

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2016/0858
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<b>Responsible Officer:</b>	Adam Mitchell
<b>Land to be developed (Address):</b>	Lot 100 DP 1015283, 145 Old Pittwater Road BROOKVALE NSW 2100
<b>Proposed Development:</b>	Signage
<b>Zoning:</b>	LEP - Land zoned B3 Commercial Core LEP - Land zoned IN1 General Industrial
<b>Development Permissible:</b>	Yes - Zone B3 Commercial Core Yes - Zone IN1 General Industrial
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	AMP Warringah Mall Pty Ltd Scentre Management Ltd
<b>Applicant:</b>	The Hospitals Contribution Fund Of Australia

<b>Application lodged:</b>	19/08/2016
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	09/09/2016 to 27/09/2016
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 28,400.00
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### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D23 Signs

Warringah Development Control Plan - G4 Warringah Mall

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100
<b>Detailed Site Description:</b>	<p>The site is legally described as Lot 100, DP 1015283, 145 Old Pittwater Road, Brookvale. More commonly the site is known as the Warringah Mall shopping centre which has been existing on the site since 1963.</p> <p>The site has a total area of approximately 170,600sqm. It is bounded to the north by Cross Street, to the south by Old Pittwater Road and to the east by Condamine Street / Pittwater Road. The Condamine Street / Pittwater Road frontage is the primary frontage to the site and the Cross Street and Old Pittwater Road frontages are secondary frontages to the site.</p> <p>The site is currently undergoing major redevelopment to expand and revitalise the shopping centre. The current shopping centre is split over three levels with an emphasis on an open-air design to reflect the locality of the Northern Beaches.</p> <p>Warringah Mall accommodates several major department stores, specialty shops, supermarkets and mini-major tenants throughout. Warringah Mall includes an entertainment precinct including a cinema complex, gym and other non-retail facilities.</p> <p>Topographically, the site has a natural slope which gradually inclines from the south east to the north west.</p> <p>The Warringah Mall site contains limited vegetation, the primary vegetation of the site is located along Condamine Street and Pittwater Road. Having vegetation in this location bordering the site and Condamine Street / Pittwater Road is a rarity in the industrial Brookvale area and is a feature of the site and local vicinity. Presently this vegetation is going through removal and replacement as required for infrastructure works addressed in a previous application.</p> <p>The Warringah Mall shopping centre is a significant venue of the Northern Beaches and a primary retail space within the region, recognised by it's open-air design and iconic Dolphin Statues.</p>

Map:



## SITE HISTORY

Warringah Mall shopping centre is currently undergoing significant renovation, extension and revitalisation. This development application (DA2016/0858) is subsequent of DA2008/1741 through a condition which reads:

*Condition no. 4 No Approval for any Signage*

*No approval is granted under this Development Consent for signs (defined under Warringah Local Environment Plan 2000 and State Environmental Planning Policy No. 64 – Advertising and Signage). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.*

*Reason: Control of signage. (DACPLB06)*

The scope of works approved under DA2008/1741 is current and includes:

- *Reconfiguration of the existing shopping mall buildings, resulting in approximately an additional 8,000 m<sup>2</sup> of Gross Lettable Floor Area and new mall connecting with David Jones;*
- *Redesign of Myer Façade;*
- *New multi deck 'Palm Tree' car park to accommodate the new shopping mall expansion, and addition of new express ramps within car park.*
- *Modification of existing carpark and creation of new rooftop car park above new retail floorspace;*
- *New landscaping along the Cross Street and Green Street frontages;*
- *Stormwater works associated with the approved development, including a twin barrelled culvert adjacent to Cross Street and Green Street; and*
- *Associated traffic management works.*

Further development applications and modifications have been made throughout the duration of the major redevelopment of the site.

DA2015/1076 for signage for the shopping centre was approved on 19 February 2016.

## PROPOSED DEVELOPMENT IN DETAIL

This development application is for signage for HCF at the Warringah Mall shopping centre.

The signage comprises of:

- four illuminated business identification signs.
- four printed vinyl window signs.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p>

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Section 79C 'Matters for Consideration'	Comments
	Clause 98 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.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition 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
Natural Environment (Flood)	The proposed signage is not considered to increase flood risk. No flood related development controls applied.
Natural Environment (Riparian Lands/Creeks)	No objection to approval with no conditions recommended.
Parks, reserves, beaches, foreshore	No objections raised to the proposal and no conditions recommended.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	

External Referral Body	Comments
	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.

## 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 19 - Bushland in Urban Areas

The provisions of the SEPP require that a person shall not disturb bushland zoned or reserved for public open space purposes without the consent authority considering the aims and objectives of the SEPP.

In this regard, consideration is given as follows:

(1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

(2) The specific aims of this policy are:

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,
- (c) to protect rare and endangered flora and fauna species,
- (d) to protect habitats for native flora and fauna,
- (e) to protect wildlife corridors and vegetation links with other nearby bushland,
- (f) to protect bushland as a natural stabiliser of the soil surface,
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,
- (h) to protect significant geological features,
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,
- (j) to protect archaeological relics,
- (k) to protect the recreational potential of bushland,
- (l) to protect the educational potential of bushland,
- (m) to maintain bushland in locations which are readily accessible to the community, and
- (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland

and facilitates public enjoyment of the bushland compatible with its conservation.”

Comment:

The Warringah Mall site as a whole is adjacent to land zoned Public Open Space to the south east, however this application is for the erection of 8 pieces of signage within a car park which is elevated and wholly within the confines of the property and as such, it is considered that the 8 pieces of signage will not be detrimental to the streetscape, environment or any ecosystems.

Based on the above, it is considered that the development would result in consistency with the aims of the plan.

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. A previous application at the subject site (DA2008/1741) included conditions regarding SEPP 55 based on the recommendations of a *Phase 1 Contamination Assessment* dated April 2009 and a *Targeted Phase 2 Contamination Assessment* dated January 2010, both prepared by Douglas Partners Pty Ltd. Council's Environmental Health Officer reviewed these assessments and raised no objection subject to a number of conditions.

An extract of the report addressing EPI SEPP 55 reads:

*Based on the findings of the contamination reports prepared on behalf of the Applicant and the recommendation of Council's Environmental Health Officer, the consent authority can be satisfied that the land is suitable for the proposed use in its current state, subject to the appropriate management of the site during construction.*

This development application is for signage only and is ancillary/subordinate to the development approved under DA2008/1741 and therefore the Council can remain satisfied that the land is suitable for the signage proposed in this application.

### 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
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	See part G4 Warringah Mall below.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	See part G4 Warringah Mall below.	YES

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<p><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?</p>	<p>The proposal for signage does not detract from the amenity of visual quality of the surrounding areas. The signage is minimal and located wholly on the subject property adjacent to surrounding roof-top car parks. Under Warringah Development Control Plan 2011, Part G Special Area Controls, the Warringah Mall site is considered a Special Area listed under G4 Warringah Mall.</p> <p>For further discussion this should be read in conjunction with Part G4 of this report which details the Special Area objectives of the Warringah Mall site.</p>	<p>YES</p>
<p><b>3. Views and vistas</b> Does the proposal obscure or compromise important views?</p>	<p>The signage does not obscure or compromise any views.</p>	<p>YES</p>
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	<p>The signage does not dominate the skyline or reduce the quality of vistas as it does not exceed the height of existing and approved structures on site.</p>	<p>YES</p>
<p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The signage proposed is for HCF and is located on the external walls of their premise only. It is considered that the signage is not detrimental or offensive to surrounding developments given the location within the car park, and the signage being only located on the external walls of HCF.</p>	<p>YES</p>
<p><b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	<p>The signage is appropriately proportioned for the scale of the site and the shopping centre. The signage will be visible from the street or surrounding public areas.</p>	<p>YES</p>
<p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p>	<p>The signage will not be visible from the streetscape and thus, this clause is not relevant.</p>	<p>YES</p>
<p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p>	<p>The signage is considered to be simple and contemporary in design and is largely business identification signage rather than product advertising. This application in conjunction with other applications at the site, will contribute to simplifying the existing advertising on site.</p>	<p>YES</p>
<p>Does the proposal screen unsightliness?</p>	<p>The signage will contribute to updating the existing wall planes and thus, screen unsightliness in the form of blank walls.</p>	<p>YES</p>
<p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p>	<p>The signage does not protrude above buildings, structures or tree canopies.</p>	<p>YES</p>
<p><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?</p>	<p>The signage proposed is proportionate to the scale of the mall and the subject building of which it is to be attached to. It is considered that the signage is suitably located to identify the business and to provide visual interest to an otherwise blank wall.</p>	<p>YES</p>



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Does the proposal respect important features of the site or building, or both?	The signage does not detract from the mall or any of its features.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is considered satisfactory in its design and location.	YES
<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?	Some of the signage is internally illuminated to enhance its legibility and visibility and the illumination presents as an integral part of the signage. The signature featuring the <i>HCF</i> lettering (logo) provides business identification to the premise and utilises internal illumination, colour and the design as an integral part of the signage.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The signage is not located in proximity to any residential dwellings therefore, in this circumstance, the effects of illumination on residential accommodation is not applicable. The proposed signage will not substantially change the existing luminosity of the area which is heavily developed and has street lights, illuminated business identification signage and residential/commercial lighting in the general vicinity of the Warringah Mall site. For the listed reasons, the proposed illumination of the signage will not unreasonably change the existing illumination of the area nor result in unacceptable glare affecting the safety of pedestrians, vehicles or aircraft.	YES
Can the intensity of the illumination be adjusted, if necessary?	The proposal does not include an adjustable illumination of the signage.	YES
Is the illumination subject to a curfew?	Yes	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage does not reduce the safety for any public road, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage does not reduce the safety of pedestrians by obscuring 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 or inconsistent with the provisions of the SEPP and its underlying objectives.

## SEPP (Infrastructure) 2007

### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.

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- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

## Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## **Warringah Local Environment Plan 2011**

Is the development permissible?	Zone B3 : Yes Zone IN1: 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
Minimum subdivision lot size:	N/A	N/A	N/A	N/A
Height of Buildings:	N/A	N/A	N/A	N/A
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A

There are no applicable Principal Development Standards as the application is for signage only.

## Compliance Assessment

Clause	Compliance with Requirements
5.8 Conversion of fire alarms	
6.1 Acid sulfate soils	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

## **Warringah Development Control Plan**

### Built Form Controls

There are no applicable Built Form Controls as the application is for signage only.

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives

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Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	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
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
Part G Special Area Controls	Yes	Yes
G4 Warringah Mall	Yes	Yes

## Detailed Assessment

### **D23 Signs**

#### Description of non-compliance and/or inconsistency

The application is for the erection of 8 pieces of signage on the HCF premise at the Warringah Mall shopping centre.

#### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

#### Comment:

The proposed signage is considered minimal and of an appropriate proportion in conjunction with surrounding signage and the scale of the building. The proposed signage adequately serves as business identification signage and will be complementary to the Warringah Mall site.

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

#### Comment:

The signage proposed is of a high visual and durable quality which will not, under normal circumstances, deteriorate within a short time period.

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

#### Comment:

The proposed signage will not be visible from the streetscape or surrounding roads given its location, and it is considered that the signage is similar in size, scale, design and illumination to complement the existing surrounding locality and the range of uses and signage present.

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

Comment:

The proposed signage is located upon the roof-top of the Warringah Mall shopping centre, adjacent to car parks. Surrounding residential properties in the distance may be able to attain views of this area (as derived from previous view studies provided to Council) however, the signage is a significant distance and a minimal size in comparison to the development as a whole and it is considered that it will not adversely impact on the amenity of these residential properties.

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

Comment:

The proposed signage is adjacent to car parking facilities and it is considered that the development will not be detrimental or cause adverse impacts to this, and furthermore there are no heritage items or conservation areas that will be impacted by the erection of the proposed signage.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **G4 Warringah Mall**

This DCP applies to Lot 100, DP 1015283, 145 Old Pittwater Road, Brookvale which is commonly referred to as 'Warringah Mall Shopping Centre'

The objectives of this DCP are as follows:

- *To guide future development within the Warringah Mall Shopping Centre (Warringah Mall) site to 2021.*
- *To ensure development responds to the characteristics of the site and surrounds, and the amenity of the surrounding neighbourhood.*
- *To encourage and facilitate high quality urban design, landscaping, external finishes and signage.*

Comment:

The Warringah Mall shopping centre is a significant venue on the Northern Beaches and one of the primary retail areas in the vicinity. The shopping centre is most notably recognised by its open-air design and iconic dolphin statues in the central courtyard. This application for signage must be viewed in conjunction to other development applications for the site in order to holistically understand the desired future character of the site. The signage contributes to providing business identification and introduces a new element to an otherwise blank wall adjacent to the existing car parking. The signage is designed to be compatible with the shopping centre and the industrial Brookvale vicinity and does not detract from the surrounding public domain or surrounding sites.

## Warringah Development Control Plan – G4 Warringah Mall

The proposed development's consistency with the objectives and requirements of the applicable controls within the *Warringah Development Control Plan – G4 Warringah Mall* are considered in detail below.

Built Form	
Design Quality & Excellence	
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• <i>To ensure that new development makes a positive contribution to the streetscape and public domain.</i></li> <li>• <i>To ensure a high standard of architectural design.</i></li> <li>• <i>To achieve high quality urban design internally and externally and high levels of pedestrian comfort in the public spaces of the centre.</i></li> <li>• <i>To emphasise key nodes and entry points to create a sense of arrival.</i></li> <li>• <i>To encourage the use of high quality, durable and robust materials.</i></li> <li>• <i>To ensure the design response reflects the Northern Beaches vernacular/lifestyle.</i></li> </ul> <p><u>Comment:</u> This application is for the erection of eight pieces of signage associated with HCF at the Warringah Mall site. The signage is to be erected on the HCF office, located on a roof top car park; as such, the signage is adjacent to existing car parking facilities.</p> <p>It is considered that the signage proposed will be predominantly visible only from the surrounding car parks and not from any public roads, thus the streetscape will not be affected by this development.</p> <p>The signage is modern and contemporary in design and will be complementary to the overall signage upgrade of Warringah Mall. The signage will introduce colour to an otherwise blank wall in the car park and it is considered that this will enhance the site.</p> <p>The materials used are considered to be of quality and durability for the proposed location under normal circumstances, and it is considered that the signage as a whole will be appropriate in reflecting the Northern Beaches vernacular.</p>	
Requirements	Complies
1. Future development on or adjacent to the perimeter of the site must be designed to positively address the street, relate to the natural environment and create a clear distinction between the public and the private domain.	<b>Yes</b>
2. Future development on the site is to incorporate design elements that optimize the use of natural light and the ambient environment to the pedestrian malls within the Centre.	<b>Yes</b>
3. New development along the southern edge of the site must not result in any unreasonable impacts on the amenity of residential properties in Old	<b>Yes</b>

Pittwater Road and Smith Avenue.	
4. New development along the eastern frontage to Pittwater Road/Condamine Street must incorporate a legible pedestrian connection from the street into the centre that is conveniently located in relation to existing bus stops.	<b>Yes</b>
5. All future development must be designed to strongly and positively reinforce the corners of the site and street alignment and frame the street. Incorporating landmark or distinctive building elements on “Gateway” street corners is encouraged.	<b>Yes</b>
6. Long continuous walls are to incorporate design treatments to reduce their visual mass and bulk. Such design treatments may include the use of architectural treatments or elements that serve to provide building articulation and modulation and the use of a variety of high quality external colours and materials.	<b>Yes</b>
7. Views of the ground level car parking areas must be suitably screened from the street by either landscaping or an appropriate architectural building facade treatment.	<b>N/A</b>
8. High quality, attractive and durable materials are to be used. The selection of colours is to respond to the natural landscape. A detailed schedule of external colours and finishes, a sample board and photo-montages are to be submitted with any application to alter or extend the external façade and roof of Warringah Mall.	<b>Yes</b>
9. The roof is to be designed so that the visual impact of the roof form is minimised.	<b>N/A</b>
10. Rooftop plant and equipment are to be integrated into the building/roof forms or screened in a manner compatible with the building design to minimise visual and acoustic impacts on the surrounding properties, including elevated properties which have views over the centre.	<b>N/A</b>

## Amenity

### Advertising and Signage

#### Objectives

- *To encourage well designed and suitably positioned signs which contribute to the aesthetic, vitality and legibility of the shopping centre while respecting the amenity of the area and the safety of motorists and pedestrians.*
- *To ensure that all business identification signage achieves a high level of design quality in terms of graphic design, its relationship to the architectural design of buildings and the character of streetscapes.*
- *To promote signs that add character to the streetscape and assist with way finding and the pedestrian usability of the centre.*
- *To promote signs that complement the architectural style and use of buildings.*
- *To consider the amenity of residential development and the visual quality of the public domain in the design and illumination of signage.*

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- To avoid the proliferation of signage along public roads.
- To ensure the provision of signage is proportional to the size and scale of building facades and setbacks.

Comment:

This application is for signage at 145 Old Pittwater Road, commonly known as Warringah Mall shopping centre. Specifically, the proposed signage is considered business identification signage for 'HCF' which is located atop of the existing mall and surrounded by car parks. The site is located between Cross Street to the North, Old Pittwater Road to the south and Condamine Street / Pittwater Road to the East. The application includes the installation of eight (8) new signs on the site comprising of:

- four (4) illuminated 'hero' (HCF) logo signs which are illuminated.
- four (4) large printed vinyl signs displaying images.

The signage at the site of the Warringah Mall shopping centre is designed to be integrated as ancillary to current developments at the site and not subordinate or arbitrary to any existing development. The site is surrounded by primary roads including Pittwater Road, Old Pittwater Road and Condamine Street that service the Northern Beaches area.

The signage is considered to be of a scale that is appropriate and in proportion with the wall surfaces it is to be attached to, and with similar signage at the subject and surrounding sites. It is considered that no detriment will become of the signage as it is of suitable character to the mall and the Northern Beaches. The signage is largely not visible from the streetscape and as such, the signage will not distract nor detract from the streetscape nor will the signage be considered to proliferate along the public road.

All of the above-mentioned signage is designed to satisfactorily meet the objectives required for the G4 Warringah Mall site. The signage complements the architectural style of the shopping centre and achieves a high-standard of design and quality, ancillary to other on-going developments on the site. The signage reflects the intent of enhancing Warringah Mall and creating a 'Gateway' site for the Northern Beaches. The signage sufficiently purports its role as a business identification signage. The proposed development is appropriate for the site and reflects the desired future character of the area. This application for signage at the 'Gateway' Warringah Mall shopping centre site is complementary to other developments occurring on site and reflects the desired future character of the Warringah Mall site.

Requirements	Complies
31. A 'Signage Strategy' is to be submitted with all development applications proposing a significant increase in floor area or change to external façades of the building. A Signage Strategy must also be submitted with any development application for the provision of signs. The Signage Strategy shall identify the number and location of proposed signs, and demonstrate how the signs will be integrated into the design of the development.	<b>N/A</b>
32. All illuminated signs are to comply with any relevant Australian Standards.	<b>Yes</b>

## 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 DA2016/0858 for Signage on land at Lot 100 DP 1015283, 145 Old Pittwater Road, BROOKVALE, 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>
Scope of Works - External - Version 8	15 August 2016	Levitch Design Australia
Complete Floor Plan - Version 8	15 August 2016	Levitch Design Australia
LE1 Hero Logo - North Wall	15 August 2016	Levitch Design Australia
LE2 Hero Logo - West Wall	15 August 2016	Levitch Design Australia
LE3 Hero Logo - East Wall	15 August 2016	Levitch Design Australia
LE4 Hero Logo - South Wall	15 August 2016	Levitch Design Australia

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

## 2. **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)

### 3. **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

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the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

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

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. 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

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payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

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

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

**Signed**

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**Adam Mitchell, Planner**


The application is determined under the delegated authority of:

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**Steven Findlay, Development Assessment Manager**

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## ATTACHMENT A















<b>Notification Plan</b>	<b>Title</b>	<b>Date</b>
 2016/279950	Plan - Notification	24/08/2016

## ATTACHMENT B

<b>Notification Document</b>	<b>Title</b>	<b>Date</b>
 2016/304185	Notification Map	09/09/2016

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## ATTACHMENT C

Reference Number	Document	Date
 2016/279955	Plans - Architectural	17/08/2016
 2016/279952	Report - Statement of Environmental Effects	19/08/2016
 DA2016/0858	Warringah Mall 145 Old Pittwater Road BROOKVALE NSW 2100 - Development Application - Alterations and Additions	19/08/2016
 2016/275259	DA Acknowledgement Letter - The Hospitals Contribution Fund Of Australia	19/08/2016
 2016/279929	Delete	24/08/2016
 2016/279930	Development Application Form	24/08/2016
 2016/279931	Applicant Details	24/08/2016
 2016/279932	Builders Quote	24/08/2016
 2016/279950	Plan - Notification	24/08/2016
 2016/285505	Natural Environment Referral Response - Riparian	30/08/2016
 2016/299777	Natural Environment Referral Response - Flood	06/09/2016
 2016/304156	Notification Letters - 372	09/09/2016
 2016/304185	Notification Map	09/09/2016
 2016/308360	Parks, Reserves and Foreshores Referral Response	14/09/2016