

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0828
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 868761, 114 Old Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Use of premises as a Public Administration Building, including internal fit-out, alterations and additions and associated signage
Zoning:	LEP - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Primewest Funds Ltd
Applicant:	Elton Consulting
Application lodged:	12/08/2016
Application Type:	Local
State Reporting Category:	Other
Notified:	31/08/2016 to 15/09/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	1 Letter of support
Recommendation:	Approval
Estimated Cost of Works:	\$ 926,000.00

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding

the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone IN1 General Industrial
Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 1 DP 868761 , 114 Old Pittwater Road BROOKVALE NSW 2100
Detailed Site Description:	<p>The proposed tenancy is located on the ground floor of a building on a lot known as 114 Old Pittwater Road, Brookvale legally described as Lot 1 DP868761. The total floor space of the newly created tenancy is approximately 1030m².</p> <p>No. 114 Old Pittwater Road is currently occupied by a two-storey office and warehouse building with approximately 255 car spaces and loading dock.</p> <p>The subject site has frontage to Old Pittwater Road and adjoins the Council owned public reserve to the rear, which forms part of Allenby Park. The subject site benefits from a right of carriageway over the adjoining site at No. 108 Old Pittwater Road, Brookvale.</p> <p>The subject site adjoins industrial/warehouse units with an ancillary office in the immediate vicinity of the site.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following:

- Application DA2013/0686 for Installation of storage containers was approved on 03/09/2013.
- Application DA2011/0652 for Alterations and additions to an existing warehouse / office building was approved on 13/07/2011
- Application DA2010/0229 for Alterations and additions to an industrial building was approved on 29/03/2010

The site (part of the ground and first floor) has been occupied by FujiFilm for a significant period of time.

PROPOSED DEVELOPMENT IN DETAIL

Crown Development

The subject application was lodged by Service NSW. The application is therefore classified as Crown Development under the provisions of Part 4, Division 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Section 89(1) and (2) of the EP&A Act are relevant to the processing and determination of Crown Development and states:

- 1) A consent authority (other than the Minister) must not:

- a) refuse its consent to a Crown development application, except with the approval of the Minister, or
b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

2) If the consent authority fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the consent authority may refer the application:

- a) to the Minister if the consent authority is not a council, or
b) to the applicable regional panel, if the consent authority is a council.”

Details of the proposed Development

As part of the establishment of the Service NSW service centre, the following is being proposed:

- Change of use from industrial use to public administration building
- Minor demolition works and internal building alterations to create a new tenancy, internal fit out and signage
- Relocation of an existing building entry
- External signage.

Hours of Operation

The proposed Service NSW Centre will operate as follows:

Services NSW customer services

- Monday to Friday 8.30am - 5.30pm
- Saturday 8.30am - 12.30pm

Centralised printing services

- Monday-Sunday 6.00am - 8.00pm

Staff Numbers

The Service NSW Brookvale is expected to employ approximately 35-40 full-time staff.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See the discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><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.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&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&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&A Regulation 2000 requires the submission of a design verification certificate from the</p>

Section 79C 'Matters for Consideration'	Comments
	building designer prior to the issue of a Construction Certificate. This matter may be addressed via a condition of consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) 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. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See the discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Peter Smith	No details provided

Council has received one (1) Letter of support in relation to the proposed development, which states that *“the Service NSW will be excellent for the community so let's get it moving and open it”*.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>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.</i></p>
Environmental Investigations (Industrial)	No objection subject to conditions.
Natural Environment (Flood)	The proposed fit out of the existing commercial building is not considered to increase flood risk. No flood related development controls applied.
Traffic Engineer	<p>The applicant's car parking assessment for the proposed use of the ground floor unit as a business premises for public administration shows a parking requirement for 37 car spaces. I generally concur with the methodology used to calculate the parking requirements. It is further submitted that the existing overall development based on an "industry" has a requirement for 225 car spaces but there are 337 onsite car spaces. The application of the industry rate to the whole development may not reflect the actual approved use which could contain office space and possibly retail. It would be recommended that Development Assessment check the existing approvals in assessing the car parking requirements and provision. The applicant has not provided a traffic impact statement however based on the RMS Guidelines for Traffic Generating developments the proposal could generate an additional 60 vehicle trips during the peak hour period. This is based on office development and an assumed customer turnover rate of about 1.5 for each of the 28 customer spaces.</p> <p>The existing driveway and internal access arrangements are considered satisfactory to accommodate the additional traffic flow.</p> <p>The additional traffic generation is expected to be accommodated in the road network with minimal impact on the level of service.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service local branch (s79BA EPAA)	The application was referred to NSWRFSS for comments on 12 September 2016, the RFS by letter dated 16 September has no raised no objection or conditions relating to the proposed development.

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 the land is contaminated. Council records indicate that the subject site has been used for industrial / commercial purposes for a significant period of time with no prior land uses. In this regard, it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the industrial / commercial land use.

SEPP 64 - Advertising and Signage

The application proposes the following signages:

- Entry Portal Signage; and
- Updating the existing freestanding signage with Service NSW details.

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
<p>1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The proposed development includes business (identification) and wayfinding signage. The signage is necessary to help identify and locate the facility. It comprises a coordinated suite of signage which is appropriate in scale and integrated with the development. It is compatible with the existing and future character of the area.</p>	<p>YES</p>
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>Although the signage does not involve any advertising, its design is compatible with other wayfinding and business signage in the area.</p>	<p>YES</p>
<p>2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The signage is low key and integrated into the design of the development. It will not detract from the amenity or visual quality of heritage items in the vicinity.</p>	<p>YES</p>
<p>3. Views and vistas Does the proposal obscure or compromise important views?</p>	<p>No important views are impacted by the proposed signage</p>	<p>YES</p>
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	<p>The signage is subservient to the building and does not dominate the skyline.</p>	<p>YES</p>
<p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>There are no advertising signs in the vicinity of the proposal, therefore, there is no impact on the viewing rights of other advertisers.</p>	<p>YES</p>
<p>4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	<p>As noted above, the signage is low key and subservient to the overall building. The scale, proportion and form of the signage is compatible with the streetscape and does not detract from the surrounding setting.</p>	<p>YES</p>
<p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p>	<p>The signage will assist in providing visual interest along the old Pittwater Road frontages. This is particularly important given the location of the building and the</p>	<p>YES</p>

	need to appropriately identify the use and entry points to the facility.	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal involves a coordinated suite of signage that is simple, clear and uncluttered. It will not result in excessive signage.	YES
Does the proposal screen unsightliness?	The signage is not intended to screen unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	As noted above, the signage has been designed as an integral part of the building and its surrounds. The different forms of signs, their location, and design are appropriate to the intended message and their relationship to the building	YES
Does the proposal respect important features of the site or building, or both?	As noted above, the signage is subservient to the building and does not impact on important architectural or landscape features.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage has been designed as a compatible component of the overall facility	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Some of the signs will be backlit. In these instances, lighting will be integrated into the sign design.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	As noted above, some of the signs will be backlit but the level of illumination will be modest and will not result in unacceptable glare.	YES
Can the intensity of the illumination be adjusted, if necessary?	The signs have the potential to be adjusted if necessary.	YES
Is the illumination subject to a curfew?	The signs will be required to be turned off when the facility is closed in accordance with recommended conditions.	YES

8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Because of the nature of the signage, it is not expected that the signs will impact on road, pedestrian or bicyclist safety. In particular, the signs will remain static and will not create glare.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs will not impact on sightlines from public areas.	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. No response has been received within the 21-day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environment 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:	11m	No changes are proposed	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.7 Demolition requires consent	Yes
Land Use Table	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone IN1 General Industrial

Proposed Use	Permitted or Prohibited
Public Administration Building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.	Permitted without consent (Development not specified in item 2 or 4)

Warringah Development Control Plan

Built Form Controls

No changes are proposed to the existing built form controls.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - IN1	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Front Boundary Exceptions - All Zones	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D3 Noise	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
Part E The Natural Environment	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

Public administrative building is not has defined under the rate under car parking WDC, therefor for the purpose of the car parking calculation only the "Business premises" is used for the purposes of car parking calculation only provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Business premises	1 space per 40 m ² GFA excluding customer service/access areas, plus for customer service/access	150m ² /40m ² = 4 455m ² /16.4 = 28	32	-

	areas 1 space per 16.4 m2 GFA.			
Industry (Driver's Licence Printing Opeation)	1.3 space/100m ²	100m ² /1.3 = 5	5	-
Industry (Existing)	1.3 space/100m ²	17,253.2/1.3 = 224.3 rounded up to 255)	255	-
Total		249	337	+88 spaces

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The Section 94 construction is not applicable to an application made by the Crown.

Concurrence

The draft conditions were forwarded to the applicant and concurrence was provided by an e-mail on 26 September 2016.

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

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 DA2016/0828 for Use of premises as a Public Administration Building, including internal fit-out, alterations and additions and associated signage on land at Lot 1 DP 868761, 114 Old Pittwater Road, BROOKVALE, subject to the following conditions:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Service Centre Signage Proposal	9 August 2016	Service NSW
FloorPlan & DWG No. SK-08	8/08/2016	Service NSW

Reports / Documentation – All recommendations and requirements contained

within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Condition of Consent to Carry out works	July 2015	Knight Frank

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

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

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

(NOTE: For a copy of the above-referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

2. 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.

Reason: Compliance with Warringah Local Environment Plan. (DACPLB07)

3. Prescribed Conditions

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) 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.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works

commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) 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.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

(1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.

(2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

7. Change of Use/Fire Safety Upgrade

The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 93 and 94 of the Environmental Planning and Assessment Regulation 2000.

The fire safety upgrading works are to be included in the Construction Certificate and be implemented prior to occupation of the new building or part.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.

8. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

9. Change of Use

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation

to the relevant development consent.

Reason: Statutory requirement under S109N of the Environmental Planning & Assessment Act 1979. (DACBCFPOC2)

10. Fire Safety Matters

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

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

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

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

11. Noise Impact On Surrounding Area

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines. (DACHPGOG5)

12. Hours of Operation

The hours of operation are to be restricted to:

Service NSW Customer Service

- Monday to Friday - 8.30am -5.30pm
- Saturday - 8.30am to 12.30pm

Centralised Printing Services

- Monday - Sunday - 6.00am to 8.00pm

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

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

(DACPLG08)

13. 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.
(DACPLG13)

14. Signs/Goods in the Public Way

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: To ensure pedestrian safety and to protect the streetscape. (DACPLG15)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed



Lashta Haidari, Senior Development Planner

The application is determined under the delegated authority of:



Steven Findlay, Development Assessment Manager

ATTACHMENT A

Notification Plan	Title	Date
2016/271116	Plan - Notification	11/08/2016

ATTACHMENT B

Notification Document	Title	Date
2016/286216	Notification Map	30/08/2016

ATTACHMENT C

Reference Number	Document	Date
2016/270863	Plans - Survey	01/08/2016
2016/270855	Cost Summary Report Quote	10/08/2016
2016/271195	Plans - Architectural	11/08/2016
2016/271167	Report - Waste Management	11/08/2016
2016/271175	Plan - Waste Management	11/08/2016
2016/271196	Report - Condition of Consent to Carry Out Works	11/08/2016
2016/271116	Plan - Notification	11/08/2016
DA2016/0828	114 Old Pittwater Road BROOKVALE NSW 2100 - Development Application - Change of Use	12/08/2016
2016/268161	DA Acknowledgement Letter - Elton Consulting	12/08/2016
2016/270829	Development Application Form	16/08/2016
2016/270833	Applicant Details	16/08/2016
2016/271133	Report - Statement of Environmental Effects	16/08/2016
2016/277748	Environmental Investigations (Industrial) - Assessment Referral - DA2016/0828 - 114 Old Pittwater Road BROOKVALE NSW 2100	23/08/2016
2016/277757	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2016/0828 - 114 Old Pittwater Road BROOKVALE - TS	23/08/2016
2016/277780	Sent Request further information	23/08/2016
2016/282914	Building Assessment Referral Response	29/08/2016
2016/282917	error sent twice-Building Assessment Referral Response	29/08/2016
2016/286130	Notification Letter - DA - 205 Letters Posted	30/08/2016
2016/286216	Notification Map	30/08/2016
2016/289214	Online Submission - Smith	01/09/2016
2016/299662	Natural Environment Referral Response - Flood	06/09/2016
2016/302454	Traffic Engineer Referral Response	08/09/2016

⌘ 2016/306542	Environmental Investigations Referral Response - industrial use	13/09/2016
2016/307771	RFS response - 114 Old Pittwater Road Brookvale	14/09/2016
⌘ 2016/308074	NSW RFS Referral Acknowledgement	14/09/2016
⌘ 2016/312194	RFS Referral Response	19/09/2016
