

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0837
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<b>Responsible Officer:</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 35 SP 19713, 35 / 1 Thew Parade CROMER NSW 2099
<b>Proposed Development:</b>	Use of premises as a light industry and signage
<b>Zoning:</b>	Warringah LEP2011 - Land zoned IN1 General Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Sunnyoung Holdings Pty Ltd
<b>Applicant:</b>	Nexus Project Delivery Pty Ltd

<b>Application Lodged:</b>	06/08/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Industrial
<b>Notified:</b>	14/08/2019 to 28/08/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 830,175.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposal involves use of the unit for a food manufacturing plant. The use involves processing raw meat into something similar to beef jerky, which will be packaged and then sold away from the premises. The process involves meat preparation (mincing/cutting), cooking, drying, and baking. The meat is then packaged and loaded into vehicles.

The proposed works include internal demolition of existing toilets and part of an existing retaining wall in front of the unit, fit out of the industrial unit, a new external stair, a new external condenser area, new grease arrestor and sewer pump, new external louvres, and new exhaust duct.

The fit out includes rooms for each of the parts of the process described above, and also including change rooms for employees, toilets, office, and utility room. The existing loading dock is to be retained.

Proposed hours of operation are 8am to 6pm.

Proposed number of employees is 3-5.

## 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 Local Environmental Plan 2011 - Zone IN1 General Industrial  
Warringah Development Control Plan - C3 Parking Facilities  
Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 35 SP 19713 , 35 / 1 Thew Parade CROMER NSW 2099
<b>Detailed Site Description:</b>	<p>The site is a large, irregularly shaped lot located on Thew Parade with frontages to Middleton Road to the north, and South Creek Road to the south. The site is relatively flat, with a slight fall from north east to south west.</p> <p>There is an existing industrial development on site, which includes parking. Unit 35 is located adjacent to the Thew Parade frontage towards the northern end of the site.</p> <p>Surrounding development consists of industrial uses. The nearest residential development in any direction is a minimum of 300m away at the corner of Fisher Road North and Grover Avenue. Other residential development is located at least 300m in any direction, with multiple buildings and development between the subject site and residential areas in all directions.</p>

Map:



## SITE HISTORY

PLM2019/0141 - A prelodgement meeting was held on 11/07/2019 to discuss the proposal. The notes suggested that the proposal could be supported subject to Council's satisfaction that the use would fall under a definition of a permissible use in the zone, satisfactory provision of parking, and satisfactory environmental health related matters.

## 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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Clauses 54 and 109 of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p>Clause 92 of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 93 and/or 94 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>Clause 98 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>Clause 98 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>Clause 143A 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 with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Matters for Consideration'	Comments
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 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 1 submission/s from:

Name:	Address:
Mr Kenneth William Taylor	15 Anzac Avenue COLLAROY NSW 2097

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

- Noise, smells or heat
- Fire
- Works on common property
- Extraction fans / heat removal
- Number of staff / parking
- Hours of operation

The matters raised within the submissions are addressed as follows:

- **Noise, smells or heat**  
Concerns were raised with existing holes in the common (western) wall between units 35 and 34, and possible impacts of noise, odours and heat on the existing artificial grass warehouse in the adjoining unit.

Comment:

The applicant made the following comments in response to the above concerns:

*Any existing holes in the wall will be filled. Also, it is planned to provide plasterboard sheeting and wall tiling to the walls as appropriate to comply with the Food Standards Code.*

Council's Environmental Health and Building Assessment - Fire and Disability Officers have assessed the proposal, and are satisfied with the level of documentation provided. Conditions of consent will be applied requiring compliance with the Building Code of Australia, and the



relevant Australian Standards for kitchen design and mechanical ventilation. The levels of noise created by the proposed use are not expected to be unreasonable in the industrial area. The use is not one that includes any particularly noisy machinery or on going works. Subject to the conditions mentioned above, the proposal will not create any unreasonable impacts in terms of noise, odours and heat.

- **Fire**

Concerns were raised with fire safety, particularly with regard to use of the cooker and wok shown in the north west corner of the plans.

Comment:

Council's Building Assessment - Fire and Disability Officer has assessed the proposal and is satisfied that the proposal can achieve the requirements of the Building Code of Australia (BCA), including fire safety requirements. Conditions of consent will be applied requiring compliance with the BCA. Subject to this condition, the proposal is not considered to result in any unreasonable fire danger.

- **Works on common property**

Concerns were raised that the proposed condenser, grease pit and building material were all shown on common property.

Comment:

The applicant has provided the following comments in relation to this issue:

*The owners corporation have approved the plans. The condensers and grease pit are all located immediately adjacent to the entry to Unit 35 so as not to affect any other unit owner/tenant.*

The application includes owner's consent, which includes the strata plan common seal, and an authorising letter from the strata manager, referencing the plans prepared by BD Architecture Interiors. The works are wholly within the property boundaries, with owner's consent, and as noted by the applicant are located directly in front of the subject unit, below the loading dock ramp and one of the car parking spaces allocated to the unit, and immediately to the east of the ramp. As such the location will not create any unreasonable disruption to the operation of other units. The submission is not supported in this regard.

- **Extraction fans / heat removal**

Concern was raised that there are not extraction fans shown from the cooking room. Further concern was raised that the drying room shows not heat removal or ventilation on the plans.

Comment:

The applicant has provided the following comments in relation to this issue:

*Extraction fans are shown on architectural drg A03/H. Windows are not used to control smells.... The premises will be well ventilated and mechanically conditioned to Food standards Code.*

The conditions of consent will require all rooms used for food preparation and cooking to be mechanically ventilated in accordance with the relevant Australian Standards. The development will also be required to comply with the BCA requirements for fire and heat levels. Subject to these conditions, the submission is considered to be reasonably satisfied.

- **Number of staff/parking**

Concerns were raised with the number of staff on site, and the limited number of car spaces.

Comment:

The Statement of Environmental Effects provided with the application states that there will be a staff of 5 on site. The plans indicate that there are 6 spaces on site allocated to unit 35. The proposed use does not include any sales or customer service from the property. As such, the parking provided and the number of staff proposed is considered satisfactory. A condition of consent will limit the number of staff to 5. Subject to this condition, the submission is considered to be reasonably satisfied.

- **Hours of operation**

Concerns were raised that the application did not mention any operating hours.

Comment:

The Statement of Environmental Effects provided with the application states the proposed operating hours are 8am until 6pm. The applicant has clarified that the operation will only be carried out Monday to Friday. The unit is located a minimum of 300m to the nearest residential property in any direction, and the proposed use is unlikely to cause a significant amount of noise or other amenity impacts. The operation of the use during these hours is considered reasonable. A condition of consent will limit the operating hours to these times.

## 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.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p><b>General Comments</b></p> <p>A proposal to insert a food manufacturing plant in an industrial warehouse. Appropriate information provided regarding grease arrestor and mechanical exhaust system. Location poses minimal impact on surrounding environment. Standard conditions for a food premise are recommended by Environmental Health.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
Environmental Health (Food Premises, Skin Pen.)	<p><b>General Comments</b></p>

Internal Referral Body	Comments
	See Environmental Health referral notes on the industrial referral, which cover the food premises component of the application.  <b>Recommendation</b>  APPROVAL - subject to conditions
NECC (Development Engineering)	No objections are raised to the proposed development, subject to conditions.
Traffic Engineer	Based on the triggers list, traffic referral is not required.
Waste Officer	This DA does not contain any residential component or subdivision of land for residential dwellings and should not have triggered a referral to waste services

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.

## 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 records of contamination. 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 (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 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:	11m	No change to existing (flues are not subject to height control)	N/A	Yes

Compliance Assessment

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

Detailed Assessment

**Zone IN1 General Industrial**

The proposal is considered to best fit under the definition of 'light industry', which is as follows:

**Light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the

following:

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

The definition refers to artisan food and drink industry, which is defined as follows:

**Artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

The proposed works do not fall under this definition, as there is no retail area, restaurant or tasting/tours/workshop facilities. However, the proposal is for a boutique/artisan/craft food making/manufacturing type use, and is therefore considered to fall within the general realm of uses envisaged to fall within the Light Industry use above. It is noted that the definition for light industry does not *only* include high technology industry, home industry, and artisan food and drink industry. Other uses that do not fall strictly under the individual definitions of those three uses may also be considered as light industry.

It is noted that a submission was received raising concerns with noise, odours and heat, and that the definition of light industry refers to interference with the amenity of the neighbourhood by these factors. These issues have been assessed by Council's Environmental Health Officer's, and the works have been found not to result in any unreasonable impacts in this regard. These issues are discussed in more detail in the submissions section of this report. However, it is not considered that the raising of these concerns by the objector prevents the application from falling under the definition of light industry.

It is further noted that although the use is considered in this case to be light industry (due to the similarities with an artisan food and drink industry), the use would also be permissible as a general industry, which is defined as follows:

**General industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

Under the above definitions, the use could arguably be defined as a general industry, which is also a permissible use in the zone.

Given the considerations above, the proposed use is considered to be permissible in the zone.

## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B6 Merit Assessment of Side	Merit (east)	80m approx	N/A	Yes

Boundary Setbacks				
B7 Front Boundary Setbacks	4.5m	New external works minimum 6.5m	N/A	Yes
B10 Merit assessment of rear boundary setbacks	Merit	No rear boundary	N/A	N/A

**\*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
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	N/A	N/A
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	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	Yes	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
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	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
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

### 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 (+/-)
Industry (Under Appendix 1 of DCP)	1.3 spaces per 100 m2 GFA	5 spaces (based on floor space of 383sqm)	6 spaces	+1
(Right Click to ADD or REMOVE ROWS)				
<b>Total</b>				

The unit has adequate allocated parking spaces within the property to comply with the control. Further, the proposal states that there will be 5 staff on site. There will be no customers attending the unit as all retail sales take place off site. The parking provided is therefore adequate.

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

#### Comment:

The development will utilise the existing parking.

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

#### Comment:

N/A

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

The application proposes one piece of signage consisting of the following:

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Sign	Requirement	Width	Height	M <sup>2</sup>	Complies
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)	<p>Shall not extend within 200mm of the top and sides of the wall.</p> <p>Shall not cover any window or architectural projections;</p> <p>Must be of a size and shape that relates to the architectural design of the building to which it is attached;</p> <p>Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and</p> <p>Shall not project more than 300mm from the wall.</p>	1.2m	560mm	0.67sqm	Yes - sign is 350mm from top of wall, and not near the sides of the wall. It is relatively minor in size in relation to the building. It is not illuminated.

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.

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$8,302 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$830,175.

## 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 DA2019/0837 for Use of premises as a light industry and signage on land at Lot 35 SP 19713, 35 / 1 Thew Parade, CROMER, 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A01 Rev. B	29/07/19	BD Architecture Interiors
A02 Rev. B	29/07/19	BD Architecture Interiors
A03 Rev. H	29/07/19	BD Architecture Interiors
A04 Rev. C	29/07/19	BD Architecture Interiors
A05 Rev. C	29/07/19	BD Architecture Interiors



<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>
NCC Report RE5159.1 Revision R01	2 August 2019	Kudos Building Certification

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Northern Beaches Waste Management Plan	2/8/18	Nexus Project Delivery
A06 Rev. A	29/07/19	BD Architecture Interiors

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. **Approved Land Use**

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

A light industry is defined as:

“light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.”

(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.

## 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) showing the name, address and telephone number of the Principal 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.

#### 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) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) 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.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.

- (k) 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

### 5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$8,301.75 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$830,175.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part)

remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

## 6. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, 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.

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

## 7. **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.

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

8. **Road Reserve**

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

Reason: Public Safety.

9. **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)] and
- 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.
- 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.

10. **Waste Management During Development**

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

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

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

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

11. **Kitchen Design, construction and fit out of food premises certification**

Prior to any Occupation Certificate (OC) being issued, certification is to be provided by a suitably qualified person to the Principal Certifying Authority, that the construction fit-out and finishes of the food premises comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS4674 'Design, construction and fit out of food premises'.

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

12. **Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided to the Principal Certifying Authority, the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668.

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

13. **Registration of Food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to



Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

14. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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

15. **Allocation of Spaces**

Six car parking spaces provided shall be allocated to the unit and provided, made accessible and maintained at all times.

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

16. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 8am to 6pm

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

17. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

18. **Deliveries**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 8pm and 7am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. (DACPLG21)

19. **Noise**

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 residential 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.

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

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

**Signed**



**David Auster, Planner**

The application is determined on 10/10/2019, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**