

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0452
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Responsible Officer:	Tony Collier
Land to be developed (Address):	Lot 2 DP 600059, 75 Old Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Construction of Amenities Facilities in association with an existing Industrial Development
Zoning:	LEP - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Harrison Investments Pty Ltd
Applicant:	Full Tilt Constructions

Application lodged:	12/05/2016
Application Type:	Local
State Reporting Category:	Industrial
Notified:	02/06/2016 to 17/06/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 300,000.00
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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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

NORTHERN BEACHES COUNCIL

Warringah Development Control Plan - B7 Front Boundary Setbacks

SITE DESCRIPTION

Property Description:	Lot 2 DP 600059 , 75 Old Pittwater Road BROOKVALE NSW 2100
Detailed Site Description:	<p>The subject site is legally described as Lot 2 in DP 600059 and Lot A in DP 166808, and is commonly referred to as No. 75-79 Old Pittwater Road, Brookvale.</p> <p>The site is irregular in shape and has an area of approximately 25,034m². The site is located on the southern side of Old Pittwater Road, approximately 20m from its junction with Cross Street, and has a street frontage of approximately 86m. Vehicular traffic to the site is provided by a two-way bitumen internal accessway with its driveway crossing located on Old Pittwater Road.</p> <p>The site is currently occupied by an industrial complex consisting of the following components:</p> <ul style="list-style-type: none"> • A single-storey factory building of brick construction, which forms the core operation of the entire complex. • A single-storey warehouse of colour bond steel construction. • A single-storey office building located adjacent to Old Pittwater Road, which is setback 6.0m - 12.5m from the street boundary. • A single-storey laboratory building. • An open grassed area located on the south-western part of the site, which is being used for storage purposes. <p>With the exception of the office building, all building structures are setback from the street frontage and are located well within the site.</p> <p>The proposed demountable buildings are to be erected in the north-western part of the site. Immediately to the north of the development is an open carpark and office building.</p> <p>Brookvale Creek runs along the eastern boundary of the site. The western bank of the creek is partially situated within the site. The terrain is generally flat and slopes gradually upwards from Brookvale Creek in a westerly direction. The subject land is located within the Flood Planning Level area and is affected by 1% ARI flooding events.</p> <p>Adjacent land uses along Old Pittwater Road incorporate a range of employment-generating functions, including</p>

industries and warehouses. The northern car park of Warringah Mall adjoins the southern boundary of the site.

Map:



SITE HISTORY

The site has been the subject of the following applications:

Consent No. 94/352

This application was lodged on 24 May 1994 for the construction of a storage shed. The application was approved on 10 August 1994.

DA2004/1324

This application was lodged on 18 October 2004 for the construction of a single-storey warehouse with ancillary car parking and on-site stormwater detention system. The application was approved on 1 September 2005.

DA2008/1742

This application was lodged on 18 December 2008 for the construction of stormwater augmentation works, bank stabilisation works and deletion of conditions 24 and 26 of DA1996/137 (Development Consent No.96/335). The application was approved on 16 May 2012.

MOD2014/0283

This application was lodged on 16 December 2014 to modify DA2008/1742 to rationalise certain conditions of consent to allow the necessary Construction and Occupations Certificates to be issued in a timely manner. The application was approved on 26 May 2015.

MOD2014/0285

This application was lodged on 16 December 2014 to modify DA2014/1742 to realign the culvert, redesign the culverts, augment existing parapet walls on the Woolworths loading dock and a number of conditions as a result of revised and updated plans (notably the Construction Management Plan). The application was approved on 4 May 2015.

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MOD2015/0247

This application was lodged on 2 November 2015 to modify DA2008/1742 to remove 41 trees along Pittwater Road to the south east of the Warringah Mall site to enable the installation of a directed sewer as required by Sydney Water. The application was approved on 31 March 2016.

PLM2016/0025

This pre-lodgement meeting was held on 15 March 2016 to discuss the proposed alterations and additions to an existing industrial and warehouse use to provide replacement ancillary facilities which are now the subject of this Development Application.

The Notes provided by Council for the meeting concluded that *"the development is regarded as ancillary to the dominant industrial/warehousing use on the site and replaces the existing facilities/amenities building which was the subject of emergency order EPA2015/0288 and subsequently demolished.*

The scale of the development is considered to be minor to the extent that it is single storey and does not have any visual impact to the public domain.

The variation to the front setback built form control is supported due to the scale of the development and the manner to which is concealed from public view.

Because the site is located within the General Industrial zone and has a history of industrial activity, and that the development includes areas where food is consumed, a Phase 1 Site Contamination Assessment is to be prepared by a suitably qualified person to address and satisfy the relevant provisions of State Environment Planning Policy No. 55 Remediation of Land."

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent to construct 4 x demountable buildings to respectively house:

- DMB 1 – Locker Area/Change Room;
- DMB 2 – Office 1;
- DMB 3 – Unisex Toilet Facilities;
- DMB 4 – Female Toilet Facilities; and
- DMD 5 – Meeting/Lunch Room.

The demountable buildings are elevated above ground level by 0.4m high posts and are accessed by a common elevated timber deck.

The development replaces the existing facilities/amenities building which was the subject of emergency order EPA2015/0288 and subsequently demolished.

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	See discussion on "Environmental Planning Instruments" in this

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Section 79C 'Matters for Consideration'	Comments
environmental planning instrument	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&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>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</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>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>
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	<p>(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.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) 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 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

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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 of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments	
Building Assessment - Fire and Disability upgrades	The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval.	
Development Engineers	The subject site is flood affected and as such on-site stormwater detention (OSD) is not required. Drainage from the proposed amenities and office block is to be connected to the existing drainage system. No objection to approval, subject to conditions as recommended.	
Environmental Investigations (Contaminated Lands)	Was sufficient documentation provided appropriate for referral?	YES
	Is the site potentially contaminated?	NO
	Are the reports undertaken by a suitably qualified consultant?	YES
	Do the reports reflect the requirements of SEPP 55 & Guidelines for Assessing Contaminated Sites?	YES
	Is the site potentially contaminated?	NO
	Have you considered the list of potential contamination sites where phase 1 is required under SEPP55?	YES
	Does the information submitted, and/or imposition of conditions, allow the the site to be validated safe for its intended use?	YES
	General Comments Referral assessed by Environmental Investigation. No objections subject to the implementation of the recommendation outlined in the Phase 1 Environmental Site Assessment prepared by C. M. Jewell & Associates Pty Ltd dated April 2016 report No. J1652.12R-rev0 and the following condition.	
	Recommendation	APPROVAL - subject to conditions

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Internal Referral Body	Comments
Natural Environment (Flood)	The proposed demountables are located outside the adopted 1 in 100 year flood extent and the floor level located above the relevant Flood Planning Level. No flood related controls applied.
Natural Environment (Riparian Lands/Creeks)	No objection to approval with no conditions.
Traffic Engineer	The proposal does not alter the existing traffic and parking condition. Therefore, no objection is raised on the proposal on traffic grounds.

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.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

In response to the above requirements of the SEPP, the applicant has submitted a Phase 1 Environmental Site Assessment dated April 2016 and prepared by C. M. Jewell & Associates Pty Ltd. In its conclusion, the Assessment, under Section 6.2, states:

"The site is considered suitable for the proposed use (erection of demountable buildings on shallow footings), subject to the recommendations set out in Section 6.3 below.

6.3 Recommendations

The following recommendations are made:

- *Appropriate precautions should be taken during demolition of existing buildings to manage any potential ACM observed in the building structure or demolition materials, in accordance with the requirements of Work Health & Safety Regulation 2011, and applicable guidelines.*
- *An unexpected finds protocol should be developed and implemented requiring that should any materials*

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not consistent with the findings of this report or odours or severe staining of soil be encountered during demolition, site preparation or construction activities, then work should cease and CMJA (or another appropriately qualified consultant) should be contacted for advice."

The application was referred to Council's Environmental Investigations for review where no objection was raised to the proposal subject to the development being conducted in accordance with the recommendations detailed in the Phase 1 Assessment and the imposition of a condition which requires Council and the Principle Certifying Authority to be notified of any new contamination evidence.

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
4.3 Height of Buildings	11m	3.4m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B5 Side Boundary Setbacks	Merit Assessment	West: 12.5m to 13.5m	N/A	Yes
B7 Front Boundary Setbacks	4.5m	3.0m to 5.0m	33.3% (1.5m)	No
B9 Rear Boundary Setbacks	Merit Assessment	112m to 114.5m	N/A	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	N/A	Yes
B7 Front Boundary Setbacks	No	Yes
Front Boundary Setbacks - IN1	No	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D3 Noise	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

Clause B7 requires that development be sited 4.5m from a front boundary.

The front setback is taken to be the boundary that is parallel to the roadway. In this instance, the boundary parallel to the roadway is located 50m from the boundary abutting Old Pittwater Road with the development being situated 53m from the boundary parallel to the roadway.

The nominated front boundary in this particular instance abuts an open carpark which services the subject site and No. 77-79 Old Pittwater Road as the use occupying the subject site accommodates both properties.

The development therefore proposes a front setback of between 3.0m to 5.0m which represents a variation of 33.3% (1.5m).

Merit consideration:

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

- *To create a sense of openness.*

Comment

The development involves the construction of single storey demountable buildings which are of a low scale comparative to surrounding industrial/warehouse development.

The demountable buildings are separately arranged such that they do not represent a contiguous built form nor which crowds the particular area of the site.

The development is considered to be consistent with this objective.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment

The site includes variety of built form such that there is no visual continuity and pattern of buildings and landscape elements evident on the site.

The development does not offend this arrangement nor does it, because of its low scale, further disrupt the visual continuity, pattern of buildings and landscape elements evident on the site or on neighbouring properties.

The development is considered to be consistent with this objective.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment

The development is not visible from the street and will therefore not have any impact upon the visual quality of the streetscape and public space.

The development is considered to be consistent with this objective.

- *To achieve reasonable view sharing.*

Comment

The development is of a single storey scale ad located within a visual catchment which does not afford any noteworthy views.

The development will not have any unreasonable impact upon the outlook currently available from the site and neighbouring properties.

The development is considered to be consistent with this objective.

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.

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.

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 \$ 300,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,850
Section 94A Planning and Administration	0.05%	\$ 150
Total	1%	\$ 3,000

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;

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- 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 DA2016/0452 for Construction of Amenities Facilities in association with an existing Industrial Development on land at Lot 2 DP 600059, 75 Old Pittwater Road, BROOKVALE, 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
A01(B) - Site Plan	29 April 2016	Algorry Zappia & Associates Pty Ltd
A02(B) - Floor Plan, Elevations & Section	29 April 2016	Algorry Zappia & Associates Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Phase 1 Environmental Site Assessment (J1652.12R-rev0)	April 2016	C. M. Jewell & Associates Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

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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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature 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) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(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 sewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. 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 \$ 300,000.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,850.00

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Section 94A Planning and Administration	0.05%	\$ 150.00
Total	1%	\$ 3,000.00

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 Warringah's Development Contributions Plan.

5. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Councils 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).

Reason: To ensure adequate protection of Councils infrastructure.

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

6. Stormwater Disposal

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the proposed buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the existing drainage system. NOTE: No new connection to the creek is permitted without approval from the NSW Office of Water.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development. (DACENC06)

7. Waste Management Plan

A waste management plan that addresses Clauses C8 and C9 in the Warringah DCP must

be prepared for this development.

Details of the method of transportation and location of the waste/recycling centres are to be included in the plan

Details demonstrating compliance must be provided to the Principal 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.(DACHPC03)

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. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

9. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

10. **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 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

11. **Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

12. **Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment. (DACHPE01)

13. **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 Warringah Council 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. (DACPLE02)

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

14. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

15. **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 the NSW Fire Brigade.

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 the NSW Fire Brigade 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)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed


Tony Collier, Senior Development Planner

The application is determined under the delegated authority of:


Rodney Piggott, Development Assessment Manager

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ATTACHMENT A

Notification Plan	Title	Date
 2016/152239	Plans - Notification	02/05/2016

ATTACHMENT B

Notification Document	Title	Date
 2016/172627	Notification Map	02/06/2016

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ATTACHMENT C

Reference Number	Document	Date
 2016/152311	Report - Statement of Environmental Effects	29/04/2016
 2016/152138	Plans - Survey	02/05/2016
 2016/152239	Plans - Notification	02/05/2016
 2016/152557	Plans - Master Set	02/05/2016
 2016/152082	Cost Summary Report	02/05/2016
 2016/152381	Plans - External	06/05/2016
 2016/152482	Plans - Internal	06/05/2016
 DA2016/0452	75 Old Pittwater Road BROOKVALE NSW 2100 - Development Application - Alterations and Additions	12/05/2016
 2016/148395	invoice for ram applications - Full Tilt Constructions	12/05/2016
 2016/148397	DA Acknowledgement Letter - Full Tilt Constructions	12/05/2016
 2016/152005	Applicant Details	16/05/2016
 2016/151940	Development Application Form	16/05/2016
 2016/153560	Report - Phase 1 Environmental Site Assessment	16/05/2016
 2016/168044	Environmental Investigations (Contaminated Lands) - Assessment Referral - DA2016/0452 - 75 Old Pittwater Road BROOKVALE NSW 2100	27/05/2016
 2016/167944	Referral to Ausgrid	30/05/2016
 2016/168699	Referral Response - Natural Environment Unit (Riparian)	30/05/2016
 2016/172596	Notification Letters - 68	02/06/2016
 2016/172627	Notification Map	02/06/2016
 2016/173128	Referral Response - Traffic Engineering	02/06/2016
 2016/173314	Referral Response - Natural Environment Unit (Flood)	03/06/2016
 2016/176779	Referral Response - Building Assessment	07/06/2016
 2016/177706	Referral Response - Environmental Investigations (Contaminated Lands)	07/06/2016
 2016/179362	Request status update - DA2016/0452 - 75 Old Pittwater Road BROOKVALE	08/06/2016
 2016/182030	Referral Response - Development Engineering	10/06/2016