

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0958
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 11 DP 622750, 196 Harbord Road BROOKVALE NSW 2100
Proposed Development:	Demolition works and construction of a Vehicle Repair Station with associated signage
Zoning:	LEP - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Associated Finance Pty Limited
Applicant:	Bill Buckle Autos Pty Limited

Application lodged:	26/09/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Other
Notified:	28/09/2017 to 16/10/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 4,475,152.00
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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 Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 11 DP 622750 , 196 Harbord Road BROOKVALE NSW 2100
Detailed Site Description:	The site is located on the western side of Harbord Road, Brookvale and is upon land zoned IN1 General Industrial. The site presently accommodates a Bill Buckle vehicle repair station and associated car parking and signage. The site has a surveyed area of 4322m² with a frontage to Harbord Road of 62m and a depth of 68m. The site is bound by other sites used for industrial purposes to the north, south and west. East of the site and across Harbord Road is a large parcel of land zoned for RE1 Public Recreation which presently accommodates vegetation and numerous at-grade sporting facilities. The road reserve between Harbord Road and the subject site is leased to the current tenants of the site for surplus car parking. The site is flat and wholly concreted and has no landscaping throughout.

Map:



SITE HISTORY

PreLodgement Meeting No. 2015/0140

A prelodgement meeting (PLM) was held between the applicants and Council on 8 December 2015 to discuss the demolition and construction of a two storey vehicle repair facility upon the site.

The development proposed was generally seen as an upgrade to the existing use of the site and was supported. The PLM minutes concluded with the following comments:

The overall design is appropriate for the site and Council notes that the proposed development will enhance both the business and the customer experience. The concept is desirable to the streetscape given the building design and internal parking facilities.

The provided plans do not meet the car parking control which requires 71 car parking spaces for this development. It is recommended that any plans submitted with a DA clearly outline the proposed use of the parking spaces (i.e. customer parking, work bay, accessible parking).

Staff car parking for the 60 staff members will also be taken into consideration with any subsequent application for the site. It is recommended that the Statement of Environmental Effects report has a discussion on staff car parking including (but not limited to): where staff currently park, where the new proposed parking will be, and if staff are to park in customer spaces, how this will be managed to mitigate the need for customers to park on Harbord Road instead of in the customer parking.

The proposed 'café' will need to comply with Construction and fit out of food premises AS4674- 2004.

All signage associated with the development should comply with the WDCP 2011 - D23 Signs controls listed above. However, the existing approved pylon signs are supported for retention in the new development. It is noted that the signage is an improvement to the existing signage and Council can support the proposed

signage (refer: DA010 Issue A).

Development Application No. 2016/0549

Subsequent to PLM2015/0140 (as above), the applicant lodged a development application with Council on 6 June 2017 for demolition works, construction of a vehicle repair station and signage. The application proposed:

- *Three service reception areas (for Subaru, Volkswagen and Toyota), offices, meeting rooms, storage facilities, car wash facilities, customer lounge, car parking and vehicle repair station on the ground floor.*
- *Offices, car parking, vehicle repair facilities and staff facilities including lunch room, training room and change rooms on the first floor.*
- *Palisade fencing, signage and landscaping along the front boundary of the site.*

The development will include 71 parking spaces on the site and also has a current lease over an area of road reserve at the front of the site that is used as more parking. The development is not relying on this leased area to provide adequate car parking.

Most notably from this application (as evident elsewhere in this report) was the scale of this building and the 'intensity' of the use.

The application was approved under Council delegation on 11 November 2016.

PreLodgement Meeting No. 2017/0043

Following the approval of DA2016/0549, the applicants approached Council (in the form of a PLM) to discuss a redesign of the development, and whether the redesign would constitute a modification under Section 96(2) of the Act, or whether it was not substantially the same development and therefore is required to be a new development application.

The PLM minutes include:

The proposal involves a redesign of the approved development resulting in the deletion of a storey of the building and changes to the overall built form.

Section 96 of the Environmental Planning and Assessment Act 1979(EPA Act) provides the mechanism for development consents to be modified and sets out criteria for Council to consider when determining whether or not an application can be considered and determined under s96.

s96 places particular emphasis on two areas, the first being applications of 'minimal environmental impact' and secondly, that the modifications must render the development 'substantially the same' as that originally approved.

While the redesign will result in a development of a lesser environmental impact, it is not considered to be 'substantially the same development' as required by s96 of the EPA Act by virtue of the change in the overall built form of the building and operation of the premises post the proposed amendments.

In this regard, the most appropriate way of dealing with the redesign of the building is by way of a new Development Application.

You are strongly encouraged to submit the application as a new Development Application. Should you wish to utilise s96 of the EPA Act, the onus is on the applicant to submit justification as to why and how the application can be considered within the scope of s96.

The current and subject development application has been lodged subsequent of the above meeting comments.

PROPOSED DEVELOPMENT IN DETAIL

Built Form

The development application is for the demolition of an existing vehicle repair station and for the construction of a modernised vehicle repair station with associated landscaping, signage and car parking. The development has been designed for two separate vehicle repair station operations (being Toyota and Volkswagen).

The proposed development includes a single storey building with a 2,390m² footprint and a small central mezzanine level.

The ground floor has a symmetrical layout for both the service areas and has a combined vehicle drop of area for 12 vehicles, 23 service bays and several other specialised bays. Additionally the ground floor provides reception and storage areas.

The central mezzanine level is 135m² and accommodates a lunch room and toilet facilities.

Externally the site will provide 49 car parking spaces and vehicle maneuvering areas. The northern and eastern edges of the site are to be landscaped.

Eleven pieces of signage area proposed which are largely replacement/refurbishments of the existing wall and pylon signs on the site.

Operation

The vehicle repair station proposed under this application seeks consent for the following operating hours:

Monday to Friday - 7:30am to 5:30pm

Saturday - 8:00am to 12:00 midday

Sunday - Closed

The application indicates that the facility will accommodate up to 39 staff at any one time.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) 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

Section 79C 'Matters for Consideration'	Comments
	existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<i>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.</i> <i>Note: The BCA report prepared by Anthony Protas Consulting Pty Ltd dated 11/8/2017 does not identify all relevant classifications of the building based on the proposed uses.</i>
Development Engineers	No objections to the development, subject to conditions as recommended.
Environmental Investigations (Acid Sulphate)	<i>The development is unlikely to affect the associated watertable and as such, no objections are raised by Environmental Health, subject to conditions as recommended.</i>
Environmental Investigations (Contaminated Lands)	No objections to the development.
Environmental Investigations (Industrial)	<i>No objections to the proposal, subject to conditions as recommended.</i>
Landscape Officer	<i>Amended plans are noted increasing the quantum of soft landscape to</i>

Internal Referral Body	Comments
	<i>the site.</i> <i>In the absence of a landscape planting plan being provided with the application, conditions have been included requiring provision of landscape plans prior to construction certificate.</i> <i>The recommended conditions include specific requirements for what is to be included in the plans, including a requirement for advanced Cabbage Palm (Livistona australis) plantings along the eastern garden bed to provide some high quality canopy planting across the frontage that will provide minimum visual blocking of the building and minimal leaf litter whilst improving the visual quality of the site and locality.</i> <i>No objections subject to conditions as recommended.</i>
Natural Environment (Flood)	<i>The proposed development for a vehicle repair station is in the medium flood risk precinct. The flood levels in the Dee Why and Curl Curl Lagoons Floodplain Risk Management Study are not completely definitive in this area, however, based on the results, a floor level of 9.0m AHD is considered adequate and this level has been adopted as the Flood Planning Level. This floor level is higher than 8.4m AHD, which is what was proposed in the development application previously submitted in 2016.</i> <i>The proposed development generally complies with the DCP and LEP. Supported subject to conditions.</i>
Traffic Engineer	<i>The proposal is for a redevelopment of the vehicle repair station at 196 Harbord Road, Brookvale. The redevelopment comprise of change in the floor area from 2,185sqm to 2,415sqm, with the number of service bays reduced from 30 to 23 bays, 60 staff reduced to 39 staff, and similar onsite parking provision from 50 to 49 spaces.</i> <i>The 23 service bays proposed have not included additional bays including two wash bays, tyres, wheel alignment, and crafter bay which would be used for normal operations.</i> <i>An issue raised from the earlier and larger proposals involved the off-street parking provisions. According to the RMS guidelines and Council's DCP the required parking rates are 6 spaces per service bay, and it is understood that the existing operations fall well short of these requirements. Applying this rate for 23 service bays will require 138 spaces.</i> <i>The parking assessment provided in the traffic report proposes 20 of the</i>

Internal Referral Body	Comments
	<i>49 spaces provided are dedicated for customer vehicles awaiting services. This assumes that 43 vehicles can be accommodated (23 bays and 20 spaces) at any one time, with a parking rate showing 1.87 spaces per service bay.</i> <i>The report also mentions other factors including staggered arrival and departure of customer vehicles, with an average of 15 vehicles arriving throughout the day. The existing assessment does not provide adequate information for the correct assessment of the parking rate.</i> <i>Council has previously suggested that a parking accumulation survey be undertaken for the subject site or a similar site to justify a deviation from the DCP parking rates. As this was not provided within the traffic report, it would be difficult to support a large deficit of parking supply. In its current form the development is not supported.</i> Planner Comment The comments made by Council's Traffic Engineers are noted. The assessment undertaken has incorrectly referenced the wrong type of development and has used the car parking rate for 'vehicle sales or hire premises' and not 'vehicle repair stations'. Vehicle repair stations require 1.3 spaces per 100m² GFA. The site is considered to have 2,175.72m² of GFA used by the use and thereby requires 28.2 spaces. Vehicle sales or hire premises require 0.75m² space per 100m² site area plus 6 spaces per work bay for vehicle servicing facilities. The site has a surveyed area of 4,322m² and 23 service bays which would require 170 car parking spaces on the site. This calculation refers to the incorrect use of the site and in any event, the car parking requirement is unrealistic for the scale of the development proposed. The site provides 49 car parking spaces on the site and 12 drop-off bays in addition to the 23 service bays, therefore allowing the site to accommodate up to 83 vehicles at any one time (not including the car washing bays, tyre bay, wheel alignment bay of the crafter bay (5 additional spaces)). The site provides a compliant provision of car parking. For these reasons and those elaborated upon in this report, the provision of car parking is considered acceptable.

External Referral Body	Comments

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<i>The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.</i> <i>In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.</i> Conditions recommended by Ausgrid can be found in the recommendation of this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

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

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

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

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
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 signage proposed is consistent with the existing signage on the site and is consistent with the existing industrial character of Harbord Road.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is suitable for the outdoors.	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 signage is an enhancement of the existing signage upon the site and is considered to be complementary to the character of the area.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The signage does not obscure or compromise any existing views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will not dominate the skyline or impact on vistas given it's relatively modest scale contrasted to surrounding signage and other developments.	YES
Does the proposal respect the viewing rights of other advertisers?	The signage is largely a replacement / refurbishment of existing signage and will not obstruct views of other surrounding advertisements.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is of a scale that is appropriate for the proposed building and the existing developments along Harbord Road.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will enhance the streetscape greater than the existing signage.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes.	YES
Does the proposal screen unsightliness?	The signage will be complementary to the new	YES

	building.	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage is of a scale that is appropriate for the proposed building, the use of the site and the characteristics of Harbord Road.	YES
Does the proposal respect important features of the site or building, or both?	N/A.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is suitable for the building and the site.	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.	YES
Can the intensity of the illumination be adjusted, if necessary?	No.	YES
Is the illumination subject to a curfew?	No.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.	YES

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an

application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. Ausgrid has raised no objections to the proposal, subject to conditions which can be found in the recommendation of this report.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	11m	9.77m	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B5 Side Boundary Setbacks	North - Merit Assessment	12.8m	Yes
	South - Merit Assessment	0.04m	Yes
B7 Front Boundary Setbacks	4.5m	9.0m	Yes

B9 Rear Boundary Setbacks	Merit Assessment	11.9m	Yes
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Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	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
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

C3 Parking Facilities

- To provide adequate off street carparking.

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Vehicle Repair Station	1.3 space per 100m ² GFA	2,175.72m ² GFA therefore 28.21 spaces required	49 car parking spaces + 23 service bays (not included)	+ 20 spaces

The DCP requirement of car parking for vehicle repair stations is not an appropriate reflection on the provision of car parking spaces offered on the site, as described in both the Statement of Environmental Effects and Traffic and Parking Report which accompany the development application.

The proposed development can accommodate up to 84 vehicles at any one time as per the following break down:

- 49 car parking bays
- 23 service bays
- 12 drop-off bays

Of the 49 car parking bays, the development application documentation describes that 25 of these spaces will be used by members of the 39 staff. This quantum of car park ratio has been achieved by considering an average of 3 staff members being sick or an annual leave on any given day, alternate transport methods to work and the provision of staff driving a 'loan car' which would be borrowed by customers throughout the day. Therefore this reduces the car parking capacity for patron cars to 24 spaces in the car park (or 64 throughout the three designated areas).

The Statement of Environmental Effects accompanying the application indicates that the "industry standard" of vehicle repair stations would see up to 3 vehicles being serviced per day on a peak day (thereby being 69 vehicles on this site).

The operation of this development, as with other vehicle repair stations, provides a staggered drop-off and pick-up time for both convenience for the customer and to ensure there is adequate car parking available on the site. As per the above calculations, the busiest day possible on the site (being 3 vehicles per station) and where there is no staggering of customer pick-up would result in there being a shortfall of 10 car parking spaces. This situation is considered highly unlikely as it is common for persons to collect their car from such a development at staggered times throughout the day (i.e. lunch break, or they will wander around the vicinity for an hour or two hours while their vehicle is being serviced).

Therefore, the operation of the site and the provision of car parking proposed is considered to be satisfactory for the continuation of the use of the site as a vehicle repair station.

Additionally, the site presently holds a lease of Council's Road Reserve between the subject site and Harbord Road which, upon rough calculation, can accommodate up to 17 additional parked cars. Whilst this leased Road Reserve has not been included in the above car parking calculations (given the lease is not in perpetuity nor upon the site), it can provide car parking for surplus vehicles. Regardless of if this lease is renewed with the use of the Road Reserve continued, it is considered that the site has a satisfactory provision of car parking available for staff and customer vehicles.

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

Comment: The provision of car parking is considered to have a negligible impact upon the streetscape. Additionally, this consent requires plantings along the property boundary which will reduce the visual impact and will contribute to softening the industrial streetscape.

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

Comment: The street frontage will not be dominated by the proposed development and the provision of car parking. The development will be a significant enhancement to the local area and the introduction of new plantings will contribute to softening the facade.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D23 Signs

Description of non-compliance and/or inconsistency

The application proposes eleven pieces of signage consisting of the following:

Sign	Description	Width	Height	M ²	Complies
Pole or pylon sign (erected on a pole or pylon independent of any building or other structure)	Toyota A 6.8m high, 1.8m wide, two sided illuminated pylon sign in the north eastern corner of the site (same location as existing sign).	1.8m	6.8m	12.24m ²	No: Height M ²
	Toyota directional signage A 3m high, 1.5m wide directional pylon sign located adjacent to the front boundary.	1.5m	3.0m	4.5m ²	No M ²
	VW A 4.5m high, 1.6m wide, two side	1.6m	4.5m	7.2m ²	No Height

	illuminated pylon sign in the south eastern corner of the site (same location as existing)				M ²
	VW directional signage A 1.5m high, 1.0m wide directional pylon sign located adjacent to the front boundary.	1m	1.5m	1.5m ²	No Height
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	'Logo + Toyota' An illuminated 6.3m wide, 2m high wall sign with the Toyota logo and wording.	N/A	N/A	N/A	Yes
	'Bill Buckle Toyota' An illuminated 7.2m wide, 0.57m high wall sign with the wording 'Bill Buckle Toyota.'	N/A	N/A	N/A	Yes
	'Service Drive-Thru' An illuminated 7.2m wide, 0.57m high wall sign with the wording 'Service Drive-Thru.'	N/A	N/A	N/A	Yes
	'Parts & Service' An illuminated 5.5m wide, 0.57m high wall sign with the wording 'Parts & Service.'	N/A	N/A	N/A	Yes
	VW illuminated entry portal An illuminated circular sign with the VW logo located 3m above ground level and with a diameter of 3m.	N/A	N/A	N/A	Yes
	'Driveway Reception' A 3.5m wide, 0.3m high wall sign with the wording 'Driveway Reception.'	N/A	N/A	N/A	Yes
	'VW Service' 'VW Parts' Two 1.2m high, 1.19m wide wall signed with the VW logo and the wording 'Service' and 'Parts.'	N/A	N/A	N/A	Yes

The signage proposed is largely a replacement and refurbishment of the existing dated signage on the site, along with the introduction of some new pieces of signage to complement the development as a whole.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment: The signage is positioned in suitable locations to allow for the easy identification of the business.

- *To achieve well designed and coordinated signage that uses high quality materials.*

Comment: The signage proposed is of high quality durable materials and is appropriately designed to complement the redevelopment of the site as a whole.

- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*

Comment: The signage is consistent with the existing and desired future streetscape character.

- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*

Comment: The signage proposed will not be visible from any residential properties.

- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment: The signage is not of a theme, scale or size that would have adverse impacts on the streetscape or adjoining lands.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 4,475,152		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 42,514
Section 94A Planning and Administration	0.05%	\$ 2,238
Total	1%	\$ 44,752

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2017/0958 for Demolition works and construction of a Vehicle Repair Station with associated signage on land at Lot 11 DP

622750, 196 Harbord Road, BROOKVALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA100 Issue B	14 November 2017	Michael Z. Avramidis
DA110 Issue A	18 September 2017	Michael Z. Avramidis
DA111 Issue A	18 September 2017	Michael Z. Avramidis
DA200 Issue A	19 September 2017	Michael Z. Avramidis
DA220 Issue A	18 September 2017	Michael Z. Avramidis
DA330 Issue A	18 September 2017	Michael Z. Avramidis

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Disability Access Report	7 September 2017	Cheung Access Pty Ltd
Building Code of Australia Compliance Statement	11 August 2017	Anthony Protas Consulting Pty Ltd
Assessment of Traffic and Parking Implications Rev. D	August 2017	Transport and Traffic Planning Associates

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		
Report Title	Dated	Prepared By
Waste Management Plan	20 September 2017	Bill Buckle Autos

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

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

2. **Approved Land Use**

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

A Vehicle Repair Station is defined as:

"A building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle repair workshop or vehicle sales or hire premises."

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

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

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

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 (DACPLB09)

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 (DACPLB09)

5. General requirements (Demolition):

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission 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. (DACPLB10)

6. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 4,475,152.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 42,513.94
Section 94A Planning and Administration	0.05%	\$ 2,237.58
Total	1%	\$ 44,751.52

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

8. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

9. **Works Bonds**

(a) Construction, Excavation and Associated Works Bond (Road)

A Bond of \$ 40,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

(b) Construction, Excavation and Associated Works Bond (Drainage)

A Bond of \$ 5,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

(c) Construction, Excavation and Associated Works Bond (Crossing/Kerb)

A Bond of \$ 10,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

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

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

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

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

10. **Stormwater Disposal**

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the stormwater drainage system in Harbord Road.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development. (DACENC06)

11. **Vehicle Crossings and Concrete Footpath Application Formwork Inspection**

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

12. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility.

Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

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

Reason: To ensure suitable vehicular access to private property. (DACENC13)

13. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

14. **Required Landscape Plans and Planting**

i) Landscape Plans are to be prepared by a suitably qualified Horticulturalist, Landscape Designer or Landscape Architect to provide an attractive selection of plant species to the garden bed areas indicated on the approved plans along the eastern and northern boundaries of the site. Planting of turf is not an acceptable treatment to satisfy this condition. Existing plants retained may be included in the landscape plans.

ii) The landscape plans are to include the following species:

No.	Species	Location	Size
Required.			
5	<i>Livistona australis</i>	Eastern boundary garden bed. Spacing sequence to be relatively even. Final planting locations to be subject to location clear of underground services alignment, driveway crossings and signage.	Minimum clear trunk height 3 metres to palm leaves for pedestrian/vehicle clearance.

iii) Landscape planting and treatment details indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule shall

be included on the Landscape Plans and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

Reason: To ensure that plantings are provided to enhance community streetscape amenity and cultural assets. (DACLACPCC1)

15. **Flood**

In order to protect occupants from flood inundation the following is required:

a) Flood Protection

All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the Flood Planning Level of 9.0m AHD. Buoyancy (particularly in relation to floating cars), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction are to be prepared by a suitably qualified Engineer.

b) Hazardous Chemicals

Hazardous Chemicals are not to be stored in areas under the Flood Planning Level of 9.0m AHD.

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

Reason: To protect the building from flooding in accordance with Council and NSW Government policy. (DACNEC09)

16. **Compliance with standards (Demolition):**

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 Council prior to the commencement of demolition works.

Reason: To ensure the development is constructed in accordance with appropriate standards.

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites**

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.(DACPLC02)

17. **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. (DACPLC02)

18. **External Finishes to Roof**

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

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

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

19. **Surrender of Consent**

The applicant shall surrender to Council Development Consent No: DA2016/0549 in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg). (DACPLC10)

20. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

21. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

22. Vehicle Crossings

The provision of two (2) vehicle crossing six metres wide (each) in accordance with Warringah Council Drawing No A4-3330/ 1 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

23. Footpath Construction

The applicant shall construct a minimum 1.5 metre wide concrete path in accordance with Warringah Pedestrian Access and Mobility Plan. The kerb and gutter is to be reconstructed along the whole Harbord Road frontage also. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.

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

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

24. Layback Construction

Two laybacks six metres wide each (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

25. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

26. Waste Management During Development

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

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

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

27. Requirement to Notify about New Contamination Evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment. (DACHPE01)

28. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

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

29. Reinstatement of Kerb and grass verge

All unauthorized concrete pavement, redundant laybacks and vehicular crossings between the development site and Harbord Road, shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

30. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Note: The following Standards and Codes applied at the time of determination:

(a) Australian/New Zealand Standard AS/NZS 3500.3 -2003 - Plumbing and Drainage - Stormwater

(b) Australian/New Zealand Standard AS/NZS 3500.3 -2003/ANd 1 -2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

31. Landscape Works Certification

a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a horticulturalist, landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity (DACLAFPOC1)

32. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

33. Waste Management Confirmation

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

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

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

34. Requirement to notify about new contamination evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment. (DACHPGOG1)

35. Noise Impact on Surrounding Areas

Any noise from the premise shall not exceed more than 5dB(A) above the background level when measured from within any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy and any appropriate legislation to prevent offensive noise.

Reason: To ensure that noise generated from the premise does not create offensive noise (DACHPGOG5)

36. Landscape maintenance

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity

37. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 24- Customer Car Spaces
- 25 - Spaces for Staff

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

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

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

38. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday – 7:30am to 5:30pm
- Saturday – 8:00am - 12:00pm (midday)
- Sunday and Public Holidays – Closed

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

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

39. Loading and Unloading

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

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

Signed

Adam Mitchell, Planner

The application is determined under the delegated authority of:

Rodney Piggott, Manager Development Assessments

ATTACHMENT A

Notification Plan	Title	Date
 2017/365563	Plan - Notification	18/09/2017

ATTACHMENT B

Notification Document	Title	Date
 2017/369307	Notification Map	28/09/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/365405	Plans - Survey	29/10/2015
 2017/365733	Report - Traffic and Parking	20/08/2017
 2017/365397	Cost Summary Report	24/08/2017
 2017/365674	Report - Access	08/09/2017
 2017/365563	Plan - Notification	18/09/2017
 2017/365697	Report - BCA	19/09/2017
 2017/365409	Report - Statement of Environmental Effects	20/09/2017
 2017/365736	Report - Waste Management	20/09/2017
 DA2017/0958	196 Harbord Road BROOKVALE NSW 2100 - Development Application - New	26/09/2017
 2017/364907	DA Acknowledgement Letter - Bill Buckle Autos Pty Limited	26/09/2017
 2017/365398	Builders Quote	26/09/2017
 2017/365379	Development Application Form	26/09/2017
 2017/365384	Applicant Details	26/09/2017
 2017/365772	Plans - Stormwater	26/09/2017
 2017/365780	Plans - 3D Image	26/09/2017
 2017/365781	Plans - Master Set	26/09/2017
 2017/368807	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/0958 - 196 Harbord Road BROOKVALE NSW 2100 - PR	28/09/2017
 2017/373010	Environmental Investigations (Contaminated Lands) - Assessment Referral - DA2017/0958 - 196 Harbord Road BROOKVALE NSW 2100	28/09/2017
 2017/373014	Environmental Investigations (Acid Sulphate) - Assessment Referral - DA2017/0958 - 196 Harbord Road BROOKVALE NSW 2100	28/09/2017
 2017/369296	DA Acknowledgement Letter (not integrated) - Bill Buckle Autos Pty Limited	28/09/2017
 2017/369307	Notification Map	28/09/2017
 2017/369319	Notification Letter - 36	28/09/2017
 2017/375782	Confirmation of notification sign - 196 Harbord Road Brookvale	03/10/2017
 2017/380233	Referral - Ausgrid - 196 Harbord Road Brookvale	05/10/2017
 2017/382669	Ausgrid Referral Response	06/10/2017
 2017/389874	Building Assessment Referral Response	11/10/2017
 2017/391211	Natural Environment Referral Response - Flood	12/10/2017
 2017/395655	Environmental Investigations Referral Response - acid sulfate soils	16/10/2017

	2017/397156	Environmental Investigations Referral Response - contaminated lands	16/10/2017
	2017/397158	Environmental Investigations Referral Response - industrial use	16/10/2017
	2017/456838	New Landscape Plan	15/11/2017
	2017/460383	Landscape Referral Response	15/11/2017
	2017/472946	Traffic Engineer Referral Response	22/11/2017
	2017/483903	Development Engineering Referral Response	28/11/2017