

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0673
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 2 DP 656393, 100 Old Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Alterations and additions to a vehicle body repair workshop
Zoning:	Warringah LEP2011 - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	OPG Pty Limited
Applicant:	OPG Pty Limited Vehicle Repairhub Pty Ltd

Application Lodged:	22/06/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Industrial
Notified:	03/07/2020 to 17/07/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 24,000.00
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PROPOSED DEVELOPMENT IN DETAIL

A Complying Development Certificate (CDC 6180/0) was recently obtained in relation to internal alterations to the existing vehicle body repair workshop. Ventilation stacks were proposed as part of the scope of works however, the works exceed the maximum height permitted under the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008.

The subject DA seeks approval for a alterations and additions to the approved vehicle body repair workshop at Unit 1, 100 Old Pittwater Road, Brookvale to include 13 ventilation stacks. The proposed ventilation stacks are intended to expel air and vapour that is released from the spraying processes undertaken as part of the Repair Hub operations. The ducts will be fitted with exhaust filters which will stop the particles but not vapour or aromatic compounds that may be in the chemicals released by the spraying process. The ventilation stacks are located to the rear of the warehouse setback no less than

3.5m from the northern site boundary.

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 - C2 Traffic, Access and Safety
- Warringah Development Control Plan - C3 Parking Facilities
- Warringah Development Control Plan - C4 Stormwater
- Warringah Development Control Plan - C8 Demolition and Construction
- Warringah Development Control Plan - C9 Waste Management
- Warringah Development Control Plan - D3 Noise
- Warringah Development Control Plan - D11 Roofs
- Warringah Development Control Plan - E11 Flood Prone Land

SITE DESCRIPTION

Property Description:	Lot 2 DP 656393 , 100 Old Pittwater Road BROOKVALE NSW 2100
Detailed Site Description:	<p>The subject site consists of one (1) unit (unit No. 1) which is part of a complex of three (3) industrial units / warehouses with ancillary office facilities. The development is located approximately 16m from the frontage of Old Pittwater Road, located to the south.</p> <p>Unit 1 is regular in shape with a GFA of 1,857sqm. The warehouse has been approved as a vehicle body repair workshop for "Retail Hub." The subject application relates to a the north-western corner of the roof, refer to map below.</p>

LOCATION



The overall site has a surveyed area of 9.339m². The site has its own access road which accommodates two way vehicular movement. Car parking is provided on site

The site is located within the IN1 (General Industrial) zone from WLEP 2011.

The site is generally flat with minimal vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by warehouse and industrial developments.

Map:



SITE HISTORY

A search of Council’s records has revealed the following:

On 8 August 2002, DA2002/0993 approved the tenancy fitout for the storage and assessment of damaged vehicles.

A Complying Development Certificate (CDC 6180/0) was approved on 19 May 2020 for internal alterations to the existing vehicle repair workshop for Repair Hub. Ventilation stacks were proposed as part of the scope of works, however, the works exceed the maximum height permitted under the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008. The CDC approved the following operating hours:

- Monday – Friday: 6:30AM – 5:30PM.
- Saturday: 8:00AM – 12:00PM.
- Sunday: Closed

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The proposal is for ventilation stacks and will not alter the existing conditions of the natural ground level. The likelihood of encountering contaminated soils on the subject site is therefore considered to be extremely low. On this basis, the site is considered suitable in its present state for the proposed development. Council's Health Unit have no objections to the proposal subject to conditions.
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 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>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>No submissions have been received. See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The northern part of the site is identified as being within the Vegetation Buffer of Bushfire Prone Land under the Warringah LEP 2011.

This mapping identifies properties that are in the buffer zone of 100m metres from Category 1 mapped vegetation or 30m from Category 2 & 3 mapped vegetation. All developments occurring on land mapped as bushfire prone are subject to the conditions detailed in the planning document Planning for Bushfire protection (PBP).

A Bushfire Assessment Report (BFAR) has been submitted with the DA which notes that *as the development involves the construction of works to a commercial/industrial type building (Class 5 to 8 Building), the development is not legally subject to PBP or Section 4.14 of the Environmental Planning and Assessment Act.* However, Section 8.3.1 of PBP states;

“The NCC does not provide for any bush fire specific performance requirements for these particular classes of buildings. As such AS 3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions, however compliance with AS 3959 and the NASH Standard must be considered when meeting the aims and objectives of PBP. The general fire safety construction provisions of the NCC are taken as acceptable solutions however construction requirements for bush fire protection will need to be considered on a case-by-case basis”

The BFAR provides an assessment of the bushfire protection requirements for the development and concludes that the minor development for ventilation stacks will comply with the performance criteria of the PBF if the recommendations contained within the BFAR the are implemented. The recommendations relates to the Asset Protection Zones, Construction Standards, Property Access and Evacuation Safety and Water and Utility Services Supply. A condition is included in the determination requiring compliance with the BFAR.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition 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>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>

Internal Referral Body	Comments
<p>Environmental Health (Industrial)</p>	<p>General Comments</p> <p>Operating hours are intended to be: – Monday – Friday: 6:30AM – 5:30PM. – Saturday: 8:00AM – 12:00PM. – Sunday: Closed</p> <p>The application seeks approval for ventilation stacks associated with the recently approved vehicle body repair workshop within the existing Unit 1 warehouse at 100 Old Pittwater Road, Brookvale. This development forms part of the broader scope of works approved under CDC 6180/0 for a change of use for a vehicle body repair workshop and an internal fit-out of the existing tenancy to meet the operational needs of Repair Hub. The proposed ventilation stacks will be consistent with the operations of the approved vehicle body repair workshop.</p> <p>The application seeks approval for minor external alterations to the existing vehicle body repair workshop for 13 ventilation stacks. The proposed ventilation stacks are intended to expel air and vapour that is released from the spraying processes undertaken as part of the Repair Hub operations. The ducts will be fitted with exhaust filters which will stop the particles but not vapour or aromatic compounds that may be in the chemicals released by the spraying process. The ventilation stacks will be located wholly within the property boundary and will be setback no less than 3.5m from the northern site boundary .</p> <p>Environmental Health are considering issues of noise , odour and vapours</p> <p>The application is for the installation of exhaust stacks for Spray painting another activities within a motor vehicle repair workshop.</p> <p>Similar operations occur In the Northern Beaches LGA without nuisance although it is noted that this is a larger operation than most.</p> <p>Impact on residential properties is not expected due to the location of the facility however future development of adjacent business activities may be potentially be impacted depending on that use.</p> <p>Although filters will be installed in the exhaust systems to remove solid the particles volatile odour could become an issue to adjacent businesses in future due to the intensity of use of the facility.</p> <p>No odour control measures are proposed, relying on exhaust dilution</p>

Internal Referral Body	Comments
	<p>factors.</p> <p>Should Council receive future complaints we must be satisfied that the use of Spray painting chemicals (VOC's) (and similar activities) is not causing a legitimate nuisance to adjoining businesses and that odour control equipment can be installed to eliminate any nuisance. Action under environmental legislation may have to be considered at that time for odour and noise.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed DA generally complies with the flood controls in the LEP and DCP.

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

The proposal is for ventilation stacks and will not alter the existing conditions of the natural ground level. The likelihood of encountering contaminated soils on the subject site is therefore considered to be extremely low. On this basis, the site is considered suitable in its present state for the proposed development.

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
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Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	10.6m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.3 Flood planning	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	No change	N/A	N/A
B2 Number of storeys	2 / 3	No change	N/A	N/A
B3 Side Boundary Envelope	4m/5m	No change	N/A	N/A
B5 Side Boundary Setbacks	0.9m	No change	N/A	N/A
B7 Front Boundary Setbacks	6.5m	No change It is noted the ventilation stacks are set back 3.5m from the frontage of the roof.	N/A	N/A
B9 Rear Boundary Setbacks	6m	No change	N/A	N/A

***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)

The proposal seeks consent for ventilation stacks there is no change to the built form of the existing warehouse .

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D7 Views	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

C2 Traffic, Access and Safety

The proposal is for ventilation stacks only to an approved vehicle repair workshop. The site has its own dedicated access handle which accommodates two-way vehicle movement. The proposal will not alter the current site access arrangement which is considered to be appropriate for the approved vehicle body repair workshop.

C3 Parking Facilities

The car parking numbers (40 spaces) have been approved as part of the CDC for the vehicle body repair workshop. The proposed ventilation stacks for the warehouse does not propose to alter the car parking requirements. It is noted that the 40 car parking spaces exceeds the minimum 19 car parking requirements based on the the GFA of 1,857sqm warehouse and 1 space per 100sqm.

C4 Stormwater

The proposal does not involve any changes to the existing stormwater management system as the proposed ventilation stacks will be contained within the existing and approved building envelope. The stormwater management conditions in CDC no. 6180/0 apply to the proposed development.

C8 Demolition and Construction

The waste management conditions in CDC no. 6180/0 apply to the proposed development.

C9 Waste Management

The waste management conditions in CDC no. 6180/0 apply to the proposed development.

D3 Noise

A condition is recommended requiring the ventilation stacks to be designed so as not to emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary.

D11 Roofs

The ventilation stacks will be located on the warehouse roof and cannot be located internal to the building as it is required to expel air and vapour that is released from the spraying processes undertaken as part of the Repair Hub operations.

The ventilation stacks will protrude a maximum of 3m from the existing roof profile. They will be positioned no less than 3.5m from the site boundary to reduce impacts on the amenity of adjoining land uses. The position of the stacks will be at the rear of the warehouse which is significantly separated from the frontage of the site due to the hatchet lot configuration therefore, impacts on the visual amenity of the streetscape will be avoided. The ventilation stacks are consistent with the approved use on the site and is compatible with the industrial uses in the direct vicinity of the site.

E11 Flood Prone Land

The site is identified within the Low Risk Flood Planning Precinct. A vehicle body repair workshop is identified as a business and industrial land use. Business and industrial development in the low flood risk category is only required to comply with the prescriptive controls relating to (F) FLOOR LEVELS:

The proposed development demonstrates compliance with F1, F3 and F8. The proposed ventilation stacks will be located on the roof of the approved Unit 1 warehouse building which has been constructed with consideration of the relevant Flood Planning Level. No alterations to the flood levels are proposed as part of the development. Council's Flooding Engineer has no objections to the development.

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

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0673 for Alterations and additions to a vehicle body repair workshop on land at Lot 2 DP 656393, 100 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
Ref 73852 Plan showing Select Site Levels	21 May 2020	Real Serve
24292-00 Rev 15 Installation for Repair Hub (Site Plan)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 11 Installation for Repair Hub (Ductwork Plan)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 11 Installation for Repair Hub (Ductwork Plan)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 13 Installation for Repair Hub (Front View)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Installation for Repair Hub (Front Section)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 13 Installation for Repair	27 April 2020	Lowbake Australia Pty

Hub (Front Section)		Ltd
24292-00 Rev 13 Installation for Repair Hub (Front Section)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 9 Installation for Repair Hub (Site Plan)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 10 Installation for Repair Hub (Site Plan)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 13 Installation for Repair Hub (Side View)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 13 Installation for Repair Hub (Priming Bay Side View)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Installation for Repair Hub (Cleanstation Side View)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 15 Installation for Repair Hub (Airline)	27 April 2020	Lowbake Australia Pty Ltd
24292-00 Rev 15 Installation for Repair Hub (Airline)	27 April 2020	Lowbake Australia Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Bush Fire Assessment Report	June 2020	Clarke Dowdle and Associates

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

c) The development is to be undertaken generally in accordance with the following:

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

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

2. Prescribed Conditions

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

- (iii) stating that unauthorised entry to the work site is prohibited.
Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the

development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 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.

4. **Noise**

The ventilation stacks to be designed so as not to emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary.

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any

damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

6. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

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

7. **Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

(a) Bush Fire Assessment Report, dated June 2020 prepared by Clarke Dowdle and Associates.

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

Reason: To ensure compliance with standards.

8. **Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.
Reason: To ensure that the mechanical ventilation system complies with the design requirements.

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

9. **Spray Painting**

Spray painting is to be carried out inside a well maintained and operated spray booth that complies with:

- AS/NZS 4114:2020 Spray painting booths, designated spray painting areas and paint mixing rooms.

The NSW EPA advise : The volatile component of the spray (VOCs) are often the source of odour complaints and are also significant contributors to the greenhouse effect.

Pollution control technology specifically designed to remove VOCs from spray booth extraction systems installation will benefit the environment and is recommended.

Should Council receive complaints about odour ; then an Order/Notice may be served requiring installation of equipment to deal with any odour detectable outside the premises.

Reason: To prevent air pollution and eliminate nuisance to neighbouring businesses and residents

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

Signed



Anne-Marie Young, Planner

The application is determined on 29/07/2020, under the delegated authority of:



Anna Williams, Manager Development Assessments