

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0011
Responsible Officer:	Georgia Quinn
Land to be developed (Address):	Lot 1 DP 588603, 33 Oaks Avenue DEE WHY NSW 2099 Lot A DP 326907, 33 Oaks Avenue DEE WHY NSW 2099 Lot B DP 326907, 33 Oaks Avenue DEE WHY NSW 2099
Proposed Development:	Use of existing carpark for a car wash facility
Zoning:	Warringah LEP2011 - Land zoned B4 Mixed Use Warringah LEP2011 - Land zoned B4 Mixed Use Warringah LEP2011 - Land zoned B4 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jinyan Dee Why Pty Ltd
Applicant:	Nidesh Group Pty Ltd
Application Lodged:	09/01/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	06/02/2020 to 20/02/2020
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 60,000.00

PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for the use of a car wash facility within the existing level 1 carpark within the Dee Why Markets Building. Minor building works including an office and storage areas are proposed within the existing carpark.

Intended hours of operation are:

- 8am to 5:30pm, Monday to Sunday.

Number of employees at any one time:

- Five (5).

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

Assessment - Dee Why Town Centre Contributions Plan 2019
Warringah Development Control Plan - C3 Parking Facilities
Warringah Development Control Plan - D3 Noise

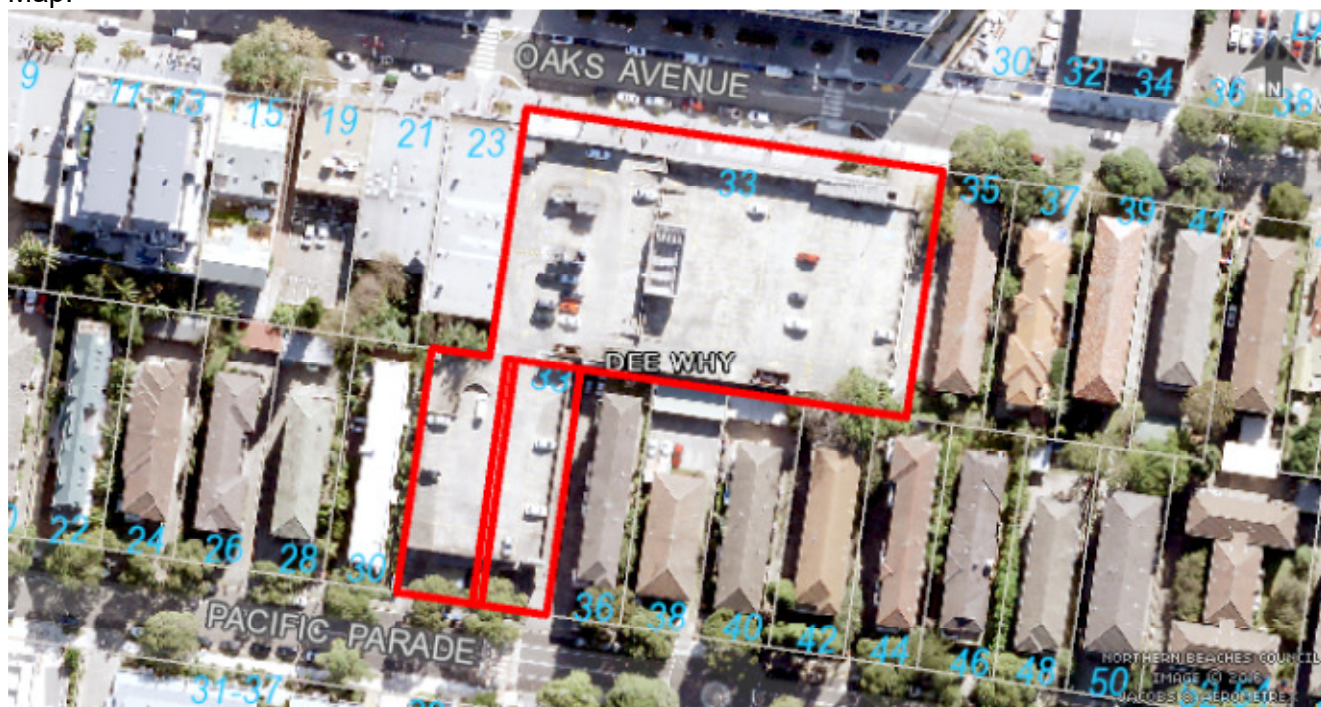
SITE DESCRIPTION

Property Description:	<p>Lot 1 DP 588603 , 33 Oaks Avenue DEE WHY NSW 2099</p> <p>Lot A DP 326907 , 33 Oaks Avenue DEE WHY NSW 2099</p> <p>Lot B DP 326907 , 33 Oaks Avenue DEE WHY NSW 2099</p>
Detailed Site Description:	<p>The subject site consists of three (3) allotments located on the southern side of Oaks Avenue and the northern side of Pacific Parade.</p> <p>The site is irregular in shape with a frontage of approximately 86m along Oaks Avenue and a frontage of 31m along Pacific Parade. The site has a combined area of 5,913m².</p> <p>The site is located within the B4 Mixed Use zone and accommodates a multi storey shopping centre and associated car park.</p>

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a mix of commercial and low, medium and high density residential development.

Map:



SITE HISTORY

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

DA1999/1424, Alterations to Woolworths Supermarket (Approved)

DA1999/2274, Tenancy Fitout for Liquor Shop (Approved)

DA2007/0051, Infill existing parapet, additional signage & associated works (Approved)

DA2007/1259, Installation of a lift & refurbishment of the external facade (Approved)

MOD2008/0184, Relocation of lift & external facade changed (Approved)

DA2008/1148, Fitout and use for a shop (Fruit and Vegetables Market) (Approved)

DA2008/1149, Fitout and use for a shop (Deli) (Approved)

DA2008/1146, Fitout and use for a shop (Butcher) (Approved)

CDC2009/0017, Fitout and use for a shop (Cafe) (Approved)

CDC2009/0041, Fitout and use for a shop (Pizza) (Approved)

CDC2009/0047, Fitout and use for a shop (Seafood) (Approved)

CDC2009/0049, Fitout and use for a shop (Bakery) (Approved)

DA2009/0308, Change of use of office premises to a gymnasium and associated signage (Approved)

DA2010/0489, Signage (Approved)

DA2010/1791, Signage (Approved)

DA2010/1977, Alterations and additions to an existing building and signage (Approved)

DA2011/1142, Fitout and use of premises as a shop and signage (Approved)

DA2011/1145, Demolition works and alterations and additions to a shop (Approved)

DA2011/1340, Signage (Withdrawn)

CDC2012/0342, Burger Fresh shop fit out (Approved)

CDC2013/0163, Installation of Sushi Bar into existing Woolworths Supermarket (Approved)

CDC2015/0216, Change of use to Hair Salon and ancillary fit out (Approved)

CDC2016/1050, Use and fit out as a Health and Beauty Salon (Approved)

CDC2017/0729, Change of use from Hair Salon to Grocery Store & associated Internal fit out (Approved)

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)(iia) – Provisions of any planning agreement	None applicable.

Section 4.15 Matters for Consideration'	Comments
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)</p>	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to environmental health, acoustic and parking matters.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<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>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and</p>

Section 4.15 Matters for Consideration'	Comments
	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 development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mr Jeffrey Mark William Murphy	5 Withers Place WESTON NSW 2611
Miss Yujia Zhang	11 / 38 Pacific Parade DEE WHY NSW 2099
Mason & Brophy Strata Management Pty Ltd	Locked Bag 22 HAYMARKET NSW 1238

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

- Reduced Parking Supply/ Negligible Demand for a Car Wash in Dee Why;
- Noise & Light Pollution;
- Over-spray onto adjoining residences; and
- Self-wash Potential.

The matters raised within the submissions are addressed as follows:

Reduced Parking Supply/ Negligible Demand for a Car Wash in Dee Why

Concern is raised that the removal of 17 spaces for the use of the car wash service and customers is

excessive whilst there is no demand for such a large car wash in Dee Why. Further concern is raised in regard to the impact this removal of parking spaces will have upon street parking.

Comment:

The matter of parking has been addressed elsewhere within this report (refer to Clause C3 Parking Facilities under WDCP). In summary, the proposed development achieves the numeric requirements of the Control and satisfies the underlying objectives, such that no unreasonable impacts are considered likely to arise. The application is supported by a Parking Assessment Report which concludes that there is sufficient parking supply within the Dee Why Markets car parking facilities to accommodate the Shopping Centre demand (which has considerably reduced as a result of the new Lighthouse development) including the proposed car wash.

Therefore, this matter does not warrant the refusal of the application.

Noise & Light Pollution

Concern is raised in regard to the expected additional noise and light pollution that will arise as a result of the car wash facility.

Comment:

The car wash is intended to operate during the hours 8am to 5:30pm Monday to Sunday. Such hours are considered mostly appropriate considering the context of the site and it being situated within the Dee Why Town Center. However, due to the mix of commercial and residential development within proximity of the subject site, a condition of consent has been imposed that restricts the operational hours to 8am to 5:30pm Monday to Friday and 9am to 5pm Saturday and Sunday. Such hours will ensure reasonable amenity is maintained for adjoining and surrounding occupants, as light and noise pollution will be minimised. Further, the application is supported with a Noise Assessment Report which concludes that compliance with the established daytime noise trigger level can be achieved at all surrounding residential receiver locations. Council's Environmental Health Officer (Industrial Use) has also reviewed the proposal having regard to provisions of environmental health and safety management, and raised no objection to the proposal subject to conditions of consent. In this regard, Council can be satisfied that the proposed development is reasonable, and will not inflict any unreasonable impacts upon adjoining or surrounding properties.

Therefore this matter, subject to conditions, does not warrant the refusal of the application.

Over-Spray onto Adjoining Residences

Concern is raised in regard to potential over-spray from the car wash facility onto the adjoining residential balconies.

Comment:

Council's Environmental Health Officer (Industrial Use) has reviewed the proposal having regard to matters of environmental health and safety, and has raised no objection to the proposal subject to conditions. One of the imposed conditions requires perspex screens to be installed to car wash bays so as to prevent spray drift to adjoining or surrounding properties.

Therefore this matter, as conditioned, does not warrant the refusal of the application.

Self-Wash Potential

Concern is raised that the the car wash may in the future become a 'self-wash' car facility which would increase negative amenity impact by way of unrestricted hours of operation.

Comment:

The proposed development relates only to a regulated car wash facility, of which is restricted (by way of imposed conditions of consent) to operating hours of 8am to 5:30pm Monday to Friday and 9am to 5pm Saturday and Sunday. The car wash facility will also employ a maximum of five (5) staff members at any one time and the option for a 'self-wash' is not included as part of this development consent.

Therefore this matter, as conditioned, does not warrant the refusal of the application.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Industrial)	<p>General Comments</p> <p>The applicant has provided some additional information addressing the environmental health concerns of spray drift, noise and bunding.</p> <p>In summary:</p> <ul style="list-style-type: none"> · A Perspex screen will be installed to prevent spray drift. · An acoustic report states that during daytime hours the noise is within allowed tolerances of commercial activities on residential. As the area is zoned for a mix of residential and industry, the noise report has referenced <i>Noise Policy for Industry</i> to give predictions for operations. · Bunding will be provided to the car wash and oil/water separator. <p>Environmental health do not object to the proposal subject to conditions pertaining to bunding, noise controls and spray drift.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Development Engineering)	<p>I am concerned about water quality as provision of an oil separator unit at ground level which will be connected to existing drainage. Please refer to the right section for comments and assessment.</p> <p>No objections are raised to the proposed development, subject to conditions.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The floor level of the proposed car wash, 21.15m AHD, is above the Flood Planning Level.</p> <p>The proposed development is not considered to increase flood risk.</p>

Internal Referral Body	Comments
Traffic Engineer	<p>The proposed development seeks approval for a new Car Wash within the existing multi-level car park ancillary to the Dee Why Market at Level 1 of the existing car park. The proposed car wash facility will result in the loss of seven (17) general car parking spaces from the existing multi-level car park in order to facilitate the development. It is proposed that the car wash facility will hold ten (10) spaces to be retained as holding bays for the car wash therefore continuing to provide car parking for shoppers. A total of 5 staff are proposed at any one time.</p> <p>The current parking demand from the shopping centre is considered to be lower than the parking provision due to the shop vacancies including Woolworth site in the centre. However, the parking provision shall be considered in the context of both current and potential users in future.</p> <p>Traffic team does not have any objection to the proposal subject to the responsible planning officer to consider the proposal in the context of the shopping centre and both current and future users.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who provided a response in an email stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of

SEPP 55 and the land is considered to be suitable for the commercial land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	16m	No change to existing building 6.3m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
5.8 Conversion of fire alarms	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Not applicable, given there are no changes proposed to the building footprint.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D20 Safety and Security	Yes	Yes
E11 Flood Prone Land	Yes	Yes
Part G Special Area Controls	Yes	Yes

Detailed Assessment

C3 Parking Facilities

As per the parking rates and requirements prescribed within Schedule 3 of WDCP, the car wash facility is considered a Business Premises. Such use is subject to parking rates of 1 space per 40m² of GFA, excluding customer service areas plus 1 space per 16.4m² of customer service areas. In this respect, the development is required to provide 7 parking spaces (146m² of GFA excluding customer service areas results in the need for 4 spaces; plus 36.4m² of customer service areas results in the need for 3 spaces).

Further, the application is supported by a Parking Assessment Report which concludes that there is sufficient parking supply within the Dee Why Markets car parking facilities to accommodate the Shopping Centre demand (which has considerably reduced as a result of the new Lighthouse development) including the proposed car wash. The report found that there was at least 99 vacant car spaces on a Saturday and 93 vacant car spaces on a weekday within the subject car park. In addition to the parking survey undertaken at the subject site, a review of Nearmap (aerial photography) of the occupancy of the rooftop car park level since the relocation of Woolworths and BWS to the Lighthouse Development was also undertaken. Such review showed that there is low occupancy of the rooftop parking area which correlates to the reduced parking demand at the Dee Why Markets building.

Council's Traffic Engineer also reviewed the proposed development having regard to provisions for safety and traffic management and raised no objection with no recommended conditions.

In turn, the proposed development is considered to satisfy the numeric requirements and underlying objectives of the Control.

D3 Noise

The application is supported with a Noise Assessment, of which concludes that compliance with the established daytime noise trigger level can be achieved at all surrounding residential receiver locations.

Council's Environmental Health Officer (Industrial Use) has reviewed the proposal having regard to provisions of environmental health and safety management, and has raised no objection to the proposal, subject to conditions of consent.

It is noted the intended hours of operation for the car wash were 8am to 5:30pm. Given the surrounding mix of commercial and residential development within proximity of the subject site, a condition of consent has been imposed to restrict the operational hours to 8am to 5:30pm Monday to Friday and 9am to 5pm Saturday and Sunday.

In this regard, Council can be satisfied that the proposed development is reasonable, and will not inflict any unreasonable impacts upon adjoining and surrounding properties.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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.

Dee Why Town Centre Contributions Plan 2019

The Application proposes a new car wash facility within Level 1 of the existing car park at 33 Oaks Avenue, Dee Why. This involves the removal of 17 existing shopping centre car parking spaces to be replaced by a proposed car wash office, storage rooms, wash bays, vacuum bays, circulation space and car-wash customer only parking areas.

The Dee Why Town Centre Contribution Plan 2019 applies to this land and development. The Plan levies for additional non-residential development at a rate of \$16,731.87/100sqm of GFA, or \$167.32 per sqm. It is considered that all areas associated with the operation of the car wash contribute to additional non-residential GFA. The proposed development seeks to increase the non-residential GFA by 596sqm (see calculation at 2020/340399). All storage and circulation spaces are considered to contribute to the increased GFA.

The proposed development is considered acceptable, with conditions of consent.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0011 for Use of existing carpark for a car wash facility on land at Lot 1 DP 588603, 33 Oaks Avenue, DEE WHY, Lot A DP 326907, 33 Oaks Avenue, DEE WHY, Lot B DP 326907, 33 Oaks Avenue, DEE WHY, 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
02 - Proposed Lower Floor Plan	7 May 2019	MKCA+ Studio
03 - Proposed Upper Floor Plan	7 May 2019	MKCA+ Studio
05 - Proposed Sections	7 May 2019	MKCA+ Studio
CDC01 - Proposed Site Plan	7 May 2019	MKCA+ Studio
CDC04 - Proposed Elevation	7 May 2019	MKCA+ Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise Assessment (Report No. BA200308)	May 2020	Blackett Acoustics Noise & Vibration Consultants

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

In the event of any inconsistency between conditions of this consent and the

drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **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	N/A

(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.

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal 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.

4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be

maintained in a safe and clean state until such time as new construction works commence.

- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, 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.

6. **Dee Why Town Centre Contributions Plan 2019**

A monetary contribution of \$99,721.95 (subject to (a) below) is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.11 of the Environmental Planning & Assessment Act 1979 and the Dee Why Town Centre Contributions Plan 2019.

The monetary contribution is based on a non-residential contribution for an additional 596sqm of

GFA, at a rate of \$16,731.87/100sqm

a) Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to the issue of the construction certificate or subdivision certificate (whichever occurs first), or prior to the issue of the subdivision certificate where no construction certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter in which the development consent is issued, the amount unpaid (whether it be the full monetary contribution or part thereof) will increase on a quarterly basis in accordance with the applicable Consumer Price Index.

b) The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the cash contribution above (or any portion of that cash contribution) or the deferral of payments through a Material Public Benefits Agreement between Council and the Applicant in accordance with the Contribution Plan. The Material Public Benefits Agreement between the Applicant and Northern Beaches Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

The Dee Why Town Centre Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of public infrastructure and services commensurate with the increased demand resulting from development in the Dee Why Town Centre.

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

7. Spray Drift - Screening of Car Wash Bays

Car wash bays must be effectively screened to prevent the effects of spray drift from pressure cleaning on nearby resident.

Reason: minimise the impact on amenity for nearby residents. (DACHPBOC6)

8. Compliance with Standards

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

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

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

9. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **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.

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

12. **Noise control certification**

Prior to the issue of an occupation certificate, a report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with the following:

All sound producing plant, equipment, machinery or fittings shall be sound insulated and/or isolated so that the noise emitted does not exceed 51 dB(A) when measured at the residential receivers identified in acoustic report numbered BA200308 and dated May 2020, by Blackett Acoustis. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with industry best practice.

Reason: To ensure that noise generated from the development does not result in offensive noise to any other party.

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

13. **Storage of chemicals on-site**

Any chemicals stored on-site must be done so according to *Australian Standard AS 4452:1997 The storage and handling of toxic substances*.

Reason: To minimise potential for environmental harm. (DACHPGOG5)

14. **Bunding of car wash bays**

Car wash bays must be bunded according to *Australian Standard AS 4452:1997 The storage and handling of toxic substances*.

Reason: To minimise potential for environmental harm. (DACHPGOG5)

15. **Washing of vehicles**

Washing of vehicles must be conducted in a car wash bay. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water. Any alternative water management operations must comply with all relevant standards.

Reason: To ensure that wastewater is disposed of in a way that minimises harm to the environment. (DACHPGOG6)

16. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 8am to 5:30pm
- Saturday – 9am to 5pm
- Sunday and Public Holidays – 9am to 5pm

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

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

17. **Noise Impact on Surrounding Area**

Use of associated mechanical plant shall not cause a sound level in excess of 51 dB(A) at the nearest affected residence.

Reason: To ensure acceptable levels of noise established under Industrial Noise Policy. (DACHPBOC5)

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

Signed



Georgia Quinn, Planner

The application is determined on 17/06/2020, under the delegated authority of:



A handwritten signature in black ink, appearing to read "Matthew Edmonds".

Matthew Edmonds, Manager Development Assessments