

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0272
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Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 1 DP 739578, 16 Rodborough Road FRENCHS FOREST NSW 2086
Proposed Development:	Alterations and additions to a fascia sign
Zoning:	Warringah LEP2011 - Land zoned B7 Business Park
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	ESR Investment Nominees 3 (Australia) Pty Ltd
Applicant:	Michelle Hosking

Application Lodged:	06/04/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	16/04/2021 to 30/04/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 30,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to a fascia sign. In particular the works include:

- Removal of existing white acrylic 'Virgin Active' signage to the Northern façade of the building facing Warringah Road;
- Repainting of the Northern façade of the building facing Warringah Road;
- Provision of new Non-combustible aluminium signage lettering 'virgin active northern beaches'; and
- Provision of new LED 'Billboard Floodlights' to illuminate signage, during the hours of 5.00AM to 11.00PM daily.

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 - B7 Front Boundary Setbacks
Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

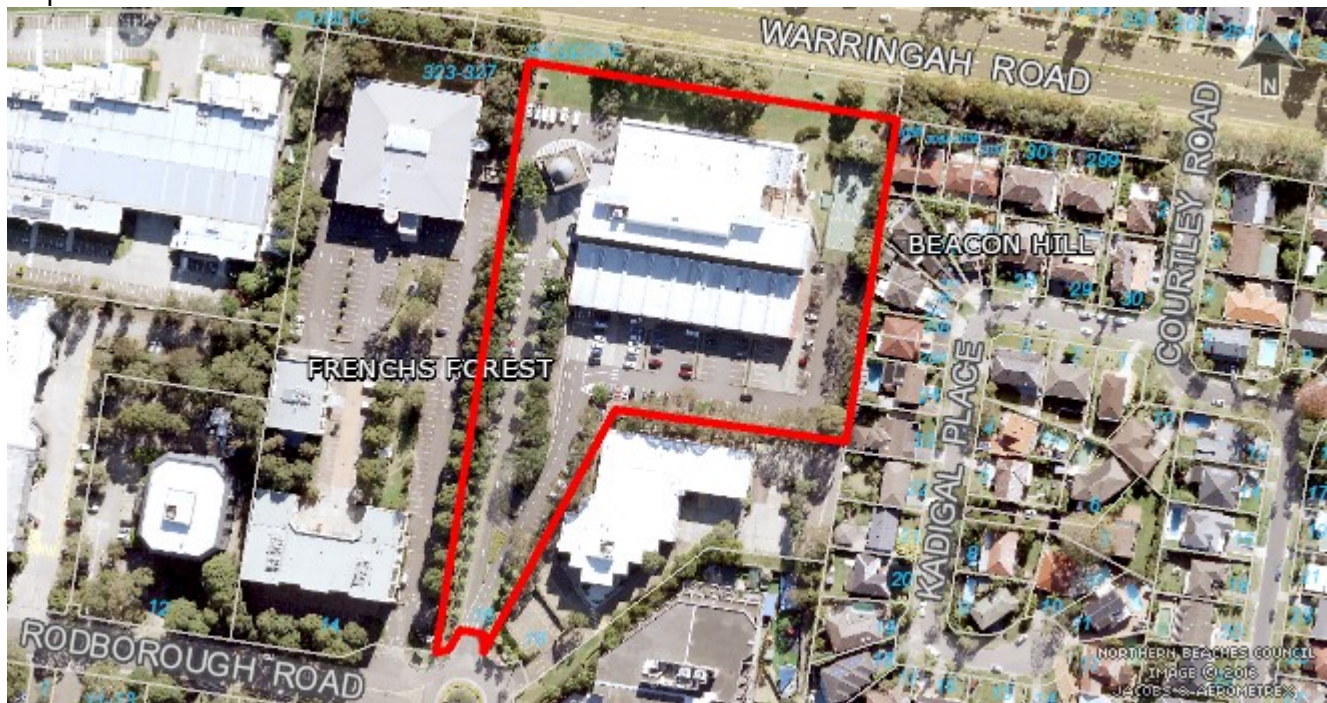
Property Description:	Lot 1 DP 739578 , 16 Rodborough Road FRENCHS FOREST NSW 2086
Detailed Site Description:	<p>The subject site is known as 16 Rodborough Road, Frenchs Forest and is legally referred to as Lot 1 DP 739578. The site consists of one (1) allotment located on the southernside of Warringah Road (Classified Road). Vehicular access is gained via the Rodborough Road frontage.</p> <p>The site is irregular in shape with a frontage of approximately 135.395m along Warringah Road and a depth of 217.72m. The site has a surveyed area of 1.912 Ha.</p> <p>The site is located within the B7 Business Park zone and accommodates a business complex that includes commercial operators such as Virgin Active (Health club/gym) and PICA Group (Stata management services).</p> <p>The slope of the site is measured at 4.6%, falling approximately 10m from the Warringah Road frontage to the Rodborough Road</p>

The site is of a modified landscape setting, with vegetation consisting of lawned areas, gum trees, palms, fig trees and hedging.

Detailed Description of Adjoining/Surrounding Development

Adjoining the eastern boundary of the site and adjacent the site along Warringah Road, development is characterised by dwelling houses. The southern and western boundaries of the site adjoin business complexes of a similar size and scale.

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

30 March 2021

Development Application No. DA2021/0097 for the construction of a business identification sign (being one free standing sign for the lower level tenancy - PICA Group) was granted consent.

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	See discussion on "Environmental Planning Instruments" in this report.

Section 4.15 Matters for Consideration'	Comments
instrument	
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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)	<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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</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 matter been addressed via a condition of consent.</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>
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) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</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	See discussion on "Notification & Submissions Received" in this

Section 4.15 Matters for Consideration'	Comments
submissions made in accordance with the EPA Act or EPA Regs	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 from 16/04/2021 to 30/04/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

External Referral Body	Comments
NSW Roads and Maritime Services - (SEPP 64 signage cl 17(3)(c))	<p>The application was referred to Transport for NSW (TfNSW) in accordance with <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> cl 17(3)(c).</p> <p>TfNSW reviewed the development application and raised no objections, subject to the proposal being designed and constructed to Council's satisfaction and complying with the following requirements referenced in the letter (TfNSW Reference: SYD21/00441/01) dated 4 May 2021. The letter inclusive of its requirements has been included as part of the recommended conditions of consent.</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. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. 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 commercial 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?	The proposed signage is compatible with the existing and desired future character of this particular area of Frenchs Forest.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The overall design, colours and size of the signage is consistent with other similar scale commercial developments within the area and in Frenchs Forest.	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 subject site is not located within an environmentally sensitive area, heritage area or the like. As the signage is to be illuminated and adjacent to residential properties, specific requirements from TfNSW (Ref. SYD21/00441/01, dated 4 May 2021) and conditions limiting the hours of operation for the illuminated signage are recommended. Subject to compliance with these conditions, the signage is not considered to unreasonably detract on the amenity or visual quality of the area.	YES, SUBJECT TO CONDITIONS.
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage will not obscure or compromise views.	YES
Does the proposal dominate the skyline and reduce the quality of	The proposal will not dominate the skyline or reduce the quality of vistas.	YES

vistas?		
Does the proposal respect the viewing rights of other advertisers?	The proposal will not impinge on the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Given the context of this site and its overall frontage to Warringah Road, the proposed scale, proportion and form of the proposed signage is considered appropriate.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage provides clear/well designed business identification of a major tenant of the building. In this regard, the proposal is considered to contribute visual interest from the Warringah Road streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal seeks to remove the existing whiterylic 'Virgin Active' signage, re-instate the lower portion of northern facade by repainting this area white, remove vinyl graphics from windows and repaint the faded awning fascia red. The proposed signage provides for a uncluttered and clear sign that is limited to the awning fascia of the building.	YES
Does the proposal screen unsightliness?	The proposal could be considered as partially screening unsightliness through continuing to activate the Warringah Road frontage and rationalising the existing signage'graphics arrangement.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed signage is viewed as being below the canopy of existing trees within the Warringah Road frontage. The signage does not protrude above the existing building.	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 proposal is considered compatible with the scale, proportion and characteristics of the site or building.	YES
Does the proposal respect important features of the site or building, or both?	The proposal is considered to respect important features of the site or building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal demonstrates innovation and imagination in relation to the site and building through a coherent signage and colour arrangement.	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	The proposal includes the lettering 'virgin active northern beaches' with no identifiable image/pictorial logo. LED billboard floodlighting is incorporate to illuminate the signage.	YES

be displayed?		
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?	As the signage is to be illuminated and adjacent to residential properties, specific requirements from TfNSW (Ref. SYD21/00441/01, dated 4 May 2021) and conditions limiting the hours of operation for the illuminated signage are recommended. Subject to compliance with these conditions, the signage is not considered to unreasonably detract on the amenity of neighbouring residences or affect the safety for vehicles along Warringah Road.	YES, SUBJECT TO CONDITIONS.
Can the intensity of the illumination be adjusted, if necessary?	Not all LED lights are dimmable. The signage is to comply with AS/NZS 4282:2019, <i>Control of the obtrusive effects of outdoor lighting</i> .	YES, SUBJECT TO CONDITIONS.
Is the illumination subject to a curfew?	Yes, the period illumination is limited hours of operation of the business identified on the sign. In this regard, the illumination is to be limited to the hours of 5:30am-10pm daily.	YES, SUBJECT TO CONDITIONS.
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Subject to compliance with the specific requirements from TfNSW (Ref. SYD21/00441/01, dated 4 May 2021), the proposal is not seen to reduce the safety for any public road, pedestrians or bicyclists.	YES, SUBJECT TO CONDITIONS.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.	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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	Merit Assessment	8m (top of parapet)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Variation	Complies
B1 Wall height	N/A	N/A	-	N/A
B3 Side Boundary Envelope	N/A	N/A	-	N/A
	N/A	N/A	-	N/A
B4 Site Coverage	33.3%	No change to existing site coverage	-	Yes
B5 Side Boundary Setbacks	Merit Assessment	No change to existing setbacks	-	Yes
	Merit Assessment	No change to existing setbacks	-	Yes
B7 Front Boundary Setbacks	30m (Main Roads Setback Map)	15m to northern property boundary	15m	No , however as existing
B9 Rear Boundary Setbacks	Merit Assessment	No change to existing setbacks	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	33.3%	No change to existing LOS	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
D10 Building Colours and Materials	Yes	Yes
D23 Signs	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

B7 Front Boundary Setbacks

The proposed signage is to be affixed to the building which is measured approximately 12m from the northern property. Whilst there remains a non-compliance to the 30m (Main Roads Setback), consideration is given that there is no further breach or encroachment as a result of this application. As

discussed earlier in this report, the resultant development is considered to protect and enhance the visual quality of streetscapes and public spaces, whilst also ensuring that the signage does not reasonably detract on the amenity of neighbouring residences.

Based on the above, the proposal is considered to meet the relevant control objectives and is supported on merit.

D23 Signs

The proposed 'virgin active northern beaches' sign is best described as a wall sign and is therefore subject to the following control requirements applicable:

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)

- *Shall not extend within 200mm of the top and sides of the wall.*
- *Shall not cover any window or architectural projections;*
- *Must be of a size and shape that relates to the architectural design of the building to which it is attached;*
- *Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and*
- *Shall not project more than 300mm from the wall.*

The proposed signage is indicated to be project 80mm from the wall and is consistent with the other criterias for wall signs.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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

Northern Beaches Section 7.12 Contributions Plan 2019

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 DA2021/0272 for Alterations and additions to a fascia sign on land at Lot 1 DP 739578, 16 Rodborough Road, FRENCHS FOREST, 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
DA-A-050, Rev A (Proposed New Existing Site Plan)	4/12/20	Quattro Architecture
DA-A-200, Rev A (Proposed New Sign North Elevation Existing & Proposed)	4/12/20	Quattro Architecture
DA-A.250, Rev A (Proposed New Sign Proposed Signage Detail and Finishes)	4/12/20	Quattro Architecture

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.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Transport for NSW	INSTALLATION OF ILLUMINATED LED SIGNAGE - 16 RODBOROUGH ROAD, FRENCHS FOREST, Ref. SYD21/00441/01	4 May 2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

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.

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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.

- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or 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) 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.
- (k) 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.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009

- (iii) Swimming Pools Regulation 2018
- (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.

FEES / CHARGES / CONTRIBUTIONS

5. **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 are required 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, and 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).

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

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

6. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to

the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

7. Lighting specifications to control obtrusive effects

The lighting specifications shall be in accordance AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*.

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

Reason: To mitigate the potential obtrusive effects of lighting on adjacent residential properties.

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

8. Hours of Operation (LED 'Billboard Floodlights')

The hours of operation for the LED 'Billboard Floodlights' are to be restricted to:

- 5:30am - 10:00pm daily.

Upon expiration of the permitted hours, the LED 'Billboard Floodlights' are to be turned off.

Reason: Information to ensure that amenity of the surrounding locality is maintained and to ensure consistency with the business hours for which the signage relates.

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

Signed



Kent Bull, Planner

The application is determined on 13/05/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments