and industrial uses are expected to generate lower parking rates

during the swim pool peak times (late PM and weekend). This is confirmed by Council's Traffic officer. Along with significant opportunity for on street parking, this provides a circumstance in which a sufficient amount of off-street parking is provided for the use.

D23 Signs

A detailed assessment of the proposed signage has been provided earlier in the report in relation to SEPP 64 – Advertising and Signage. The assessment indicates that the signage is appropriate and consistent with the provisions under SEPP 64. Similarly, it is considered that the proposed signage is consistent with the objectives of the Warringah DCP.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/2608 for Use of Premises (Warehouse 1) as an Indoor Recreation Facility (swim school), internal fit-out, reconfiguration of car parking and signage on land at Lot 1 DP 1220196, 4 - 10 Inman Road, CROMER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA100 - Site Plan (B)	8/12/2021	SBA Architects
DA110 - Basement Plan (B)	8/12/2021	SBA Architects
DA200 - Ground Floor Plan (J)	18/01/2022	SBA Architects
DA200 - Ground Floor Plan (E)	18/01/2022	SBA Architects
DA210 - Roof Plan (D)	8/12/2021	SBA Architects
DA300 - Elevations (J)	7/12/2021	SBA Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Traffic Impact Assessment	24/01/2022	Stantec
Plan of Management	16/02/2022	Aquatic Achievers

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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	1/10/2019	MRA Consulting Group

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

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

2. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

3. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of

residents and the community.

FEES / CHARGES / CONTRIBUTIONS

4. 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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

5. Construction Traffic Management Plan

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

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity

- of the site are not permitted unless 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.

6. **Additions to the Plan of management**

The following additions are to be made to the Plan of Management:

- Clear customer information is to be provided to ensure customers are aware of the location of and access to basement parking.
- Information with regard to the 4 parking spaces at the front of the unit to be for customers only (not staff).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

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

7. **Acoustic Design Recommendations**

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within Section 5 of the document "Operational Noise Emission Assessment - Proposed Swim School - Warehouse 1 / 100 South Creek Rd, Cromer, NSW" by Acoustic Dynamics dated 22 December 2021 (Reference 5319R001.LB.211213) have been implemented / incorporated into the design of the premises.

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

8. **Compliance with Standards**

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

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

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

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

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

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

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

9. **Weekend Car Parking**

The developer must provide evidence to the certifying authority of an agreement with the property manager and/or with directly surrounding tenants to utilise at least 36 additional parking

spaces elsewhere within the business park at 4-10 Inman Road on an ongoing basis on weekends.

Reason: To ensure weekend parking demands are catered for on site.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. **Work Zones and Permits**

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **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 RMS 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.

12. **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.

13. **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 Certifying Authority.

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

14. **Acoustic Controls - Noise Prevention**

All items within Section 5 of the document "Operational Noise Emission Assessment - Proposed Swim School - Warehouse 1 / 100 South Creek Rd, Cromer, NSW" by Acoustic Dynamics dated 22 December 2021 (Reference 5319R001.LB.211213) must be maintained in perpetuity.

Reason: To prevent noise nuisance by using mitigation measures.

15. **Aboriginal Heritage**

Site A

Any proponent proposing to carry out future development works on the Property should initiate dialogue with the MLALC and Council about the prudence of developing appropriate management measures during the construction period for Site A (AHIMS Site #45-6-1760) that occurs on the footpath on Inman Road

Area C

Any proponent proposing to carry out future development works on the Property should consider undertaking an investigation to determine whether Area C has any Aboriginal heritage values given its potential connection with Site B.

Site B

Consultation with the MLALC should be initiated to seek approval from the OEH for an AHIP to allow the investigation of the suspected site of Site B (AHIMS Site #45-6-1851) to be carried out should future development of the Property be proposed in this area.

Reason: Aboriginal Heritage Protection.

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

16. **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 Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with Australian Standards.

17. **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 Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with Australian Standards.

18. **Site Audit Statement**

Prior to the issue of any Occupation Certificate, a Site Audit Statement must be obtained from a NSW EPA accredited Site Auditor to certify the site as suitable for use under relevant provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Reason: Certification of potentially contaminated land as suitable for use under SEPP (Resilience and Hazards) 2021.

19. **Acoustic Assessment of Design Construction**

Prior to the issuing of any Occupation Certificate, documentation is to be submitted to the

satisfaction of the Principal Certifier that all items within Section 5 of the document "Operational Noise Emission Assessment - Proposed Swim School - Warehouse 1 / 100 South Creek Rd, Cromer, NSW" by Acoustic Dynamics dated 22 December 2021 (Reference 5319R001.LB.211213) have been completed.

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

20. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority 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.

21. **Signposting/marketing of weekend parking spaces**

A plan showing the location of 36 additional parking spaces shall be provided to the certifying authority. Evidence that such spaces have been marked or signposted for 'swim school use on weekends' shall also be provided.

Signposts are also to be provided to show the 4 spaces are to be customers only and not staff.

Reason: To ensure sufficient availability of parking on weekends (DACTRFPOC).

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

22. **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.

23. **Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

24. **Swimming Pool/Spa Motor Noise**

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

25. **Compliance with any Voluntary Management Proposals and Remedial Action Plan issued on the site**

All site works are to be in accordance-with:

- any current Voluntary Management Proposal approved by NSW EPA issued on the site as a whole as part of the development approval for DA2019-1346; and
- the Remedial Action Plan referred to in the document "Site Audit Interim Advice 13

– Appropriateness of the Remedial Action Plan (following review of final document – Rev-0) – Proposed Commercial Building – including swimming centre, 4-10 Inman Road, Cromer, NSW by Trace Environmental” by NSW EPA accredited Contaminated Land Site Auditor James Davis.

Reason: Effectively manage land contamination to prevent harm to health.

26. **Hours of Operation**

The hours of operation are to be restricted to:

- 6:30am to 9pm, 7 days a week.

Upon expiration of the permitted hours, operation 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.

27. **Accessibility of parking facilities**

The parking facilities including additional parking facilities on weekends and vehicular access should be maintained to the Standards and accessible throughout the lifetime of the development.

Reason: To ensure parking facilities are maintained and minimise the on-street parking impacts. (DACTRGOG1)

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

Signed



Thomas Prosser, Planner

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



Steven Findlay, Manager Development Assessments