WARRINGAH COUNCIL

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 10 September 2015

44 / 23 Narabang Way Belrose, 44 / 23 Narabang Way Belrose, 44 / 23 Narabang Way Belrose - Use of premises as a Medical Centre (exercise physiology)

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/0542

Responsible Officer:	Lauren Roberts
Land to be developed (Address):	Lot 45 SP 78928 , 44 / 23 Narabang Way BELROSE NSW 2085 Lot 46 SP 78928 , 44 / 23 Narabang Way BELROSE NSW 2085 Lot 47 SP 78928 , 44 / 23 Narabang Way BELROSE NSW 2085
Proposed Development:	Use of premises as a Medical Centre (exercise physiology)
Zoning:	LEP - Land zoned B7 Business Park LEP - Land zoned B7 Business Park LEP - Land zoned B7 Business Park LEP - Land zoned E2 Environmental Conservation LEP - Land zoned E2 Environmental Conservation LEP - Land zoned E2 Environmental Conservation LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes - Zone B7 Business Park Yes - Zone E2 Environmental Conservation
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	RMC Consultancy Pty Limited
Applicant:	Tomasy Pty Ltd

Application lodged:	18/06/2015
Application Type:	Local
State Reporting Category:	Commercial/Retail/Office
Notified:	25/06/2015 to 10/07/2015

Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	8
Recommendation:	Approval

Estimated Cost of Works:	$ 5,000

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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 45 SP 78928 , 44 / 23 Narabang Way BELROSE NSW 2085 Lot 46 SP 78928 , 44 / 23 Narabang Way BELROSE NSW 2085 Lot 47 SP 78928 , 44 / 23 Narabang Way BELROSE NSW 2085
Detailed Site Description:	The site is located within the Austlink Business Park on the corner of Mona Vale Road and Forest Way, Belrose. The site is known as SP 78928, No. 23 Narabang Way. The site is an internal allotment which is located in the southern-western corner of the Park, having no frontage to Narabang Way and instead a frontage (44m) to a private or community title road. The southern and western boundaries of the site adjoin natural bushland. The site is located within the B7 Business Park and E2 Environmental Conservation zone and consists of a 3-4 level commercial office complex. The building forms the shape of a boomerang has been positioned to hug the western boundary of the site. Eighty three (83) strata tenancies are provided for on site. The units subject to the proposal (45, 46 and 47) are located within the southwestern

	section of the building. Visitor car parking is positioned just to the front of the commercial office complex and includes 19 car parking space. Secure basement car parking is also provided on site and is accessed toward to rear (southern) of the building and includes 247 spaces. The commercial building consists of a mix of uses from marketing and design, property services, asset management and print services. Surrounding uses within the business park includes industrial warehouse and office buildings located just to the east of the subject site at 25 Narabang Way. The site maintains a slight crossfall from the eastern to west with a difference of level of approximately 6.0m. Lanscaping on site is limited to the pockets of small trees, grasses and shrubs surrounding the onsite carparking and the trees which line the eastern shared boundary of the site. There are no threatened species known on site.

Map:



SITE HISTORY

Approval for a Commercial Office Building was granting by Council on 30 September 2005.

The land has been used for commercial purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

The application relates to suites 45, 46 and 47 of 23 Narabang Way which are located within an existing multi-storey commercial building.

The subject building was developed and approved for the purpose of commercial office use. The application seeks approval for a change of use to enable the establishment of a medical centre (exercise physiology) within the subject suites.

The proposal will include up to two full-time staff on site at anyone time. The anticipate clientele for the proposed use is between 50yrs and 80yrs with up to 4 clients allocated to one practitioner per one hour session.

The proposed hours of operation are:

- Monday to Friday - 6:00am to 8:00pm
- Saturday - 6:00am to 5:00pm
- Sunday - 6:00am to Midday

In terms of carparking, one visitor spot is located at ground level opposite the entrance to the building. A further nine (9) car parking spaces are allocated to the proposed use and are located at basement level. The premises is directly accessible via lifts from all levels.

The proposal also involves minor internal fit-out works comprising of a new partition wall, new floor lining and plumbing works.

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 A.

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 (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)(iiia) – 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)	Division 8A 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. Clause 50(1A) of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. Clauses 54 and 109 of the EP&A Regulation 2000, Council

Section 79C 'Matters for Consideration'	Comments
	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. Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. Clauses 93 and/or 94 of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. Clause 98 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. Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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) 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) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the 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 process council is in receipt of 8 submission/s from:

Name:	Address:
Mr Nick Lloyd	63 / 23 Narabang Way BELROSE NSW 2085
Bill Miller	5 / 15 Narabang Way BELROSE NSW 2085
Shane Halliday	10 Stricta Place FRENCHS FOREST NSW 2086
Roger Martin Pratt	57 Carnarvon Drive FRENCHS FOREST NSW 2086
Craig Stokoe	16 / 23 Narabang Way BELROSE NSW 2085
Mr Michael Anthony Merzian	8 Summit Avenue DEE WHY NSW 2099
Simone Brian	Po Box 276 BELROSE NSW 2085
Tracey Jan Brian	33 Neridah Avenue BELROSE NSW 2085

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

- Parking, traffic and access
- Security
- Change of use
- Number of staff on site
- Proposed hours

The matters raised within the submissions are addressed as follows:

- Parking, traffic and access
  The submissions received raised matters concerning the following:

  'there is already a lack of visitor parking onsite (several parking spaces that were presented as visitor parks when we bought into the center have since been allocated to other owners) and those that are available are usually full';

  'This building was built for office suites and we object to this change of use application because of the number of visitors cars this will generate. Our visitor parking is always full with visitors to the existing tenants. Where will the additional patients park? The lots have only 3 bays within the car park available to them';

  'The medical centre proposed would involve a high flow of patients attending which would put a greater strain on the limited visitors' parking spots available. The current setup allows for ad-hoc visitors attending to commercial business practices, whereas a medical practice would change the basis on which the building was setup';

  "the additional demand from a physiotherapist service [which] will prove seriously problematic to companies already resident';

'the proposal doesn't take into account that the majority of the acquired spots for lots 45-47 are underground in a "secured" car park. As such the application is deficient in its proposal as it does not meet the access requirements to 4 spaces per 100m2 GFA';

'the fact that all but one of the car spots assigned to Lots 45-47 are behind security parking gate and thus are not accessible to the public'; and

'ingress/egress via the secure-parking area will undermine the security of both vehicles and office premises, bypassing the swipe-card system and introducing more traffic than intended in Garigal's design'.

Comment:
The application for the change of use from office to exercise physiology (Medical Centre) has been assessed in accordance with the Warringah Council Local Environmental Plan (Warringah LEP) and the Warringah Council Development Control Plan (Warringah DCP). The proposed use is permissible within the B7 Business Park Zone subject to obtaining a development approval.

In respect to onsite carparking, the change of use for existing offices within a commercial complex to operate as a medical centre (physiology/rehabilitation facility) has been assessed in accordance with the Car Parking Requirements in Appendix 1 of the Warringah Development Control Plan. Given the size of the facility and the intended operation an appropriate level of car parking is required on site for the proposed physiology which has been assessed as a recreational facility (gymnasium), which requires a higher rate of onsite car parking when compared to a medical centre use. A gymnasium requires 4.5 spaces per 100m² GFA resulting in a requirement of 10 spaces on site. The strata plan provided indicates that the units are provided with 9 spaces within the basement car park and 1 visitor space at ground level which complies with the parking requirements for a gymnasium.

Suitable access is required for the 9 spaces located within the secure basement level. In this instance, the applicant has provided information in respect to the contractual agreement for the sale/purchase of the property which includes detail on the method of access to the secure car parking facilities. An intercom buzzer system will be installed on site as part of the contractual arrangement by the vendor. With the buzzer system in place, clients will gain access to the designated car parks on site so as not to occupy the visitor carparking on site.

This is not a reason for refusal.

- Security
  The submissions received raised matters relating to security due to the after normal business hours trading:

  '...given the scale of the operation that they would be open beyond normal business hours and thus be enabling visitors into the building after hours which creates an increased security risk for other tenants. One of my fellow neighbours said that he experienced 3 break-ins after a similar change in his previous building'

  'The medical practice has since stated that their intended business hours are 6am to 8 pm with weekend operations. This is clearly 4 hours longer during the week and weekends the building is normally closed, thus hours are significantly longer than the buildings "standard business hours" and therefore the original request to the building's managing body was false in the first instance'.

Comment:
The proposed hours of operation include:

Monday to Friday - 6:00am to 8:00pm
Saturday - 6:00am to 5:00pm
Sunday - 6:00am to Midday

The internal security system and the risk the proposed use potentially has on other tenants is not a matter for consideration under the Warringah Council Development Control Plan. In accordance with D20 - Safety and Security of the Warringah Council Development Control Plan, it is noted that matters of safety and security of the locality including illuminated access and parking areas was sufficiently assessed at the time of development of the commercial complex (DA2005/0059) and has been a matter of consideration in accordance with the proposal.

Overall, the proposed use is permissible within the B7 Business Park Zone. The proposed hours of operation and the intended operation of the facility by two staff is considered appropriate in this location. The security of the premise including the basement car park and or each individual tenancy is not matter for consideration under the Warringah Council Development Control Plan.

This is not a reason for refusal.

- Change of use
  The submissions received raised matters specifically relating to the change of use and visitor car parking, specifically:

  'I am concern about the change in Zoning to allow Medical practices within this building';

  'Primary reasons for the objection surround the very limited available visitor parking. There is next to no available street parking and a concern is that access will be given to the public by the medical practice of the underground secure parking with visitors not being managed therefore using other tenants parking spaces not connected to the medical practices';

  'The reason for buying in the building was that it was zoned commercial office space, had sufficient visitor parking to for such commercial office usage and had occupant/tenant secure car parking. We believe that the proposed change would severely compromise our ability to use the building for its intended purpose'; and

  'I have owned premises previously where a medical practice has been within the business complex and it was nothing short of horrendous for other tenants.The objective of their business is to get as many people through the door as possible and the follow on effect of this is traffic chaos, visitor parking spots constantly in use from the one tenant,double parking etc which affects courier deliveries for all tenants and visitors not being able to visit due to lack of parking within the complex'.

  Comment:
  The site is zoned B7 Business Park and E2 Environmental Conservation under the Warringah Council Local Environmental Plan. The proposed application for the use of existing commercial premises for the purpose of a Medical Centre (exercise physiology) will not change the zoning applied to the site.

Council approved the application for the construction of the existing commercial building on site on 30 September 2005 (DA2005/0059). The development consent enabled the use of the premise for office use. In this instance, the proposal seeks to change the existing office use of units 45, 46 and 47 of 23 Narabang Way for the purpose of a Medical Center which is permissible in the B7 Business Park Zone.

In respect to the use of visitor parking, this has been addressed above. In summary, the change of use for existing offices within a commercial complex to operate as a medical centre have been assessed in accordance with the Car Parking Requirements in Appendix 1 of the Warringah Development Control Plan. The strata plan provided indicates that the units are provided with nine spaces within the basement car park and one visitor space at ground level which complies with the parking requirements for a gymnasium.

This is not a reason for refusal.

- Number of staff on site
  The submission received raised matters to do with the number of staff on site, specifically *'they claim that only "one physio would be employed" appears disingenuous given the intended clinic's size and does not reflect an accurate limit to how many people will be added to an (intentionally) office-only-environment'.*

  Comment:
  As mentioned previously, Council approved the application for the construction of the existing commercial building on site on 30 September 2005 (DA2005/0059). The premise was approved for commercial office purposes. In accordance with the B7 Business Park Zone, a medical centre is a permissible use on site subject to obtaining the appropriate development approval.

  The premise provides suitable facilities including car parks to support the proposed use in accordance with the Warringah DCP.

  This is not a reason for refusal.

- Proposed hours
  The submission received from 63-65 / 23 Narrabang Way raised matters concerning the proposed hours of operation which differed from the information received by the body corporate.

  Comment:
  As confirmed above, the hours proposed are considered appropriated in this location being a business park (B7 Business Park Zone). In addition to this, the application received included owners consent from the strata. In this instance, the difference in information received and that which was submitted to the body corporate is not a matter for consideration nor a reason for refusal.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to conditions.
Traffic Engineer	The proposed development is for the change of use for existing offices within a commercial complex to operate as a physiology/rehabilitation facility. The strata plan provided indicates that the units are provided with nine spaces within the basement car park, which complies with the parking requirements for a medical center. There is no objections to the proposed change of use on traffic grounds. Planners to consider access for vehicles to the basement car parking area.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service – local branch (s79BA EPAA)	The proposal was referred to NSW Rural Fire Service. A response was received date 20 July 2015 were no objections to the proposal were raised subject to recommended conditions.

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 (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environment Plan 2011

Is the development permissible?	Zone B7 : Yes Zone E2 : 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
There are no changes proposed to the Principal Development Standards.

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls
There are no changes proposed to the Built Form Controls.

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
Non-Residential Development	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than $100,001.00 the policy is not applicable to the assessment of this application.

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 DA2015/0542 for Use of premises as a Medical Centre (exercise physiology) on land at Lot 45 SP 78928, 44 / 23 Narabang Way, BELROSE, Lot 46 SP 78928, 44 / 23 Narabang Way, BELROSE, Lot 47 SP 78928, 44 / 23 Narabang Way, BELROSE, 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**
Site Plan	20/05/2015	Dee Why Drafting

Building Plan	20/05/2015	Dee Why Drafting
Layout Plan	21/05/2015	Dee Why Drafting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	**Dated**	**Prepared By**
Preliminary Geotechnical Assessment	02/06/2015	Jack Hodgson Consultants Pty Limited
Bush Fire Risk Assessment	10/06/2015	Bush Fire Planning Services

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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. **Compliance with Other Department, Authority or Service Requirements**
The development must be carried out in compliance with the following:

Other Department, Authority or Service	**eServices Reference**	**Dated**
NSW Rural Fire Service	NSW RFS Comments	20/07/2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. **Prescribed Conditions**
(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

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

telephone number on which that person may be contacted outside working hours, and
(iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:
A. the name and licence number of the principal contractor, and
B. the name of the insurer by which the work is insured under Part 6 of that Act,
(ii) in the case of work to be done by an owner-builder:
A. the name of the owner-builder, and
B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than $25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

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

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

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(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) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
(i) Swimming Pools Act 1992
(ii) Swimming Pools Amendment Act 2009
(iii) Swimming Pools Regulation 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.

(n) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:
(1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
(2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

FEES / CHARGES / CONTRIBUTIONS

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

6. **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)

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**

(c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
(d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
(e) AS 4970 - 2009 'Protection of trees on development sites'**
(f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
(g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
(h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
(i) AS 2890.5 - 1993 Parking facilities - On-street parking**
(j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
(k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
(l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
(m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
(n) AS 4674 Design, construction and fit out of food premises
(o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website **http://www.humanrights.gov.au/disability_rights/buildings/good.htm**
**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)

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

7. **Intercom**

An intercom system must be provided in a convenient location at the entry of the secure basement car park to enable easier and safe access to visitor parking.

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 convenient access is available for visitors to the building. (DACPLF05)

8. **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 Certifying Authority prior to the issue of the Interim / Final 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 Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

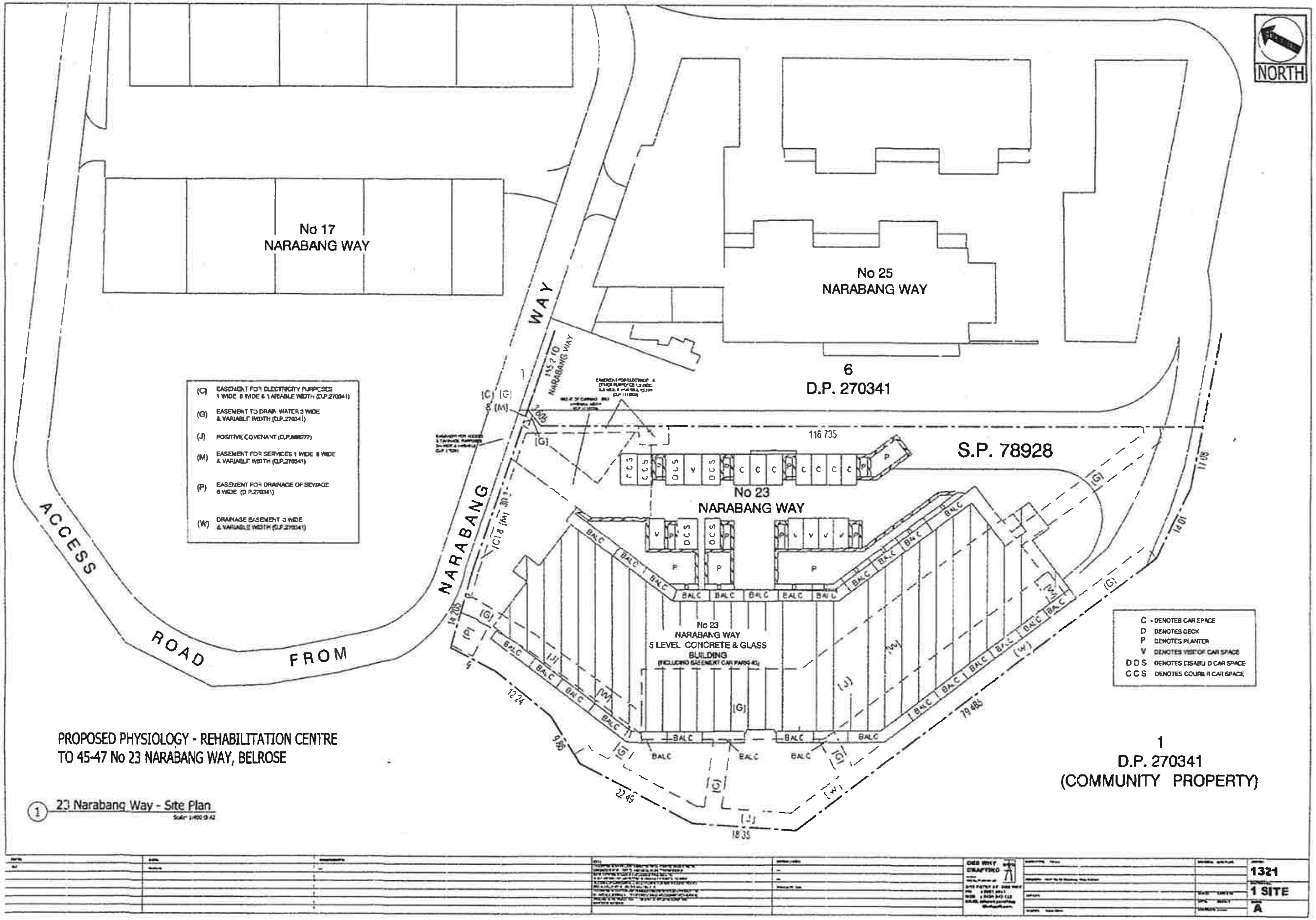
9. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday - 6:00am to 8:00pm;
- Saturday - 6:00am to 5:00pm;
- Sunday - 6:00am to 12pm (inclusive).

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)


NORTH
No 17
NARABANG WAY
No 25
NARABANG WAY
6
D.P. 270341
S.P. 78928
No 23
NARABANG WAY
No 23
NARABANG WAY
5 LEVEL CONCRETE & GLASS
BUILDING
(INCLUDING BASEMENT CAR PARKING)
1
D.P. 270341
(COMMUNITY PROPERTY)
ACCESS ROAD FROM NARABANG WAY
(C) EASEMENT FOR ELECTRICITY PURPOSES 1 WIDE 8 WIDE & VARIABLE WIDTH (D.P.270341)
(G) EASEMENT TO DRAIN WATER 3 WIDE & VARIABLE WIDTH (D.P.270341)
(J) POSITIVE COVENANT (D.P.868277)
(M) EASEMENT FOR SERVICES 1 WIDE 8 WIDE & VARIABLE WIDTH (D.P.270341)
(P) EASEMENT FOR DRAINAGE OF SEWAGE 6 WIDE (D.P.270341)
(W) DRAINAGE EASEMENT 3 WIDE & VARIABLE WIDTH (D.P.270341)
C - DENOTES CAR SPACE
D DENOTES DECK
P DENOTES PLANTER
V DENOTES VISITOR CAR SPACE
DDS DENOTES DISABLED CAR SPACE
CCS DENOTES COURIER CAR SPACE
116 735
11 08
14 01
79 485
18 35
22 45
9 86
12 24
14 205
PROPOSED PHYSIOLOGY - REHABILITATION CENTRE
TO 45-47 No 23 NARABANG WAY, BELROSE
1 23 Narabang Way - Site Plan
1321
1 SITE
A