

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1195
Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 101 DP 1229188, 23 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Construction of signage associated with a residential aged care facility
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	J & G Knowles & Associates Pty Ltd
Applicant:	Think Planners
Application lodged:	11/07/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	20/07/2018 to 07/08/2018
Advertised:	Not Advertised
Submissions Received:	3
Recommendation:	Approval
Estimated Cost of Works:	\$ 5,000.00

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - D16.6 Front building lines

SITE DESCRIPTION

Property Description:	Lot 101 DP 1229188 , 23 Warriewood Road WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The works proposed within this application are located over three (3) separate allotments, as follows;</p> <ul style="list-style-type: none"> • 23 Warriewood Road, Warriewood (Lot 27, Section C, DP 5464) • 25 Warriewood Road, Warriewood (Lot 28, Section C, DP 5464) • 27 Warriewood Road, Warriewood (Lot 29, Section C, DP 5464) <p>These lots are to be subdivided into four (4) new lots in accordance with the development consent No. N0611/16. The proposed works fall within the proposed new Lot 1 located at the intersection of Warriewood Road and Macpherson Street, Warriewood. The site is currently under construction with the works approved under development consent N0611/16 substantially commenced.</p> <p>When combined as Lot 1, the site has a 223.7m wide frontage to Warriewood Road (east), a 142.6m wide frontage to Macpherson Street (south), and has a total area of 2.533 Hectares. The site also adjoins Narrabeen Creek for the full length of the western boundary.</p> <p>The site experiences a gentle slope from the Warriewood Road boundary down towards the creekline, with a fall of approximately 13.5m and a slope of approximately 9%.</p> <p>Macpherson Street is a two-lane sub-arterial road that has recently undergone substantial upgrades to the road network. The previous road pavement followed the contours of the land, and was susceptible to flooding on a semi-regular basis. The upgrade works included construction of a bridge to allow for unimpeded pedestrian and vehicular access along Macpherson Street during heavy rain/flood events. The bridge is elevated above the levels of the site at a minimum RL of 4.16m AHD, with no pedestrian or vehicular connection to the Macpherson Street frontage of</p>

the site. A Sydney Water Sewerage Treatment Plant is located opposite the site on the southern side of Macpherson Street, with a market garden located to the west (on the other side of Narrabeen Creek).

Warriewood Road is a two-lane collector street, with on-street parking on both sides. There are existing bus stops immediately adjacent to and opposite the site, with regular services to Mona Vale (north-bound) and the City (south-bound). The eastern side of Warriewood Road is characterised by one and two storey detached dwellings, with recently approved medium density development along the eastern side of Warriewood Road to the north of the site. The site is identified as Buffer Area 1L of the Warriewood Valley Release Area, as shown on the Warriewood Valley Release Area Map of PLEP 2014.

Map:



SITE HISTORY

Development consent No. N0611/16 was issued by the Sydney North Planning Panel (SNPP) on 12 July 2017. The application gave consent for the following:

- Demolition of all existing site improvements and removal of canopy trees,
- Earthworks and excavation,
- Subdivision of the site into four lots, as follows:
 1. Lot 1, a residential superlot with an area of 9927m²,
 2. Lot 2, a residential superlot with an area of 8192m²,
 3. Lot 3, with an area of 4281m² being the inner creekline corridor to be dedicated to Council, and
 4. Lot 4, with an area of 2890m² being the Lorikeet Grove public road reserve to be dedicated to Council,

- Construction of a 2 and 3 storey residential aged care facility on Lot 1, comprising:
 1. 130 sole occupancy, high care rooms,
 2. 67 off-street carparking spaces,
 3. Multiple internal and external living and dining areas,
 4. Staff facilities and administration areas,
 5. Resident amenities, including a salon, gymnasium, café, etc.,
- Construction of the Lorikeet Grove public road reserve,
- Half road reconstruction of Warriewood Road,
- Infrastructure, including water management detention basins, and
- Landscaping.

Development Application No. DA2018/1195 for signage relating to the approved residential aged care facility was lodged with Council on 17 July 2018. This application is the subject of this assessment.

PROPOSED DEVELOPMENT IN DETAIL

The development proposes 4 signs associated with the operation of the aged care facility including:

Sign 1:

2.9m high double sided illuminated Pylon sign to be located on the Macpherson Street frontage of the site;

Sign 2:

Wall mounted sign to be installed on the approved fence on the corner of Warriewood Road and Macpherson Street;

Sign 3:

2.3m high double sided illuminated Pylon sign to be located on the Warriewood Road frontage of the site; and

Sign 4:

2.9m high double sided illuminated Pylon sign to be located on the Lorikeet Grove frontage of the site.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.

Section 4.15 Matters for Consideration'	Comments
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)</p>	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> 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.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> 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.</p> <p><u>Clauses 93 and/or 94</u> 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.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> 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.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of</p>

Section 4.15 Matters for Consideration'	Comments
	the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

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 the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mr Hubert Stefan Wiest	48 Warriewood Road WARRIEWOOD NSW 2102
Ms Christina Pelda	2 Lakeview Parade WARRIEWOOD NSW 2102
Mr Richard Travis	42 Warriewood Road WARRIEWOOD NSW 2102

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

- ***The big illuminated pylons and signs don't fit very well to the residential characteristics of this area. The illuminated pylon on Warriewood Rd could severely interfere with the sleep of the neighbours.***

My proposal is to have non illuminated pylons and signs (at least on Warriewood Road).

Comment: The signage proposed on Warriewood Road is Sign 4 an oversized double pylon and Sign 2 a wall mounted sign at the intersection of Warriewood Road and Macpherson Street. Sign 4 marks the main entry to the facility for north and south bound traffic. It is a

recommendation of this assessment that Sign 4 be replaced with the smaller version used by Sign 3 to reduce unnecessary bulk and not contain any illumination. Likewise for Sign 2, it is recommended that there be no illumination of the site except for uplighting from the adjacent garden. Subject to a condition addressing the size of Sign 1 and 4 and illumination, the proposal is considered acceptable and this issue does not hold determining weight.

- ***It is my submission that Sign 2 on the corner of Warriewood Road and MacPherson Street be non-illuminated.***

The reason for my submission is as follows:

- ***I refer to "State Environmental Planning Policy No 64 - advertising and signage criteria - 7 Illumination - Would illumination detract from the amenity of any residence or other form of accommodation?" I would say yes. The vista from my property encompasses the corner of MacPherson Street and Warriewood Road. I did not object to the original DA as it was my understanding that the perimeter of the development was to be subject to natural beautification not illuminated signage.***

- ***Street lighting on that corner is such that the proposed sign of that size could easily be seen from dusk to dawn without additional illumination. I believe that if the sign was illuminated it would be more suited for the purposes of advertising because the majority of traffic at that intersection would not be way-finding after-hours traffic or emergency service vehicles. By deeming this as advertising, rather than signage, then referring to criteria 2 of the "State Environmental Planning Policy No 64" it could be concluded that it detracts from the visual quality of a residential area.***

- ***"State Environmental Planning Policy No 64 - advertising and signage criteria - 4 Streetscape, setting or landscape - Does the proposal contribute to the visual interest of the streetscape, setting or landscape?" Think Planners Pty Ltd suggests that it does without explanation. I would suggest that it doesn't because the immediate area is residential with mostly thoroughfare traffic. It is not a shopping/dining/entertainment precinct where illuminated signage is the norm with traffic that congregates and appreciates that type of visual interest***

Comment:

Sign 2 is a wall mounted sign to be located on the fence structure. The signage is proposed to be illuminated behind the "***** aged care" text and around the sides of the sign. The text for "arcare" is a brushed stainless steel finish. The plans and conditions included as part of this assessment incorporates landscaping in front of this signage up to the boundary.

The property at No. 2 Lakeview Parade is oriented to the south facing toward its main street frontage being Lakeview Parade. This property is located at least 35m from the wall mounted sign. The dwelling does not contain any windows along the western facade but does have an elevated outdoor entertaining deck at the rear and provides a low height 1.2m high picket fence along the Warriewood Road frontage. Given the location of this aged care facility within an established low density residential neighbourhood, it is recommended that illumination of the signs on Warriewood road be deleted. This issue does not warrant amendment or refusal of the application.

- ***I am writing in regards to the Arcare development DA2018/1195, 23 and 27 Warriewood Rd, Warriewood. I live opposite the site at 42 Warriewood rd, my concern is that I believe there will be 2 entrances to the development once completed and one of those will be directly opposite my driveway, if you could please confirm this with me. If so I am***

concerned that we have enough traffic already on the road with buses etc which doesn't make things easy already, so I would imagine that these new driveways would be very busy being a large development of the size once completed. I believe that Hill st is to be continued down the side of this new development, so is there to be access there as well, I was hoping that would be the only access, hence my concern with a driveway opposite my property. If you could please confirm this with me.

Comment:

The dual driveway entry was approved by the original consent N0611/16 and enable vehicles to enter and leave in a forward direction onto Warriewood Road. The current application does not change any aspects of the development approved under N0611/16. It should be noted that this drive through access is to allow for "drop off" at the main entry portico of the building and does not provide access to the basement carpark. The main carpark and loading area is accessed from Lorikeet Grove. This issue does not hold determining weight.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal is acceptable subject to completion of landscaping to integrate the signs into a landscaped setting.</p> <p>Council's Landscape section have assessed the modification application against then following Pittwater DCP21 Control:</p> <p>C.6.2 Natural Environment and Landscaping Principles</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>

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. A Preliminary Site Investigation was undertaken by J & G Knowles & Associates (eiaustralia), report dated 9 November 2016 which was submitted with the previous development application No. N0611/16. The report provided the following summary:

"Historical records indicated that the site has been used for agricultural purposes (market gardens) from the 1040's to the early 2000's, with the site occupied by a residential dwelling and open fields since the early 2000's. Historical land uses on neighbouring properties were primarily residential and agricultural throughout the studied period apart from the Wastewater Treatment Works located to the south of the site since the 1980's.

It is therefore recommended that:

- *Conduct a Detailed Site Investigation (DSI) to characterise site soils, groundwater, and ground gas to provide baseline data for evaluation of any remedial and management requirements that may be necessary to allow the site to be made suitable for the proposed residential development. This assessment should also include an assessment of the ASS;*
- *The findings of the DSI should be reported in accordance with EPA (2001) to provide the data to confirm that the site is suitable for its proposed land uses, or (should contamination be identified) to inform a remedial action plan to make the site suitable for the proposed residential development; and*
- *Conduct a Hazardous Materials Survey (HMS) of current structures present at the site, if not previously undertaken. I recommend that a HMS is conducted prior to the demolition of site structures.*

I consider that any potential contamination can be managed and the site can be made suitable for the proposed residential development, subject to the appropriate implementation of the above recommendations in accordance with the State Environmental Planning Policy 55 (SEPP 55)."

The requirements of this report formed part of the development consent issued for N0611/16 and the investigations required undertaken prior to commencement of works for that application. 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 proposed signage associated with the seniors housing land use.

SEPP 64 - Advertising and Signage

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

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

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

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	While the existing and future character of the Warriewood Valley Locality is for residential development, the subject site has an existing approval pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 for a residential aged care facility.	YES, subject to conditions
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no identified theme for outdoor signage in this location. The proposed signage is generally consistent with signage used for this form of aged care development.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The location of the proposed signage provides identification of the extents of the development. The closest sign is more than 50m from the creek line buffer and is not considered to detract from the amenity or visual quality of the area.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	There are no views obscured by the proposed signage.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal includes three (3) different signage sizes: Sign 1 (oversized pylon) - 2.96m high x 1.38m wide with double surface areas each measuring 3.312m ² (sign 1 and 4) Sign 2 (wall mounted) - 1.1m high x 2.4m wide measuring 2.64m ² Sign 3 (pylon) - 2.3m high x 1.1m wide with double surface areas each measuring 2.09m ² . Sign 1 and 4 are located at the Macpherson Street and Warriewood Road frontages. These signs are considered excessive for the location and are conditioned to be the same size as Sign 3. Subject to this condition to reduce the overall size of Sign 1 and 4, the proposal is considered acceptable in terms of maintaining the skyline.	YES, subject to condition.
Does the proposal respect the viewing rights of other advertisers?	Given the nature of the surrounding land uses, there are no other advertisers affected by the	YES

	proposed signage.	
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	As previously detailed, the signage takes three (3) different forms with Sign 1 and 4 being oversized pylons. These signs are considered excessive given the number of signs and location. Accordingly, these are conditioned to be the same specifications as Sign 3.	YES, subject to condition.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will inform road users that the property is an aged care facility. The signage is considered acceptable in terms of how it will sit within the context of the aged care setting.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no other advertising in this location.	YES
Does the proposal screen unsightliness?	The signage will sit within the landscape buffer around the site and is not required to screen unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The individual signage structures all sit below the height of the approved built form.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage as amended by condition is considered compatible with the building forms on the subject site.	YES, by condition
Does the proposal respect important features of the site or building, or both?	The proposal is acceptable in terms of how it relates to the features of the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is considered satisfactory in terms of how it relates with the building form on the site.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	There are no safety devices as part of the proposed signage.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The illumination from the proposed signage is LED back lighting. Concerns have been raised by the adjoining properties in relation to the impact of the illumination from signs 2 and 4. It is recommended that these signs do not contain any internal illumination.	NO. Conditioned to have no illumination.
Can the intensity of the illumination be adjusted, if necessary?	Yes the intensity can be adjusted.	YES

Is the illumination subject to a curfew?	There are no curfews associated with this signage.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage is not considered to reduce safety for road users.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is not considered to reduce safety for pedestrians or obscure 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.

Pittwater Local Environmental Plan 2014

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	2.96m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.3 Flood planning	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	Macpherson Street - 6.5m Warriewood Road - 6.5m Lorikeet Grove - 3m	Nil to <1.0m Within 1.0m Nil	100%	No
Landscaped area	35%	Approved 66% No change to approved	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.9 Signage	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.6 Front building lines	No	Yes
D16.13 Building colours and materials	Yes	Yes

Detailed Assessment

D16.6 Front building lines

The proposed signage will result in a non-compliance with the front building line to all street frontages (Macpherson Street, Warriewood Road and Lorikeet Grove). In consideration of these non-compliances, the proposal is considered against the following outcomes:

To achieve the desired future character of the Locality.

The desired future character for the Warriewood Valley Locality provides the following:

Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services.

The approved residential care facility has been assessed and determined as a consistent form of development within the locality. The proposed signage the subject of this application is ancillary to the approved use and is therefore considered achieve the desired future character for the locality.

The area of site disturbance is minimised and soft surface is maximised.

The location of the proposed signage structures will be within areas designated for landscaping. Conditions of consent have been incorporated to ensure that there is adequate landscape elements maintained around the curtilage of the signs to help soften their presence.

The bulk and scale of the built form is minimised.

Two (2) of the signs proposed (Sign 1 and 4) have been conditioned to be changed to align with the specifications provided for Sign 3 a smaller pylon sign. Subject to this condition, the proposed signage has been minimised in bulk and scale.

To achieve a consistent built form alignment in the streetscape, which is spacious and

attractive, enhanced by tree planting within the front setback.

The proposed works do not change the main built form on the site and will be located within the landscaped setbacks from each road frontage.

Equitable preservation of views and vistas to and/or from public/private places.

The proposed signage is not considered to result in any unacceptable impacts on views or vistas to or from public/private open space.

Vegetation and natural features of the site are retained and enhanced within the site design to screen the visual impact of the built form.

New conditions have been included to ensure landscaping around the base of the signage is provided to assist with the integration of the signage into the setting.

Encourage tandem carparking opportunities on narrow lots and minimise the visual prominence of parking structures in the streetscape.

The works proposed do not include any new parking.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

The signage is generally located at a reasonable distance from the closest neighbouring property. The signage is illuminated around the edge and backlighting the ******aged care* wording only. This is a small area of the overall signage and is considered to provide reasonable levels of privacy, amenity and solar access.

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

Pittwater Section 94 Development Contributions Plan

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;
- Pittwater Local Environment Plan;
- Pittwater 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 DA2018/1195 for Construction of signage associated with a residential aged care facility on land at Lot 101 DP 1229188, 23 Warriewood Road, WARRIEWOOD, 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
Job No. 14863 - Site Plan - Version 4	18.04.2018	Braggs Signs
Job No. 14863 - Sign 2 - Version 4	18.04.2018	Braggs Signs
Job No. 14863 - Sign 3 - Version 4	18.04.2018	Braggs Signs

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

c) The development is to be undertaken generally in accordance with the following:

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. **Limitation of Development Consent for Signage**

Pursuant to the provisions of State Environmental Planning Policy No 64-Advertising and Signage this development consent will expire 15 years after the date on which this Development Consent becomes effective and operates

Reason: Statutory requirement under State Environmental Planning Policy No 64-Advertising and Signage. (DACPLB08)

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) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

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

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

Government.

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

FEES / CHARGES / CONTRIBUTIONS

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

5. **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)

6. **No Consent for Oversized Pylon - Double Sided**

Sign 1 and Sign 4 (Oversized Pylon - Double Sided) are to be replaced with a Standard Pylon as detailed on Sign 3.

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

Reason: To ensure an appropriate scale of development. (DACPLCPCC1)

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

8. **Landscape maintenance**

Any existing landscaping required to be retained together with any additional landscaping required by this Consent is to be maintained for the life of the development.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme.

Reason: to maintain local environmental amenity and ensure development integrates into the landscape setting.

9. **Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)

10. **No backlit Illumination of Sign 2 and 4**

No consent is given or implied for backlit LED illumination to Sign 2 and 4 adjoining Warriewood Road.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

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

Signed



Renee Ezzy, Planner

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



Anna Williams, Manager Development Assessments