

# Memo

## Environment

<b>To:</b>	Anna Williams , Development Assessment Manager
<b>From:</b>	Penny Wood, Planner
<b>Date:</b>	13 October 2020
<b>Application Number:</b>	Mod2020/0501
<b>Address:</b>	Lot 12 SP 39226 , 12 / 20 - 22 Cross Street BROOKVALE NSW 2100
<b>Proposed Modification:</b>	Modification of Development Consent DA2020/0110 granted for use of premises as a Recreation Facility Indoor (gymnasium)

## Background

The abovementioned development consent was granted by Council on 21 September 2020 for Use of premises as a Recreation Facility Indoor (gymnasium);

## Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to modify condition(s) No. 1 and 8, which reads as follows:

### 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
22A Sheet 1	19 December 2019	Peter Formosa
22A Sheet 2	19 December 2019	Peter Formosa

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Building Code of Australia Compliance Assessment Issue No. 1	13 August 2020	BCA Vision
Acoustic Report - R190629R0 (Revision 2)	10 August	Rodney Stevens

	2020	Acoustics
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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 will prevail.

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

## 8. **Structural Adequacy**

A Certificate of Adequacy signed by a practicing structural engineer certifying that the structural capacity of the building will be appropriate to the buildings proposed use as required by Section 93 of the Environmental Planning and Assessment Regulations. Such Certificate is required prior to release of the Development Approval.

Reason: To ensure the existing building is capable of supporting any additional loadings.

## **Consideration of error or mis-description**

Condition 1 approved Plan No. 22A Sheet 1 dated 19 December 2019. The applicant has lodged the subject 4.55(1) Modification Application to correct an error on Plan No. 22A Sheet 1 which approved the replacement of the existing roller shutter door with a new entry door and glazing. This detail was indicated on the plan however was not intended to be proposed at the time of lodgement. The applicant wishes to retain the existing roller door to the subject unit. This will not impact on the approved use of the unit as a gymnasium in relation to access or security.

Part of Condition 8 has been created in error and is to be amended to replace the wording "*such Certificate is required prior to release of the Development Application*" with "*Details demonstrating implementation and compliance are to be submitted to the Principal Certifier prior to the issue of any Final Occupation Certificate.*" Given the application has been approved the amended wording is satisfactory.

To ensure the acoustic privacy of adjoining residential receivers is protected, a condition is imposed in this consent for the main roller-shutter door to remain closed during classes and opened only for clients and staff to enter and leave the premises. Given no Acoustic Report was submitted with the subject modification application, a proper assessment of any noise related issues has not been carried out. The condition will limit the times the roller-shutter door can be opened with any changes to this arrangement subject to justification within an Acoustic Report prepared by a suitably qualified person.

## 18. **Roller Shutter Entry Door**

The main roller shutter entry door is to remain closed during classes and is to be opened only when clients and staff are entering and/or leaving the premises.

Any change to this arrangement is to be justified within an Acoustic Report prepared by a suitably qualified person. The Acoustic Report is to be submitted to Council for review and approval.

Should the Acoustic Report be approved by Council, the Plan of Management is to be updated to include the new arrangement.

Reason: To protect neighbouring amenity.

## Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

## Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2020/0501 for Modification of Development Consent DA2020/0110 granted for use of premises as a Recreation Facility Indoor (gymnasium) on land at Lot 12 SP 39226, 12 / 20 - 22 Cross Street, BROOKVALE, as follows:

### A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

#### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
22B Sheet 1	24 September 2020	Peter Formosa
22A Sheet 2	19 December 2019	Peter Formosa

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Building Code of Australia Compliance Assessment Issue No. 1	13 August 2020	BCA Vision
Acoustic Report - R190629R0 (Revision 2)	10 August 2020	Rodney Stevens Acoustics

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

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

### B. Modify Condition 8 - Structural Adequacy to read as follows:

A Certificate of Adequacy signed by a practicing structural engineer certifying that the structural capacity of the building will be appropriate to the buildings proposed use as required by Section 93 of the Environmental Planning and Assessment Regulations.

Details demonstrating implementation and compliance are to be submitted to the Principal Certifier prior to the issue of any Final Occupation Certificate.

Reason: To ensure the existing building is capable of supporting any additional loadings.

**C. Add Condition 18 - Roller Shutter Entry Door to read as follows:**

The main roller-shutter entry door is to remain closed during classes and is to be opened only when clients and staff are entering and/or leaving the premises.

Any change to this arrangement is to be justified within an Acoustic Report prepared by a suitably qualified person. The Acoustic Report is to be submitted to Council for review and approval.

Should the Acoustic Report be approved by Council, the Plan of Management is to be updated to include the new arrangement.

Reason: To protect neighbouring amenity.

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

**Signed**



**Penny Wood, Planner**

The application is determined on 13/10/2020, under the delegated authority of:



**Anna Williams, Manager Development Assessments**