

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0385
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 100 DP 1023183, Meatworks Avenue, Oxford Falls
Proposed Development	Alterations and additions to a warehouse and ancillary office
Locality:	B2 Oxford Falls Valley - WLEP 2000
Category of Development:	Category 3 (warehouse)
Consent Authority:	Northern Beaches Council
Land and Environment Court:	No
Owner:	Numeve Pty Ltd
Applicant:	Milestone (AUST) Pty Ltd
Application Lodged:	26 November 2019
Integrated Development	No
Designated Development:	No
Notified:	23 April 2021 – 7 May 2021
Submission Received:	nil
Clause 20 Variation:	nil
Recommendation:	Approval
Estimated Cost of Works:	\$47,239.50

EXECUTIVE SUMMARY

This report has been submitted to the Independent Assessment Panel for consideration of Development Application DA2021/0385 for alterations and additions to a warehouse and ancillary office. Specifically, the works involve the amalgamation and associated fit out of units 17 and 18 on the site which were approved under Development Consent DA2011/0985. The works are limited to internal alterations, which do not alter the height and footprint of the approved industrial/warehouse development.

The site is located within an area identified as “Deferred Lands” under Clause 1.3(1A) of the Warringah Local Environmental Plan 2000. The site is located within the B2 Oxford Falls Valley locality under Warringah Local Environmental Plan 2000 (WLEP 2000). The proposal is classified as Category Three development in the B2 Locality.

The proposed amalgamated unit will be used to store skin care products for distribution to skin care clinics. No manufacturing will occur on the site and the proposed development will maintain consistency with the approved warehouse land use on the subject site.

A detailed assessment of the application has determined that the proposed development is consistent with the desired future character statement, the general principles of development control and relevant state policies.

The application was exhibited in accordance with the Northern Beaches Community Participation Plan and Council received no submissions.

In accordance with the requirements of Clause 15 of WLEP 2000, the application is presented for an independent public hearing to be conducted and that their findings and recommendations be presented to the Director of Planning and Place for determination of the application.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to the existing warehouse and ancillary office, with the works specifically being confined to Units 17 and 18.

The proposed works comprise the fitout, internal alterations to the ground floor level and additions to the mezzanine floor. The subject works will effectively consolidate the two units.

Key operational components of the proposal comprise the following:

Number of Staff

- A maximum of eight (8) staff members will occupy the premises at one time.

Hours of Operation

- The hours of operation are as follows:
 - Monday to Friday: 7:00am to 6:00pm (consistent with DA2011/0985).

Waste Management

- On-going waste management operations will be consistent with conditions imposed under DA2011/0985.

Deliveries

- Deliveries to the premises are in accordance with conditions imposed under DA2011/0985.

Land Use

- The use of the premises maintains consistency with the WLEP 2000 'warehouse' definition. The amalgamated unit will be used to store skin care products used for distribution to skin care clinics. No manufacturing will occur within the subject warehouse.

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.

SITE DESCRIPTION

The subject site is legally described as Lot 100 DP 1023183, known as Lot 100 Meatworks Avenue, Oxford Falls identified with a yellow flag below. The subject site forms part of a larger collective of lots, identified with red hatching under a Permissive Occupancy of 3 parcels (lots 1046, 1047 and 1053) of Crown land. The proposed development is only located on Lot 100. The subject site is an irregularly shaped allotment with the total site area of 34,120m² (3.412ha) and is located at the northern end of Meatworks Avenue, as shown in Figure 3 below.

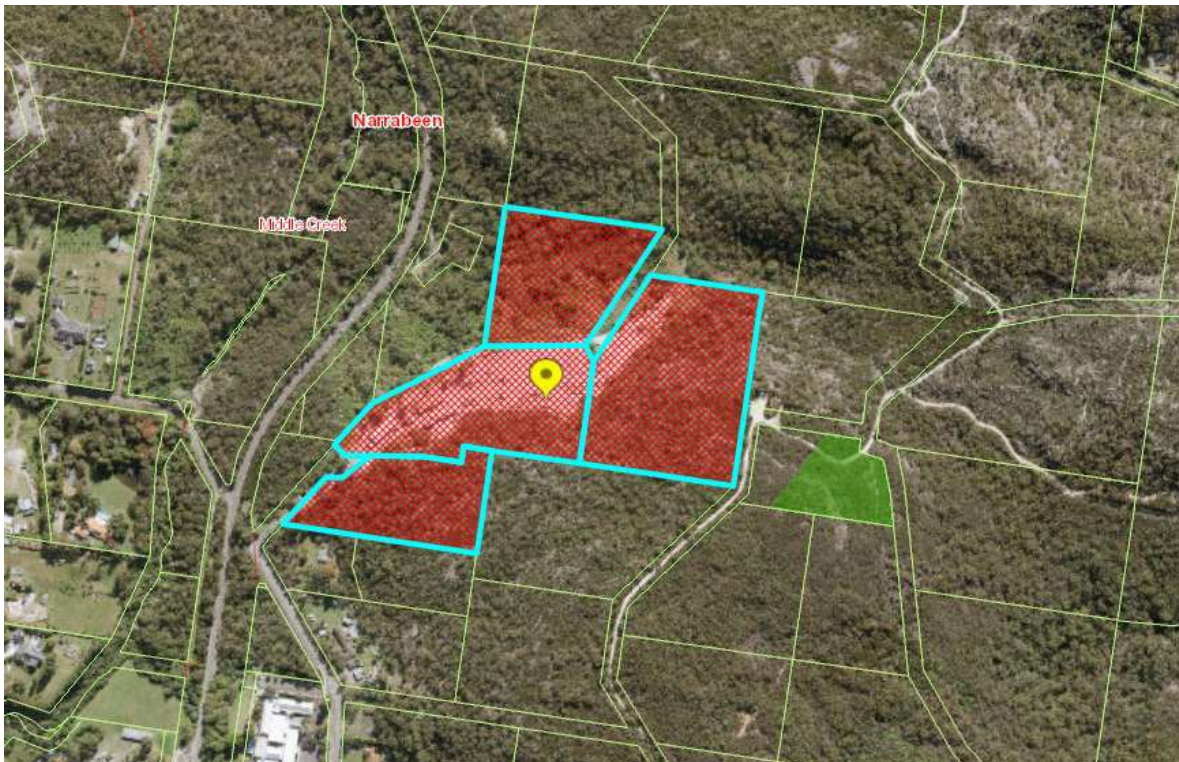


Figure 1 - Site Map

The subject site is a sloping allotment having a fall from south to north and from west to east, with a large rock escarpment traversing the southern portion of the site. The area to the south of the escarpment comprises dense remnant bushland. The northern part of the site is

under construction as part of Development Consent No. DA2011/0985 and contains a number of other buildings and uses, comprising:

- Public Weighbridge
- Dwelling House
- Administration Building
- A storage building

Vehicular access to the site is currently via Meatworks Avenue, which terminates at the front boundary of the site. A central driveway traverses the centre of the site then gives access throughout the newly constructed development with secondary access roads accessing the upper and lower portions of the site.

The subject site is surrounded by large vacant allotments that are covered in dense bushland. Immediately to the northwest of the site is Public Open Space, which is also located within the B2 Locality and is an identified Conservation Area. The B2 locality is generally rural/residential in character in the immediate vicinity of the subject site and contains a range of other land uses comprising:

- Undeveloped native bushland to the north and east of the site.
- Detached dwelling houses on large allotments to the south and west of the site.
- Educational establishments fronting Wakehurst Parkway to the south and south-west of the site.

Site History

2013 Court Approval (DA2011/0985)

On 26 April 2013, the Land and Environment Court (LEC) granted development consent to an application proposing the construction of a light industrial/ warehouse development with ancillary office space on the subject site (proceedings 10526 of 2012). The works associated with this consent have been physically commenced and are well advanced. The relevant Construction Certificates are CC2018/0420 and CC2019/0078.

Development Application DA2019/1340

Development Application DA2019/1340 for demolition works and construction of additions to an approved industrial and warehouse development refused by the Northern Beaches Local Planning Panel on 22 May 2020. This application was subject to an appeal in the NSW Land and Environment Court, which was upheld with amended plans. The consent was issued on 26 March 2021.

DEVELOPMENT APPLICATION HISTORY

The Assessment Officer undertook a site visit at the subject site on 14 May 2021.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any	See discussion on Environmental Planning

Section 4.15 'Matters for Consideration'	Comments
environmental planning instrument	Instruments within this report
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	None Applicable
Section 4.15 (1) (a)(iiia) - Provisions of any Planning Agreement or Draft Planning Agreement	<p>Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The site is the subject of an approval for industrial/warehouse development.</p> <p>The proposed development retains the approved industrial use of the site, and is not considered a contamination risk, as discussed under SEPP 55 of this report.</p>
Section 4.15 (1) (a)(iv) - Provisions of the regulations	<p>Clause 98 of the Environmental Planning and Assessment Regulation 2000 states that a prescribed condition of consent is that the work is to be undertaken in accordance with the Building Code of Australia (BCA). If the application is approved a condition of consent could be included in the recommendation to ensure that the proposal complies with the BCA.</p> <p>Clause 93 and 94 of the EPA Regulations 2000 requires the consent authority to consider fire safety and structural issues. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval for existing buildings that are proposed to be retained.</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) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control table in this report. In summary, the proposed development is found to be consistent in this regard.</p> <p>(ii) The development will allow of use of an approved industrial/warehouse development on the site and will generate employment for the locality. The proposed development will not therefore have a detrimental social impact on the locality.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the industrial nature of the proposed land use.</p>
Section 4.15 (1) (c) – The suitability of the site for the development.	The site is considered to be suitable for the proposed development.
Section 4.15 (1) (d) – Any submissions made	The application was exhibited in accordance with

Section 4.15 'Matters for Consideration'	Comments
in accordance with the EP&A Act or EP&A Regulation	the Northern Beaches Community Participation Plan. Following the public exhibition period, no submissions were received.
Section 4.15 (1) (e) – The public interest	<p>The public interest has been considered as part of the application process. Overall, the public interest is best served by the consistent application of the requirements of the relevant planning controls, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised and/or managed.</p> <p>The proposal has been assessed against the provisions of the relevant planning controls and is found to be acceptable.</p> <p>On this basis, the proposal is considered to be in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights do not apply 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 the relevant Northern Beaches Community Participation Plan. No submissions were received.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>Supported (subject to conditions)</p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p>Supported (no conditions recommended)</p> <p>The development proposes internal alterations and additions to two industrial warehouse units. The units will be used to store skin care products used for distribution to skin care clinics. No manufacturing is to occur or skin penetration procedures/treatments.</p>
Traffic Engineer	<p>Supported (subject to conditions)</p> <p>The proposed development involves internal alterations and additions to the existing industrial warehouse Building F to accommodate the office and storage needs of the new building occupants, Derma Aesthetics. Building F comprises two separate units 17 and 18 with the existing total floor area of 369m². The</p>

	<p>proposal seeks to consolidate and extend the floor area of the existing mezzanine level for both units to accommodate the total floor area of 460m², of which 87m² will be Office area (19% of the total Gross Floor Area of the warehouse) and 373m² Warehouse storage area (81% of the total Gross Floor Area).</p> <p>The small truck will reverse as far into the internal loading area with the front of the vehicle positioned wholly within the confines of the designated external loading area in front of the loading doors. Reference is made to the submitted Proposed Ground Floor Plan Drawing No. A090 prepared by Strutt Studios dated 19 March 2021 (refer to Figure 5), which illustrates there is sufficient area for the small truck to manoeuvre (total of 5.55m (W) x 8.66m (L)) when loading and unloading. The loading vehicles is proposed to not impede the circulation of other vehicles utilising the communal driveways and will therefore maintain positive safety outcomes.</p> <p>Traffic assessment:</p> <p>Applying the parking rate of 1.5 spaces per 100m² (which is the rate applied for the currently approved development), the total parking requirements will be 7 spaces. The proposed modification will result in one parking shortfall.</p> <p>The proposed extension to the mezzanine area will provide adequate void area for partial access of the small loading services.</p> <p>The proposed modification is therefore can be supported subject to the Council's planning officer consideration and approval.</p> <p>The proposal is therefore supported.</p>
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External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>No response received</p> <p>The application was referred to Ausgrid under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007.</p> <p>To date, no response has been provided and it is assumed that no objection is raised concerning the proposal and hence there are no specific Ausgrid requirements to be imposed on any consent.</p>

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 Policy No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Contaminated Lands establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

The requirement of SEPP 55 was addressed at the granting of Development Consent for the industrial warehouse units on the site.

The application was also referred to Council's Environmental Health Officer who has reviewed the report and raised no objection to the proposal.

Accordingly, the requirements of the SEPP have been satisfied and the land can be made suitable for the purpose for which the development is proposed to be carried out.

SEPP (Infrastructure) 2007

Clause 45 of SEPP Infrastructure 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; or*
- *Within 5m of an exposed overhead electricity power line.*

The application was referred to Ausgrid under clause 45(2) of SEPP Infrastructure. To date, no response has been received and it is assumed that Ausgrid do not raise any objection nor impose any conditions.

Warringah Local Environmental Plan 2011 (WLEP 2011)

The B2 Oxford Falls Valley locality (which cover the land subject to this Application) under the WLEP 2000 were proposed to be zoned E3 Environmental Management in the draft 2009 version of Warringah's standard instrument. This was based on a detailed translation methodology that was applied to all land within the former Warringah LGA.

In December 2011, the Minister for Planning, Industry and Environment *deferred* land in the Oxford Falls Valley and Belrose North areas from the Warringah Local Environmental Plan 2011 (WLEP 2011) in response to stakeholder concern regarding the adequacy of consultation during the preparation of WLEP 2011.

Accordingly, WLEP 2011 and the current Warringah Development Control Plan 2011 do not apply to this application.

Warringah Local Environmental Plan 2000 (WLEP 2000)

Desired Future Character

WLEP 2000 applies to the subject land and the DA is made pursuant to this instrument. Under WLEP 2000, the subject site is located within the B2 Oxford Falls Valley Locality and the proposed development, being development for the purposes of industrial/warehouse, is classified as a Category 3 Development.

Pursuant to clause 12 of WLEP 2000, before granting consent for development, the consent authority must be satisfied that the development is consistent with any relevant General Principles of Development Control in Part 4 of WLEP 2000, and any relevant State Environmental Planning Policy described in Schedule 5 (State Policies).

Furthermore, clause 12 indicates that before granting consent for development, the consent authority must be satisfied that the development will comply with the relevant requirements made by Parts 2 and 3, and the development standards for the development set out in the Locality Statement for the locality in which the development will be carried out.

Finally, clause 12 states that before granting consent for development classified as Category Two or Three, the consent authority must be satisfied that the development is consistent with the Desired Future Character (DFC) described in the relevant Locality Statement.

The DFC statement for the B2 locality states as follows:

B2 Oxford Falls Valley Locality

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its Catchment and will ensure that ecological values of natural watercourses are maintained.

Each element of the desired future character statement is discussed below as follows:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Comment:

The proposed development pertains to alterations and additions to an approved industrial/warehouse development at the subject site. The works do not alter the approved land use or the approved operational requirements of the development. In this regard, Council is satisfied that the proposed development will not alter the present character of the Oxford Falls Valley locality.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

Comment:

The proposed development comprises the amalgamation of two industrial/warehouse units and associated fit out works to an existing approved development. The use of the proposal will maintain consistency with the operational requirements imposed under Development Consent DA2011/0985, with conditions imposed to ensure this. In this regard, the proposed development will not intensify the current approved industrial/warehouse development on the subject site. The physical works are confined to the internal building footprint and will not be visible from Narrabeen Lagoon or the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Comment:

The physical works are confined to the internal building footprint and will not alter the external appearance of the existing industrial/warehouse units.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Comment:

The works are confined to the existing building footprint and do not result in a reduction of landscaping on the subject site.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

Comment:

The proposed land use will remain consistent with the previously approved development and the internal works will not create siltation or pollution of Narrabeen Lagoon and its catchment.

Concluding Remarks

Having regard to the above assessment, it is concluded that the proposed development is consistent with the desired future character statement of the Oxford Falls Valley locality.

Built Form Controls for Locality B2 Oxford Falls Valley

The proposed alterations and additions do not alter the height and footprint of the approved warehouse/industrial development on the subject site. Therefore, there are no applicable built form controls for the proposed development.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development. The relevant general principles are addressed below.

General Principles	Applies	Comments	Complies
CL38 Glare & reflection	No	No Comment	Not Applicable
CL39 Local retail centres	No	The site is not located within a Local Retail Centre.	Not Applicable
CL40 Housing for Older People and People with Disabilities	No	No Comment	Not Applicable
CL41 Brothels	No	No comment	Not Applicable
CL42 Construction Sites	Yes	Conditions imposed with this consent will limit impacts from construction works.	Yes (Subject to conditions)
CL43 Noise	Yes	The proposal will maintain the approved warehouse/industrial land use for the site. Council's Environmental Health Officer has also reviewed the proposal and found the development to be acceptable. Therefore, Council is satisfied that the proposal is consistent with Clause 43 of the WLEP 2000.	Yes
CL44 Pollutants	Yes	Council's Environmental Health Officer has reviewed the proposal and found it to be acceptable in this regard.	Yes
CL45 Hazardous Uses	No	No Comment	Not Applicable
CL46 Radiation Emission Levels	No	No Comment	Not Applicable
CL47 Flood Affected Land	No	The site is not located within, or near to, any identified flood affected land.	Not Applicable
CL48 Potentially Contaminated Land	Yes	The requirements of Clause 48 have been addressed under 'State Environmental Planning Policy No.55 – Remediation of Land' in this report.	Yes
CL49 Remediation of Contaminated Land	No	No Comment	Not Applicable
CL49a Acid Sulfate Soils	No	The site is not located within, or near to, any land categorised as containing acid sulphate soil.	Not Applicable
CL50 Safety & Security	Yes	The proposed development will provide adequate surveillance. Accordingly, the proposed development is	Yes

General Principles	Applies	Comments	Complies
		considered to be consistent with the requirements of Clause 50.	
CL51 Front Fences and Walls	No	No front fence is proposed.	Not Applicable
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	<p>Clause 52 requires that Development adjacent to parks, bushland reserves and other public spaces, including land reserved for public open space, it to complement the landscape character and public use and enjoyment of that land.</p> <p>The subject site adjoins Middle Creek Reserve (No. 2 Wakehurst Parkway) to the north of the subject site. The proposal will provide adequate separation of the site from the surrounding public open space. The proposal is therefore considered to satisfy the requirements of Clause 52.</p>	Yes
CL53 Signs	No	No signage is proposed as part of this application. A condition can be included in the consent if the application was recommended for approval to require a separate development application to be lodged for signage where required under the provisions of WLEP 2000.	Not Applicable
CL54 Provision and Location of Utility Services	No	No Comment	Not Applicable
CL55 Site Consolidation in 'Medium Density Areas'	No	No Comment	Not Applicable
CL56 Retaining Unique Environmental Features on Site & CL58 Protection of Existing Flora	Yes	The proposal includes alterations and additions to the approved industrial/warehouse development do not impact upon the natural environment.	Yes
CL57 Development on Sloping Land	No	Not Comment	Not Applicable
CL59 Koala Habitat Protection	Yes	There no koala activities identified on site and therefore the proposed development is consistent with the requirement of this Clause.	Yes
CL60 Watercourses & Aquatic Habitats	Yes	The works are confined to the approved building and will not have an adverse impact upon watercourses and aquatic habitat	Yes
CL61 Views	Yes	The fit out works do not alter the height or footprint of the approved development and therefore, will not give rise to unreasonable view impacts.	Yes
CL62 Access to sunlight	Yes	Given the location of the subject site, the proposed development will achieve compliance with the requirement of this Clause.	Yes
CL63 Landscaped Open Space	Yes	The proposal does not alter the landscaped open space on the site.	Yes
CL63A Rear Building Setback	Yes	The proposal does not alter the approved rear building line.	Yes

General Principles	Applies	Comments	Complies
CL64 Private open space	No	No comment	Not Applicable
CL65 Privacy	Yes	Given the proximity and use of the adjoining lands from the proposed development no adverse privacy impacts will result from the proposed development.	Yes
CL66 Building bulk	Yes	The works do not exacerbate the bulk of the approved structures.	Yes
CL67 Roofs	No	No comment	Not Applicable
CL68 Conservation of Energy and Water	No	No comment	Not Applicable
CL69 Accessibility – Public and Semi-Public Buildings	Yes	Council's Fire and Accessibly Officer has reviewed the proposal and found it to be acceptable in this regard.	Yes
CL70 Site facilities	No	No comment	Not Applicable
CL71 Parking facilities (visual impact)	No	No comment	Not Applicable
CL72 Traffic access & safety	Yes	<p>Clause 72 requires that vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located on such a way to minimize:</p> <ul style="list-style-type: none"> • <i>Traffic hazards, and</i> • <i>Vehicles queuing on public roads, and</i> • <i>The number of crossing places to a street, and</i> • <i>Traffic and pedestrian conflict, and</i> • <i>Interference with public transport facilities.</i> <p>Council's Traffic Engineer has reviewed the proposal and has indicated that the development is acceptable in this regard.</p>	Yes
CL73 On-site Loading and Unloading	Yes	Council's Traffic Engineer has reviewed the proposal and has indicated that the development is acceptable in this regard.	Yes
CL74 Provision of Car parking	Yes	<p>The parking rate for the proposal is 1.5sqm per 100sqm of floor space. Applying this principle requires a total of 7 spaces. The proposal contains 6 parking spaces, which results in a shortfall of 1 space.</p> <p>Despite this, Council's Traffic Engineer has reviewed the proposal and is supportive of the 1 shortfall in parking spaces.</p>	Yes (satisfactory on merit)
CL75 Design of Carparking Areas	No	No comment	Not Applicable
CL76 Management of Stormwater	Yes	The works do not increase additional stormwater loading.	Yes

General Principles	Applies	Comments	Complies
CL77 Landfill	Yes	No landfill is proposed as part of the proposed development and therefore the requirement of this Clause is achieved.	Yes
CL78 Erosion & Sedimentation	No	No comment	Not Applicable
CL79 Heritage Control	No	No Comment	Not Applicable
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No	No Comment	Not Applicable
CL81 Notice to Heritage Council	No	No Comment	Not Applicable
CL82 Development in the Vicinity of Heritage Items	Yes	The adjoining land on the northwest of the subject site is identified as Conservation Area. The proposed development does not extend into the Conservation area and therefore, the proposal will have no impact upon the significance of the heritage conversation area. The proposed development is consistent with the requirement of this Clause.	Yes
CL83 Development of Known or Potential Archaeological Sites	Yes	The works are confined to the existing building footprint and will not have an adverse impact in this regard.	Yes

Schedule 8 - Site analysis

Adequate site analysis documentation has been submitted with this application.

Schedule 15 – Statement of Environmental Effects

Clause 15(1) of WLEP 2000 requires that the consent authority must consider a Statement of Environmental Effects prepared in accordance with the criteria listed in Schedule 15. In addition, Clause 15(2) requires the consent authority to consider the findings of an independent public hearing prior to the determination of the application.

The applicant has submitted a Statement of Environmental Effects (SEE) and an addendum to the SEE, prepared by Milestone (Aust) Pty Limited, which addresses Schedule 15 of the WLEP 2000.

Consideration	Proposed
(1) Summary of the Statement of Environmental Effects	The SEE has been submitted with the application, as prepared by Milestone (Aust) Pty Limited. Comment: The SEE adequately addresses the proposal's consistency with all relevant planning controls.
(2) A Statement Indicating how the proposed development is consistent with the relevant desired future character statement and general principals of	The applicant has addressed the consistency of the proposal with the desired future character statements for the B2 Locality and the General Principles of Development Control. In summary,

development control established by this plan.	<p>the applicant has concluded that the proposal is consistent with DFC statements for the B2 Locality and the development is also consistent with the General Principles as contained in Part of the WLEP 2000.</p> <p>Comment: As assessment of the proposal with all relevant controls in the WLEP 2000 is detailed within this report. The assessment has concluded that the proposed development is consistent with the desired future character statement of the B2 locality and the general principals of development control established by this plan.</p>
(3) A statement of the objectives of the proposed development.	<p>The applicant has advised that the primary objectives of the proposed development are to:</p> <p><i>“The proposed development involves internal alterations and addition to the existing industrial warehouse Building F, which comprises two separate units 17 and 18, to facilitate additional storage and ancillary office needs of the new building occupants. The proposed development is to provide for the orderly and economic use and development of the land that meets the demand for industrial/ warehouse development in this locality and within the Northern Beaches LGA generally”.</i></p> <p>Comment: The objectives of the development are considered to be adequately justified.</p>
<p>(4) An analysis of any feasible alternatives to the carrying out of the development, having regard to its objectives, including –</p> <ul style="list-style-type: none"> (a) The consequences of not carrying out the development, and (b) The reasons justifying the carrying out of the development. 	<p>The applicant has provided the following comments in response to this subclause:</p> <p><i>“The consequence of not carrying out the development would be the loss of an opportunity to activate two vacant warehouse buildings with a well-designed development that is permissible within the B2 Oxford Falls Valley Locality and consistent with the Desired Future Character. The proposal will facilitate the storage and ancillary office needs of a business, which is consistent with the proposed use for the site as a warehouse with associated ancillary office”.</i></p> <p><i>“The proposed development utilises the previously approved infrastructure without compromising the enhanced environmental and land use outcomes afforded through approval of the previous application, Development Application No. DA/2011/0985”.</i></p> <p>Comment: The applicant’s justification for carrying out the development is adequate. Council’s Assessment Officer concurs with this statement.</p>
<p>(5) An analysis of the development, including –</p> <ul style="list-style-type: none"> (a) A full description of the development, 	<p>The applicant’s SEE has adequately addressed the matters referred to in subclause (5).</p>

<p>and</p> <p>(b) a general description of the environment likely to be affected by the development, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and</p> <p>(c) A general description of the likely impact on the environment of the development, having regard to –</p> <p>(i) The nature and extent of the development, and</p> <p>(ii) The nature and extent of any building or works associated with the development, and</p> <p>(iii) The way in which any such building will be erected in connection with the development, and</p> <p>(iv) Any rehabilitation measures to be undertaken in connection with the development, and</p> <p>(d) A full description of the measures proposed to mitigate any adverse effects on the development on the environment.</p>	
<p>(6) The reasons justifying the carrying out of the development in the manner proposed, having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.</p>	<p>The applicant's justification is provided below:</p> <p><i>"The proposed development is limited to internal works and will result in an overall minimal impact on the environment. The proposal will have a positive economic impact by increasing employment opportunities within the area through new business in Northern Beaches Local Government Area as well as generating employment opportunities linked to the construction of the proposed development. The proposed development will activate the currently vacant tenancy with potential flow on impacts for the activation of the other vacant tenancies within the Crest Industrial and Business Estate. In accordance with the desired future character of B2 Oxford Falls Valley Locality, the proposed development will preserve the ecological values of the natural watercourse and will not result in any siltation or pollution of Narrabeen Lagoon or its catchment area and adhere to the relevant principles of ecologically sustainable development".</i></p> <p>Comment: The applicant has adequately addressed the requirements set out in subclause (6).</p>
<p>(7) The statement is to include a compilation (in a single section of the statement) of the measures proposed to mitigate any adverse effects of the development on the environment.</p>	<p>The applicant has noted as follows:</p> <p><i>"The proposal seeks consent from Northern Beaches Local Planning Panel for the proposed minor internal demolition, alterations and</i></p>

	<p><i>additions of the existing warehouse units 17 and 18 to facilitate additional storage and ancillary office requirements. Based on the assessment of the proposal against relevant Environmental Planning Framework, the overall environmental impact is minimal and mitigation measures are not deemed necessary subject to standard conditions of Consent being imposed relevant to construction works, noting the warehouse use has already been established and deemed satisfactory. Therefore, no additional measures are required to mitigate any adverse effects of the development”.</i></p> <p>Comment: The Assessment Officer concurs with the applicant’s response to subclause (7).</p>
<p>(8) A list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.</p>	<p>The applicant has provided the following response:</p> <p><i>“A final Occupation Certificate remains outstanding for the works approved under DA/2011/0985. The works approved under this development consent pertain to the two warehouses which are the subject of this application, DA/2021/0385. It is understood from the landowner of the development site that Occupation Certificate is expected in the next 1-2 weeks”.</i></p> <p>Comment: Council’s Assessment Officer notes that a Final Occupation Certificate is outstanding the works approved under DA2011/0985, which relate to the two units subject to this particular application. It is noted that the proposal does not alter the approved land use and operations requirements set out within Development Consent DA2011/0985. A condition is recommended with this consent requiring a Final Occupation Certificate to be issued for the works approved under DA2011/0985 prior to the issue of a Construction Certificate for the internal alterations proposed under this application. This will preclude the applicant from carrying out the works until a Final Occupation Certificate is issued for the parent application (DA2011/0985).</p>

Schedule 17 – Car parking Provision

For further details please refer to ‘Clause 74 Provision of car parking’ in the General Principles of Development Control table in this report.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is not subject to the Section 7.12 Contributions Plan, given the cost of works equate to \$47,239.50.

CONCLUSION

An assessment of the proposed development has found the proposal has sufficient merit, has addressed the relevant planning and environmental issues and is a suitable and appropriate development for the site and locality.

The proposed development is assessed as being consistent with the desired future character statement for the B2 Oxford Falls Valley locality and the general principles of development control, as well as relevant SEPPs.

The assessment of this application concludes that the proposal has responded adequately to its context and the elements that make up the existing and Desired Future Character of the site and its locality under the B2 Locality of the WLEP 2000. For these reasons, the proposal is found to be appropriate and suitable development for the site, insofar as it is able to satisfactorily reconcile its impact on the site and the character of the Oxford Falls Valley locality.

Accordingly, the application is referred to an independent public hearing with a recommendation for approval subject to conditions.

RECOMMENDATION

Part A:

That the Independent Assessment Panel make its findings and recommendations on Development Application DA2021/0385 for alterations and additions to a warehouse and ancillary office at Lot100/0 Meatworks Avenue, Oxford Falls having regard to the assessment and recommendation for Approval in the Assessment Report and the associated draft conditions of consent attached to this report.

Part B:

That the outcome of the Independent Hearing Panel's findings and recommendations be reported to the Director of Planning and Place for determination of Development Application No. DA2021/0385.

CONDITIONS OF APPROVAL

Application Number:	DA2021/0385
Land to be developed (Address):	Lot 100 DP 1023183 Part Lot 1046 DP 752038 Part Lot 1047 DP 752038 Part Lot 1053 DP 752038 Permissive Occupancy 88/31 A/C 174235 Closed Crown Road Licence 199961, 100 / 0 Meatworks Avenue OXFORD FALLS NSW 2100
Proposed Development:	Alterations and additions to a warehouse and ancillary office

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
A040 (Issue B) - Existing Site Plan	19 March 2021	Strutt Studios
A054 (Issue A) - Existing Elevations	19 March 2021	Strutt Studios
A070 (Issue A) - Ground - Demolition Floor Plan	19 March 2021	Strutt Studios
A071 (Issue B) - Mezzanine - Demolition Floor Plan	19 March 2021	Strutt Studios
A072 (Issue B) - Demolition Section	19 March 2021	Strutt Studios
A090 (Issue F) - Ground Proposed Floor Plan	19 March 2021	Strutt Studios
A091 (Issue F) - Mezzanine Proposed Floor Plan	19 March 2021	Strutt Studios
A092 (Issue B) - Proposed Section	19 March 2021	Strutt Studios

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Development Application Accessibility Report Ref. 10040 (Revision 2)	02 March 2021	Purely Access
Bushfire Cover Letter	12 March 2021	Backlash Bushfire Consulting

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	12 March 2021	Milestone (AUST) Pty Limited

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 unit as detailed on the approved plans for any land use of the site beyond the definition of a warehouse.

The Warringah Local Environmental Plan 2000 defines this land use as follows:

warehouse means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

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 (Demolition):**

(a) 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 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
- (ii) 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.

(b) 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.

(c) 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.

Reason: Legislative Requirement.

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must

not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

5. **General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- i 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 a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. 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) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(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.

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

6. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 1 7.00 am to 5.00 pm inclusive Monday to Friday,
- 1 8.00 am to 1.00 pm inclusive on Saturday,
- 1 No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 1 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa

area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

7. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environmental Plan 2000 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt signs and signs permitted under Complying Development) must be submitted for approval prior to the erection or display of any such signs.

Reason: Control of signage.

FEES / CHARGES / CONTRIBUTIONS

8. Security Bond

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

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

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

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

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

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

9. 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.

10. **Final Occupation Certificate for Works Approved under Development Application DA2011/0985**

Evidence must be provided that a Final Occupation Certificate has been issued for the works approved under Development Application DA2011/0985, which approved demolition works and construction of an industrial and warehouse development on 26 April 2013.

Documented evidence must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure the works approved under Development Application DA2011/0985 have been completed in accordance with the consent and to ensure the safe occupation of the building.

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

11. **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.

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

12. **Hours of Operation**

The hours of operation are to be restricted to:

- i Monday to Friday: 7:00am - 6:00pm.
- i Saturday: 8:00am - 2:00pm.

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.

13. **Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the

hours of 10:00pm and 6:00am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

14. **Loading within the Site**

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

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

15. **Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 9:00pm and 8:00am on any day.

Reason: To ensure the acoustic amenity of surrounding properties.