

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0263
----------------------------	-------------

<b>Responsible Officer:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 4 DP 547022, 59 Myoora Road TERREY HILLS NSW 2084
<b>Proposed Development:</b>	Use of building for hardware and building supplies
<b>Zoning:</b>	Warringah LEP2011 - Land zoned IN2 Light Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Hardware & General Properties Pty Ltd
<b>Applicant:</b>	Hardware & General Properties Pty Ltd

<b>Application Lodged:</b>	16/03/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Industrial
<b>Notified:</b>	03/08/2020 to 17/08/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	29
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 15,000.00
---------------------------------	--------------

### EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of Development Application No. DA2020/0263 for use of the existing industrial building for hardware and building supplies.

The subject site is zoned IN2 Light Industrial under the provisions of the Warringah Local Environmental Plan 2011 (WLEP 2011), and the proposed development is permissible with consent.

Amendment have been made to the proposal during the assessment and additional information has been received in relation to traffic and noise. The application (that this report is based on) was notified from 3 August 2020 to 17 August 2020.

The public exhibition period generated a total of 29 individual submissions. The submission raised concerns regarding traffic, safety, parking, noise and permissibility of use. These concerns have been

addressed within the report, and overall, there were no matters raised that would warrant the refusal of the application.

The application has been referred to the Northern Beaches Local Planning Panel due to having more than 10 unique submissions.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be approved subject to conditions attached to this report.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application seeks consent for the use of the existing building for hardware and building supplies pursuant to Warringah LEP 2011.

Specifically, the proposed development consists of:

- Use of the existing building as hardware and building supplies;
- Internal fit out including sales area, office space, storage facilities;
- Signage;
- Hours of Operation: 6:00am - 6:00pm Monday to Friday. 7:00am - 4:00pm Saturday (No operation Sunday and Public Holidays);
- 4 staff;
- 6 Parking Spaces;
- Front and side fencing;
- Racking.

## **AMENDMENTS TO THE SUBJECT APPLICATION**

Following a preliminary assessment of the application Council wrote to the applicant outlining a number of issues that would not allow for Council to support the application in its current form on 1 June 2020. The issues included permissibility of use, traffic and noise. Following receipt of the letter the applicant advised that they intended to amend the development application. Council agreed to accept amendments to the application.

The amended proposal included a change to the proposed use from Warehouse and Distribution Centre to Hardware and Building Supplies. Additionally, the applicant provided a traffic and acoustic report to address concern raised by Council referral bodies.

The applicant subsequently provided additional information and amended plans to address the concern raised on 24 July 2020. The application was re-notified from 3 August 2020 to 17 August 2020 to neighbouring properties and objecting parties.

## **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 - B5 Side Boundary Setbacks  
 Warringah Development Control Plan - B7 Front Boundary Setbacks  
 Warringah Development Control Plan - C2 Traffic, Access and Safety  
 Warringah Development Control Plan - C3 Parking Facilities  
 Warringah Development Control Plan - C9 Waste Management  
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting  
 Warringah Development Control Plan - D3 Noise  
 Warringah Development Control Plan - D15 Side and Rear Fences  
 Warringah Development Control Plan - D23 Signs  
 Warringah Development Control Plan - E7 Development on land adjoining public open space

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 4 DP 547022 , 59 Myoora Road TERREY HILLS NSW 2084
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the western side of Myoora Road.</p> <p>The site is regular in shape with a frontage of 30.48m along Myoora Road and a depth of 38.1m. The site has a surveyed area of 1161.3m<sup>2</sup>.</p> <p>The site is located within the IN2 Light Industrial zone and accommodates an existing industrial building.</p> <p>The site experiences a fall of 0.5m from the upper rear boundary down towards the street.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by industrial development to the south and west of the subject site and residential development to the north and east.</p>

Map:



## SITE HISTORY

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

**DA2013/0106** - Tree Application (Approved 5 February 2013).

## 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 industrial purposes for an extended period of time. The proposed development retains industrial use of the site, and is not considered a contamination risk.
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)(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)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<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 traffic, noise and permissibility of land use.</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 clause is not relevant to this application.</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 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 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 Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social 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	See discussion on “Notification & Submissions Received” in this report.



Section 4.15 Matters for Consideration'	Comments
with the EPA Act or EPA Regs	
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 03/08/2020 to 17/08/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 29 submission/s from:

Name:	Address:
Roger James Andrews	18 Currong Circuit TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Claude Caccamo	61 Myoora Road TERREY HILLS NSW 2084
Elizabeth Barraclough	Address Unknown
Mrs Kay Worrell	20 Nerang Avenue TERREY HILLS NSW 2084
Mr Dennis John Casper	307 / 0 Coonawarra Road TERREY HILLS NSW 2084
Mr Stephen Squires	C/- Northern Beaches Property Concierge PO Box 643 TERREY HILLS NSW 2084
Ms Lesley Dawn Nalbandian	47 / 0 Tooronga Road TERREY HILLS NSW 2084
Terrey Hills Progress Association	22 Myoora Road TERREY HILLS NSW 2084
Robert William Bale Lynda Rosemary Bale	16 Bindook Crescent TERREY HILLS NSW 2084
Withheld	WARRIEWOOD NSW 2102
Mrs Georgina Sylvia Spinks	14 Bindook Crescent TERREY HILLS NSW 2084
Mr Alan David Brinkworth Mrs Rosemary Ann Brinkworth	22 Booralie Road TERREY HILLS NSW 2084
Joseph Caccamo	61 Myoora Road TERREY HILLS NSW 2084
Mrs Elizabeth Ann Barraclough	64 Myoora Road TERREY HILLS NSW 2084
Ms Susan Phillips	18 Terrigal Road TERREY HILLS NSW 2084

Name:	Address:
John Anthony Harper	35 Booralie Road TERREY HILLS NSW 2084
Ms Sally C White	207 Tooronga Road TERREY HILLS NSW 2084
Mr Peter Geoffrey Addison	2 Wanari Road TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Mr Benjamin Andrew Campbell	71 Booralie Road TERREY HILLS NSW 2084
Mr Craig Anthony Glassock	94 Myoora Road TERREY HILLS NSW 2084
Mr Troy David Simpson	21 Booralie Road TERREY HILLS NSW 2084
Mr Peter Russell Storey	13 A Myoora Road TERREY HILLS NSW 2084
Paul Davenport	2 Carramar Grove TERREY HILLS NSW 2084
Withheld	TERREY HILLS NSW 2084
Duffys Forest Residents Association	PO Box 567 TERREY HILLS NSW 2084

The following issues were raised in the submissions and each have been addressed below:

- **Permissibility**
- **Noise**
- **Traffic and Safety.**
- **Chemical use**
- **Pollution**
- **Biodiversity**
- **Built form non-compliance**

The matters raised within the submissions are addressed as follows:

- **Permissibility**

Comment:

Concern is raised in regards to the permissibility of the proposed use of the existing premise. The application originally proposed to use the premise as a *'Warehouse or distribution centre'* which is permitted with consent within the IN2 Light industrial zone, pursuant to the Warringah LEP 2011. However, it was noted that the applicant was proposing retail sales as part of the operation of the building. This use prohibits retail sales, and as such could not be supported by Council in this form.

The applicant chose to amend the proposal to use the building for 'hardware and building supplies', which allows for retail sales. This proposal fits the definition of hardware and building supplies premises, and as such is supported. The application was re-notified to neighbouring properties noting this change.

- **Noise**

Comment:

Concern is raised in regards to the noise impact that would result from use of the warehouse. While it is accepted there may be a noise impact associated with the off-street parking in terms of vehicles entering and exiting the site, the resulting impact is acceptable in this industrial context and not unreasonable in a IN2 Light Industrial Zone, this is further addressed under *Part*

*D3 Noise* of this report. The application was referred off to Council's Environmental Investigations (Industrial) Officer for review and comment in regard to the hours of operation and overall suitability of the proposal having regards to the nearby residential zone. Conditions of consent have been imposed as part of this recommendation to mitigate noise impacts and allow for respite for neighbouring properties in the adjoining residential zone.

- **Traffic and Safety**

Comment:

Concern is raised in regards traffic and potential dangers in regards to pedestrian safety as a result of the proposed use of the subject site. A traffic report was lodged as part of this application and reviewed by Council Traffic and Development Engineers. In summary, the proposed development is consistent with the underlying objectives of Part C2 Traffic, Access and Safety as well as C3 Parking Facilities of the Warringah DCP, subject to recommended conditions of consent, which have been included as part of this recommendation.

- **Chemical use**

Comment:

Concern is raised in regards to the potential use of chemicals on site. In relation to the proposed use of chemicals, a condition of consent has been imposed by Council's Environmental (Industrial) Health Officer to ensure a trade waste permit is obtained if any contaminated wastewater is being discharged.

- **Pollution**

Comment:

Concern is raised in regards to pollution impacts as a result of the increased traffic on neighbouring residential properties. While it is acknowledged that an increase in general traffic will lead to increased pollution levels, the increase is not unreasonable in this industrial setting.

- **Biodiversity**

Comment:

An objection raised the potential impact of the proposed development on natural wildlife. The subject site is not located in a noted area of biodiversity and is not expected to have any adverse or detrimental impact on natural habitat of natural wildlife or vegetation. No significant natural vegetation is proposed for removal.

- **Built form non-compliance**

Comment:

This matter is addressed in detail elsewhere within this report (refer Part B of Warringah DCP 2011 section of this report). In summary, the siting of the racking on the site, proposed building setbacks and resultant bulk and scale are considered to be appropriate in this industrial context and satisfies the requirements and objectives of Part B of the Warringah DCP 2011.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	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.



Internal Referral Body	Comments
	<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>
<p>Environmental Health (Industrial)</p>	<p>The applicant proposes to use an existing industrial building for the storage, distribution and sale of building and hardware supplies.</p> <p>Environmental Health has reviewed the updated development application for 59 Myoora Road TERREY HILLS, which now includes an acoustic assessment of both 57 and 59 Myoora Road.</p> <p>Approval with conditions is recommended, provided that Council approves the construction of an acoustic wall on the northern boundary of the property (as per the report by Pulse Acoustic Consultancy dated 14 July 2020).</p> <p>In addition, Environmental Health recommends that the 'Operational Management Plan' be extended to include the identification of environmental risks and associated control measures to be implemented and maintained for the life of the development in order to prevent water, air, land and noise pollution. The relevant environmental issues include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Hazardous chemicals - storage, transport, disposal, spill management etc.</li> <li>• Waste oil from the servicing of vehicles and equipment - storage, disposal, spill management etc.</li> <li>• Wash-down facilities for vehicles and equipment.</li> <li>• Dust from the cutting or processing of materials.</li> <li>• Vapour/odour from the storage, handling or use of any substances or materials.</li> <li>• Light pollution.</li> <li>• Noise pollution from the use of power tools on the site.</li> </ul> <p>The updated 'Operational Management Plan' is to be submitted to Environmental Health for approval prior to the issue of an occupation certificate. Confirmation of this approval will be forwarded to the nominated Principle Certifier.</p>
<p>NECC (Development Engineering)</p>	<p><u>Comments 2/09/2020</u></p> <p>The internal circulation aisles and proposed car parking areas require reconstruction to a permanent pavement in some sections that only consist of loose grave and broken up asphalt. Accordingly the northern vehicle crossing is required to be reconstructed as it is proposed to be widened, also the southern vehicle crossing requires reconstruction as it is in poor condition. No objections to the development subject to conditions.</p>
<p>Parks, reserves, beaches,</p>	<p>The plans indicate that no works are proposed on the adjoining Council</p>

Internal Referral Body	Comments
foreshore	<p>Reserve.</p> <p>No objections are raised to approval subject to conditions protecting Council's public assets.</p>
Traffic Engineer	<p><u>Traffic comments in review of amended plans:</u></p> <p>The following comments are provided on the revised plans and information provided by the applicant.</p> <p><b>Traffic Generation:</b></p> <p>The projected traffic generation estimated in the applicant's traffic report (based on the daily customer and staff visitation data at the Brookvale store) is as follow:</p> <ul style="list-style-type: none"> <li>- Supplier trucks – up to 1 vehicle per day</li> <li>- Hardware &amp; General vehicles – up to 4 trucks and 2 utes per day</li> <li>- Call in Customers: up to 4 vehicles per day</li> <li>- Potential new customers: up to 8 vehicles per day</li> <li>- Staff: up to 4 vehicles per day</li> </ul> <p>The traffic generated by the development during the morning and afternoon peak periods is expected to be predominantly related to patron arrivals and departures, therefore the traffic report assumed that the following traffic movements will arrive and depart during the peak periods:</p> <ul style="list-style-type: none"> <li>- 30% of patron</li> <li>- 25% of truck/ute</li> </ul> <p>Based on the above, the following weekday peak hour traffic generation is projected:</p> <ul style="list-style-type: none"> <li>- 4 customer vehicles: 8 vehicle trips per hour</li> <li>- 2 trucks/utes: 4 vehicle trips per hour</li> </ul> <p>Given the location of the site within light industrial zone, the projected total traffic generation of 12 vehicle trips per peak hour is not considered to have adverse impact on the surrounding road network.</p> <p><b>Parking Provision:</b></p>

Internal Referral Body	Comments								
	<p>The traffic report provided by the applicant has provided the following information in regards to the proposed parking provision:</p> <p><i>“Council’s (Warringah) DCP specifies the following parking criteria in relation to the proposed development elements:</i></p> <table border="0"> <tr> <td><i>Shop 1 space per</i></td><td><i>16.4 m2 GLFA</i></td></tr> <tr> <td><i>Distribution Centre</i></td><td><i>1.3 spaces per 100 m2 GFA</i></td></tr> </table> <p><i>Application of these criteria to the proposed development would indicate the following:</i></p> <table border="0"> <tr> <td><i>Customer/Sales area 77.3 m2</i></td><td><i>4.7 spaces</i></td></tr> <tr> <td><i>Storage/office 165.9 m2</i></td><td><i>2.2 spaces</i></td></tr> </table> <p><i>Total: 6.9 (7) spaces</i></p> <p><i>The development proposes a total of 6 parking spaces. Given the nature of the business, 2 of these spaces can accommodate one small rigid vehicle and one 10.7m rigid vehicle. 1 space will be designated for the proposed development will be suitable for disabled driver in accordance with BCA requirements.</i></p> <p><i>While the proposed car parking space of 6 spaces is slightly short of Council’s DCP requirement of 7 spaces, the remaining car parking demand of 1 space (for staff) can be accommodated within the carpark of 57 Myoora Road site.”</i></p> <p>Given the above, no objection is raised on the proposed parking provision..</p> <p><b>Access:</b></p> <p>The largest vehicle proposed to access the site is 10.7m rigid flat tray delivery trucks. The existing 4.3m-wide driveway is proposed to be widened to 5.5m to accommodate the turning path of a 10.7m truck entering and exiting the site.</p> <p>All vehicles are proposed to enter and exit the site in a forward direction. The truck will reverse into the truck parking space via the on-grade car parking aisle and depart from the site in a forward direction.</p> <p>The traffic report indicates that the open style fencing and gate designs allow a relatively unobstructed view for exiting drivers to pedestrians on the footpath along the western side of Myoora Road and entering vehicles. There is no detailed information provided on the material of the proposed 2.4m high fencing. The proposed new fencing can be supported subject to provision of adequate clear sight</p>	<i>Shop 1 space per</i>	<i>16.4 m2 GLFA</i>	<i>Distribution Centre</i>	<i>1.3 spaces per 100 m2 GFA</i>	<i>Customer/Sales area 77.3 m2</i>	<i>4.7 spaces</i>	<i>Storage/office 165.9 m2</i>	<i>2.2 spaces</i>
<i>Shop 1 space per</i>	<i>16.4 m2 GLFA</i>								
<i>Distribution Centre</i>	<i>1.3 spaces per 100 m2 GFA</i>								
<i>Customer/Sales area 77.3 m2</i>	<i>4.7 spaces</i>								
<i>Storage/office 165.9 m2</i>	<i>2.2 spaces</i>								

Internal Referral Body	Comments
	<p>line to the pedestrian for at the exit driveway.</p> <p><b>Conclusion:</b> In view of the above, the proposal can be supported subject to conditions.</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 industrial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the industrial land use.

### SEPP 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:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<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?	The signage is for identification of the proposed business and is compatible with the area in which it is proposed. Generally the industrial zone within Terrey hills is proliferated by signage by multiple businesses and therefore the proposal is consistent existing and desired future character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is consistent with the surrounding outdoor advertising.	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?	Given the scale of the signage proposed and the character of the surrounding area, it is considered that the impacts upon the natural environment and residential areas will be negligible.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage is attached to the walls and awning of the existing building and will not impact upon views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage will not dominate the skyline or protrude higher than the roofline of the existing building.	YES
Does the proposal respect the viewing rights of other advertisers?	The signage will not unreasonably impact the viewing rights of other advertisers.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is appropriate for its location within the streetscape of Myoora Road, the industrial setting and landscape.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage contributes to the visual interest of the Myoora Road streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal increases the amount of signage in the area. However the amount of signage is not considered excessive.	YES
Does the proposal screen unsightliness?	The proposed signage will contribute the positive redevelopment of the site.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the building.	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or	The proposed signage is consistent with the scale and proportion of the existing building facades.	YES

both, on which the proposed signage is to be located?		
Does the proposal respect important features of the site or building, or both?	There are no significant features of the site impacted by the signage.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is attached to the existing building, minimising external works and interruption of the existing streetscape.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	There are no safety devices, platforms or lighting devices contained as an integral part of the signage or structure.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No illumination proposed	YES
Can the intensity of the illumination be adjusted, if necessary?	Not applicable	YES
Is the illumination subject to a curfew?	Not applicable	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage is affixed to the existing building and proposed fence and will not impact on the safety of pedestrians, bicyclists or anyone travelling on a public road.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is affixed to the existing building and does not obscure sightlines from public areas, ensuring that it does not reduce the safety of pedestrians, particularly children.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of 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.

**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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.50m	6.50m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

**Warringah Development Control Plan**

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.95m (Top of Signage) 3.5m (Acoustic wall)	-	Yes
B3 Side Boundary Envelope	4m	Within envelope	-	Yes
	4m	Within envelope	-	Yes
B5 Side Boundary Setbacks	0.9m	0m (racking)	100%	No
	0.9m	0m (racking)	100%	No
B7 Front Boundary Setbacks	6.5m	0.9m (racking)	86%	No
B9 Rear Boundary Setbacks	6m	7.4m	-	Yes
D1 Landscaped Open Space (LOS) and	40%	4.4% (51.3m <sup>2</sup> )	89%	No

Bushland Setting	(464.52m <sup>2</sup> )		
------------------	-------------------------	--	--

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	No
D1 Landscaped Open Space and Bushland Setting	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	No	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	No	Yes

## Detailed Assessment

### **B5 Side Boundary Setbacks**

#### Description of non-compliance

The proposed racking is located with a nil setback to the northern and southern boundary. This represents a 100% variation to the numeric control.

#### Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

#### Comment:

As above, the proposed development does not require the removal of deep soil. In turn, the built form will remain significantly screened from the existing provision of vegetation, subject to conditions.

- *To ensure that development does not become visually dominant.*

#### Comment:

The proposed racking is proposed to a height of 2.4m above ground level and will therefore not be a visually dominant feature. It is noted that the racking is screened around the north, south and eastern sides of the site to minimise the built form of the proposal.

- *To ensure that the scale and bulk of buildings is minimised.*

#### Comment:

While the proposed works are within the required side boundary setback their function is to accommodate on-site storage. The racking will not be of unreasonable bulk and scale when viewed from the street and having regard to the industrial context.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

#### Comment:

Amenity considerations including visual and acoustic will be maintained as part of this development.

- *To provide reasonable sharing of views to and from public and private properties.*

#### Comment:

The proposal is considered to preserve the available views and vistas to and/or from public and

private places.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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.

## **B7 Front Boundary Setbacks**

### Description of non-compliance

Clause B7 of the WDCP 2011 stipulates that development is to be setback at least 6.5m from the front boundary. The proposed racking would be setback 0.9m from the eastern front boundary, non-compliance with the numeric control. This represents a 86% variation to the numeric control.

### Merit consideration:

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

- *To create a sense of openness.*

#### Comment:

The variation sought to the front setback requirement is not found to detract from a sense of openness. The proposed racking is located behind the proposed front fence and screen planting and will not be readily visible from the Myoora road, ensure that the existing sense of openness is maintained.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

#### Comment:

The existing pattern of buildings and landscaped elements is not consistent due to a range of buildings and industries that operate in them. However, it is considered that the proposal demonstrates consistency with the objectives of the zone, and built form of the immediate area.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

#### Comment:

The non-compliant racking is considered to be a minimal structure and will not detract from the quality of the streetscape.

- *To achieve reasonable view sharing.*

#### Comment:

The proposed racking will not compromise views to and from private and public properties.

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.

## **C2 Traffic, Access and Safety**

### Merit consideration

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

- *To minimise traffic hazards.*

#### Comment:

The proposal seeks to retain two vehicle crossings for the property. The existing (exit) crossing is proposed to be extended to improve access to the site. The use of two crossings will allow for greater access to premise will allow for greater safety for pedestrians.

- *To minimise vehicles queuing on public roads.*

#### Comment:

Suitable access is able to be provided to ensure no need for queuing on public roads that may hinder access to other properties or the convenient passing of traffic.

- *To minimise the number of vehicle crossings in a street.*

#### Comment:

No additional vehicle crossings are proposed.

- *To minimise traffic, pedestrian and cyclist conflict.*

#### Comment:

The development allows for sightline for vehicles exiting the driveway and which facilitates sufficient sightlines to pedestrians and cyclists approaching the driveway along the footpath.

- *To minimise interference with public transport facilities.*

#### Comment:

The proposed dwelling and parking area does not have an adverse effect on the requirements of State Transit's 'Bus Infrastructure Guide'.

- *To minimise the loss of "on street" kerbside parking.*

#### Comment:

The proposal has been designed to ensure no unreasonable impact or demand on kerbside

parking within the vicinity of the site. In order to ensure compliance with this, a condition is imposed to ensure a operational management plan is prepared to manage both on-street and off-street parking area for visitors and staff.

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.

### C3 Parking Facilities

#### 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 (+/-)
Hardware and building supplies	1 space per 16.4 m <sup>2</sup> GLFA  1.3 spaces per 100 m <sup>2</sup> GFA	7 spaces	6 spaces	-1
<b>Total</b>			<b>6 spaces</b>	<b>-1 space</b>

Traffic Engineering have assessed the proposal against the DCP and traffic analysis for the storage and distribution Centre, subject to conditions, as recommended. (See Traffic Engineering Referral Response.)

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

#### Comment:

No change is proposed to the parking area and therefore the proposal will not alter the visual appearance of the parking facilities

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

#### Comment:

No change is proposed to the visual appearance of the existing carpark.



Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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.

### **C9 Waste Management**

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

### **D1 Landscaped Open Space and Bushland Setting**

The existing development has a total of 51.3sqm or 4.4% of the site as landscaped open space, non-compliant with the numeric control of 40% under the Warringah DCP 2011. The proposed works are over existing built upon areas and as such does not alter the existing landscaped open space on site. Therefore the level of landscaping is supported in this circumstance.

### **D3 Noise**

#### Merit consideration

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

- *To encourage innovative design solutions to improve the urban environment.*

#### Comment:

Submissions have been received in relation to the noise impact generated as a result of the proposal, in particular the impact of customers accessing the site and loading hardware and building supplies.

An acoustic assessment has been prepared by the applicant in response to Council's original Environmental (industrial) Health Referral. The assessment considers the impact between the proposed use on site and the surrounding residential/commercial development. The hours of operation and acoustic wall to the northern end of the site recommended within the Acoustic Assessment have been endorsed by Council's Environmental Health Officer, and as such are conditioned to be imposed if this application is approved.

The conditioned hours of operation are as follows:

*Monday – Friday: 6:00am-6:00pm*

*Saturday: 7:00am - 4:00pm*

*Sundays and Public Holidays: Closed*

No public access to the premise is permitted during the following hours:

*Monday to Friday - 6:00am - 7:00am*

*Monday to Friday - 5:00pm - 6:00pm*

- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

The hours of operation and acoustic measures conditioned are suitable and appropriate for the subject site given the fact that it is surrounded by an R2 - Low Density Residential zoning.

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.

## D15 Side and Rear Fences

Merit consideration

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

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The proposal includes the construction of a acoustic wall with a height ranging between 3.5m, located along the northern side of the site, directly adjoining the public reserve which separates the industrial zone and residential zone. While it is acknowledged that the wall is proposed for acoustic purposes, the height will be inconsistent with the side and rear fencing found in the surrounding properties, and will have a unreasonable visual impact when viewed fromt the reserve. As such, a condition will be imposed requiring the acoustic wall to be setback 2m from the northern boundary and for landscaping to be proposed between the wall and the northern boundary to offset the visual impact when viewed from the reserve and residential properties to the north. This matter is further addressed within the report under *Part E7- Development on land adjoining public reserves* of the Warringah DCP.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## D23 Signs

Description of non-compliance and/or inconsistency

The application proposes five (5) pieces of signage consisting of the following:

Sign	Requirement	Width	Height	M <sup>2</sup>	Complies
Freestanding signs (not being a sign elsewhere listed in this table, and includes a bulletin board, tenancy board, and the like)	Shall not exceed 2 metres in height above the existing natural ground level;	1.2m	0.4m	0.48m <sup>2</sup>	Yes
	Shall not have an area greater than 4sqm; Shall not project beyond the	1.2m	0.4m	0.48m <sup>2</sup>	

	boundary of the premises; and Shall not be illuminated.				
Awning fascia sign (attached to the fascia or return end of an awning)	Shall not project above, below or beyond the fascia or return end of the awning to which it is attached.	3.6m 3.6m	0.4m 0.4m	1.44m <sup>2</sup> 1.44m <sup>2</sup>	Yes
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	Shall not extend within 200mm of the top and sides of the wall. Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall.	15m	1.2m	18m <sup>2</sup>	Yes

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

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.

## E7 Development on land adjoining public open space

### Merit consideration:

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

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*

### Comment:

The proposed works does not require the removal of any vegetation within the adjacent reserve. Suitable conditions are recommended to ensure no trees or other native vegetation are cleared within the reserve.

- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*

Comment:

The proposed development is considered to not respond well to the adjacent surroundings nor does it preserve or enhance the natural qualities of the environment.

- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

Comment:

The proposed boundary wall is inconsistent with the public open space landscape character. The height and siting of the wall will be detrimental to the enjoyment of the open space and will negatively alter the visual aesthetic of the public reserve. A condition of consent has been imposed as part of the recommendation to setback the 3.5m acoustic wall 2m from the northern boundary and for screen planting to be proposed between the boundary wall and the northern boundary.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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 2019**

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

## **CONCLUSION**

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

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

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects,

all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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

This assessment has found that the proposed development is consistent with both the the industrial context and constraints of the site being that the subject site adjoins a residential zone. The resultant development will allow for safe access to and from the site, and will not result in any unreasonable impacts upon the character of the locality or the amenity of adjoining properties.

As detailed within the report Council cannot support the acoustic wall along the northern side of the subject site, which adjoins the public reserve. Conditions of consent have been imposed to mitigate the impact of the wall including providing a 2m setback between the wall and the northern boundary and introducing screen planting between the wall and the public reserve.

Conditions of consent have been included in the recommendation to minimise the impact of the on-going operation of the development.

Overall, the proposal has been found to be consistent with the relevant provisions of the WLEP 2011 and the Warringah Development Control Plan and has been recommended for approval. It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2020/0263 for Use of building for hardware and building supplies on land at Lot 4 DP 547022, 59 Myoora Road, TERREY HILLS, 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>
Page 2 of 6/ Site Plan	December 2019	Joanne Macgregor
Page 3 of 6/ Floor Plan	December 2019	Joanne Macgregor
Page 9 of 6/ Racking Plan	December 2019	Joanne Macgregor
Page 5 of 6/ Vehicle Movements	December 2019	Joanne Macgregor
Page 6 of 6/ Signage Plan	December 2019	Joanne Macgregor
Dwg No. 14A	28 September 2020	Peter Formosa
Dwg. No. 14B	1 October 2020	Peter Formosa

<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>
Traffic Report/ Issue E	July 2020	Transport and Traffic Planning Consultants
Acoustic Assessment	14 July 2020	Pulse Acoustic Consulting

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

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

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

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

#### 2. **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	N/A

(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 *hardware and building supplies*.

*Hardware and building supplies* is defined as:

***"hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas."***

(development is defined by the Warringah Local Environment Plan 2011 (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. **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.

## 5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether

the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall

notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

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

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 6. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

7. **Construction, Excavation and Associated Works Security Bond (Crossing / Kerb)**

The applicant is to lodge a Bond of \$10000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

8. **Stormwater Disposal**

The applicant is to submit Stormwater Drainage Plans for the development, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the Myoora Road kerb and gutter.. Additionally 300mm wide grated trench drains are to be constructed at the boundary behind the vehicle crossing.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

9. **Amendments to the approved plans**

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

- The 3.5m acoustic wall proposed along the northern boundary is to be setback 2m from northern boundary.

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.

10. **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.

11. **Change of Use/ Fire Safety - Egress and Essential Services Upgrade**

The existing levels of essential fire safety measures and egress provisions are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000 and Parts C,D and E of Volume 1 of the Building Code of Australia.

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 Access, Fire safety and for building occupant safety son>.

12. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council for the widening and reconstruction of the northern vehicle crossing and reconstruction of the existing southern vehicle crossing 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.

13. **Internal driveway reconstruction works.**

The applicant is to provide internal driveway circulation and car parking plans including line marking and signage. The plans are also to detail the reconstruction of the existing damaged driveway and parking areas sections that currently consist of road base. . Details are to include specifications prepared by a Civil engineer demonstrating the new pavement is suitable for the service vehicle design loads. The new replacement pavement shall be a flexible (asphalt ) or concrete pavement design in accordance with Councils Auspec One specification.

.Engineering plans are to be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management arising from the development.

14. **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.

15. **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.

**16. Screen Planting**

Screen planting is to be provided between the acoustic wall and the northern property boundary.

The selected planting is to comprise of native species capable of attaining a minimum height of 3.5 metres at maturity

Reason: Local amenity.

**17. Subject site**

All works are to be contained wholly within the subject site.

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

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

**18. Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

Details demonstrating the above shall be submitted to the Certifying Authority prior to the issue of Construction Certificate.

Reason: To maintain pedestrian safety.

**19. Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.



## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **No Access Through Adjoining Park/Reserves**

Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.

Reason: To ensure protection of council parks/reserves.

21. **Installation and Maintenance of Sediment and Erosion Control**

Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area, in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

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.

22. **Public Liability Insurance - Works on Public Land**

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

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

23. **Dilapidation Report of Land owned or managed by Council.**

A dilapidation report established at the commencement of the works shall contain a survey of pre-existing land features including photographic record of the Land under Council's care control and management adjoining the development, detailing the physical condition of items such as, but not exclusively limited to, physical assets such as crossovers, driveways, footpaths, utilities, furniture, play equipment, trees, gardens, lawn areas, bushland, and any rock outcrops.

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of works, and shall be the basis for rectification of any damage to Council's assets as listed in the Post Construction Dilapidation report submitted prior to the issue of the Occupation Certificate.

Any damage to these assets during the works must be replaced like for like to the satisfaction of the Certifying Authority, and shall be subject to acceptance by Council.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In

this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: protection of Council's assets.

24. **Works on Land owned or managed by Council.**

No works are to be carried out on Land owned or managed by Council without the written approval of the Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.), and landscaping works on Land owned or managed by Council.

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

25. **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.

26. **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.

27. **Demolition Works - Asbestos**

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

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

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

Adjoining property owners are to be given at least seven (7) days' notice in writing of the

intention to disturb and remove asbestos from the development site.

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

28. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

29. **Vehicle Crossings**

The Applicant is to reconstruct the northern vehicle crossing to 5.5 metres wide and the southern vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/**Normal** and the driveway levels application approval. 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.

30. **Protection of trees within Land owned or managed by Council.**

Unless identified by the development consent, existing trees shall be protected in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk disturbance.

Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately Contact Council's Tree Services section and resolve the matter to Council's satisfaction.

Reason: tree protection and management

31. **No Access through Land owned or managed by Council.**

a) Site access is not approved for delivery of materials nor construction of the development through adjacent Land owned or managed by Council.

b) The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in Land owned or managed by Council is prohibited.

c) Any damage to Council's public assets shall be made good by the applicant and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Reason: public safety and environmental protection

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

### 32. **Stormwater Disposal**

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

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

### 33. **Removal of All Temporary Structures/Materials and Construction Rubbish**

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

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

Reason: to protect reserve amenity and public safety.

### 34. **Development of an Operational Plan of Management**

An 'Operational Management Plan' shall be developed and submitted to the Environmental Health Department at Northern Beaches Council for their review and recommendation of approval or refusal.

The 'Operational Management Plan' must address:

- Noise control measures referenced in the acoustic report developed by Pulse Acoustic Consultancy "Building Supplies Warehouse – 57-59 Myoora Road, Terrey Hills - DA Acoustic Assessment" referenced as 20110 – 57-59 Myoora Road, Terrey Hills – DA Acoustic Report – Revision 2 and dated 14 July 2020,
- Hazardous chemicals - storage, transport, disposal, spill management etc.
- Waste oil from the servicing of vehicles and equipment - storage, disposal, spill management etc.
- Wash-down facilities for vehicles and equipment – stormwater protection.
- Dust from the cutting or processing of any materials.
- Light pollution.

The operational plan of management and the recommendation response from Environmental Health is then to be submitted to the Principle Certifying Authority and be to their satisfaction prior to the issuing of any occupation certificate.

Reason: To ensure the site is managed in a manner that does not disturb the amenity of

surrounding residential properties.

35. **Compliance with the Operational Plan of Management**

The requirements of the operational plan of management required by this consent is to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: Compliance with the Operational Plan of Management.

36. **Trade Waste Requirements**

The applicant must contact Sydney Water to determine whether a Trade Waste Permit is required before discharging any waste waters to the sewerage system.

Reason: To comply with legislation.

37. **Outdoor Light Pollution**

Prior to the issue of an Occupation Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting Control of the obtrusive effects of outdoor lighting Control of the obtrusive effects of outdoor lighting.

Reason: To protect public health and amenity.

38. **Operational Management Plan**

An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the operation of the development. The OMP shall include, but not be limited to the following:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.
- Management of car parking areas.
- The location and content of directional signage.
- Complaints management.
- Noise management.
- Truck delivery times and methods of control to manage the sequencing of the loading areas.
- Waste management.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area (DACTRFOC1)

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

### **39. Acoustic Conditions**

The following acoustic requirements shall be complied with for the life of the development:

- No truck movements between 6:00am and 7:00am. Trucks parked inside the warehouse may be packed between 6:00am and 7:00am.;
- No onsite customer parking before 7:00am;
- No more than 10 passenger vehicles < 4.5T Gross Vehicle Mass (GVM), in any 15-minute interval for 57 Myoora Road between;
- No more than 1 Rigid Flat Tray Truck in any 15-minute interval for 57 Myoora Road;
- Reversing alarms for all trucks and forklifts associated with the business must emit a "quacker" type alarm rather than a tonal one;
- A site management plan must include all noise related conditions;
- All staff operating the forklifts must be trained and made aware of the sensitive noise conditions;
- The owner/operator of the site shall make arrangements with delivery providers to ensure that delivery vehicles do not queue on Myoora Road prior to 7:00am Monday to Friday.
- No waste collection (including trade waste) or deliveries are to occur between the hours of 6:00pm and 7:00am Monday to Saturday. No waste collection (including trade waste) or deliveries are to occur on Sundays or Public Holidays.
- The use of amplified sound equipment and public address systems is not permitted, unless located entirely within the shop/warehouse and used in such a manner that the noise cannot be heard from any habitable room of any residential premises.

Reason: To protect the amenity of surrounding residents.

### **40. Hours of Operation**

Hours of operation must only occur during the following hours:

- Monday to Friday – 6:00am – 6:00pm
- Saturday – 7:00am – 4:00pm
- Sunday and public holidays - Closed

No public access to the premise is permitted during the following hours:

- Monday to Friday - 6:00am - 7:00am
- Monday to Friday - 5:00pm - 6:00pm

Reason: To minimise disruption to neighbouring properties.

### **41. 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. (DACPLG20)

42. **Enter and Exit in Forward Direction**

All vehicles shall enter and exit the site in forward direction.

Reason: To minimise adverse impact on footpath and street at the site frontage (DACTRGOG1)