

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1571
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Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 501 DP 875858, 3 Minna Close BELROSE NSW 2085
Proposed Development:	Use of Premises as a recreation facility (indoor), fitout and signage
Zoning:	Warringah LEP2011 - Land zoned SP4 Enterprise Warringah LEP2011 - Land zoned C2 Environmental Conservation WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes - Zone C2 Environmental Conservation Yes - Zone SP4 Enterprise
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Jt Evolution Group Belrose Pty Ltd

Application Lodged:	26/11/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	05/12/2024 to 19/12/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 364,980.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for a change of use of the tenancy within the building to a gymnasium (recreation facility (indoor), including fit out works and signage.

The proposed fit out works and signage involve the following:

- Lobby, reception & offices
- Various training areas
- Women's area

- Change rooms & WCs
- Various business identification signs

The proposed external works are limited to signage and the proposal will not materially alter the appearance or siting of the building or cause any adverse impacts to the natural environment.

Hours of Operation & Patron Numbers

The premises is proposed to operate 24 hours a day, Monday to Sunday. The maximum number of patrons is proposed to be 50 at any time, in addition to up to 3 staff members on site generally between 10:00am and 7:00pm.

Car Parking

The proposal includes 37 car parking spaces dedicated to the premises.

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 C2 Environmental Conservation
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D18 Accessibility and Adaptability
 Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 501 DP 875858 , 3 Minna Close BELROSE NSW 2085
Detailed Site Description:	The subject site consists of allotment located on the northern side of Minna Close. The site is generally regular in shape with a frontage of 51.5m along Minna Close, a depth of 81.06m and an overall

area of 4003m².

The site is located within the Zone SP4 Enterprise and C2 Environmental Conservation zones and accommodates a three storey commercial building and associated car parking.

The subject tenancy is located on the ground floor of the building and has an area of approximately 1378m².

Landscaping on the site consists of trees, hedges and plants within the front (southern) setback and dense natural vegetation within the C2 zoned portion of the site adjacent to the northern boundary.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by commercial development within the business park setting. Mona Vale Road adjoins the site to the north with Ku Ring Gai Chase National Park beyond.

Map:



SITE HISTORY

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

CDC2024/0691 - Internal alterations to an existing commercial office premises - Open Plan layout to ground floor (230036/02) - Approved 06/09/2024.

CDC2024/0539 - Internal alterations to an existing commercial office premises (230036/01) -

Approved 18/07/2024.

DA2016/0510 - Alterations and Additions to an existing commercial office building - Approved 27/07/2016.

DA2007/1003 - Construction of a Three Storey Office Building With Basement Car parking - Approved 11/02/2008.

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	There are no current draft environmental planning instruments.
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 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 29</u> of the EP&A Regulation 2021 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. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent

Section 4.15 Matters for Consideration	Comments
	authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <u>Clause 69</u> of the EP&A Regulation 2021 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.
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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 (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 classified as bush fire prone land. As the proposed is for use and fit out, with external works for signage only, a bushfire report is not considered necessary.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 05/12/2024 to 19/12/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	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. 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.
Environmental Health (Industrial)	General Comments Consent is being sought for the change of use to a gymnasium with associated fit-out and signage. The development is intended to be undertaken on the ground floor tenancy of a 3 floor commercial building. In consideration of the proposal, the applicant has provided and Plan of Management for management of patrons and associated matters relating to the operation of the business. An acoustic report has also been provided which has identified potential noise impact receivers and proposed measures to mitigate noise. The proposal is acceptable with the recommendation of a number of conditions of consent recommended. Recommendation APPROVAL - subject to conditions
Traffic Engineer	The development application is for a change of use and fit out of the ground floor tenancy of No.3 Minna Close, Belrose for use as a gymnasium. Approval is sought for the gymnasium to operate on a 24 hour a day 7 day a week basis. The gymnasium will be staffed by a maximum of 3 staff and occupy a GFA of 1378m2 and will be served by 37 parking spaces. Traffic Generation TfNSW (formerly RMS) commissioned consultants to review trip generation and parking demand generated by gymnasiums in 2014. The TfNSW Guide to Transport Impact Assessment effective from November 2024 has referenced these surveys in the guide but advises that use of average rates from the 2014 surveys should be avoided as the data from the surveys varied widely and notes that it did not include gyms operating on a 24/7 basis. The Applicant's traffic consultant has however referenced the average data from the 2014 surveys to estimate traffic generation from the proposed gym estimating traffic generated from the development to be in the order of 50 vehicles per hour. The 2014 data ranges between 1.8 trips

Internal Referral Body	Comments
	per 100m² & 5.6 trips per 100m². Although it is noted that the proposed gymnasium is located near two bus routes it is also quite isolated from the nearest residential development and within close proximity to two state roads, it is likely that therefore considered likely that the gym will operate with a high degree of car dependency and may generate more than the estimated peak trips of 50 vehicles per hour. This extra traffic should however be balanced against the traffic generation potential of the existing site. A commercial development on the site could generate up to 23 vehicle movements per hour with those movements most likely to occur in the general am and pm peak periods. A gym use will tend to attract peak traffic generation after the weekday peak or on midmorning on weekends i.e at times outside of the general weekday AM and PM peak periods. On this basis the moderate amount of additional traffic is acceptable. Parking Using DCP parking rates the gym would require 62 parking spaces. The developer proposes to rely upon 37 allocated parking spaces on site, a shortfall of 25 spaces when compared to DCP requirements. It is however noted that there are some 188 parking spaces on the site with additional kerbside parking also available in Minna Close. At times of peak gym operation, anticipated to be early morning early and evening on weekdays and mid morning on weekends it is anticipated that parking demands elsewhere on the site and on street in the vicinity of the development will be low and there will be some capacity to absorb any parking shortfall. It is also noted that the TfNSW Guide to Transport Impact Assessment effective from November 2024 advises that a parking rate of 3 spaces per 100m² is appropriate if the gym is located in close proximity to bus services and within a centre i.e the gym would generate a parking demand of only 41 spaces. As the gym is located within a retail centre it is likely that it will attract clientele from surrounding business premises some of whom may elect to walk from those premises to the gym rather than drive and park. On the basis of the above the dedicated parking of 37 spaces is considered adequate to support the change of use. Servicing There is no dedicated loading bay serving the development however servicing requirements will be low, mainly associated with the delivery of gym equipment and, as suggested by the applicant's traffic consultant would be best undertaken outside of peak operational periods. This would be best captured in the gym's plan of management which, it is noted, does not currently specify any arrangements for when and where receiving of deliveries will occur or discuss the size of delivery and waste collection vehicles this will be conditioned.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage design and areas are such they will not adversely impact the character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is acceptable with regard to the existing appearance of the development.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The visual outcome of the proposed signage is acceptable.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage does not compromise or obscure any views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is not of a scale or design that would cause unreasonable impacts upon the existing views of the skyline and vistas.	YES

Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not significantly impact the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes - the proposed signage is suitably sized, located and designed.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage design is muted and would not be visually prominent from surrounding streets.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The existing building is not cluttered and does not require rationalisation.	YES
Does the proposal screen unsightliness?	There is no unsightliness to be screened.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the building.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale and proportions of the site and building.	YES
Does the proposal respect important features of the site or building, or both?	Yes, as above.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage responds appropriately to the site and building.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No illuminated signs are proposed.	YES
Can the intensity of the illumination be adjusted, if necessary?	No illuminated signs are proposed.	YES
Is the illumination subject to a curfew?	No illuminated signs are proposed.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage would not reduce the safety for any road, pedestrian or bicyclist.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not obscure any sightlines for pedestrians.	YES

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

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1) (b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

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	5.2m (signage)	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 C2 Environmental Conservation

The proposal does not involve any works on the C2 zoned portion of the site.

Warringah Development Control Plan

Built Form Controls

The proposal is for the use of the premises, fit out and signage. Accordingly, there are no built form controls under Part B of the WDCP to consider as part of this assessment.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	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
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
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D3 Noise

The site is located within a business park with no residential development in close proximity. The proposed use of the premises is not expected to cause any adverse noise impacts, subject to compliance with the plan of management, implementation of the recommendations in the submitted acoustic report and a review of the findings and recommendations of the report following commencement of the use.

D18 Accessibility and Adaptability

The submitted access report concludes that the premises is capable of compliance with the relevant

legislation, controls and standards. The proposal was referred to Council's Building Assessment section with no concerns raised subject to the recommended conditions.

D23 Signs

The proposed signage consists of one top hamper sign at the northern elevation and various window signs. The proposed signage is compatible with the scale and design of the building, will not adversely impact the appearance of the building or broader business park and complies with the applicable requirements of the control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

Developments for internal fit out works that do not enlarge or expand the existing floor space, change the building classification or result in an intensification of use are exempted from development contributions pursuant to Section 2.5 of the *Northern Beaches Section 7.12 Contributions Plan 2024*.

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 2021;
- 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 DA2024/1571 for Use of Premises as a recreation facility (indoor), fitout and signage on land at Lot 501 DP 875858, 3 Minna Close, BELROSE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA01.01	A	Site Plan	Archispectrum	07/11/2024
DA03.01	A	Proposed Tenancy Plan	Archispectrum	07/11/2024
DA04.01	A	External Elevations	Archispectrum	07/11/2024
DA04.02	A	External Elevations	Archispectrum	07/11/2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Access Report	1.1	AI Consultancy	01/10/2024
BCA Assessment Report	2	BCA Clarity	24/09/2024
Acoustic & Vibration Impact Report	-	ANAVS - Acoustic Noise & Vibration Solutions	24/09/2024
Plan of Management	A	Archispectrum	August 2024

Waste Management Plan	-	-	-
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In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Acoustic Review and Results of Testing**

Within 30 days from the operations commencing under the terms of this consent, an acoustic review of the findings and recommendations of acoustic report titled Acoustic & Vibration Impact Report by ANAVS-ACOUSTIC NOISE & VIBRATION SOLUTIONS P/L Dated September 24, 2024, Reference No.: 2024-227, shall be carried out. Acoustic compliance testing, and any changes to the acoustic measures to ensure compliance is to be completed within a further 30 days of the assessment. The acoustic review and associated compliance testing is to be furnished to Council for its records.

Reason: To ensure acoustic compliance in an operational situation.

3. **Approved Land Use**

Nothing in this consent shall authorise the use of the tenancy as detailed on the approved plans for any land use of the site beyond the definition of a **recreation facility (indoor)**, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier 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 Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

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

Reason: Legislative requirement.

5. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) 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.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) 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.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) 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.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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.

FEES / CHARGES / CONTRIBUTIONS

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 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 Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Building Code of Australia Upgrade requirements and Fire Safety Upgrade

The Building Code of Australia works and fire upgrading measures to upgrade the building as detailed and recommended in the Building Code of Australia Audit Report prepared by BCA Clarity, dated 24/9/2024, Report Ref No. P24064-BCA-r2 are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

8. Waste Management Plan

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

Details demonstrating compliance must be provided to the Certifier prior to the issue of the

Construction Certificate.

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

DURING BUILDING WORK

9. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the offstreet parking. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

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 Certifier.

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

BEFORE 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 Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, 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 Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

12. Acoustic Design Recommendations

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report titled Acoustic & Vibration Impact Report by ANAVS-ACOUSTIC NOISE & VIBRATION SOLUTIONS P/L Dated September 24, 2024

Reference No.: 2024-227 have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

13. Allocated Parking Spaces (retail/commercial)

Parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development. Details demonstrating compliance are to be submitted

to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability.

14. Disabled Parking Spaces

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

15. Updated Plan of Management

The Plan of Management (POM) is to be updated and submitted to Council and shall include details for the following relating to the operation of the development.

- Through-site circulation of delivery vehicles, including details on the maximum size and frequency of delivery vehicles.
- Management of car parking area to facilitate deliveries/servicing.
- The location and content of directional signage to visitor parking and delivery areas.
- Truck delivery times and methods of control to ensure deliveries occur outside of peak operational hours and can be accommodated without impacting on customer parking availability.
- swept path plots to show how the largest anticipated delivery vehicle will turn around on site to exit in a forwards direction and traffic management measures to be employed to ensure this happens safely

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

Reason: To ensure that the development operates safely and with minimum disruption to the surrounding area.

16. Mechanical Ventilation certification

Prior to the issuing of an Occupation Certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

17. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier 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

18. **Plan Of Managment**

The Plan of Management titled Plan of Management, Issue A – August 2024, as amended, prepared by Archispectrum is to be complied with at all times during the course of the development

Reason: To ensure potential noise impacts are mitigated

19. **Hours of Operation**

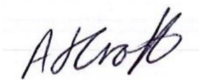
The approved hours of operation are:

- Monday to Sunday - 24 hours a day.

Reason: To confirm the operating hours of the use.

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

Signed



Adam Croft, Principal Planner

The application is determined on 22/01/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments