

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1222
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Responsible Officer:	Simon Ferguson Tuor
Land to be developed (Address):	Lot 103 DP 1247294, 145 Old Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Alterations and additions and use of premises as a food and drinks premises and business identification signage
Zoning:	Warringah LEP2011 - Land zoned E2 Commercial Centre Warringah LEP2011 - Land zoned E4 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	The Trustee For El Jannah Franchise Trust

Application Lodged:	20/09/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	30/09/2024 to 14/10/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 158,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions and use of premises as a food and drinks premises and business identification signage.

Specifically, the proposal involves:

- Alterations and additions to the façade of the tenancy,
- Mechanical ventilation and plant on the roof,
- Charcoal cooking methods,
- Business identification signage and including illumination, and
- New roller shutter, new doors, lighting and shop front decals.

The proposed days/hours of operation:

7 days a week: 6am until 11pm

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 - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 103 DP 1247294 , 145 Old Pittwater Road BROOKVALE NSW 2100
Detailed Site Description:	<p>The site is situated on a large irregularly shaped parcel of land known as 145 Old Pittwater Road, Brookvale with a legal description of Lot 100 in DP 1015283. The site is bound to the north by Cross Street and adjacent industrial lands, to the south by Old Pittwater Road and to the east by Condamine Street and Pittwater Road. The site area is approximately 170,600m² and is known generally as "Warringah Mall".</p> <p>The proposal is limited to Shop 2006/8, Cross Street, Brookvale, which is located in the north eastern portion of the site.</p> <p>The land is situated in the E2 Commercial Centre of the Warringah Local Environmental Plan 2011, which contains</p>

a range of commercial premises, ranging from retail to specialised business services.

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:

CDC2024/0901

Internal alteration to an existing food premises "El Jannah". Excluding external works and charcoal cooking methods subject to separate approval.

Date of Determination: 12/11/2024

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.

Section 4.15 Matters for Consideration	Comments
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>Part 4, <u>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>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to signage and scope of works.</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 insurance requirements under the Home Building Act 1989. 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 Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (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	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Matters for Consideration	Comments
accordance with the EPA Act or EPA Regs	
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 30/09/2024 to 14/10/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</i></p>
Environmental Health (Industrial)	<p>General Comments</p> <p>The statement of environmental effects outlines the proposed development as:</p> <p>Fit out and use of the existing commercial tenancy as a food and drink premises,</p> <p>42 seats in total (30 internal seats and 12 external seats),</p> <p>The restaurant is to be part of the El Jannah franchise,</p>

Internal Referral Body	Comments
	<p>Business identification signage as shown on the architectural drawings and including illumination and graphics for El Jannah, and</p> <p>Alterations and additions to the tenancy as shown on the architectural drawings including new roller shutter, new doors, lighting and shop front decals.</p> <p>Accompanying the proposal are acoustic and odour assessment reports which appear to adequately address any potential concerns in relation to noise/odour from the development and its associated equipment.</p> <p>The proposal is supported with the recommendation of appropriate conditions of consent</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p> <p><u>PLANNER COMMENT</u></p> <p>The amended application provided information stating the the internal fitout for the premises is to be undertaken under a separate approval, being a Complying Development Certificate, and does not therefore form part of this proposal. The amended application would not have altered the above comments, hence it was not re-referred.</p>
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>The statement of environmental effects outlines the proposed development as:</p> <p>Fit out and use of the existing commercial tenancy as a food and drink premises,</p> <p>42 seats in total (30 internal seats and 12 external seats),</p> <p>The restaurant is to be part of the El Jannah franchise,</p> <p>Business identification signage as shown on the architectural drawings and including illumination and graphics for El Jannah, and</p> <p>Alterations and additions to the tenancy as shown on the architectural drawings including new roller shutter, new doors, lighting and shop front decals.</p> <p>Accompanying the proposal are acoustic and odour assessment reports which appear to adequately address any potential concerns in relation to noise/odour from the development and its associated equipment.</p> <p>The proposal is supported with the recommendation of appropriate conditions of consent</p>

Internal Referral Body	Comments
	<p>Update - 29/11/2024</p> <p>On 20/11/2024 the applicant from further information to Council in response to a request for further information.</p> <p>The response provided information stating the the internal fitout for the premises is to be undertaken under a separate approval, being a Complying Development Certificate, and does not therefore form part of this proposal.</p> <p>Environmental Health is in support of the proposal and has amended the recommended conditions which form part of this referral response.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Flooding)	<p>This proposal is for alterations to an existing commercial venue. The proposal includes a ground floor refit, new doors / windows, and exterior cosmetic redesign.</p> <p>The proposal is within the Medium flood risk precinct.</p> <p>The proposal does not include any changes to existing floor levels.</p> <p>Subject to the following conditions, the proposal generally complies with Section E11 of the Warringah DCP and Clause 5.21 of the Warringah LEP.</p>
Traffic Engineer	<p>Proposal Description: Proposed alterations and additions and use of premises as a food and drinks premises and business identification signage. The Traffic Team has reviewed the following documents:</p> <ul style="list-style-type: none"> • Statement of Environmental Effects, prepared by Romic Planning, dated 14 August 2024 • Architectural Plans (Mater Set), prepared by Zone Design, dated 12 August 2024 • <p>Comments</p> <p>The proposed site is locate roughly 75m south of the intersection of Cross Street and Dale Street on the western side. The site sits within the Warringah Mall area in proximity to various ground-level open carparks and multi-storey parking complex. The site is conveniently equipped with all relevant traffic facilities including:</p> <ul style="list-style-type: none"> • Public transport connections, with bus stops (on Pittwater Road and within the Mall) within 200m of walking distance

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Safe pedestrian movements, facilitated by separated footpaths, walkways, and marked pedestrian crossings • Dedicated taxi zone within the carpark • Various lighting around the carpark and walking paths <p>Parking</p> <ul style="list-style-type: none"> • The nearest carpark, where the site frontage is located, is physically isolated from Dale Street by raised concrete median islands and controlled by directional traffic flows. The low-speed environment is considered suitable for the existing 90-degree angled parking layout and the proposed development of food and drink premises which attract patrons on foot traffic. • There is a loading bay at the end of the carpark (in front of Supercheap Auto), opposite to the carpark exit onto Dale Street. However, due to the curved kerb build-out at the carpark exit and alignment of the loading bay, it can be expected that larger trucks may frequently mount the kerbs when accessing this bay. • The parking bays are signposted and marked as "60 MINUTE EXPRESS", although the signs do not follow the standard style of NSW traffic signs. • Almost all bays are protected by wheel stops and metal bollards. However, the second bay north of the pedestrian crossing (raised platform) directly outside the site does not have any wheel stop due to a pram ramp leading up the footpath. Considering this bay will likely be facing the outdoor dining area, a bollard should be installed at the end of the bay to prevent collisions/encroachment while allowing pedestrian passage. Wheelchair access is already accommodated by the pram ramp on the raised platform. <p>Conclusion</p> <p>The traffic team raises no objection to the proposed development considering the nearby transport facilities, and the history of this site being utilised for similar businesses (i.e., cafes). The existing infrastructure is expected to satisfy traffic demands due for both customer transport and operational vehicle uses. The only recommended modification would be installation of a bollard at the second parking bay in front of the site to improve safety.</p> <p><u>PLANNER COMMENT</u></p> <p>The Traffic referral comments refer to the superseded Architectural Plans and Statement of Environmental Effects. The amended versions do not contain any changes that would alter the Traffic comments.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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 5 of Chapter 3, 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 compatible with the existing and desired future character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the advertising within Warringah Mall.	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 signage does not detract from the amenity and visual quality of Warringah Mall.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not obscure viewing rights or any advertising.	YES

4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate for the streetscape and setting. It is not dissimilar to previous signage for similar uses that existed at the same location.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the site, streetscape and landscape in context of its commercial centre zoning.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage will not cause additional clutter. As above, the signage is similar to other cafe/restaurant uses that previously occupied the tenancy.	YES
Does the proposal screen unsightliness?	There is no unsightliness to be screened	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the building.	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 proposed signage is compatible with the scale and proportions of the site and building.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage is reasonable for its location and context.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed business identification signage will compliment the restaurant usage of the site.	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?	N/A	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?	The proposed signage is not expected to cause adverse impacts in relation to pedestrian, vehicular or aircraft safety or detract from the amenity of any residence.	YES
Can the intensity of the illumination be adjusted, if necessary?	The illumination would be subject to conditions of consent.	YES
Is the illumination subject to a curfew?	The illumination would be subject to conditions of consent.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage would not reduce the safety for any road, pedestrian or bicyclist.	YES

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not obscure any sightlines for pedestrians.	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 this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for 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 sub-section 4.6 (1) (b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

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:	11m	7m (Ventilation and plant on roof)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

The proposal does not comprise of any works to the building that require an assessment of the built form controls.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C8 Demolition and Construction	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
D23 Signs	No	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
Part G Special Area Controls	Yes	Yes
G4 Warringah Mall	Yes	Yes

Detailed Assessment

D23 Signs

Description of non-compliance and/or inconsistency

The application proposes three pieces of signage identified in the figures below with the following dimensions:

South Elevation:

- Sign 02 - Illuminated Wall sign: 5.2m² (1.1m x 4.7m)

East Elevation:

- Sign 01 - Illuminated Awning fascia sign: 3.3m² (940mm x 3500mm)
- Sign 03 - Illuminated Wall Sign: 5.2m² (1.7m x 3.065m)

sign elsewhere listed in this table)	<p>architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall.</p>	
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The minor non compliance with the control for 'Awning fascia sign' is limited to a small portion of lettering. Given the large majority of the signage doesn't project above, below or beyond the fascia, this minor non-compliance is acceptable in this instance.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment:

The proposed signage will allow for the identification of the business use.

- *To achieve well designed and coordinated signage that uses high quality materials.*

Comment:

The proposed signage will be finished in colours and materials that will blend with the shopfront facade and create a positive visual outcome.

- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*

Comment:

The proposed signs are relatively modest in scale, in comparison to the other buildings within the site. The development is hence consistent with this objective.

- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*

Comment:

The closest residential properties are over 180m to the south east. The proposed signage will have no impact on amenity of these residential properties.

- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment:

Not applicable to the proposed development.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$ 790 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 158,000.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- 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 DA2024/1222 for Alterations and additions and use of premises as a food and drinks premises and business identification signage on land at Lot 103 DP 1247294, 145 Old Pittwater Road, BROOKVALE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
507	DA7	SCHEDULE - EXTERNAL SIGNAGE	Zone Design	15.11.2024
508	DA7	SCHEDULE - EXTERNAL SIGNAGE	Zone Design	15.11.2024
520	DA4	FLOOR PLAN - EXISTING CONDITIONS & DEMOLITION	Zone Design	12.08.2024
521	DA7	FLOOR PLAN - PROPOSED	Zone Design	15.11.2024
522	DA7	ROOF PLAN	Zone Design	15.11.2024

530	DA7	ELEVATIONS - EXTERNAL	Zone Design	15.11.2024
531	DA7	ELEVATIONS - EXTERNAL	Zone Design	15.11.2024
532	DA7	ELEVATIONS - EXTERNAL	Zone Design	15.11.2024
533	DA4	SECTIONS - BUILDING DETAILS	Zone Design	12.08.2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
AIR QUALITY / ODOUR IMPACT STUDY	B	RWDI Australia Pty Ltd	14.08.2024
DA ACOUSTIC REPORT	1	PKA Acoustic Consulting	20.08.2024
Waste Management Plan	-	Zone Design	15.08.2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Traffic Management

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Principal Certifier.

Reason: To ensure pedestrian safety and continued efficient network operation.

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 Certifier 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 Certifier 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 Certifier 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.

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$790.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$158,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

5. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

6. **Building components and structural soundness**

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 11.04m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-

prone property and reduce public and private losses in accordance with Council and NSW Government policy.

7. Mechanical ventilation Plans

Where Mechanical ventilation is required to be installed in the food premises ,prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principal certifier that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

8. Mechanical Ventilation - Design Recommendations - Air Quality/Odour Impact Study

The design of the mechanical ventilation system must incorporate design recommendations contained with the report entitled AIR QUALITY / ODOUR IMPACT STUDY by RWDI Australia Pty Ltd reference number RWDI # 2410723 dated 14 August 2024.

Reason: To prevent odour nuisance.

9. Mechanical Ventilation - Acoustic Assessment

Prior to the issuing of a construction certificate, once detailed mechanical ventilation design schedule has been finalised, an acoustic assessment is to be undertaken to ensure that noise goals established in Table 4-2 of acoustic report ID:12881 R01v1, dated 20 August 2024 by PKA Acoustic Consulting are achieved.

Reason: To mitigate potential noise impacts

10. 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 Certifier prior to the issue of the Construction Certificate.

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

DURING BUILDING WORK

11. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

12. **Acoustic Design Recommendations**

Prior to the issuing of any Occupation Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report acoustic report ID:12881 R01v1, dated 20 August 2024 by PKA Acoustic Consulting have been implemented

Reason: To prevent noise nuisance

13. **Mechanical Ventilation certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

14. **Parking space bollard**

A bollard is to be provided at the end of the parking bay two spaces to the north of the marked crossing which is currently without a wheel stop. The bollard shall comply with the dimensions specified in AS2890.6:2022. The bollard is to be installed in line with adjacent wheel stops ensuring the parking bay length still satisfies AS2890.1:2004 requirements, and that access is facilitated to/from the existing pram ramp.

Reason: To ensure public safety and reduce risks of vehicles encroaching onto the pedestrian walkway or potential outdoor seating area.

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

15. **Proposed Outdoor Dining Condition**

No outdoor dining is approved in this consent. Any proposed outdoor dining must be consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Any outdoor dining that is consistent with the SEPP shall be the subject of a separate Outdoor Dining Application to Council's Property team.

Reason: To ensure that outdoor dining is assessed and approved under the appropriate regulatory framework and legislation.

16. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday and Public Holidays – 6am - 11pm

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. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 11.00 pm and 6.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure there isn't inappropriate or excessive illumination.

18. Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.

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

Signed



Simon Ferguson Tuor, Manager Development Assessments

The application is determined on 08/12/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments