

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1006
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<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 11 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 10 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212, 884 - 896 Pittwater Road DEE WHY NSW 2099
<b>Proposed Development:</b>	Alterations to a business premises and new business identification signage
<b>Zoning:</b>	Warringah LEP2011 - Land zoned B4 Mixed Use Warringah LEP2011 - Land zoned B4 Mixed Use Warringah LEP2011 - Land zoned B4 Mixed Use
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Karimbla Properties (No41) Pty Ltd
<b>Applicant:</b>	Milestone (Aust) Pty Ltd

<b>Application lodged:</b>	14/06/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	20/06/2018 to 06/07/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 10,909.09
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### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the

- development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C2 Traffic, Access and Safety

Warringah Development Control Plan - C3 Parking Facilities

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
<b>Detailed Site Description:</b>	<p>The land that is the subject of this application is known as Tenancy 2 at 884 - 896 Pittwater Road, Dee Why. The proposed development will be situated on Lot 1 DP 504212, Lot 10 and 11 DP231418</p> <p>The ground floor portion of the tenancy is 293sqm in the area, located at the western corner of the approved development under DA2016/0705. This space will be used as a customer service branch by Commonwealth.</p> <p>The tenancy forms a small portion of the larger Site which occupies a number of allotments fronting Pittwater Road, Howard Avenue and Oaks Avenue. This land is known as 'Site B' under the Warringah Local Environmental Plan 2014 (WLEP 2014).</p>

Map:



## SITE HISTORY

The site (known as Site B) was approved for the redevelopment as a mixed development under Development Consent No.DA2016/0705 by the Sydney Planning Panel on 10 May 2017. The consent allows for:

- Two (2) buildings;
- 350 residential apartments;
- Three (3) basement car parking levels to accommodate 1,035 car parking spaces;
- Ground and first-floor level retail and commercial floor space including a supermarket tenancy;
- Child care centre for 130 children at first-floor level; and
- New publicly accessible plaza and pedestrian link

Construction has commenced and is at an advanced stage.

## PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for alterations to an approved shopfront and signage for the Commonwealth Bank at 884-896 Pittwater Road, Dee Why.

The proposal does not include the use or internal fit-out which is being undertaken as complying development.

Specifically, the external works proposed under this application includes:

- Installation of new, 'max iron' coloured, the ceramic tile with a natural finish, cladding to frontage surrounding shopfront window;
- Installation of new glass shopfront with double automatic doors with black powder coated slimline glass and external key switch;
- Installation of concrete, flood hob to the shopfront, cladded in ceramic concrete coloured tiles

- with a satin finish and new solid low wall to 600mm high above footpath;
- Finishing the concrete slab that will sit above the shopfront; and
- Installation of a new black and white graphic, featuring local streetscapes or historical imagery, on a translucent film to the side face of the main shopfront window measuring 5.57m (w) x 1.1m (h).

The double, automatic, glass shopfront doors will allow 24-hour access to a lobby containing automatic teller machines. The lobby and the ATMs will be installed via a CDC.

Proposed signage includes:

- 1x illuminated cantilever 'blade' sign featuring the Commonwealth Bank of Australia logo installed to the top left of the shopfront entrance. The sign measures 0.5m (h) x 0.5m (w).
- 1x illuminated entry bulkhead installed above the shopfront entrance. The sign measures 3.865m (w) x 0.45m (h)

The application is also proposing the installation of information and direction signs, which includes:

- 1x street level locator with printed text and clear matte laminate installed to the right of the automatic double doors;
- 1x hearing loop sign, installed next to the street level locator;
- 1x illuminated '24/7 Banking' sign, installed the internal of the right-hand side of the glass automatic door. The sign measures 0.85m (w) x 1.005m (h); and
- 1x 'Come on in, We are open' sign, installed across the opening of the automatic glass door.

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 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See the 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	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<p>Clauses 54 and 109 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>Clauses 93 and/or 94 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 matter has been addressed via a condition of consent.</p> <p>Clause 98 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>
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>(i) <b>Environmental Impact</b> 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.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
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 the 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.

## 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 of the application Council received no submissions.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.  Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.
NECC (Stormwater & Floodplain Engineering – Flood risk)	The proposed shopfront alterations and business identification signage generally comply with the flood requirements of the DCP and LEP. No flood related objections.

## 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 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	The proposed signage is consistent with other	YES

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	signage within Dee Why Town Centre	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal complements the approved signage for the Site without being visually dominant.	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, waterways, rural landscapes or residential areas?	The proposed signage has been designed to minimise potential impacts sensitive receptors including residential areas, public open space and heritage items.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No views will be obstructed by the proposed signage	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No	YES
Does the proposal respect the viewing rights of other advertisers?	Yes	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 appropriate for the setting provided on the site and the location of the site in the Dee Why town centre	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is to be used to provide an identity with the site and is integrated with the built form without becoming a visually dominant feature	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No	YES
Does the proposal screen unsightliness?	No	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No	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 sign is of suitable scale and design for its intended purpose. The signage will only occupy a small proportion of the overall site area.	YES
Does the proposal respect important features of the site or building or both?	The signs will not be the dominant visual feature of the building. The design, position and colours integrate with the building structure	YES
Does the proposal show innovation and imagination in its relationship to the site	The signage will be logically positioned to identify the site, to develop its profile and integrate with	YES

or building, or both?	the façade treatments.	
<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?	Internal illumination is proposed on some of the signage to be erected under this application	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 forms of accommodation?	Internal illumination is proposed on some of the signage to be erected under this application	YES
Can the intensity of the illumination be adjusted, if necessary?	No impact on the safety of pedestrians, vehicles or aircraft is to result from the intended illumination.	YES
Is the illumination subject to a curfew?	No	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No impact on the safety of pedestrians, vehicles or aircraft is to result from the intended illumination.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The sign will not cause disruption of any sightlines from public areas.	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.

### Warringah Local Environmental 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

#### Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
5.3 Development near zone boundaries	Yes

Clause	Compliance with Requirements
5.8 Conversion of fire alarms	Yes
Part 6 Additional Local Provisions	Yes
6.3 Flood planning	Yes
Part 7 Dee Why Town Centre	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes

## Warringah Development Control Plan

### Built Form Controls

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D3 Noise	Yes	Yes
D23 Signs	Yes	Yes
Part E The Natural Environment	Yes	Yes
E11 Flood Prone Land	Yes	Yes

### Detailed Assessment

#### **C2 Traffic, Access and Safety**

No change to existing Site access, traffic generation or movement safety is to result from the proposed shopfront and signage alterations. No change to the use or any operational matters are proposed under this application.

#### **C3 Parking Facilities**

As the proposal relates to Shopfront alterations and signage, there is no additional parking requirement for the proposed development.

## **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**

THAT Council as the consent authority grant Development Consent to DA2018/1006 for Alterations to a business premises and new business identification signage on land at Lot 11 DP 231418, 884 - 896 Pittwater Road, DEE WHY, Lot 10 DP 231418, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 504212, 884 - 896 Pittwater Road, DEE WHY, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA -01, A2.02, DA -03, DA-04 (issue A)	March 2018	A & P Parkes Constructruction Pty Ltd
GA Ground Level -0007 (Revision L)	19/04/2017	Crone Architects

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:

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	-	Milestone

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. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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.

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

Reason: Legislative Requirement (DACPLB09)

## FEES / CHARGES / CONTRIBUTIONS

### 3. 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.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

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

### 4. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

### 5. Hours of Operation

The hours of operation for Commonwealth Bank is restricted to:

- Monday to Friday 7 am - 7 pm
- Saturday – 8 am - 6 pm

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

within the following 30 minutes.

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

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

**Signed**



**Lashta Haidari, Principal Planner**

The application is determined under the delegated authority of:



**Steven Findlay, Manager Development Assessments**

## ATTACHMENT A

Notification Plan	Title	Date
 2018/369558	Plan - Notification	18/06/2018

## ATTACHMENT B

Notification Document	Title	Date
 2018/375561	Notification Map	20/06/2018

## ATTACHMENT C

Reference Number	Document	Date
 2018/369532	Lodgement Fee Quote	05/06/2018
 2018/369563	Report - Statement of Environmental Effects	08/06/2018
 2018/369581	Report - SEPP 64 Assessment CBA	08/06/2018
 2018/369520	ASIC Company Search	13/06/2018
 2018/369585	Report - Waste Management	13/06/2018
 2018/369521	Owners Consent Signed	13/06/2018
 2018/369538	Cost Summary Report	13/06/2018
 DA2018/1006	884-896 Pittwater Road DEE WHY NSW 2099 - Development Application - Alterations and Additions	14/06/2018
 2018/360309	DA Acknowledgement Letter - Milestone (Aust) Pty Ltd	14/06/2018
 2018/369510	Development Application Form	18/06/2018
 2018/369513	Applicant Details	18/06/2018
 2018/369558	Plan - Notification	18/06/2018
 2018/369611	Plans - Master Set	18/06/2018
 2018/379864	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/1006 - 884 - 896 Pittwater Road DEE WHY NSW 2099	20/06/2018
 2018/375528	DA Acknowledgement Letter (not integrated) - Milestone (Aust) Pty Ltd	20/06/2018
 2018/375556	ARP Notification Map	20/06/2018
 2018/375561	Notification Map	20/06/2018
 2018/375580	Notification Letter - 4	20/06/2018
 2018/380911	Building Assessment Referral Response	22/06/2018
 2018/459495	Natural Environment Referral Response - Flood	19/07/2018