

## REPORT TO DEVELOPMENT UNIT - WLEP

Meeting held on 19 April 2017

### 80 Evans Street Freshwater - Construction of Temporary Hoarding Signage

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0053
Responsible Officer:	David Auster
Land to be developed (Address):	Lot 12 DP 1197725, 80 Evans Street FRESHWATER NSW 2096
Proposed Development:	Construction of Temporary Hoarding Signage
Zoning:	LEP - Land zoned R2 Low Density Residential LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Development Unit - WLEP
Land and Environment Court Action:	No
Owner:	Mount Pritchard & District Community Club Ltd
Applicant:	Cerno Management Pty Ltd

Application lodged:	24/01/2017
Application Type:	Local
State Reporting Category:	Other
Notified:	25/01/2017 to 10/02/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	7
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 28,500.00
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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:

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- 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

Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
<b>Detailed Site Description:</b>	<p>The site is located to the south of Carrington Parade, between Evans Street and Lumsdaine Drive. The site is currently a construction site, with the Harbord Diggers club being constructed. There is existing hoarding surrounding the site along all three frontages. This existing hoarding also surrounds the public reserve to the north of the Harbord Diggers site, which is being used for construction facilities.</p> <p>To the east along Lumsdaine Drive is the ocean. There is low density residential development across Carrington Parade to the north, and there is medium density residential development across Evans Street to the south and south west.</p>

Map:



## SITE HISTORY

The relevant history for the current development application is as follows:

**DA2014/0875** was approved by Warringah Council for Demolition and excavation works and construction of seniors housing, registered club, childcare centre and associated carparking and landscaping (Harbord Diggers Club site) on 1 December 2014. The hoarding surrounding the site is in place as a result of the construction under this application.

There have been a number of Hoarding Permits issued as follows:

**HP2016/0013** - Class A hoarding  
Evans Street 124m - Expired 31/08/2016  
Carrington Parade 127m - Expired 31/07/2016  
Lumsdaine Drive 126m - Expired 31/12/2016

**HP2016/0007** - Class A hoarding  
Lumsdaine Drive 300mm behind kerb  
Carrington Parade behind existing footpath and splayed to Lumsdaine Drive as per plans lodged  
Both expired 30/06/2016

**HP2016/0016** - Class C hoarding  
Evans Street 54m - Still current - Expires 30/06/2017

There was also a Working on Reserves Application in relation to the public reserve to the north of the site:

**PERM2016/00047**  
Council approval of Working on Reserves Application for the period 8 March 2016 to 31 May 2019 -  
Gave permission for use of the public reserve north of the site for construction site facilities.

## PROPOSED DEVELOPMENT IN DETAIL

The application is for the installation of temporary hoarding signs surrounding the construction site at Harbord Diggers (80 Evans Street), along the north eastern, north western, and south western boundaries of the site. The signs will be removed upon completion of the development, anticipated to be October 2018.

The Statement of Environmental Effects provided with the application states that the signage is designed to:

- *Be informative to the local community and highlight the future Harbord Digger's club currently under construction at the site in accordance with DA2014/0875 (and subsequent modifications);*
- *Notify the public that a temporary Harbord Diggers club is open at the site to support the needs of the local community and on-going commercial operation of the club;*
- *Provide wayfinding and directions to the adjoining public car-park; and*
- *Activate street frontages and increase the sites visual attractiveness within the public domain.*

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 (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)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;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.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;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.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;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.</p> <p><u>Clause 98</u> of the EP&amp;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.</p> <p><u>Clause 98</u> of the EP&amp;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.</p>

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Section 79C 'Matters for Consideration'	Comments
	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 7 submission/s from:

Name:	Address:
Ms Catherine Casey	33A McKillop Road BEACON HILL NSW 2100
Mr Andrew Donald Learmont Mrs Tracey Ellen Learmont	8 Carrington Parade FRESHWATER NSW 2096
Ms Margaret Elizabeth Habberfield	10 / 20 Evans Street FRESHWATER NSW 2096
Ms Johanna Maria Reynolds	22 The Drive FRESHWATER NSW 2096
Mr Errol Lloyd Patrick Jones	9 The Drive FRESHWATER NSW 2096
Mr Paul Herbert Clarke	9 Carrington Parade FRESHWATER NSW 2096
Jennifer Merrin	10 The Drive FRESHWATER NSW 2096



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

- Visual character inconsistent with surrounding residential area
- Size, scale and amount of signage is excessive
- Advertising of Partners
- Loss of amenity to surrounding area
- Signage proposed on Council owned land
- Notification map is misleading
- Temporary period is excessive
- Distraction to motorists

The matters raised within the submissions are addressed as follows:

- Visual character inconsistent with surrounding area  
Comment: Concerns were raised that the application was inconsistent with the character of the area, and that the signage was commercial advertising in a residential area. There is some signage that relates to "Our Partners" and is advertising for various commercial partners. This signage does not directly relate to the use of the site, and as such the objections are supported in this respect. The signage advertising commercial partners (located along Lumsdaine Drive and Evans Street) is recommended for deletion by condition of consent.

The other signage all relates to the Harbord Diggers, and includes various coastal/beach scenes, and scenes of the development itself. This type of signage is not considered to be out of character with the location on the coast and surrounding the development which is currently under construction. The scenes depicted are not considered to be unattractive or unsightly, and the simple black writing on white backgrounds relating to the ongoing development is similarly inoffensive in character. In this respect the objections against the character of the design are not supported.

- Size, scale and amount of signage is excessive  
Comment: As well as objecting to the character of the signage, concerns were raised with the amount of signage, being 307.2m in length in total (all three road frontages). This type of signage is generally considered acceptable for hoarding around large developments, and as the applicant points out in the Statement of Environmental Effects, similar type signage has been approved in the past. The current Dee Why Town Centre construction offers a good example. However the Dee Why Town Centre is in a mainly commercial or mixed use area. The Harbord Diggers is another large development on a site where the development is a permitted and expected use. The development site is however entirely surrounded by residential area, much of which is low density residential. As such, the objections to the excessive nature of the signage in a residential area are supported to an extent.

The application states that the signage is intended to:

- *Be informative to the local community and highlight the future Harbord Digger's club currently under construction at the site in accordance with DA2014/0875 (and subsequent modifications);*
- *Notify the public that a temporary Harbord Diggers club is open at the site to support the needs of the local community and on-going commercial operation of the club;*
- *Provide wayfinding and directions to the adjoining public car-park; and*
- *Activate street frontages and increase the sites visual attractiveness within the public domain.*

It is considered that the proposed signage around the two corners of the site adequately achieves the above benefits. The two corners are also the most highly visible locations for people passing by the site along Carrington Parade. Once people have turned onto either Lumsdaine Drive or Evans Street, they will certainly be aware of the messages the signage promotes (having passed one of the corners), and there is no need for further signage along these frontages. Similarly, there is no real need for signage along the entire extent of the Carrington Parade frontage.

Conditions are therefore recommended deleting some of the proposed signage as follows:

Sign No.	Specifications	Street Frontage	Approve/Delete
1	22m x 1.6m	Lumsdaine Drive	Delete
2	7.2m x 2.65m	Lumsdaine Drive	Delete
3	32m x 2.65m	Lumsdaine Drive	Approve
4	19m x 1.6m	Corner of Lumsdaine Drive and Carrington Parade	Approve
5	16m x 1.6m	Carrington Parade	Approve
6	21m x 1.6m	Carrington Parade	Delete
7	32m x 1.6m	Carrington Parade	Delete
8 and 9	54m x 1.6m	Carrington Parade	Approve
10	14m x 1.6m	Corner of Carrington Parade and Evans Street	Approve
11 and 12	43m x 1.6m	Evans Street	Approve
13	25m x 1.6m	Evans Street	Delete
14	7m x 1.6m	Evans Street	Delete
15	15m x 1.6m	Evans Street	Delete

Subject to these conditions, the proposed signage is considered to be acceptable in this regard.

- Advertising of partners  
Comment: Concerns were raised regarding the advertising of partners on some of the signage. These objections are supported as discussed above, and that signage is recommended for deletion be condition of consent.
- Loss of amenity to surrounding area  
Comment: Concerns were raised that the proposed signage would reduce the amenity of the area. The proposed signage is made up of coastal and beach scenes, and scenes of the completed development. There is also plain black writing on white backgrounds. The signage is not considered to be offensive, or out of character with the location as discussed above, and is not considered to have any unreasonable impacts on the general amenity of the area. The submissions are not supported in this regard.
- Signage proposed on Council owned land - No owner's consent, public reserve  
Comment: Concerns were raised that the proposed signage is on Council owned land, particularly the public reserve to the north of the site (Lot 1 DP730800), but also in various areas along the frontages where the hoarding was on the road reserve. This being the case, the application should require owner's consent from Council. The hoarding is in fact located

entirely on the road reserve, surrounding both the Diggers site, and the public reserve to the north. As such, owner's consent is required from Council.

The actual built structure (being the hoarding) has previously been given consent by Council by way of hoarding permits. The signage is ancillary to the hoarding. Council has previously considered applications of this type of hoarding signage to have gained owner's consent for structures on Council land via the hoarding permits. However, the hoarding permits in this case have mostly expired as follows:

**HP2016/0013** - Class A hoarding  
Evans Street 124m - Expired 31/08/2016  
Carrington Parade 127m - Expired 31/07/2016  
Lumsdaine Drive 126m - Expired 31/12/2016

**HP2016/0007** - Class A hoarding  
Lumsdaine Drive 300mm behind kerb  
Carrington Parade behind existing footpath and splayed to Lumsdaine Drive as per plans lodged  
Both expired 30/06/2016

**HP2016/0016** - Class C hoarding  
Evans Street 54m - Still current - Expires 30/06/2017

**PERM2016/00047**

Council approval of Working on Reserves Application for the period 8 March 2016 to 31 May 2019 - Gave permission for use of the public reserve north of the site.

The majority of the existing hoarding permits have therefore expired. However, the applicants are in the process of renewing the permits, and there is no reason why Council would not simply renew the hoarding permits as necessary, subject to the necessary fees being paid. The hoarding permits contain conditions of consent as follows:

- *Hoardings shall remain in place until the construction of the building is completed, or in the case of a demolition, until the building is completely demolished.*
- *No advertisements of any kind shall be affixed to hoarding(s) without specific approval being obtained beforehand, with the acceptance of a board not exceeding 2.5m x 2 m on which may be shown the Architects' and Builders' names or any particulars regarding the subject building, and notices regarding the existing or further occupancies in the building.*

The first condition above essentially means that once a hoarding permit has been granted, it is a requirement that hoarding be kept in place until the construction is completed (the time frame of which is not predictable). Council's practice where hoarding permits have expired is to calculate fees for the entire time the hoardings remained in place, and not to issue final certificates until those fees have been paid. It is therefore considered that once the first hoarding permits have been issued, owners consent for the structure on Council land has been granted.

The second condition above makes it clear that a Development Application is required if the applicants wish to place any signage on the hoarding. This current development application is fulfilling that condition.

Given that the existing hoarding permits have mostly gone past their original expiry dates noted on the permits, a deferred commencement condition is recommended for this current



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development application for signage on the hoarding, stating that the consent will not become active until new hoarding permits are issued. A further condition of consent is recommended for the life of the development stating that the consent will become invalid if the hoarding consents lapse.

- Notification map is misleading

Comment:

Concerns were raised that the notification map displayed on Council's website did not include the public reserve to the north of the Harbord Diggers site, and was therefore misleading. This notification map is not a map of the development, but is a map to identify which surrounding properties are notified by mail out. It is for administrative purposes only. The actual site plan makes it clear where the signage is proposed, and that the signage extends around the northern public reserve. The objection is not supported in this regard.

- Temporary period is excessive

Comment:

Concerns were raised that the temporary time period of the signage was too long to be considered 'temporary', being up to 2 years. The applicants have stated that the construction is likely to finish in October 2018. Despite the long time frame for the large development, the hoarding and proposed attached signage is 'temporary'. It has a limited time frame, and will finish upon completion of the construction. As discussed above, the signage is not considered to be inconsistent with the character of the area, is inoffensive, and does not have any unreasonable impacts on the amenity of the surrounding area. As such, the signage is considered to be generally acceptable on the hoarding for the time up until the hoarding is removed.

- Distraction to motorists

Comment: Concerns were raised that the signage would distract motorists. The proposed signage is no different in any significant way to any other signage along roads anywhere else. There is no reason to expect that this particular signage will be more distracting to motorists than any other signage. It is not illuminated, does not use flashing signs or similar, and is of a character generally considered consistent with the surrounding coastal area. The objections are not supported in this regard.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Natural Environment (Biodiversity)	No objections. No conditions recommended.
Parks, reserves, beaches, foreshore	No objections. No conditions recommended.

## 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 indicates that the subject site has been used for Harbord Diggers Club, which commenced operating on this site in the late 1950s to early 1960s and expanded over the years to encompass the majority of the street block. A preliminary site investigation was submitted with DA2014/0875, and Council's Environmental Health section was satisfied with the measure taken to contain and prevent contamination. The current application relates only to placing signage on the existing hoarding surrounding the construction site. 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 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:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage includes beach/coastal scenes, and scenes of the completed development. It is considered that this is compatible with the surrounding coastal area and the development currently under construction on site.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme applicable.	YES
<b>2. Special areas</b> 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,	The signage is not considered to detract from the surrounding area. It will not be readily visible from the heritage items to the south of the site. The signage is generally made up of coastal/beach scenes, and scenes of the completed development which will stand upon the site. The	YES

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waterways, rural landscapes or residential areas?	writing is relatively plain black on white background, and is not considered to detract from the area. A significant amount of the signage has been recommended for deletion from the approval (see discussion under Submissions), and the proposal is considered to be consistent with this clause.	
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The signage is to be located on the existing hoarding. It will not impact on obscure any views that are not already obscured, and is generally considered to be attractive and inoffensive.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is at ground level on the existing hoarding. It will not dominate the skyline or reduce the quality of any vistas in any unreasonable way.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal will not obscure any other advertisers.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is located on the existing hoarding, and will not overhang or increase the height of the hoarding. The signage includes beach and coastal scenes, appropriate to the setting. The scale and length of signage is recommended for reduction subject to conditions (see discussion under Submissions in this report). Subject to these conditions the proposal is considered acceptable.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is considered to add visual interest to the streetscape, compared to the plain white hoardings.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is existing (unauthorised) signage on the existing hoarding. This will be removed and replaced by the proposed signage.	YES
Does the proposal screen unsightliness?	The proposal is on the existing hoarding, and will not further screen any unsightliness on the construction site, but will not reduce screening either.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above the existing hoarding, which is generally below the tree canopy level and height of surrounding houses.	YES
<b>5. Site and building</b> 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 compatible with the size of the hoarding on which it will be placed. It contains beach and coastal scenes, and scenes of the development, which are consistent with the surrounding location.	YES
Does the proposal respect important features of the site or building, or both?	The beach and coastal scenes are indicative of the surrounding coastal location.	YES
Does the proposal show innovation and imagination in its relationship to the	The proposed signage is considered to be generally attractive and relates to the surrounding	YES

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site or building, or both?	coastal location.	
<b>6. Associated devices and logos with advertisements and advertising structures</b> 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 safety devices, platforms or lighting devices are proposed. The Harboard Diggers logos are integrated into the design.	YES
<b>7. Illumination</b> 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 illumination is proposed.	YES
Can the intensity of the illumination be adjusted, if necessary?	N/A	YES
Is the illumination subject to a curfew?	N/A	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposal is not likely to cause any safety concerns. It is standard hoarding signage, relating to the development which it surrounds.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is on the existing hoarding surrounding the site. It will not restrict any new sightlines.	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. 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?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	The signage is located on existing hoarding and does not change the height of the hoarding. The hoarding is on the road reserve which does not have a height limit, but it remains well below the 8.5m limit applicable to the surrounding sites.	N/A	Yes

### 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

The signage is located on the existing hoarding. The hoarding is located on the road reserve, and as such, there are no built form controls applicable. However, the signage does not propose to change the size or height of the hoarding, and will not make any significant alteration to the built form of the hoarding.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D23 Signs	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### D23 Signs



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## Description of non-compliance and/or inconsistency

The application proposes temporary signage on the existing hoarding surrounding the site, consisting of the following:

Sign	Requirement	Width	Height	M <sup>2</sup>	Complies
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)	<p>Shall not extend within 200mm of the top and sides of the wall.</p> <p>Shall not cover any window or architectural projections;</p> <p>Must be of a size and shape that relates to the architectural design of the building to which it is attached;</p> <p>Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground;</p> <p>and</p> <p>Shall not project more than 300mm from the wall.</p>	Various widths	1.6m to 2.65m	Various	<p>No - The proposed signage does not strictly fall under any of the signage categories listed under the control.</p> <p>The 'wall' in this case is temporary hoarding, and the proposed signage is temporary for the same time frame as the hoarding remains. As such, a merit assessment against the objectives is carried out below.</p>

## 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 proposed signage is generally well designed and attractive. It identifies the land use, being the Harbord Diggers Club, and includes various coastal/beach scenes and scenes of the completed development. The signage is temporary, being located on the temporary hoarding surrounding the construction site, and is considered to be suitably located. A condition is recommended deleting some of the signage (see discussion under Submissions in this report), and limiting the signage to the corners of Lumsdaine and Carrington, and Carrington and Evans St. Subject to this condition, the proposal is considered to achieve the objective.

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

Comment: The signage is generally well designed. It has a consistent theme, with coastal/beach scenes

and pictures of the development, and is generally high quality in finish.

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

Comment: The proposed signage is considered to be generally attractive and inoffensive, and will not result in any unreasonable or adverse impact on the streetscape or surrounding locality.

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

Comment: The proposal is not considered to have any unreasonable impacts on the amenity of surrounding residents. It is not illuminated, it does not flash and the colours and scenes used on the signage are generally in character with the locality. This issue is also discussed under Submissions in this report, but the proposal is considered to achieve this objective.

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

Comment: The signage is temporary in nature, to be taken down upon completion of construction of the development. It will not have any adverse impacts on the heritage items to the south of the site. It generally includes beach/coastal scenes which are considered to be in character with the coastal location. Further, the signs which included advertising of partners not connected to the site is recommended for deletion by condition of consent. As such, the proposal is considered to achieve this objective.

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**

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

### DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2017/0053 for Construction of Temporary Hoarding Signage on land at Lot 12 DP 1197725,80 Evans Street, FRESHWATER, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

### DEFERRED COMMENCEMENT CONDITIONS

#### 1. Hoarding Permits

This consent will not be activated until the applicant has gained current valid hoarding permits for all hoarding surrounding the site on which signage is to be located.

Reason: To ensure hoarding permits are kept up to date. (DACPLADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 2. **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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Harbord Diggers Construction Hoarding Plan	Not dated	Brilliant Logic
Harbord Diggers Construction Hoarding Design (A) and (B)	Not dated	Brilliant Logic

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

c) 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)

### 3. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The signage identified on the approved plans is only partially approved as follows. All signage marked as "Delete" in the table below is not approved, and is to be deleted from the plans prior to issue of a construction certificate.

<b>Sign No.</b>	<b>Specifications</b>	<b>Street Frontage</b>	<b>Approve/Delete</b>
1	22m x 1.6m	Lumsdaine Drive	Delete
2	7.2m x 2.65m	Lumsdaine Drive	Delete
3	32m x 2.65m	Lumsdaine Drive	Approved
4	19m x 1.6m	Corner of Lumsdaine Drive and Carrington Parade	Approved
5	16m x 1.6m	Carrington Parade	Approved
6	21m x 1.6m	Carrington Parade	Delete
7	32m x 1.6m	Carrington Parade	Delete
8 and 9	54m x 1.6m	Carrington Parade	Approved

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10	14m x 1.6m	Corner of Carrington Parade and Evans Street	Approved
11 and 12	43m x 1.6m	Evans Street	Approved
13	25m x 1.6m	Evans Street	Delete
14	7m x 1.6m	Evans Street	Delete
15	15m x 1.6m	Evans Street	Delete

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

#### 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**

(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 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.

(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](http://www.warringah.nsw.gov.au)

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

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(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 sewerred 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.

(o) 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

### 6. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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](http://www.warringah.nsw.gov.au/your-council/forms)).

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

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

### 7. **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'\*\*\*

\*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](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)

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


### 8. **Temporary signage**

This consent gives approval for signage located on the hoarding surrounding the site only for as long as current hoarding permits are valid. Once construction is complete, and hoarding is removed, the signage is to also be removed.

Reason: To ensure signage remains temporary. (DACPLGOG1)

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## ATTACHMENT A

Notification Plan	Title	Date
 2017/022579	Plans - Notification	24/01/2017

## ATTACHMENT B

Notification Document	Title	Date
 2017/022957	Notification Map	25/01/2017



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## ATTACHMENT C

Reference Number	Document	Date
 2017/022580	Report - Statement of Environmental Effects	23/01/2017
 2017/022582	Plans - Master Set	23/01/2017
 DA2017/0053	80 Evans Street FRESHWATER NSW 2096 - Development Application - Alterations and Additions	24/01/2017
 2017/022276	DA Acknowledgement Letter - Cerno Management Pty Ltd	24/01/2017
 2017/022577	Development Application Form	24/01/2017
 2017/022578	Applicant Details	24/01/2017
 2017/022579	Plans - Notification	24/01/2017
 2017/022957	Notification Map	25/01/2017
 2017/022967	Notification Letter - 187	25/01/2017
 2017/032705	Online Submission - Casey	03/02/2017
 2017/032721	Online Submission - Learmont	05/02/2017
 2017/036595	Online Submission - Habberfield	08/02/2017
 2017/037465	Online Submission - Reynolds	09/02/2017
 2017/039137	Online Submission - Jones	10/02/2017
 2017/039491	Online Submission - Clarke	10/02/2017
 2017/039919	Online Submission - Merrin	10/02/2017
 2017/049155	Invoice and receipt for ram applications - Cerno Management Pty Ltd	21/02/2017
 2017/052991	Parks, Reserves and Foreshores Referral Response	23/02/2017
 2017/099242	ADP Plans	07/04/2017
 2017/099338	DAO Checklist Development Panel Reports - Cerno Management Pty Ltd	07/04/2017
 2017/099340	Delete	07/04/2017
 2017/100518	Delete	10/04/2017
 2017/100584	Delete	10/04/2017
 2017/100623	ADP Report 20170413 Item 3.2	10/04/2017
 2017/105418	PRF review of DA2017/0053	12/04/2017

## PANEL PLANS

No plans titled 'ADP Panel Plans' found in TRIM.