

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/1094
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<b>Responsible Officer:</b>	Clare Costanzo
<b>Land to be developed (Address):</b>	Lot 4 DP 38041, 7 Hayes Street BALGOWLAH NSW 2093
<b>Proposed Development:</b>	Use of premises as a specialised retail premises including internal fit-out and additional car-parking space and signage
<b>Zoning:</b>	Manly LEP2013 - Land zoned B6 Enterprise Corridor
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Number1 Investments Pty Ltd
<b>Applicant:</b>	Modify Homes Pty Ltd

<b>Application Lodged:</b>	21/07/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	02/08/2021 to 16/08/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 1.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposal comprises of the change of use to a specialised retail premises including internal fit out and some facade works.

Works will also include an extension to the existing western driveway and vehicle crossing, re-sizing of the existing loading dock and replacement of windows, roller door and doors along the northern elevation and front facade of the building. External facade works also include the rendering of existing brickwork and a lightweight parapet to match walls.

### Operating Hours

- 9am to 5pm Monday to Saturday
- Closed Sunday

**Staff and Patron Capacity (on site at any one time)**

- Patron Capacity: 2
- Staff: 2-3

**Car Parking**

Two car parking spaces are provided for customers and one for staff forward of the building and accessed via a driveway from Hayes Street. The remaining two staff car parking will be located tandem within the loading/unloading dock.

**Loading and Unloading**

There will be small rigid trucks or light commercial vehicles loading/unloading for 30-60 minutes no more than 3 times per week. All loading and unloading will be conducted within the loading dock which is accessed via a separate driveway to customer parking.

**Signage**

The proposal comprises of business identification signage on the new parapet of the northern facade of the building. The total area of the signage is approximately 11.6m<sup>2</sup>.

**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**

Manly Local Environmental Plan 2013 - Zone B6 Enterprise Corridor

Manly Development Control Plan - 3.1 Streetscapes and Townscapes

Manly Development Control Plan - 3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor

Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

Manly Development Control Plan - 4.3 Development in LEP Zone B6 Enterprise Corridor

Manly Development Control Plan - 4.3.5 Setbacks

Manly Development Control Plan - 4.4.3 Signage

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 4 DP 38041 , 7 Hayes Street BALGOWLAH NSW 2093
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the southern side of Hayes Street, Balgowlah.</p> <p>The site is regular in shape with a frontage of 15.24m along Hayes Street and a depth of 31.08m. The site has a surveyed area of 474m<sup>2</sup>.</p> <p>The site is located within the B6 Enterprise Corridor zone and accommodates a part one, part two storey rendered brick and clad warehouse building currently exists on the subject site. The building is built to the rear and side boundaries, with a minimum setback of 1.35m from the front boundary.</p> <p>An easement for sewerage traverses the north eastern corner of the site.</p> <p>Existing car parking on site is provided in the form of two car parking spaces within the front setback that encroach onto the road reserve on the western boundary. Access to these spaces are available to these spaces via a driveway shared with the adjoining sit to the west, No.1 Hayes Street. At the eastern side of the street frontage a driveway provides access to a loading dock.</p> <p>The site is relatively flat and there is no landscaping or vegetation on site.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by a number of industrial and commercial buildings.</p>

Map:



## SITE HISTORY

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

- Pre-lodgement Meeting PLM2021/0107 was held on 25/05/2021 for Use of premises as a retail premises and alterations and additions

Following preliminary assessment of the development further information was requested. A meeting was conducted with the applicant and relevant consultants to discuss amendments required. The amended information has been received and reviewed by Council's engineers.

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) –	Manly Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration	Comments
Provisions of any development control plan	
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to operational matters, car parking, loading and unloading and swept path analysis.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 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 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social</p>

Section 4.15 Matters for Consideration	Comments
	<p>impact in the locality considering the character of the proposal.</p> <p>(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.</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 02/08/2021 to 16/08/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application is for the change of use to specialised retail premises and alterations and additions to the existing building.</p> <p>Council's Landscape Referral section have considered the application against the Manly Local Environment Plan zone B6 Enterprise Corridor, and the following Manly DCP 2013 controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• 4.3 Development in LEP Zone B6 Enterprise Corridor</li> </ul> <p>Within clause 4.3 of the DCP, the landscape objective is to minimise negative visual impact of development by limiting the size and scale of buildings and having regard to suitable landscaping.</p> <p>The streetscape is predominately built form with widened driveways. Street trees, including existing or recently planted as seen across the road provide a softening element that shall be utilised to the frontage of this development, with no other opportunity available to satisfy</p>



Internal Referral Body	Comments
	<p>clause 4.3.</p> <p>One street tree pre-ordered for delivery shall be installed within the existing grass verge, located at least 2 metres from the edge of the existing driveway serving the loading dock, and located to avoid underground services.</p> <p>Landscape Referral raise no objections subject to the installation of street tree planting.</p>
NECC (Development Engineering)	<p>2nd Development Engineering response The amended plan was submitted on 8/11/2021. An on street parking space is retained in the proposal between two driveway crossings. As such, Development Engineering has no objection to the application subject to the following conditions of consent.</p> <p>1st Development Engineering response The submitted plans do not include a survey plan or dimensions for the proposed parking area or driveway crossing. A review of the drawings indicates that the proposed widening of the driveway will conflict with the existing sewer manhole in the footpath area which is not permitted. Also the driveway widening indicates a 5.5 metre wide distance between the proposed laybacks which is inconsistent with the advice provided in the PLM which advised 6 metres. Also the wings to the driveway layback are to be 600mm wide and must be dimensioned on the plan. The applicant has not provided any dimensions for the parking area or driveway crossing width. There are also no turning paths shown for cars entering and exiting the parking spaces. It is considered that the application must be submitted to Council's Traffic Engineers for their assessment and review of the turning path for the truck entering and exiting the loading bay and conflict with on-street parking.</p> <p>Development Engineers cannot support the application due to insufficient information to address parking and access in accordance with the DCP.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed DA generally meets the flood controls in the LEP and DCP.
Traffic Engineer	<p><b>Proposal description:</b> Change of use to specialised retail premises and update façade and amenities</p> <p>The Traffic team reviewed the Plan of Management prepared by Modify dated 4 November 2021 and plans (revision 3) designed by MSK Architects dated 4 November 2021.</p> <ul style="list-style-type: none"> <li>The Plan of Management for the development consists of:</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>o a long-term (14 years) lease of the subject site with Salvation Army</li> <li>o operating hours of 9am to 5pm Monday to Saturday. Closed Sunday</li> <li>o expected number of staff and customers = 2-3 staff and 2 patrons on-site at any one time</li> <li>o a small rigid truck or light commercial vehicles loading/unloading for 30-60 minutes no more than 3 times per week</li> </ul> <ul style="list-style-type: none"> <li>• The dimensions of all parking spaces have been included in the amended plans</li> <li>• The swept path plot (reverse in movement) for parking space No. 3 has been shown on the modified plans.</li> <li>• Existing on-street car space between the driveways has been retained with a dimension of 6.3m.</li> </ul> <p>All the Council's comments dated 13/10/2021 on the first version of the traffic report and the items discussed in the virtual meeting dated 25/10/2021 have been addressed.</p> <p>The proposal is therefore supported.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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, 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 business 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 business land use.

### SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy 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 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, the size of the signage is compatible with the character of the site and its immediate surrounds and will support the future operation of the site. Subject to the relocation of the signage compliance is achieved.	NO
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Subject to the relocation of the signage it is compatible with the theme for signage in the immediate locality.	YES
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located within proximity to any of the relevant areas and the size is compatible with the B6 Enterprise Corridor zone.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No, the signage will not compromise any important views.	YES

Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed location of the signage is not supported. Subject to conditions of consent compliance is achieved.	YES
Does the proposal respect the viewing rights of other advertisers?	Yes, the signage will not obstruct any other signage.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	No, the proposed signage on the new parapet is not appropriate for the site in the context of adjoining buildings and the character of the locality. Subject to compliance with the conditions of consent requiring relocation of the signage the size is considered acceptable for the streetscape.	NO
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The size of the proposed business identification signage will contribute to visual interest.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Only one signage location will be approved on site.	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 proposed signage and new parapet would protrude above the existing building and is therefore not supported. Compliance is achieved subject to conditions of consent requiring deletion of the parapet and relocation of the signage.	NO
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The size of the proposed signage is compatible with the scale and proportion of the site, building and similar signage within the vicinity. Subject to the conditions of consent requiring relocation of the signage compliance will be achieved.	NO
Does the proposal respect important features of the site or building, or both?	No, the signage requires alterations and additions to the building with are unsympathetic to the building fronting Hayes Street.	NO
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No, the signage is required to be relocated within the existing building facade.	NO
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A	N/A
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	There is no illumination as part of the proposed business identification signage.	N/A

Can the intensity of the illumination be adjusted, if necessary?	N/A	N/A
Is the illumination subject to a curfew?	N/A	N/A
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No, the proposed size of the signage is compatible with the surrounding environment.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the proposed size of the signage is compatible with the surrounding environment.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality, subject to compliance with the conditions of consent. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

## SEPP (Infrastructure) 2007

### Ausgrid

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

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

### Comment:

The proposal was referred to Ausgrid 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.

## Manly Local Environmental Plan 2013

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	8m	N/A	Yes

Floor Space Ratio	FSR: 1:1	FSR: 0.95:1 or 453.53m <sup>2</sup>	N/A	Yes
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#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.12 Essential services	Yes

#### Detailed Assessment

#### **Zone B6 Enterprise Corridor**

Proposed Use	Permitted c
Specialised Retail Premises	Permitted w

The underlying objectives of the B6 Business Enterprise Corridor

- To promote businesses along main roads and to encourage a mix of compatible uses.*

#### Comment:

The proposal comprises of the use as a specialised retail premise which will contribute to a mix of uses within the area.

- To provide a range of employment uses (including business, office, retail and light industrial uses).*

#### Comment:

The proposal will provide for employment for 2-3 people.

- To maintain the economic strength of centres by limiting retailing activity.*

#### Comment:

The proposal comprises of the use as a specialised retail premise and is expected to be limited retail with only 2 customers expected at any one time.

#### **Mainly Development Control Plan**

### Built Form Controls

There are no proposed changes to the general approved built form and therefore no further assessment required.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	No	No
3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor	No	N/A
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	Yes	Yes
4.3 Development in LEP Zone B6 Enterprise Corridor	Yes	Yes
4.3.2 FSR and Height	Yes	Yes
4.3.4 Access, Loading and Parking	Yes	Yes
4.3.5 Setbacks	No	Yes
4.3.6 Drainage	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.3 Signage	No	No
5 Special Character Areas and Sites	Yes	Yes
5.4.3 Flood Prone Land	Yes	Yes

### Detailed Assessment

#### **3.1 Streetscapes and Townscapes**

##### Description of non-compliance

The proposal comprises of a new parapet above the existing building to facilitate new business

identification signage. The new parapet seeks to change the architectural style and built form of the existing building by increasing the existing height by 1m. The existing building and adjoining buildings to the east are of a similar height.

It should also be noted signage extending above the approved roof height is not supported by Council.

Merit consideration:

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

*Objective 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage.*

Comment:

No soft landscaping has been provided as part of the proposal. The proposal comprises of alterations and additions to the existing facade to replace windows, doors, roller door and a new parapet. Council is supportive of the alterations and additions subject to the deleting the parapet which extends above the existing building. The parapet would result in an increase of 1m to the northern elevation and have the appearance of a larger wall when viewed from Hayes Street.

The increase in building height and parapet to be utilised for signage will result in an desired outcome that is not consistent with character of the surrounding streetscape and specifically the existing pattern of adjoining development.

*Objective 2) To ensure development generally viewed from the street complements the identified streetscape.*

Comment:

The proposed parapet extends above the existing roof and is not within the architectural design and finish of the existing building or the character of the existing streetscape. The parapet element is not consistent with design outcomes of similar buildings and sites within the immediate vicinity. Given the limited setback any increases to building height without further building articulation will result in an undesired outcome.

A condition has been included to delete the parapet element from the development application. Top hamper business identification signage below the existing roof line and parapet will be allowed subject to the detailed condition of consent.

*Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.*

Comment:

No soft landscaping has been provided as part of the application.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.



### **3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor**

The proposed alterations and additions to increase the height of the building to facilitate signage is not supported and is not compatible with the character of the surrounding environment. Subject to the deletion of the proposed new parapet and relocation of the proposed business identification signage along the existing front facade/parapet Council is supportive of the remaining alterations and additions to the front facade.

The proposed car parking location within the front setback is supported by Council given it is an improvement on the existing situation and will provide for off street car parking to reduce demand and congestion along Hayes Street.

### **4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor**

The site will provide car parking for 5 vehicles and a loading and unloading dock separate to customer car parking. Although the car parking spaces will be located within the front setback this is an improvement on the current site conditions and is considered acceptable by Council. The minimum driveway width will also be achieved.

The loading dock has been redesigned to achieve the relevant controls and is supported by Council's Engineers.

The proposed development has been reviewed by Council's Traffic and Development Engineers who are supportive of the proposal subject to conditions.

### **4.3 Development in LEP Zone B6 Enterprise Corridor**

The proposed alterations and additions to increase the height of the building to facilitate signage is not supported and is not compatible with the character of the surrounding environment. Subject to the deletion of the proposed new parapet and relocation of the proposed business identification signage along the existing front facade/parapet Council is supportive of the remaining alterations and additions to the front facade.

#### **4.3.5 Setbacks**

The proposal does not provide for any landscaping and part of three of the car parking spaces are located in the area between the front boundary setback and the building alignment. The existing building presents site constraints to complete compliance with this control.

The location of the car parking spaces is considered suitable as it is an improvement on the existing car parking arrangement. There are no suitable locations for landscaping or plantings within the subject site and as a result a condition has been included requiring the planting of a mature street tree.

#### **4.4.3 Signage**

The business identification is proposed to be installed on a new parapet fronting Hayes Street. This parapet will be an extension to the existing northern front facade and is proposed to support the new signage.

The signage is considered a roof or sky sign (attached to roof or upper part of the facade) according to the Manly DCP. Council considers the proposed parapet to support the signage is not ancillary to the

building and has been included for the primary purpose of supporting the signage and therefore signage in this location is not supported. The proposed signage in its current form has not been designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings within the vicinity.

The size of the proposed business identification signage of 11m<sup>2</sup> is supported by Council subject to the relocation of the signage. A condition of consent has been recommended requiring this relocation.

## **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 2021**

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

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly 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 DA2021/1094 for Use of premises as a specialised retail premises including internal fit-out and additional car-parking space and signage on land at Lot 4 DP 38041, 7 Hayes Street, BALGOWLAH, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A1 Site Analysis Plan Rev3	2 November 2021	MSK Architects
A2 Ground Floor Plan Rev3	2 November 2021	MSK Architects
A3 First Floor Plan Rev3	2 November 2021	MSK Architects
A4 Roof Plan Rev3	2 November 2021	MSK Architects
A5 Proposed Section and Elevation Rev3	2 November 2021	MSK Architects

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Plan of Management	4 November 2021	Modify Pty Ltd

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	19 July 2021	Modify Homes Pty Ltd

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

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

#### 2. **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	Response Ausgrid Referral	Undated

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a specialised retail premises.

A specialised retail premises is defined as:

"specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity that requires -

(a) a large area for handling, display or storage, or

(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition."

(development is defined by the Manly Local Environment Plan 2013 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

### 4. **No Approval for any Signage above the parapet / roof line**

No approval is granted under this Development Consent for the erection of any advertising or business identification signage located above the roof/parapet line. All signage above the roof/parapet shall be deleted and moved to be located below the roof line of the existing building.

Reason: Compliance with Manly Local Environment Plan.

### 5. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

Reason: Legislative requirement.

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



- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

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

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

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

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

### 7. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic

Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the Industrial Area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent

- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

#### **8. Amendments to the approved plans**

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

- The proposed lightweight parapet with a height of 1 metre is not supported and is to be deleted. For the avoidance of doubt no works above the existing approved parapet are approved as part of this application.
- Proposed business identification signage with a length of 14.5m and a height of 0.8m (total area approximately 11.6m<sup>2</sup>) shall be relocated to be on and/or below the existing parapet. The signage shall be a maximum of 11.6m<sup>2</sup> as approved by this development application.

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.

#### **9. Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

#### **10. Driveway and On street parking**

The Applicant is to ensure the proposed driveways in this consent must be designed to retain a 6.3 metres long on street parking space on Hayes Street.

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

Reason: To ensure suitable parking arrangement on street.

11. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

12. **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.

13. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. **Road Reserve**

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

Reason: Public safety.

15. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

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

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

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

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

**17. Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To demonstrate the proposal complies with the approved plans.

**18. Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

**19. Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5.2 metres wide at kerb and 8.3 metres wide at boundary in accordance with Northern Beaches Council Drawing No A4-3330/ 1 N and the driveway levels application approval. A 6.3 metres long on street parking space must be retained between two driveways crossings serve the property.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

**20. Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

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

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

### **21. Street Tree Planting**

Street tree planting shall be installed in accordance with the following:

- i) one (1) *Tristania laurina* 'Luscious' shall be installed within the existing grass verge at a pre-ordered 200 litre container size, located at least 2 metres from the edge of the existing driveway serving the loading dock, and located to avoid underground services,
- ii) the plant species shall meet the requirements of Natspec - Specifying Trees,
- iii) the street tree shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established, and shall generally be centralised within the road verge,
- iv) Council's Tree Services section shall be notified during tree pit excavation for approval of location and excavation works.

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

Reason: To maintain environmental amenity.

### **22. Car Parking Space Marking**

The car parking spaces 1 and 2 shall be parked as 'customer' and car parking space 3 shall be marked as 'staff rear to kerb' as indicated on the approved architectural plans.

Reason: To ensure staff and customer parking on site is clearly marked and used accordingly.

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

### **23. Allocation of Spaces**

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 2 spaces (forward of the dwelling) - customer parking
- 1 space (forward of the dwelling) - staff parking
- 2 spaces (within loading dock) - staff parking

Car-parking provided shall be used solely in conjunction with the uses contained within the development.

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 that adequate parking facilities to service the development are provided on site.



24. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Saturday - 9am to 5pm
- Saturday – Closed

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.

25. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties.

26. **Deliveries**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties.

27. **Loading and Unloading**

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity.

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

**Signed**



**Clare Costanzo, Planner**

The application is determined on 25/11/2021, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**