

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2024/0123
----------------------------	-------------

<b>Responsible Officer:</b>	Anais Sarkissian
<b>Land to be developed (Address):</b>	Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099
<b>Proposed Development:</b>	Use of Premises as a Indoor Recreation Facility, fitout and signage
<b>Zoning:</b>	Warringah LEP2011 - Land zoned E4 General Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	The Trust Company (Australia) Limited
<b>Applicant:</b>	Samantha Irissou

<b>Application Lodged:</b>	19/02/2024
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	23/02/2024 to 08/03/2024
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	27
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 120,087.00
---------------------------------	---------------

### EXECUTIVE SUMMARY

This development application seeks consent for the use of an existing industrial unit as an indoor recreational facility, including fitout and signage.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the proposal including partial demolition of a local heritage item, listed in Schedule 5 of the *Warringah Local Environmental Plan 2011* (WLEP), as Item I52 - Roche Building at 100 South Creek Road. The Roche Building is an example of an industrial complex in the late 20th Century international style set in substantial landscaped grounds, displaying a high degree of integrity.

In accordance with the definitions of the WLEP, 'demolish', in relation to a heritage item, means wholly

or partly destroy, dismantle or deface the heritage item. The application proposes the partial fit out of one of the original Roche heritage-listed office buildings (Building 02) for a pilates studio. This building has been repurposed for light industrial uses as part of a larger redevelopment of 4-8 Inman Road. The internal fitout works include partitioning and the addition of bathroom facilities. There are no proposed changes to the external façade of the building, with the exception of business identification signage. The attachment of the signage to the building is reversible without causing any damage to the original building fabric. The existing internal columns are to remain and no built form changes are proposed. While the proposed fitout does not expressly involve demolition works, the installation of the bathroom and other fixtures will inherently result in partial demolition of the heritage item, as defined by the WLEP. The proposed fitout works are minor in nature and do not significantly affect the original building fabric.

The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP) for 14 days. Twenty-seven (27) submissions were received in support of the application.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is suitable for the subject site for the reasons outlined in this report.

This report concludes with a recommendation that the NBLPP grant approval to the development application, subject to recommended conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The development application is for the use and fitout of the existing tenancy 2B as a pilates studio with associated business identification signage.

## **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 - C3 Parking Facilities  
 Warringah Development Control Plan - D3 Noise  
 Warringah Development Control Plan - D23 Signs

**SITE DESCRIPTION**

<b>Property Description:</b>	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
<b>Detailed Site Description:</b>	<p>The site consists of one (1) allotment located on the eastern side of Inman Road.</p> <p>The site is irregular in shape with a frontage of approximately 200 metres along Inman Road and 168 metres along South Creek Road, and a depth of 152 metres. The site has an approximate area of 36,797m<sup>2</sup>.</p> <p>The subject site concerns Unit 2B only, which has a tenancy area of approximately 240m<sup>2</sup>.</p> <p>The site is located within the E4 General Industrial zone and accommodates an industrial facility. Unit 2B is currently vacant.</p> <p>The topography changes significantly across the site, however is relatively flat at the site of Unit 2B.</p> <p>The site contains several trees along its Inman Road and South Creek Road frontages, and some lawn areas within the site, including directly north of Unit 2B.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by large industrial and recreational facilities.</p>

Map:



## **SITE HISTORY**

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

### **DA2019/1346**

Development Application for demolition works and alterations and additions to an existing industrial facility including new warehouse, self-storage, office premises and ancillary cafe.  
Approved 17 August 2020

### **MOD2022/0396**

Modification of Development Consent 2019/1346 granted for demolition works and alterations and additions to an existing industrial facility including new warehouse, self-storage, office premises and ancillary cafe.  
Approved 16 November 2022

### **MOD2022/0452**

Modification of Development Consent 2019/1346 granted for demolition works and alterations and additions to an existing industrial facility including new warehouse, self-storage, office premises and ancillary cafe.  
Approved 15 December 2022

### **MOD2023/0386**

Modification of Development Consent 2019/1346 granted for demolition works and alterations and additions to an existing industrial facility including new warehouse, self-storage, office premises and ancillary cafe.  
Approved 3 August 2023

## **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 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – 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><u>Part 4, Division 2</u> of the EP&amp;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>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;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&amp;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	<p>(i) <b>Environmental Impact</b> 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) <b>Social Impact</b></p>

<b>Section 4.15 Matters for Consideration</b>	<b>Comments</b>
and economic impacts in the locality	The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.  (iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## **EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

## **BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.

## **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject application has been publicly exhibited from 23/02/2024 to 08/03/2024 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 process council is in receipt of 27 submission/s from:

<b>Name:</b>	<b>Address:</b>
Timothy James Mahoney	41 Blandford Street COLLAROY PLATEAU NSW 2097
Miss Hayley Tucker	44 Wakehurst Parkway NORTH NARRABEEN NSW 2101
Christine Mckay	20 Honeyeater Grove WARRIEWOOD NSW 2102
Ms Nikki Ellen Ronald	38 Kalang Road ELANORA HEIGHTS NSW 2101
Kate Lauren Douglas	6 Frankson Place MONA VALE NSW 2103
Mrs Amy Louise Munro	138 Elanora Road ELANORA HEIGHTS NSW 2101
Eloise Rachel Winestock	8 Buick Road CROMER NSW 2099
Olivia Winestock	Address Unknown
Ms Samantha Patricia Nelly McKay	6 / 37 Seabeach Avenue MONA VALE NSW 2103
Emily Enright	Address Unknown
Jasmine Leney	9 Malcolm Street NARRABEEN NSW 2101

<b>Name:</b>	<b>Address:</b>
Amy Patricia Dempsey	14 Kevin Avenue AVALON BEACH NSW 2107
Sanna Thompson	Address Unknown
Ela White	15 Hillcrest Avenue MONA VALE NSW 2103
Scott William Willmot	5 Waterview Street MONA VALE NSW 2103
Trent Wayne Willmot	5 Waterview Street MONA VALE NSW 2103
Georgia Mary Cathels	6 / 108 Queenscliff Road QUEENSCLIFF NSW 2096
Ms Claude McKay	30 A Elimatta Road MONA VALE NSW 2103
Livia Ferreira	Address Unknown
Rhiannon Sara Anne Peden	15 Whale Beach Road AVALON BEACH NSW 2107
Mrs Melanie Patrice Willmot	5 Waterview Street MONA VALE NSW 2103
Jessica Whatham	Address Unknown
Nick Smart	Address Unknown
Mr Nathan Boler	27 Delecta Avenue CLAREVILLE NSW 2107
Ms Georgia Isobel Scott	2 / 1 Albemarle Street NARRABEEN NSW 2101
Mr Jay Alan Malcolm	2 / 2 A King Street NEWPORT NSW 2106
Ms Lauren Patricia Willmot	18 Bareena Road AVALON BEACH NSW 2107

All submissions received were in support of the proposal.

## REFERRALS

<b>Internal Referral Body</b>	<b>Comments</b>
Building Assessment - Fire and Disability upgrades	<p><b><i>Supported, subject to Conditions</i></b></p> <p>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 and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p><b><i>Supported, subject to Conditions</i></b></p> <p>This application is seeking consent for a change of use to a Pilates studio and associated fit-out and signage.</p> <p>The studio proposes to operate Monday-Thurs 5:00am to 11:30am, Saturday 5:30am to 10:00am, and Sunday 6:30am to 10:00am. These will be group classes.</p> <p>An acoustic report has been prepared by Peace and Quiet Noise Reduction dated 11 September 2023. Noise attenuation</p>

Internal Referral Body	Comments		
	recommendation have been provided in Section 8. Environmental Health recommends approval subject to conditions.		
Strategic and Place Planning (Heritage Officer)	<b>Supported, subject to Conditions</b>		
	Discussion of reason for referral		
	This application has been referred as the site contains a heritage item, being <b>Item 152 - Roche Building</b> and is within the vicinity of 2 other heritage items being <b>Item 153 - Givaudan-Roure Offices</b> and <b>Item 138 Trees - Campbell Avenue</b> , which are all listed within Schedule 5 of Warringah LEP 2011.		
	Details of heritage items affected		
	<p>Details of heritage item on site, as contained within the Heritage Inventory, are:</p> <p><b>Item 152 - Roche building</b></p> <p><u>Statement of Significance</u></p> <p>A substantial &amp; excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature</p> <p><u>Physical Description</u></p> <p>Industrial/office building of off-form concrete with glass curtain walling. Assymetrical arrangement with hexagonal tower of off-form concrete with squatter glass-walled tower to east. Strong horizontal element provided by 3 storey office wing to west.</p>		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
RAIA Register of 20th Century Buildings of Significance	No	However, Roche building was previously on RAIA Register	
Other	No		
Consideration of Application			
This application proposes use of one of the heritage listed buildings on-site for the purposes of a Pilates studio. The works include internal fit out along with external signage. Internal works include partitioning and the addition of bathroom and kitchen facilities. Externally there are three non-illuminated signs proposed - one flush wall sign on the eastern facade, one window sign on the existing door on the northern facade and one freestanding			



Internal Referral Body	Comments
	<p>sign, described on the plans as a movable flag sign.</p> <p>The works are proposed for what is known as Building 02 in the Conservation Management Plan for the site (Heritage 21 - May 2019), one of the original Roche heritage listed office buildings. A very basic Heritage Impact Statement was submitted with the application (Archispectrum - September 2023), which concludes that the proposal will not detrimentally affect the significance of the site.</p> <p>The internal works, as described in the plans and reports, are minor and do not propose any changes to external finishes or to the external presentation of the building (with the exception of signage). Therefore, it is considered that the internal changes are acceptable from a heritage point of view.</p> <p>In relation to the signage, Signs 2 and 3 are considered acceptable, based on their attachment to the building being reversible without causing any damage to the original building fabric. This is based on the design and colours shown on the DA plans, consisting of neutral brown colours on a white background and with no background colour on the affixed door sign. In the case of Signs 2 and 3, they must be removable in the future without any material damage to the original heritage fabric of the building (wall and door) and a condition will be imposed to this effect.</p> <p>Sign 1, being the proposed flag post sign located in front of the northern elevation, can be supported only on the basis that it is a freestanding movable sign, which is not fixed in its location. It is clearly stated on Drawing No. DA-001 that this is a "movable flag post sign". A fixed freestanding sign in front of the principal elevation of this heritage building would not be acceptable.</p> <p>On the basis that the fixed signs are removable in the future without any damage to building fabric, and on the basis that the flag sign is movable, not fixed, the proposal is acceptable on heritage grounds.</p> <p><b>Therefore, no objections are raised on heritage grounds subject to a number of conditions.</b></p> <p><u>Consider against the provisions of CL5.10 of WLEP 2011:</u>  Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A  Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>
Traffic Engineer	<p><b>Supported, subject to Conditions</b></p> <p>The development application is for the change of use to a pilates</p>

Internal Referral Body	Comments
	<p>studio. The premises is to accommodate 10 clients plus 1 instructor at a time.</p> <p>The applicants traffic report has reviewed the parking and traffic generation aspects of the development. The development has a parking requirement for 11 off-street spaces and no dedicated parking is provided for the pilates studio. It is noted that the studio relies on the stated 68 shared parking spaces provided in the basement of the complex. It is therefore required that a condition limiting the number of clients on site at any one time to 10 to minimise parking impacts.</p> <p>The projected traffic generation for the development is 22 peak hour vehicle trips; based on TfNSW's Guide to Traffic Generating Developments for a gymnasium. There is a maximum of 11 people on-site at one time and the expected traffic movements generated by the premises is unlikely to result in any significant impacts to the local road network.</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 (Transport and Infrastructure) 2021**

##### Ausgrid

Section 2.48 of Chapter 2 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 5.0 metres 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 5.0 metres of an overhead

electricity power line.

Comment:

The proposal is for the internal fitout of an existing building and does not involve any changes to the built form. As such, the application was not referred to Ausgrid.

**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:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<p><b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	The proposed signage are generally consistent with the existing signage surrounding the premises within the industrial area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the current theme for outdoor advertising of indoor recreational facilities in the locality.	YES
<p><b>2. Special areas</b> 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?</p>	The premises is situated within a local heritage building (Roche Building). The signage is limited to business identification signage on only two elevations. The signage is considered to achieve visual interest, enhancing the visual quality of the vicinity, and will not disrupt the surrounding environment. No concerns have been raised by the relevant referral bodies, subject to the signage being removable without damaging the external fabric of the building.	YES
<p><b>3. Views and vistas</b> Does the proposal obscure or compromise important views?</p>	The signage will be attached to the existing building, with the exception of the movable flag post sign, and will not protrude higher than the height of the building. The proposal will therefore not obscure or compromise important views, or dominate the skyline or the viewing rights of other advertisers.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?		

Does the proposal respect the viewing rights of other advertisers?		
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage includes business identification signage of a modest scale and simple colour and logo that will be positioned on the northern and eastern elevations, thereby not dominating the streetscapes on the west and south.  The proposal does not protrude above the height of buildings and trees in the area and is considered to improve visual interest by adding character to a currently vacant building tenancy.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		
Does the proposal reduce clutter by rationalising and simplifying existing advertising?		
Does the proposal screen unsightliness?		
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		
<b>5. Site and building</b> 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 proposal is considered compatible with the scale, proportion and characteristics of other signage within the Cromer industrial area. Council's Heritage Advisor supports the proposal, subject to conditions. The signage is considered acceptable for the heritage building and surrounding heritage items.	YES
Does the proposal respect important features of the site or building, or both?	The signage will be removable and therefore not cause damage to the fabric of the building, respecting its heritage significance.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage exhibits innovation and imagination in its relationship to the site and building.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> 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?	The signage presents the business' logo. The signage does not require any safety devices, platforms or lighting devices as the signage is not illuminated.	YES
<b>7. Illumination</b> 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?	N/A - the signage is not proposed to be illuminated.	N/A
Can the intensity of the illumination be adjusted, if necessary?		

Is the illumination subject to a curfew?		
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	NO	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	NO	YES

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 industrial 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 industrial 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**

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation</b>	<b>Complies</b>
Height of Buildings:	11m	Unaltered	N/A	Yes

### **Compliance Assessment**

<b>Clause</b>	<b>Compliance with Requirements</b>
5.10 Heritage conservation	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

### **Detailed Assessment**

#### **5.10 Heritage conservation**

The objectives of Clause 5.10 Heritage Conservation have been addressed as follows:

**(a) to conserve the environmental heritage of Warringah,**

Comment:

The proposal acceptably conserves the heritage significance of Warringah by limiting the façade changes to business identification signs. Conditions have been included to further ensure the heritage value of the building is preserved for the internal fitout.

**(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,**

Comment:

The proposed works are predominantly internal and will consist of a fitout for a pilates studio and external business identification signs. Conditions have been recommended by Council's Heritage Advisors that all internal works and external signage must be undertaken in such a way that the works are reversible in the future without causing any remnant visible damage to original fabric and surfaces. In addition, the movable flag post sign is to remain movable and not be fixed as a permanent freestanding sign structure, and must also be removed upon the ending of the tenancy. This is to ensure that the heritage fabric and significance of the building is not compromised.

**(c) to conserve archaeological sites,**

Comment:

The proposed works are contained within or on an existing heritage building. The works will not impact (if any) archaeological sites.

**(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.**

Comment:

The subject site is not located atop any known Aboriginal places of heritage significance.

The proposal is considered to comply with the requirements and objectives of this clause.

**Warringah Development Control Plan**

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B5 Side Boundary Setbacks	Merit assessment (north)	Unaltered	N/A	Yes
B7 Front Boundary Setbacks	4.5m	Unaltered	N/A	Yes
B9 Rear Boundary Setbacks	Merit assessment	Unaltered	N/A	Yes

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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	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
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

### **C3 Parking Facilities**

#### Merit consideration

The proposed pilates studio is to accommodate 10 clients and 1 instructor at a time. The application was referred to Council's Traffic Engineer, who reviewed the application and stated that *"the development has a parking requirement for 11 off-street spaces and no dedicated parking is provided for the pilates studio. It is noted that the studio relies on the stated 68 shared parking spaces provided in the basement of the complex. It is therefore required that a condition limiting the number of clients on site at any one time to 10 to minimise parking impacts."*

The Traffic Engineer is not opposed to the absence of dedicated parking, as the unassigned parking will be sufficient in providing the 11 required parking spaces.

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

- *To provide adequate off street carparking.*

#### Comment:

As noted in the above referral comment by Council's Traffic Engineer, despite the lack of dedicated parking to the pilates studio, the overall site includes 68 shared parking spaces located in the basement of the industrial complex.

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

Comment:

There is no change to the previously approved parking arrangement on site.

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

Comment:

There is no change to the previously approved parking arrangement on site.

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.

### **D3 Noise**

Merit consideration

The proposed pilates studio seeks consent for the following hours of operation, with 45-minute group pilates reformer classes:

- Monday to Thursday - 5:00am to 7:30pm
- Friday - 5:00am to 11:30am
- Saturday - 5:30am to 10:00am
- Sunday - 6:30am to 10:00am

The proposal is accompanied by an Acoustic Impact Assessment prepared by Peace & Quiet Group Pty Ltd, dated 11 September 2023.

It is noted that the subject site is located within an existing industrial area, with similar premises operating as indoor recreational facilities within the immediate vicinity. The closest residential area is at least 100m to the east of the pilates studio.

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

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

Council's Environmental Health Officer reviewed the application and Acoustic Impact Assessment and is in support of the proposal, subject to conditions. These conditions include the implementation of noise attenuation measures to further mitigate potential noise impacts.

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.



## D23 Signs

### Description of non-compliance and/or inconsistency

The application proposes three pieces of signage consisting of the following:

<b>Sign</b>	<b>Requirement</b>	<b>Comment</b>	<b>Complies</b>
Freestanding signs (not being a sign elsewhere listed in this table, and includes a bulletin board, tenancy board, and the like)	<p>Shall not exceed 2 metres in height above the existing natural ground level;</p> <p>Shall not have an area greater than 4sqm;</p> <p>Shall not project beyond the boundary of the premises; and</p> <p>Shall not be illuminated.</p>	<p>Sign 1 is a movable flag post sign that is not illuminated. The sign is to be located in the entry area outside the premises. The architectural plans suggest this sign would be of an acceptable height and size.</p>	Yes
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	<p>Shall not extend within 200mm of the top and sides of the wall.</p> <p>Shall not cover any window or architectural projections;</p> <p>Must be of a size and shape that relates to the architectural design of the building to which it is attached;</p> <p>Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground;</p> <p>and</p> <p>Shall not project more than 300mm from the wall.</p>	<p>Sign 3 is an acrylic wall sign that is attached to the brick wall on the eastern façade of the building. The proposed sign does not cover any windows or architectural projections and is not illuminated. Sign 3 does not project more than 300mm from the wall and does not extend past the top and sides of the wall.</p>	Yes
Window sign (painted or letters stuck onto the inside or outside of a display window)	<p>Must occupy less than 50% of the window area so as to not obstruct natural light;</p> <p>and</p> <p>Shall only be permitted on ground floor windows, below</p>	<p>Sign 2 is a vinyl sign on the entry door at the ground floor. The proposed sign occupies less than 50% of the entry door area.</p>	Yes

	awning level or equivalent.		
--	-----------------------------	--	--

### 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 three (3) business identification signs are suitably located and limited to the words of business name and simple logo.

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

#### Comment:

The signs are made of high-quality materials and have been conditioned to be removed without causing damage to the façade of the heritage building.

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

#### Comment:

The signage is simple and not cluttered in design, adding visual interest to the site, which is currently vacant and bare. The signage is located on an existing building and is consistent with other signs in the industrial area.

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

#### Comment:

The signage faces north and east towards other industrial units within the same complex and is therefore not visible from residential properties. The signs are not proposed to be illuminated.

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

#### Comment:

Council's Heritage Officer has reviewed the proposal and is in support, subject to conditions. The external business identification signage is not considered to be excessive and will not impact on the heritage significance of the heritage building.

An assessment of the application has also found the development to be consistent with the requirements of Chapter 3 of the *State Environmental Planning Policy (Industry and Employment) 2021*.

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 2022**

S7.12 levies are not applicable to this application as they were subject to the original development application relating to the whole site.

## **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

## **PLANNING CONCLUSION**

This proposal, for the use of the industrial tenancy as an indoor recreational facility, including fitout and signage, has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to the works involving partial demolition of a heritage item.

The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP) for 14 days. Twenty-seven (27) submissions were received in support of the application.

The critical assessment included a detailed consideration of the relevant provisions under the *State Environmental Planning Policy (Industry and Employment) 2021* in relation to the proposed business identification signage and Clause 5.10 Heritage conservation of the *Warringah Local Environmental Plan 2011*. The application has also been assessed against other relevant State Environmental Planning Policies, the *Warringah Local Environmental Plan 2011*, and the controls under the *Warringah Development Control Plan 2011*.

The assessment found that the proposed use of the industrial tenancy as a pilates studio with associated fitout works and signage is minor and does not significantly affect the original building fabric.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, the natural environment, or the heritage significance of the Roche Building heritage item. The proposal has therefore been recommended for approval.

## **REASON FOR DETERMINATION**

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2024/0123 for Use of Premises as a Indoor Recreation Facility, fitout and signage on land at Lot 1 DP 1282038, 4 - 8 Inman Road, CROMER, 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
DA-001	A	Site Plan	Roberts & Co	6 February 2024
DA-101	A	Proposed Tenancy Plan	Roberts & Co	6 February 2024
DA-300	A	Elevation and Signage Sheet 01	Roberts & Co	6 February 2024
DA-301	A	Elevation and Signage Sheet 02	Roberts & Co	6 February 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Fire Safety Statement	-	Saliya Hapugalle	11 May 2020
Waste Management Plan	-	No author	n.d.
BCA & Access Assessment Report	P24003-BCA-r1	BCA Clarity	8 February 2024
Heritage Impact Statement	A	Archispectrum	September 2023
Plan of Management	A	Archispectrum	September 2023

Noise Impact Assessment	-	Peace and Quiet Group Pty Ltd	11 September 2023
Traffic & Parking Assessment	B	Transport and Traffic Planning Associates	September 2023

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. 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.

### 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 an 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 following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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 2018
    - (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. **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.

## FEES / CHARGES / CONTRIBUTIONS

#### 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](http://www.northernbeaches.nsw.gov.au)).

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

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **6. Building Code of Australia Upgrade requirements and Fire Safety Upgrade**

The Building Code of Australia works and fire upgrading measures to upgrade the building as detailed and recommended in the Building Code of Australia Audit Report prepared by BCA Clarity, dated 8/2/2024, Report Ref No. P24003-BCA-r1 are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

### **7. 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.

### **8. Access and Facilities for Persons with Disabilities**

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

## **DURING BUILDING WORK**

### **9. 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.

**10. Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

**11. Works to be reversible without damage to fabric**

All internal works and external signage must be undertaken in such a way that the works are reversible in the future without causing any remnant visible damage to original fabric and surfaces.

Reason: To protect original heritage fabric and surfaces and enable works to be removed without damage, when no longer needed

**12. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**13. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of

Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**14. Noise Attenuation Measures**

The noise mitigation measures described in Section 8 of the Acoustic Report prepared by Peace and Quiet Noise Reduction dated 11 September 2023, are to be implemented into the development prior to Occupation Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure recommended acoustic measures have been effectively implemented to reduce potential noise impacts.

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

**16. Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

**17. Movable flag post sign**

The movable flag post sign is to remain movable and not be fixed as a permanent freestanding sign structure. This sign must also be removed upon the ending of the tenancy.

Reason: To ensure that the heritage significance of the building is not compromised by a permanent freestanding sign structure.

**18. Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Thursday – 5:00am to 7:30pm

- Friday - 5:00am to 11:30am
- Saturday – 5:30am to 10:00am
- Sunday – 6:30am to 10:00am

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

19. **No Additional Signage Permitted**

No additional signage, apart from that approved by this application, is to be attached to any of the external walls, windows or doors. This includes any window decal signage or obscuring of existing glazing.

Reason: To ensure the visual heritage significance of the building is protected.

20. **Waste must be fully contained within closed containers on site**

Waste must be fully contained within closed containers at all times, and waste must be collected from within the property and presented for collection on Council road reserves.

Reason: To maintain the health and amenity of the the area.

21. **Maximum clients on site**

No more than 10 clients are to be present on site at any one time

Reason: Minimise parking impacts arising from the development.