

# **DEVELOPMENT APPLICATION ASSESSMENT REPORT**

DA2018/0504	
Claire Ryan	
Lot 309 DP 858106, 6 Prosperity Parade WARRIEWOOD NSW 2102	
Alterations and additions to existing warehouse	
IN2 Light Industrial	
Yes	
No	
Northern Beaches Council	
No	
OPG Delta Pty Ltd	
Baxter & Jacobson Architects Pty Ltd	
03/04/2018	
No	
No	
Industrial	
13/04/2018 to 27/04/2018	
Not Advertised	
0	
Approval	
\$ 1,019,869.00	

#### **ASSESSMENT INTRODUCTION**

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral
  to relevant internal and external bodies in accordance with the Act, Regulations and relevant
  Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of

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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**

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

# SITE DESCRIPTION

Property Description:	Lot 309 DP 858106 , 6 Prosperity Parade WARRIEWOOD NSW 2102
Detailed Site Description:	The subject site consists of one (1) allotment located on the southern side of Prosperity Parade.
	The site is irregular in shape with a frontage of 36.29m along Prosperity Parade and an average depth of 86m. The site has a surveyed area of 2,680m². The site relies on a right of carriageway shared with 6A Prosperity Parade for vehicular access.
	The site is located within the IN2 Light Industrial zone and accommodates a two-storey industrial warehouse.
	The site is relatively level and contains some mature vegetation in the front setback.
	Detailed Description of Adjoining/Surrounding Development
	Adjoining and surrounding development is characterised by industrial development.

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#### 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:

- Application N0967/00 for proposed new industrial complex incorporating warehousing/office facilities and strata subdivision was approved on 15 May 2001 under staff delgation.
- Pre-lodgement Meeting PLM2018/0016 was held on 27 February 2018 for Alterations and Additions Alterations and additions to an existing office space to create extra tenancies

#### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- Alterations and additions to the existing industrial warehouse building to create three units with ancillary offices
- New loading bay; and
- Changes to parking arrangements.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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

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

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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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 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)	<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.
	Clause 50(1A) 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.
	Clauses 54 and 109 of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.
	Clause 92 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.
	Clauses 93 and/or 94 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.
	Clause 98 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.
	Clause 98 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.
	Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.

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Section 4.15 Matters for Consideration'	Comments
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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.
	(ii) <b>Social Impact</b> 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.

# **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.

#### **MEDIATION**

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

# **REFERRALS**

Internal Referral Body	Comments
	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.  Note: The proposed development may not comply with some

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requirements of the BCA and the Premises Standards. Issues such a this however may be determined at Construction Certificate Stage.  Change of Use/Fire Safety Upgrade The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000. The fire safety upgrading works are to be included in the Construction Certificate and be implemented prior to occupation of the new building or part. Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.	
Is the proposal for an industrial use?	YES
Was sufficient documentation provided appropriate for referral?	NO
Are the reports undertaken by a suitably qualified consultant?	N/A
Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal Mechanical ventilation	N/A
Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	N/A
General Comments The proposed division of the single building into 3 separate use/tenant areas is not objected to. However: The applicant is seeking approval in advance for use of unknown occupancies. N0967/00 had conditions including: "The trading and/or operating hours are to be confined to Monday to Friday 7.00am to 5.00pm, Saturday 7.00am to 1.00pm and no work	
	Change of Use/Fire Safety Upgrade The existing levels of fire safety within the premis upgraded to achieve an adequate level of fire safe with the provisions of clause 94 of the Environme Assessment Regulation 2000. The fire safety upgrading works are to be included Certificate and be implemented prior to occupation or part. Reason: To ensure adequate provision is made for premises for building occupant safety.  Is the proposal for an industrial use? Was sufficient documentation provided appropriate for referral? Are the reports undertaken by a suitably qualified consultant?  Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal Mechanical ventilation  Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.  If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?  General Comments  The proposed division of the single building into a use/tenant areas is not objected to. However: The applicant is seeking approval in advance for occupancies. N0967/00 had conditions including: "The trading and/or operating hours are to be continued to the safety of the safety

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Internal Referral Body	Comments		
	No change of existing approved hours/conditions		
	Recommendation	APPROVAL - subject to conditions	
	Comments completed by: Anthony Foy EHO Date:12.4.18		
Landscape Officer	The landscape proposal is acceptable subject to completion of landscaping and protection of existing vegetation		
NECC (Bushland and Biodiversity)			
NECC (Development Engineering)	The deposited plans (Lot 309 DP 858106) suggest that there are two restrictions as to user affecting the subject site. The restriction must ensure there are no restriction that would prevent an additional access to Prosperity Parade since it is serviced by a right of carriageway.		
	No Development Engineering objection is raised development if the above matter is met subject to		
NECC (Stormwater & Floodplain Engineering – Flood risk)	The property is affected only by the Low Flood Risk Precinct, and is outside of the Flood Planning Area.  No flood conditions apply.		
Traffic Engineer	The applicant has identified that the comments provided at the pre- lodgement meeting identify that the additional driveway is satisfactory.		
	Traffic Staff are unable to object based on this ac	dvice.	
	In regards to the below items:  - The sight lines are acceptable  - Vehicular access via the western wall of tenanc  - the turning circles required means an opening of the provided, but the type of shutter needed to rating of the western wall is only produced to a wear applicant has offered to reduce the propose to 6m in width at the kerb, thereby reducing the logarking to one and also reducing the occupancy acceptable.  -The proposed reversing ingress (guided by a stafforward egress considering the cul-de-sac context considering the low delivery numbers anticipated provided there is a management plan that stipular	of 7.8m would need maintain the fire idth of 6.5m. Id additional driveway cass of on-street rate which is deemed aff member) and it of the site, and is acceptable	

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Internal Referral Body	Comments
	The major concern was the additional driveway just for servicing the building. It would require a truck to reverse off the road across the footpath and remain visible to the street frontage during the process. All servicing should be occurring wholly within the site, preferably off a common driveway. Smaller trucks are noted to be able to enter the site to perform a U-Turn within the building before exiting.
	Based on the fact that they cannot include the necessary access door in the side of the building, we can accept the additional driveway provided there is a loading bay management plan that stipulates the type of trucks, a 'spotter' to be present during the movement and that the vehicles cannot be serviced during peak commuter periods (being 8-9.30am and 4.30-6.00pm)

External Referral Body	Comments
	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

# **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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

#### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the industrial land use.

#### SEPP (Infrastructure) 2007

Ausgrid

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Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

# Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

#### **Pittwater Local Environmental Plan 2014**

Is the development permissible?	Yes	
After consideration of the merits of the proposal, is the development consistent with:		
aims of the LEP?	Yes	
zone objectives of the LEP?	Yes	

#### **Principal Development Standards**

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	10.7m	N/A	Yes
Floor Space Ratio	1:1 (2,680sqm)	0.81:1 (2175.5sqm)	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes

# **Pittwater 21 Development Control Plan**

#### **Built Form Controls**

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<b>Built Form Control</b>	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	9.55m	N/A	Yes
Rear building line	3m	11.1m	N/A	Yes
Side building line	3m	0m	N/A	Yes - Existing
	3m	0m	N/A	Yes - Existing

<sup>\*</sup>Note: The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - 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 x 100 = 95 then 100 - 95 = 5% variation)

#### **Compliance Assessment**

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C3.3 View Sharing	Yes	Yes
C3.7 Pollution Control	Yes	Yes
C3.10 Waste and Recycling Facilities	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.13 Building colours and materials	Yes	Yes

#### **Detailed Assessment**

# **B6.3 Off-Street Vehicle Parking Requirements**

The Roads and Maritime Services Guide to Traffic Generating Development requires one parking space per 300sqm of gross floor area for warehouse developments. The proposal includes 2,175sqm of warehouse gross floor area. The proposed office spaces are ancillary to the warehouses and are therefore classified in the same way for the purpose of land use. This equates to 8 parking spaces (rounded up) for the proposed development. The proposal includes 28 parking spaces, including one

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accessible parking space.

#### 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**

# **Pittwater Section 94 Development Contributions Plan**

#### 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;
- Pittwater Local Environment Plan;
- Pittwater 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 DA2018/0504 for Alterations and additions to existing warehouse on land at Lot 309 DP 858106, 6 Prosperity Parade, WARRIEWOOD, subject to the conditions printed below:

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# **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		
DA-101 Site Analysis Plan	26 March 2018	Baxter & Jacobson Architects		
DA-102 Site Plan	26 March 2018	Baxter & Jacobson Architects		
DA-120 Proposed Ground Floor	26 March 2018	Baxter & Jacobson Architects		
DA-121 Proposed First Floor	26 March 2018	Baxter & Jacobson Architects		
DA-140 Proposed Elevation - Sheet 1	26 March 2018	Baxter & Jacobson Architects		
DA-141 Proposed Elevation Sheet 2	26 March 2018	Baxter & Jacobson Architects		
DA-150 Proposed Sections	26 March 2018	Baxter & Jacobson Architects		

Engineering Plans			
Drawing No.	Dated	Prepared By	
DA-104 Erosion & Sediment Control Plan		Baxter & Jacobson Architects	

Reports / Documentation – All recommendations and requirements contained within:			
Report No. / Page No. / Section No.	Dated	Prepared By	
Stormwater Compliance Letter		Northern Beaches Consulting Engineers	
Traffic and Parking Assessment	22 March 2018	GTA Consultants	

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) The development is to be undertaken generally in accordance with the following:

Landscape Plans	

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Drawing No.	Dated	Prepared By
DA-105 :Landscape Site Plan		Baxter & Jacobson Architects

Waste Management Plan			
Drawing No.	Dated	Prepared By	
Waste Management Plan	22 March 2018	Baxter & Jacobson Architects	

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

#### 2. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The proposed new driveway from Prosperity Parade to Tenancy A is to be reduced to 6m in width at the kerb.
- Landscape Site Plan DA-105 dated 26 March 2018 prepared by Baxter & Jacobson Architects is to be amended to incorporate additional vegetation as follows:
  - The remaining garden beds to the north of the site at the street frontage are to be embellished with a range of shrubs and small trees of species that achieve a mature height of 1-2m in height. The additional vegetation is to soften the visual impact of the proposed northern elevation of the development.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land. (DACPLB02)

# 3. Prescribed conditions (Demolition):

- (a) 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 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
  - (ii) 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.

- (b) 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

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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.

- (c) 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.

Reason: Legislative Requirement (DACPLB09)

#### 4. 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:

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- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

# 5. General requirements (Demolition):

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) The applicant shall bear the cost of all works that occur on Council's property.

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- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

#### 6. General Requirements

- (a) Unless authorised by Council:

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

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than

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\$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation

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area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

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

#### 7. Loading Bay Management Plan

The applicant is to prepare a Loading Bay Management Plan for safe access and use of the additional driveway. The plan should be prepared by a suitably qualified person and submitted to and approved by Council prior to the issue of any Occupation Certificate. The plan must outline; the types of trucks, the use of a 'spotter' to monitor the surrounds whilst a truck reverses into the site and the acceptable time frames being outside of peak commuter periods.

Reason: To ensure safe access of trucks to service the site and safe pedestrians access along the footpath is maintained at all times. (DACTRBOC1)

# FEES / CHARGES / CONTRIBUTIONS

# 8. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

#### 9. Vehicle Crossings Application

An application for Driveway levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid. Approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To facilitate suitable vehicular access to private property

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# 10. Compliance with standards (Demolition):

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 Council prior to the commencement of demolition works.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

# 11. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

#### 12. **Driveways**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles. (DACTRCPCC1)

# 13. **Driveway Treatment**

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff. (DACTRCPCC2)

# CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

#### 14. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million} in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

# 15. **Tree protection**

A) Existing trees and vegetation shall be retained including:

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- i) all trees and vegetation within the site, nominated for retention on the Landscape Site Plan DA-105, as prepared by Baxter & Jacobson Architects.
- ii) all other trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation,
- B) the following trees are approved for removal as nominated on the Landscape Site Plan DA-105, as prepared by Baxter & Jacobson Architects.
- i) existing palms at location of proposed new entry canopy.
- C) Tree protection shall be undertaken as follows:
- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,
- ii) any tree roots exposed during excavation within the TPZ of existing vegetation to be retained must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- iv) no tree roots are to be cut from protected trees unless authorised by an Arborist on site,
- v) all structures are to bridge tree roots unless directed by an Arborist on site,
- vi) should either or both iv) and v) occur during site establishment and construction works, the Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation provide. (Control B4.22)

# CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

#### 16. Vehicle Crossings

The provision of a vehicle crossing metres 5 wide in accordance with Northern Beaches Council Drawing No A4-3330/1 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

#### 17. Maintenance of Road Reserve

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

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Reason: Public Safety.

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

#### 18. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development

#### 19. Restoration of Damaged Public Infrastructure

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

# 20. Landscaping

Landscaping is to be implemented in accordance with the Landscape Site Plan, DA-105, as prepared by Baxter & Jacobson Architects, inclusive of the following amendment:

i) the two (2) nominated Blueberry Ash trees proposed for planting shall be replaced with Eucalyptus haemastoma (scribbly Gum), planted at 75 litre minimum pot size. The trees are to be planted at least 3 metres from existing and proposed structures.

This landscaping is to then be maintained for the life of the development.

Reason: To ensure the built form is softened and complemented by landscaping, reflecting the scale and form of development, and to compliment existing canopy tree planting in the area. (Control C3.1)

# 21. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines

(https://auspost.com.au/content/dam/auspost\_corp/media/documents/Appendix-01.pdf).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website

(https://www.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/unit-numbering-multi-unit-developments-residential-commercial-and-industrial-form/unit-numbering-multi-unit-developments-residential-commercial-and-industrial-form.pdf).

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External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access. (DACPLF05)

# 22. Fire Safety Matters

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

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

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

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

# 23. Footpath and Driveway Construction.

The footpath and driveways shall be constructed in accordance to Council's standard specifications. The footpath shall be constructed along the property frontage to Council's satisfaction. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure construction is undertaken to a required standard. (DACTRFPOC1)

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

#### 24. NOISE GENERAL

The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver

Reason: To avoid a noise nuisance and comply with legislation

# 25. Landscape maintenance

Any existing landscaping required to be retained by this consent together with all new

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landscaping is to be maintained for the life of the development.

Landscape works shall be maintained to achieve establishment for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be in accordance with the Landscape Site Plan.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form. (Control C3.1)

# 26. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday 7.00am to 5.00pm
- Saturday 7.00am to 1.00pm

Upon expiration of the permitted hours, all service shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

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

Signed

COR

Claire Ryan, Planner

The application is determined under the delegated authority of:

**Anna Williams, Manager Development Assessments** 

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# ATTACHMENT A

**Notification Plan** 

Title

**Date** 

2018/214889

Plans - Notification

27/03/2018

# ATTACHMENT B

No notification map.

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# ATTACHMENT C

Reference Number	Document	Date
<u>&gt; 2018/214868</u>	Owners Consent	08/03/2018
<b>2</b> 018/214943	Report - Traffic and Parking Assessment	23/03/2018
<b>2</b> 018/214937	Letter - Stormwater Compliance	26/03/2018
<b>2</b> 018/214881	Cost Estimate	26/03/2018
<b>2</b> 018/214892	Report - Statement of Environmental Effects	26/03/2018
<b>2018/214870</b>	_Cost Summary Report	26/03/2018
<u>V</u> 2018/214885	Plans - Survey	27/03/2018
<b>2</b> 018/214889	Plans - Notification	27/03/2018
<b>2</b> 018/214949	Plans - Erosion & Sediment Control	27/03/2018
<b>2</b> 018/214967	Plans - External	27/03/2018
<b>E</b> 2018/214970	Plans - Master Set	27/03/2018
DA2018/0504	6 Prosperity Parade WARRIEWOOD NSW 2102 - Development Application - Alterations and Additions	03/04/2018
<b>2</b> 018/214851	Development Application Form	04/04/2018
<b>2</b> 018/214854	Applicant Details	04/04/2018
<b>2</b> 018/214862	Fee Form	04/04/2018
<u>P</u> 2018/214920	Plans - Shadow Diagrams and Certification	04/04/2018
<u>P</u> 2018/214942	Report - Waste Management and Plans	04/04/2018
2018/214978	DA Acknowledgement Letter - Baxter & Jacobson Architects Pty Ltd	04/04/2018
2018/229353	Environmental Compliance (Building Control) - Assessment Referral - DA2018/0504 - 6 Prosperity Parade WARRIEWOOD NSW 2102	10/04/2018
2018/230253	Environmental Health (Industrial) - Assessment Referral - DA2018/0504 - 6 Prosperity Parade WARRIEWOOD NSW 2102	10/04/2018
<b>2</b> 018/226188	Request for Further Information - DA2018/0504	10/04/2018
2018/226979	DA Acknowledgement Letter (not integrated) - Baxter & Jacobson Architects Pty Ltd	10/04/2018
2018/227113	Notification map for 6 Prosperity Parade	10/04/2018
2018/227048	Notification Letter - DA	10/04/2018
<b>2</b> 018/232571	Natural Environment Referral Response - Flood	12/04/2018
<u>P</u> 2018/233152	Environmental Health Referral Response - industrial use	12/04/2018
2018/267217	Incoming Email - 01/05/2018 - from Hamish Coleman - Notification Sign	01/05/2018
2018/291968	Outgoing Email - 14/05/2018 - to Hamish Coleman	14/05/2018
2018/301945	Outgoing Email - 18/05/2018 - to Mark Baxter	18/05/2018

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	2018/311034	Outgoing Email - 23/05/2018 - to Tony Walls	23/05/2018
	2018/315498	Natural Environment Referral Response - Biodiversity	
	2018/317452	Outgoing Email - 25/05/2018 - to Tony Walls and Mark Baxter	25/05/2018
سار	2018/318051	Working Plans	25/05/2018
بالم	2018/336134	Landscape Referral Response	01/06/2018
	2018/346335	Outgoing Email - 06/06/2018 - to Leith Schmidt	06/06/2018
	2018/348867	Incoming Email - 06/06/2018 - from Leith Schmidt	06/06/2018
حار	2018/359164	Traffic Engineer Referral Response	12/06/2018
	2018/358343	Internal Email - 13/06/2018 - to Angela Manahan (re: Applicant email about referrals)	13/06/2018
	2018/377773	Incoming Email - 14/06/2018 - from Leith Schmidt	14/06/2018
	2018/377775	Incoming Email - 15/06/2018 - from Leith Schmidt	15/06/2018
	2018/370738	Incoming Email - 18/06/2018 - from Mark Baxter	18/06/2018
	2018/370747	Internal Email - 18/06/2018 - from Patrick Bastawrous	18/06/2018
	2018/370755	Outgoing Email - 18/06/2018 - to Mark Baxter	18/06/2018
	2018/375144	Internal Email - 19/06/2018 - to Patrick Bastawrous	19/06/2018
	2018/375147	Outgoing Email - 19/06/2018 - to Leith Schmidt	19/06/2018
	2018/374619	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0504 - 6 Prosperity Parade WARRIEWOOD NSW 2102	19/06/2018
	2018/375051	Internal Email - 19/06/2018 - to Peter Rowan	19/06/2018
	2018/375164	Incoming Email - 19/06/2018 - from Leith Schmidt	19/06/2018
	2018/375169	Incoming Email - 19/06/2018 - from Tony Walls	19/06/2018
	2018/375720	Internal Email - 20/06/2018 - from Patrick Bastawrous - Traffic Comments	20/06/2018
	2018/375705	Outgoing Email - 20/06/2018 - to Leith Schmidt	20/06/2018
	2018/377779	Incoming Email - 20/06/2018 - from Leith Schmidt	20/06/2018
	2018/377787	Internal Email - 20/06/2018 - to Peter Rowan	20/06/2018
خار	2018/377512	Building Assessment Referral Response	21/06/2018
	2018/386057	Internal Email - 21/06/2018 - from Peter Rowan	21/06/2018
	2018/380302	Outgoing Email - 21/06/2018 - to Leith Schmidt	21/06/2018
	2018/386027	Outgoing Email - 22/06/2018 - to Leith Schmidt	22/06/2018
بالر	2018/399290	Traffic Engineer Referral Response	27/06/2018
-	2018/396640	Incoming Email - 28/06/2018 - from Leith Schmidt	28/06/2018
	2018/402644	Outgoing Email - 03/07/2018 - to Leith Schmidt	03/07/2018
بالر	2018/443021	Development Engineering Referral Response	11/07/2018
	2018/444267	Outgoing Email - 12/07/2018 - to Mark Baxter and Leith Schmidt	12/07/2018
	2018/458600	Internal Email - 19/07/2018 - to Patrick Bastawrous	19/07/2018

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2018/459140	Outgoing Email - 19/07/2018 - to Mark Baxter	19/07/2018
2018/459834	Traffic Engineer Referral Response - 19 July 2018	19/07/2018
2018/460329	Internal Email - 19/07/2018 - from Patrick Bastawrous	19/07/2018
<b>2</b> 018/460341	Full Set Stamped Plans	19/07/2018
<b>2</b> 018/460345	Stamped Plans	19/07/2018

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