

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/1142
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Responsible Officer:	Clare Costanzo
Land to be developed (Address):	Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099
Proposed Development:	Use of existing premises as an indoor recreational facility, including fitout and signage
Zoning:	Warringah LEP2011 - Land zoned E4 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	The Trust Company (Australia) Limited
Applicant:	Indoor Padel Pty Ltd

Application Lodged:	21/08/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	25/08/2023 to 08/09/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 85,250.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal comprises of the change of use to a recreational facility (indoor) and associated fit out works to facilitate the operation of Indoor Padel .

The physical works proposed include the following:

- Construction of four (4) Padel courts
- Installation of internally illuminated wall sign
- Removal of an internal staircase
- Removal of two (2) toilets

There are no external changes proposed.

Operating hours

- Monday - Sunday: 7am to 10pm
- Staffed hours: 5pm to 10pm

Parking

- Four (4) car parking spaces are allocated to the premise for patrons

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

SITE DESCRIPTION

Property Description:	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the north eastern side of South Creek Road and the eastern side of Inman Road, Cromer.</p> <p>The site is irregular in shape with a frontage to South Creek Road and Inman Road. Vehicular access is available to the</p>

site via Inman Street and vehicular egress is available via South Creek Road.

The site is located within the E4 General Industrial zone and accommodates multiple warehouse/office tenancies. The premise subject to this development application is known as Warehouse Unit 2 and it is located in the northeast corner of the site.

The site is flat and does not comprise of any significant vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by various office buildings and warehouses.

Map:



SITE HISTORY

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

- Development Application DA2022/1807 for change of use and fitout of Warehouse 11 for the purpose of a golf facility (indoor recreation facility) was approved as a deferred commencement on 30 January 2023. Operational consent was issued on 11 October 2023 for the works.
- Development Application DA2019/1346 for Demolition works and alterations and additions to an existing industrial facility, including new warehouse, self storage, office premises and ancillary cafe was approved by Northern Beaches Council. There have been a number of subsequent modification applications to this DA, including Mod2022/0396, Mod2022/0452 and Mod2022/0722

At the time of assessment of the application the following development applications and modification applications for the subject site were also subject to assessment:

- Development Application DA2023/1107 for change of use and alterations and additions to Office C for the purpose of a child care centre and landscaping
- Modification Application Mod2023/0579 Modification of Development Consent DA2023/1170 granted for proposed signage, alteration to glazing and enclosed work
- Development Application DA2023/1644 for use of premises as a indoor recreation facility, fitout and signage

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)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&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&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to waste management and acoustic reporting.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration	Comments
	<p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in 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 development application has been publicly exhibited from 25/08/2023 to 08/09/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with 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 (Contaminated Lands)	<p>General Comments</p> <p>This application is seeking consent for minor internal alterations to facilitate a recreation facility (indoor) of four (4) Padel Courts, Installation of internally illuminated wall sign, Removal of an internal staircase, Removal of two (2) toilets and replacement with showers.</p> <p>No earthworks or excavation is proposed for this change of use or internal alterations. Therefore, Environmental Health recommends approval with no conditions at this time.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>This application is seeking consent for internal alterations to facilitate a recreation facility (indoor) into and change of use.</p> <p>This proposed development application consists of:</p> <ul style="list-style-type: none"> • Internal alterations to facilitate the recreation facility (indoor); <ul style="list-style-type: none"> o Construction of four (4) Padel Courts; o Installation of internally illuminated wall sign; o Removal of an internal staircase; o Removal of two (2) toilets and replacement with showers <p>The recreation facility is located within a general industry/commercial location. There is a childcare centre, trampoline centre and gym proposed for use in some of the Units at this address. No music or loudspeakers are proposed to be used for the Padel Centre.</p> <p>The proposed hours of operation range from 5:00am to 11:00pm (midnight Friday and Saturday).</p> <p>Noise from indoor Padel Centers has the potential to cause a noise disturbance to neighboring residents. In particular there are residential receivers within 150m of the proposed Padel Centre. In addition, Unit 1 and Unit 3 are located either side of the proposed Padel Centre (Unit 2).</p>

Internal Referral Body	Comments
	<p>Noise needs to be considered for this recreation facility. In particular noise impacts to Unit 1 and 3 and surrounding Units at 4-8 Inman Road, noise impacts to residential receivers on Orlando Road, noise impacts from hours of operation in particular the nighttime period (10:00pm to 7:00am).</p> <p>An Acoustic Report is to be prepared by a suitably qualified person which assesses all potential noise sources and impacts and includes suitable noise mitigation measures.</p> <p>UPDATED REFERRAL</p> <p>Proposed hours of operation are 7:00am to 10:00pm daily. An acoustic report has been provided dated 12 October 2023. Relevant conditions relating to the acoustic report will be applied.</p> <p>Environmental Health recommends approval subject to conditions.</p>
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>This application is seeking consent for internal alterations to facilitate a recreation facility (indoor) into and change of use.</p> <p>This proposed development application consists of:</p> <ul style="list-style-type: none"> • Internal alterations to facilitate the recreation facility (indoor); o Construction of four (4) Padel Courts; o Installation of internally illuminated wall sign; o Removal of an internal staircase; o Removal of two (2) toilets and replacement with showers <p>The recreation facility will not include the service of alcohol or other food.</p> <p>Environmental Health recommends approval.</p>
NECC (Development Engineering)	<p>The proposed padel court fit out of the existing warehouse is supported without conditions.</p>
NECC (Riparian Lands and Creeks)	<p>Supported</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Relevant LEP and DCP clauses; and • Northern Beaches Water Management for Development Policy <p>The proposal must not significantly impact on the biophysical, hydrological or ecological integrity of the natural environment.</p> <p>The proposal is therefore supported</p>
NECC (Water Management)	<p>Supported</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports;

Internal Referral Body	Comments								
	<ul style="list-style-type: none"> Northern Beaches Water Management for Development Policy (WM Policy); and Relevant LEP and DCP clauses <p>No objections to this DA regarding water management issues.</p>								
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS								
	Discussion of reason for referral								
	<p>This application has been referred as the site contains a heritage item, being Item I52 - Roche Building. The site is also within the vicinity of 2 other heritage items, being Item I53 - Givaudan-Roure Office and Item I38 - Trees - Campbell Avenue</p>								
	Details of heritage items affected								
	<p>Item I52 - Roche building <u>Statement of Significance</u> A substantial & 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>Item I53 - Givaudan-Roure office <u>Statement of Significance</u> A representative example of an inter-war dwelling. Displays good integrity with much original fabric. Historically it is a rare survivor of development of this area prior to release & development for industrial purposes.</p> <p>Item I38 - Trees, Campbell Ave <u>Statement of Significance</u> The collection of trees in the south-east sector of the Roche Products site, facing South Creek Rd and Campbell Ave at Dee Why have a moderate degree of heritage significance at the Local level. They have existed on this site since the turn of the 19th -20th century and may have been associated with the nurseryman Charles Hirsch who owned the land immediately to the north during that period. They are esteemed by local residents and confer on the area a distinctive sense of place. While the trees are not individually rare, the presence in Dee Why of such a mixed collection of trees in good condition and representing planning takes of their period is rare.</p>								
	Other relevant heritage listings								
	<table border="1"> <tbody> <tr> <td data-bbox="531 1809 858 1910">SEPP (Biodiversity and Conservation) 2021</td> <td data-bbox="858 1809 954 1910">No</td> <td data-bbox="954 1809 1439 1910"></td> </tr> <tr> <td data-bbox="531 1910 858 1989">Australian Heritage Register</td> <td data-bbox="858 1910 954 1989">No</td> <td data-bbox="954 1910 1439 1989"></td> </tr> <tr> <td data-bbox="531 1989 858 2056">NSW State Heritage Register</td> <td data-bbox="858 1989 954 2056">No</td> <td data-bbox="954 1989 1439 2056"></td> </tr> </tbody> </table>	SEPP (Biodiversity and Conservation) 2021	No		Australian Heritage Register	No		NSW State Heritage Register	No
SEPP (Biodiversity and Conservation) 2021	No								
Australian Heritage Register	No								
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Internal Referral Body	Comments		
	National Trust of Aust (NSW) Register		
	RAIA Register of 20th Century Buildings of Significance		
	Other	No	
	Consideration of Application		
	<p>The proposal seeks consent for internal alterations and additions to a warehouse and to use it as a recreational facility. The proposal also includes one external sign above the warehouse unit's roller door. The proposed works are considered to not impact upon the significant retained buildings or items on site, or those on the adjoining sites.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>		
Traffic Engineer	<p>The proposal is for a change of use of an approved industrial unit for use as an indoor recreation facility i.e a padel tennis centre comprised of 4 courts.</p> <p>The Plans, Statement of Environmental Effects and the Plan of Management have been reviewed. It is evident that the centre is anticipating peak usage of 10-12 patrons and that there are four parking spaces allocated for use by patrons of the unit. This quantum of parking may therefore be inadequate to cater for use at peak times however it is noted that peak patronage levels are anticipated between 6pm and 9pm when shared use of unoccupied parking spaces elsewhere on the site will be possible and when parking occupancy on Inman Road will tend to be lower. On this basis and subject to an appropriate patronage limit being imposed i.e 16 patrons (to allow for doubles play on each of the four courts at one time) there are no traffic engineering concerns with approval of the development.</p>		
Waste Officer	<p>Waste Management Assessment - Updated The Waste Storage area must be screened from public view. Supported subject to conditions.</p> <p>Waste Management Assessment</p>		

Internal Referral Body	Comments
	<p>Unsupported</p> <p>Specifically</p> <p>1) There is no dedicated location within the building for the storage of waste bins shown on the plans. The Waste Management Plan states that 1 x 660 litre waste bin will be stored onsite to receive the contents of the "small trash bins" placed around the courts.</p> <p>2) The WMP describes the provision of small bins for the collection of recyclable materials. There is no provision of a larger sized bin for the storage of recyclables awaiting collection. A dedicated location will be required for storage of the larger size recycling bin.</p> <p>3) Waste and recycling bins must be collected from within the property.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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 5.0m 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Industry and Employment) 2021

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

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is compatible with the existing/desired future character of the area or locality.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is considered to be consistent with the existing theme of outdoor advertising.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas or heritage areas.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposal does not impact any views, vistas or viewing rights of other advertisers.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not impact any views, vistas or viewing rights of other advertisers.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal does not impact any views, vistas or viewing rights of other	YES

	advertisers.	
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal is compatible with the scale and proportion of the existing streetscape.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal is compatible with the scale and proportion of the existing streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal signage includes four panels for individual signage which is considered an efficient rationalisation.	YES
Does the proposal screen unsightliness?	N/A	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above any structures or canopy.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is compatible with the scale and proportion of the existing development.	YES
Does the proposal respect important features of the site or building, or both?	The proposal respects the features of the building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal shows innovation and imagination in its relationship to the site or building.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed business identification signage includes the logo of the tenancy.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The proposed signage will be internally illuminated and is not expected to result in excessive glare, safety issues or detract from any amenity.	YES
Can the intensity of the illumination be adjusted, if necessary?	The brightness of the signage will not be of a LUX level to detract from the amenity of the surrounding residences. The brightness of the signs will be fixed; however, the signage will only have a soft glow that is mostly visible at night.	YES
Is the illumination subject to a curfew?	The signage will operate during the operating hours of the indoor recreation facility.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage is not expected to impact road safety.	YES

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage is not expected to reduce the safety for pedestrians or cyclists by reducing sightlines.	YES
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Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial and commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the industrial and commercial land use.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

There are no changes to the principal development standards as part of this development application and therefore no assessment is required.

Warringah Development Control Plan

Built Form Controls

There are no changes to the built form controls as part of this development application and therefore no further assessment is required.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	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
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

There are no changes proposed to the existing parking layout. Warringah DCP 2011 specifies 3 spaces required for squash and tennis courts which would require a total of 12 spaces to meet the demand of the four (4) paddle courts.

Merit consideration

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

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Tennis Court	3 per court	12	4	8
Total		12	4	8

It is evident that the centre is anticipating peak usage of 10-12 patrons and that there are four parking spaces allocated for use by patrons of the unit. This quantum of parking may therefore be inadequate to cater for use at peak times however it is noted that peak patronage levels are anticipated between 6pm and 9pm when shared use of unoccupied parking spaces elsewhere on the site will be possible and when parking occupancy on Inman Road will tend to be lower. On this basis and subject to an appropriate patronage limit being imposed i.e 16 patrons (to allow for doubles play on each of the four courts at one time). Maximum allowable patronage has been recommended as a condition of consent.

As above the proposal presents a shortfall of 8 carparking spaces to the required minimum. The application has been reviewed and the shortfall of car parking spaces in this particular circumstance can be supported.

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

Comment:

No additional car parking is proposed as part of the application. The previously approved car parking allocated to this premise is not considered to have any unreasonable visual impacts.

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

Comment:

No additional car parking is proposed as part of the application. The previously approved car parking allocated to this premise is not considered to have any unreasonable visual 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.

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

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

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and

- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2023/1142 for Use of existing premises as an indoor recreational facility, including fiitout 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
DA01.01	n/a	Site Plan	Archi Spectrum	n/a
DA03.01	n/a	Proposed Ground Plan	Archi Spectrum	n/a
DA03.02	n/a	Proposed Mezzanine Plan	Archi Spectrum	n/a
DA04.01	n/a	Elevations	Archi Spectrum	n/a

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BCA Capability Statement	0	bm+g	28 July 2023
Acoustic Assessment	n/a	SLR Consulting Australia	12 October 2023
Waste Management Plan	n/a	SLR Consulting Australia	12 October 2023

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

In the event of any inconsistency with 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. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	30 August 2023

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

4. 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.

5. Noise

No music or loudspeakers are to be used at any time without prior approval from Council.

Reason: To ensure acoustic compliance in an operational situation.

FEES / CHARGES / CONTRIBUTIONS

6. Security Bond

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

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

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

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. 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 Blackett, Maguire & Goldsmith, dated 28/7/2023, Report Ref No. 230246 Rev 0, are to be (carried out in full to the building) OR (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.

8. Compliance with Standards

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

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

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

DURING BUILDING WORK

9. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan dated 12/10/2023.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

10. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

11. 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.

12. Noise Mitigation

The following noise mitigation measures are to be development prior to occupation certification.

Implement a plan of management to include a procedure to respond to complaints and implement noise remedial measures where required. The plan of management is to include but not limited to, the details of the person of contact, process steps to mitigate noise, process for dealing with noise disturbances.

Include soft material in areas where there is potential for impact noise from wayward balls outside of screened court areas. In particular to the north, east and west of the unit interannly.

Reason: To ensure the operation of the business does not cause and noise disturbance and suitable noise mitigation measures are in place

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

13. Noise Mitigation

Noise mitigation measures provided in the acoustic report dated 12 October 2023 prepared by SLR Consulting is to be implemented into the operation of the development. Specifically,

Ensure windows and doors are closed at all times (other than when entering/existing the premises).

Staff must monitor the behaviour of patrons/members to ensure appropriate behaviour is observed so that excessive noise is not generated.

Any music used during the operation of the premises must not be audible outside the walls of the unit.

Reason: To ensure noise does not cause a nuisance to sensitive receiver's

14. **Site Occupancy**

That the number of (customers/visitors/guests/patrons) on the site at any one time be limited to 16 persons.

Reason: To ensure that parking generated by the site is contained on the site.

15. **Waste Storage Area**

The Waste Storage Area shall be screened from public view from Inman and Orlando Roads with a solid opaque screening material.

Reason: To maintain the amenity of the area and help prevent misuse.

16. **Hours of Operation**

The hours of operation are to be restricted to:

- o Monday to Friday – 7:00am to 10:00pm
- o Sunday and Public Holidays – 7:00am to 10:00pm

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

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

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

Signed



Clare Costanzo, Planner

The application is determined on 24/11/2023, under the delegated authority of:



A handwritten signature in blue ink that reads "Steven Findlay".

Steven Findlay, Manager Development Assessments