

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2017/0967
----------------------------	-------------

<b>Responsible Officer:</b>	Nick England
<b>Land to be developed (Address):</b>	Lot 102 DP 1211755, 14 Aquatic Drive FRENCHS FOREST NSW 2086
<b>Proposed Development:</b>	Use of premises as a recreation facility (indoor) ancillary to the existing premises
<b>Zoning:</b>	LEP - Land zoned B7 Business Park
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Perpetual Trustee Co Ltd
<b>Applicant:</b>	Goodman Property Services

<b>Application lodged:</b>	28/09/2017
<b>Integrated Development:</b>	No
<b>Concurrence Required:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	09/10/2017 to 25/10/2017
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions Received:</b>	1
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 290,505.00
---------------------------------	---------------

### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral

to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone B7 Business Park

Warringah Development Control Plan - C3 Parking Facilities

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 102 DP 1211755 , 14 Aquatic Drive FRENCHS FOREST NSW 2086
<b>Detailed Site Description:</b>	<p>The site is approximately 1.546 hectare in area and irregular in shape, with a narrow access point from Aquatic Drive on its south boundary. The northern boundary adjoins Warringah Road, however no vehicular access from this road is available.</p> <p>The land is within the B7 Business Park zone of WLEP 2011 and is occupied by an office / warehouse "business park" building, with multiple tenancies and basement parking levels.</p> <p>The land adjoins public open space to south, on the opposite side of Aquatic Drive.</p>

Map:



## SITE HISTORY

Previous consents on the land relevant to the proposed development includes the following:

**86/517:** Development consent to "Erect a four unit office/hi-tech laboratory / industrial warehouse facility" issued by Council on 19 December 1986. Condition No.4 of the consent (as modified) required the provision of 385 car parking spaces. Based on Council's records, the total floor space of the approved development was 19,045m<sup>2</sup>. The office component of the approved development was 5,666m<sup>2</sup>, with the remaining 13,379m<sup>2</sup> being used for warehouse / industry and various ancillary activities. No additional floor space has been created on the land since this consent was issued.

## PROPOSED DEVELOPMENT IN DETAIL

The application consists of internal alterations to the existing building for the purposes of a recreation facility (indoor).

The works / use involve the following:

- A gymnasium, approximately 142m<sup>2</sup> in area; and
- End-of-trip (EOT) facilities adjoining the gym for the use of employees / tenants who cycle to work, approximately 83m<sup>2</sup> in area.

The facilities are to be only for the use of existing employees / tenants of the premises. No independent operation for profit is proposed.

Operating hours are to be consistent with the existing hours of operation for other tenancies on the land.

The construction of the EOT will result in the loss of six (6) car spaces within the internal parking area.

In consideration of the application a review of (but not limited) documents as provided by the applicant in

support of the application was taken into account detail provided within Attachment C.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;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&amp;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&amp;A Regulation 2000, permits Council to request additional information. However, no additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

Section 79C 'Matters for Consideration'	Comments
	Clause 143A 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.
Section 79C (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	(i) 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. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (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.

## 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 Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
EMC Services Pty Limited	36 Callistemon Close EPPING NSW 2121

The following issue was raised in a submission made during the notification period. This has been summarized and is addressed below:

- The proposed development, in conjunction with the construction of the Northern Beaches hospital and other development in the vicinity, will result in an adverse impact on the surrounding local road network, specifically parking supply on Tilley Lane.*

Comment:



A detailed discussion of the parking requirements for the proposed development is provided in the section of the report relating to Part C3 of WDCP 2011.

Upon consideration of all the factors relating to the proposed development, it is unlikely that the proposal will result in an adverse impact on the adjoining road network. These reasons are detailed below:

- a) The gymnasium is only for the use of existing employees and tenants of No.14 Aquatic Drive, hence there will no effective increase in the level of traffic generated by the existing premises.
- b) No.14 Aquatic Drive currently has a security gate at its entrance, which restricts access only to employees / tenants of the premises. The subject application will not change these arrangements.
- c) Despite the loss of 6 car spaces as a result of the works, there remains sufficient parking on-site to comply with Council's minimum standards for the provision of car parking and in turn service the existing (and proposed) development.
- d) The proposed EOT facilities for commuter cyclists will provide additional transport opportunities to access the land other than by vehicle.

## **MEDIATION**

No requests for mediation have been made in relation to this application.

## **REFERRALS**

<b>Internal Referral Body</b>	<b>Comments</b>								
Building Assessment - Fire and Disability upgrades	No objections to the proposed change of use of an existing commercial Office Tenancy to a Gym and associated fitout works on the Ground Floor level at the premises provided conditions, as detailed in this referral assessment are applied to ensure compliance with the requirements of the National Construction Code Series (Volume 1) - Building Code of Australia (BCA) 2016.								
Development Engineers	No Engineering conditions are required as this proposal is for an internal alterations and additions								
Environmental Investigations (Industrial)	<table border="1"> <tr> <td></td><td>NO</td></tr> <tr> <td>Was sufficient documentation provided appropriate for referral?</td><td>YES</td></tr> <tr> <td>Are the reports undertaken by a suitably qualified consultant?</td><td>N/A</td></tr> <tr> <td>Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal.</td><td>YES /</td></tr> </table>		NO	Was sufficient documentation provided appropriate for referral?	YES	Are the reports undertaken by a suitably qualified consultant?	N/A	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal.	YES /
	NO								
Was sufficient documentation provided appropriate for referral?	YES								
Are the reports undertaken by a suitably qualified consultant?	N/A								
Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal.	YES /								

Internal Referral Body	Comments	
	- Mechanical ventilation	
	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	N/A
	<b>General Comments</b>  Not to be used or adapted for external businesses	
	<b>Recommendation</b>	APPROVAL - no conditions
Health and Protection (Food Premises, Skin Pen.)		
	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Have you considered the following?  <ul style="list-style-type: none"> <li>• Review Statement of Environmental Effects, consider ongoing use:               <ul style="list-style-type: none"> <li>- Food Premises, use AS 4674 and Food Standards Code and BCA (re ventilation and toilets). Consider location of mechanical ventilation (AS 1668) and grease traps</li> <li>- Backpackers/Boarding House, use Public Health Act and Local Gov Regulations and BCA.</li> <li>- Mortuary, use Local Gov Regulations</li> <li>- Skin penetration acupuncture, tattoo, beauty salon, use Local Gov Regulations</li> <li>- Public pool, use Public Health Act</li> <li>- Childcare, use AS 4674 (kitchen) and BCA toilets</li> </ul> </li> <li>• Consider waste disposal. All new food shops should have waste stored in rooms.</li> <li>• Consider impact of noise, hours of operation, outdoor seating, location of equipment, times of deliveries, noise management plans, acoustic reports etc.</li> <li>• Shop top housing must have separate waste storage for residential and commercial. EH&amp;P don't look at residential waste areas or</li> </ul>	

Internal Referral Body	Comments	
	collection.	
	<b>General Comments</b>	
	<table> <tr> <td><b>Recommendation</b></td><td>APPROVAL - no conditions</td></tr> </table>	<b>Recommendation</b>
<b>Recommendation</b>	APPROVAL - no conditions	
Traffic Engineer	The application was referred to Council's Traffic Engineer for comment. No response was received within the required 14-day period, hence it can be assumed that no objection is raised to the proposal.	

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	The NSW Police Force have advised that they have no objection to the proposed development.

## 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 44 - Koala Habitat Protection

The provisions of SEPP 44 - Koala Habitat Protection apply as the land exceeds 1 hectare in area. However, as the works are all internal, no impact on habitat will occur and the proposal therefore complies with the SEPP.

### 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 Environment 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
6.4 Development on sloping land	Yes

### Detailed Assessment

## Zone B7 Business Park

The proposed development is consistent with the land use definition of *recreation facility (indoor)*, which is defined in WLEP 2011 as:

*means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

This land use is permissible in the B7 Business Park zone as the following use in the "Permitted with consent" section of the land use table: *Any other development not specified in item 2 or 4.*

Nonetheless, it is intended that the land use be an ancillary use for the existing business premises on the site and not an independently operating land use.

## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B4 Site Coverage	33%	No change	N/A	N/A
B7 Front Boundary Setbacks	10m	No change (32m existing)	N/A	N/A
B9 Rear Boundary Setbacks	Merit	No change	N/A	N/A
B14 Main Roads Setback	30m	No change (32m existing)	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	33%	No change	N/A	N/A

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B4 Site Coverage	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
B14 Main Roads Setback	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	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
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

### **C3 Parking Facilities**

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

- *To provide adequate off street carparking.*

Comment: Based on Council's records, the original consent for the building required the provision of 385 car spaces. The existing area of floor space, consistent with this approval, is 19,045m<sup>2</sup>. 5,666m<sup>2</sup> of this floor space is occupied as office. The proposed development involves the removal of 6 of the approved 385 car spaces for the EOT facilities, which will result in a total of 379 spaces on the site.

An assessment of the existing floor space against the current parking requirements is provided below, for the purposes of determining whether the loss of these car spaces will effect operation of the existing premises.

The development will require the following on-site car parking:

Use	Appendix 1 Requirement	Required	Provided	Difference (+/-)
Warehouse / Industry	1.3 spaces per 100 m <sup>2</sup> GFA	13,379m <sup>2</sup> = 173.9 spaces	Not specified	N/A
Office (First 20% office floor space at warehouse / industry rate)	1.3 spaces per 100 m <sup>2</sup> GFA	1,133m <sup>2</sup> = 14.7 spaces	Not specified	N/A
Office (Remaining 80% of office at the office parking rate)	1 space per 40 m <sup>2</sup> GFA.	4,532m <sup>2</sup> = 113.3 spaces	Not specified	N/A
<b>Total</b>		<b>301.9 (302)</b>	<b>379</b>	<b>+77</b>

Based on an assessment of the existing floor space against the current parking requirements, even with the loss of the car spaces proposed, a surplus of 77 car spaces will remain on the site. Therefore sufficient off street car parking is provided.

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

Comment:

Not applicable to the subject application.

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

Comment:

Not applicable to the subject application.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 290,505		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,760
Section 94A Planning and Administration	0.05%	\$ 145
Total	1%	\$ 2,905

## 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 DA2017/0967 for Use of premises as a recreation facility (indoor) ancillary to the existing premises on land at Lot 102 DP 1211755, 14 Aquatic Drive, FRENCHS FOREST, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
10560_DA201 Issue P2	25.08.17	Goodman
10560_DA112 Issue P3	18.08.17	Goodman
10560_DA111 Issue P3	25.08.17	Goodman
10560_DA301 Issue P2	25.08.17	Goodman
10560_DA502 Issue P4	25.08.17	Goodman
10560_DA503 Issue P4	25.08.17	Goodman

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Capability Statement	28 August 2017	Concise Certification

- 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. (DACPLB01)

## 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 (DACPLB09)

### 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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that

occurs on Council's property.

- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.

- (k) 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. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 4. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 290,505.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,759.80
Section 94A Planning and Administration	0.05%	\$ 145.25
Total	1%	\$ 2,905.05

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

### 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.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

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

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

### 6. **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. (DACPLC02)

### 7. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 8. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

### 9. **Fire Safety Upgrade**

The fire upgrading measures and works to upgrade the tenancy, as detailed and recommended in the 'Building Code of Australia Capability Statement', prepared by Concise Certification Pty Ltd, and dated 28 August 2017 are to be carried out.

Details demonstrating compliance/ implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate, and also verified as

being implemented where required prior to the issue of any Interim / Final Occupation Certificate.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

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

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

11. **Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

12. **Use of gymnasium**

The gymnasium is for the use of existing employees / tenants of the premises only. Any use as an independently operated premises for profit will require further development consent.

Reason: To ensure no adverse amenity impact to all employees / tenants of the premises, particularly in relation to the adequate provision of car parking (DACPLGOG1)

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

**Signed**

---

**Nick England, Planner**


The application is determined under the delegated authority of:

---

**Phil Lane, Acting Development Assessment Manager**



**ATTACHMENT A**

Notification Plan	Title	Date
 2017/370142	Plan - Notification	28/09/2017

**ATTACHMENT B**

Notification Document	Title	Date
 2017/383499	Notification Map	09/10/2017

## ATTACHMENT C

Reference Number	Document	Date
 2017/370145	Cost Summary Report	31/08/2017
 2017/370147	Report - BCA Statement	07/09/2017
 2017/370146	Report - Statement of Environmental Effects	25/09/2017
 2017/370139	Power of Attorney	25/09/2017
 2017/370138	ASIC Extract	25/09/2017
 DA2017/0967	14 Aquatic Drive FRENCHS FOREST NSW 2086 - Development Application - Change of Use	28/09/2017
 2017/370132	Applicant Details	28/09/2017
 2017/370148	Plans - Master Set	28/09/2017
 2017/370142	Plan - Notification	28/09/2017
 2017/370128	Development Application Form	28/09/2017
 2017/370131	DA Acknowledgement Letter - Goodman Property Services	28/09/2017
 2017/382969	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/0967 - 14 Aquatic Drive FRENCHS FOREST NSW 2086 - PH	06/10/2017
 2017/386548	Environmental Investigations (Industrial) - Assessment Referral - DA2017/0967 - 14 Aquatic Drive FRENCHS FOREST NSW 2086	06/10/2017
 2017/386562	Health and Protection (Food Premises, Skin Pen.) - Assessment Referral - DA2017/0967 - 14 Aquatic Drive FRENCHS FOREST NSW 2086	06/10/2017
 2017/383440	DA Acknowledgement Letter (not integrated) - Goodman Property Services	09/10/2017
 2017/383499	Notification Map	09/10/2017
 2017/383621	Notification Letter - 154	09/10/2017
 2017/385805	Environmental Health and Protection Referral Response - commercial use	10/10/2017
 2017/385901	Environmental Investigations Referral Response - industrial use	10/10/2017
 2017/387629	Building Assessment Referral Response	10/10/2017
 2017/391792	Development Engineering Referral Response	12/10/2017
 2017/413597	Referral response - NSW Police Force	24/10/2017
 2017/416800	Submission - EMC Services Pty Ltd	25/10/2017
 2017/417749	Submission Acknowledgement Letter - EMC Services Pty Limited - SA2017/416800	26/10/2017