

# Memo

Strategic and Development Services

**To:** Warringah Development Assessment Panel

**From:** Peter Robinson  
Group Manager, Development & Compliance Services

**Date:** 22 November 2011

**Subject:** Item 4.2 - Development Application No: DA2011/0892 for  
Demolition works and construction of a Medical Centre at Lots  
13, 14, 15, and 16 - Sec 2 within DP 1521, 10-12 Dale Street,  
Brookvale

Dear Panel,

The purpose of this memo is to advise that the applicant has submitted additional information following a review of the assessment report.

## 1. Building Height Built Form Control non-compliance

The original assessment of the building height was based on the submitted architectural plans which did not show that there was a ceiling under the two parapet structures. Accordingly this was identified as a non-compliance and a Clause 20 variation was provided. The applicant within the correspondence dated 21<sup>st</sup> November 2011 stated that *"Council's assessment is that the proposed building height does not comply with the provisions of the WLEP 2000 (G10 Brookvale Industrial West Locality Statement). Despite that, Council states that the non-compliance is not such as to justify refusal of the application and the Report recommends the application for approval. While we respectfully agree with Council's assessment that the application is suitable for approval, we submit that the proposed building height as indicated on the plans in fact complies with the building height control."*

To support this claim additional cross-sections of the building through Grid A, Grid C and Grid H along the front elevation was submitted. The additional plan shows that the proposal includes a ceiling line under the two parapet structures and consequently the proposed building does achieve compliance with the Building Height Built Form Control of the WLEP 2000, therefore, a Clause 20 variation is no longer relevant.

Notwithstanding, the non-compliance with the building height under the Draft Warringah Local Environmental Plan 2009 is still relevant in the assessment as the 11m building height pertains to overall building height and not the building's ceiling height as defined under the WLEP 2000.

## 2. Condition relating to construction hours

The correspondence received from the applicant includes a request to amend condition number 5 sub-section (a) of the recommended conditions of consent relating to construction hours which states:

### **"5. General Requirements**

(a) *Unless authorised by Council:*

*"Building construction and delivery of material hours are restricted to:  
7.00 am to 5.00 pm inclusive Monday to Friday  
8.00 am to 1.00 pm inclusive on Saturday,  
No work on Sundays and Public Holidays."*

*Demolition and excavation works are restricted to:  
8.00 am to 5.00 pm Monday to Friday only."*

The applicant wishes to amend condition number 5 sub-section (a) to:

**"5. General Requirements**

(a) *Unless authorised by Council:*

*"Building construction and delivery of material hours are restricted to:  
7.00 am to 5.00 pm inclusive Monday to Friday  
7.00 am to 5.00 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."*

The extended construction/demolition hours are not supported as the noise and associated vehicle movements are considered to unreasonably impact on the residential amenity of the nearby residential lands.

**Conclusion**

The above review of the correspondence from the applicant identifies that the Clause 20 variation under WDAP report item No.4.2, pages 134-136, is no longer relevant. The proposed development complies with the Built Form Controls of the G10 Brookvale Industrial West Locality.

In addition, the request to amend condition number 5 of the recommended conditions of consent relating to additional construction hours on Saturdays is not supported.

**Recommendation**

- A. All references to the Building Height Built Form Control variation and associated Clause 20 variation be omitted from the assessment report.
- B. Condition No.5 be retained as proposed in the assessment report.

