

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0719
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<b>Responsible Officer:</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	Lot 1 DP 592091, 20 - 22 Macpherson Street WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Business Identification Signage
<b>Zoning:</b>	R3 Medium Density Residential
<b>Development Permissible:</b>	No
<b>Existing Use Rights:</b>	Yes
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Syesun Pty Ltd
<b>Applicant:</b>	Ljb Planning

<b>Application Lodged:</b>	05/07/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	10/02/2020 to 24/02/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 5,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for the construction of two (2) free standing business identification signs for the "Flower Power" Plant Nursery in Warriwood.

The dimensions of the signs are as follows:

- 4.5m in width and 1.0m in height for the sign area;
- 2.0m- 2.1m in overall height for one sign and 2.1m to 2.2m in overall height for the second sign.

The signs are to be located within the south-west portion of the site, demonstrating the following setbacks:

- 2.0m to the front setback;
- 1.8m to the western side setback; and

- 3.4m separation between the two signs.

The construction includes:

- Concrete footings, metal posts and a galvanized metal sign.

No details are provided as to the signage design to be placed on the sign infrastructure. It is noted that the State Environmental Planning Policy 64 – Advertising and Signage, being the principal planning instrument regulating signage, does not regulate content of the signage, including wording and colour.

### **Background to the Proposal**

The original signage design included three (3) pieces of signage with the following dimensions:

- Sign 1 - 1.3m x 5.37m
- Sign 2 - 1.25m x 5.1m
- Sign 3 - 1.25m x 5.1m

Amended plans were received by Council on the 3 February 2020 that reduced the amount of signage from three (3) signs to two (2) signs, with reduced dimensions.

The amended design is the subject of this assessment.

The amended plans were re-notified in accordance with the Pittwater 21 Development Control Plan.

### **ASSESSMENT INTRODUCTION**

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

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

### **SUMMARY OF ASSESSMENT ISSUES**

Pittwater Local Environmental Plan 2014 - Zone R3 Medium Density Residential  
Pittwater 21 Development Control Plan - D16.1 Character as viewed from a public place

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

**SITE DESCRIPTION**

<b>Property Description:</b>	Lot 1 DP 592091 , 20 - 22 Macpherson Street WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	<p>The subject site is legally described as Lot 1 within Deposited Plan 592091, and is known as 20-22 Macpherson Street Warriewood. The site is located within the Warriewood Valley Release Area and is zoned R3 Medium Density Residential as mapped within the Pittwater Local Environment Plan 2014.</p> <p>The site is irregular in shape with a total size area of 2.05 hectares. The site is located on the northern side of Macpherson Street. The front boundary to Macpherson Street measures 140.82m, with eastern and western side boundaries measuring 156.36m. The rear boundary of the site adjoins Narrabeen Creek line corridor.</p> <p>The site is not within a heritage conservation area, nor does it contain an item of environmental heritage under Pittwater LEP 2014. However, the site is located opposite the following heritage items:</p> <ul style="list-style-type: none"> <li>• Heritage Item No. 2270337 = “Federation Cottage”– 163 Macpherson Street; and</li> <li>• Heritage Item No. 2270429 = “Memorial in bus shelter (adjacent to 163Macpherson St).</li> </ul> <p>The site is known as “Flower Power” Plant Nursery with an existing Café inside the plant nursery, and carparking along the Macpherson Street frontage.</p> <p>The site is surrounded by a mix of types of built form, such as residential flat buildings, townhouses, single dwelling houses, and retail business including IGA Supermarket and Liquor Land retail store.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed the following relevant development applications:

- Development Application **83/443** for the erection of a plastic-covered Igloo for use in conjunction with existing Wholesale Nursery was approved by Council.
- Development Application **85/286** for the use of the site as a retail Plant Nursery was approved by Council.
- Development Application **86/525** for the alterations and additions to an existing wholesale and retail Plant Nursery was approved by Council 1986.
- Development Application **91/0259** for the alterations and additions to an existing Plant Nursery was approved by Council on the 20 November 1991.
- Development Application **91/382** for the construction of a new shade house and retail area, relocation of material bins and provision of additional car parking spaces was approved by Council.
- Development Application **94/0221** for the alterations and additions to an existing Plant Nursery was approved by Council on the 26 October 1994.
- Development Application **3029/20-22** for a cafeteria ancillary to the nursery establishing a cafeteria within existing retail plant nursery was approved by Council on the 15 May 1995.
- Modification Application **95/139 3029/20-22** for the establishment of a pet supplies section within retail plant nursery was approved by Council and modified in November of 26 July 1995.
- Development Application **N0608/04** for a new fitout to an existing café was withdrawn from Council on the 17 May 2006.
- Development application **N0428/06** for the alterations and increased seating to an existing Cafe and formalisation of the existing car parking was approved by Council on the 21 July 2006.
- Modification application **N0428/06/S96/1** for the reposition the disabled toilet facility was approved by Council on the 13 October 2009.
- Modification application **N0428/06/S96/2** to install a kitchen and modify the existing internal roof was approved by Council on the 4 September 2014.



## 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	<p>See discussion on “Environmental Planning Instruments” in this report.</p> <p>In summary, the application is consistent with the provisions of SEPP 64 - Advertising and Signage and is recommended for approval on this basis.</p>
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	<p>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.</p>
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	<p>Pittwater 21 Development Control Plan applies to this proposal.</p> <p>In summary, the application is consistent with the provisions of P21DCP cl. C5.9 Signage and is recommended for approval on this basis.</p>
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&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters can be addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested. However, the proposed signage plans were revised and demonstrated an amended design that reduced the dimensions and amount of signage proposed. The amended plans were re-notified in accordance with the Pittwater 21 Development Control Plan.</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 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	<p><b>(i) Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater</p>

Section 4.15 Matters for Consideration'	Comments
on the natural and built environment and social and economic impacts in the locality	<p>21 Development Control Plan section in this report. It is considered that the proposal will not have a detrimental environmental impact.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) 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 discussion on “Notification & Submissions Received” in this report. The raised concerns by an objecter are concurred with and form reason for refusal of the application.
Section 4.15 (1) (e) – the public interest	This assessment has found the proposal satisfies the relevant requirements of SEPP 64 - Advertising and Signage and P21DCP cl. C5.9 Signage and will result in a development that is not considered to create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community. In this regard, the development, as proposed, is considered to be in the public interest.

## EXISTING USE RIGHTS

The existing Plant Nursery is located on land zoned R3 Medium Density Residential, which is prohibited in this zone. The proposal is for business signage for the existing Plant Nursery "Flower Power" and therefore an assessment of its existing use rights is necessary in order to be able to grant development consent to the proposal.

- **Does the existing use satisfy the definition of "existing use" under the *Environmental Planning and Assessment Act 1979* (the 'Act')?**

Section 4.65 of the Act defines an existing use as:

*"(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and*

*(b) the use of a building, work or land:*

- (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
- (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse."*

This necessarily requires the following questions to be answered:

1. Was the use of the building, work or land a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part 4 of the Act, have the effect of prohibiting that use?

Comment:

The Applicant has provided evidence in the form of Development Consent DA1991/0382, which reveals that the use of the land commenced as a lawful purpose of a plant nursery on 28 November 1991, prior to the coming into force of Pittwater Local Environmental Plan 2014.

2. Was the use of the land granted development consent before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use?

Comment:

The use of the land was lawfully approved by Council on 28 November 1991, prior to the coming into force of Pittwater Local Environmental Plan 2014.

3. Has the use of the land been carried out within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse?

Comment:

The Applicant has provided evidence in the form of Development Consent DA1991/0382, which reveals that the use of the land was carried out on 28 November 1991, which is within one year from the date on which the provision having the effect of prohibiting the use commenced.

- **What is “the land on which the existing use was carried out” for the purposes of cl 42(2) (b) of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)?**

Meagher JA in *Steedman v Baulkham Hills Shire Council* [No. 1] (1991) 87 LGERA 26 stated (at 27) the rule to be applied as follows: “if the land is rightly regarded as a unit and it is found that part of its area was physically used for the purpose in question it follows that the land was used for that purpose”.

Comment:

Having regard to the above case law, it is noted that the whole of the area of the land was physically used for the purpose in question (plant nursery) and therefore, it is considered that the land was used for that purpose and that existing use rights apply to the whole of the subject site.

- **What are the planning principles that should be adopted in dealing with an application to alter enlarge or rebuild and existing use?**

The judgement in *Fodor Investments v Hornsby Shire Council* (2005) NSWLEC 71, sets out the planning principles that should be applied in dealing with development applications seeking to carry out

development on the basis of existing use rights.

The following four principles adopted by the NSW Land and Environment Court in this case will have general application in dealing with development applications that rely on existing use rights:

**1. How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?**

*While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessments.*

Comment:

The proposed signage is compliant with the side setback control of the R3 Medium Density Residential zone, with a variation to the front setback which is considered reasonable for ancillary signage.

The proposed signs demonstrate compliance with *Clause C2.11 Signage* of the Pittwater 21 DCP and are also consistent with the objectives of *SEPP 64 Advertising and Signage*.

The signage is not considered to give rise to unacceptable visual amenity impacts to the surrounding and directly opposite residential properties, nor adversely impact the nearby heritage items.

Therefore, the proposed signage is of a scale, design and location that allows for identification of the plant nursery business to which the sign relates.

**2. What is the relevance of the building in which the existing use takes place?**

*Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.*

Comment:

The existing use of the site is for a Plant Nursery, with an associated Cafe. The proposal seeks to install two business identification signs within the front setback area of the subject site.

The planning controls applying to the R3 Medium Density Residential have been used as a guide to assess the proposed signage.

The two pieces of signage will replace three existing unapproved signs. The signs demonstrate compliance with *Clause C2.11 Signage* of the Pittwater 21 DCP and are consistent with *SEPP 64 Advertising and Signage*. Overall, there is no change to the intensity of the use of the site, and the proposed signage is consistent in bulk and scale of the surrounding area.

**3. What are the impacts on adjoining land?**

*The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in*



*adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.*

Comment:

The proposed signage is 2.0m to 2.2m in overall height, located 2.0m from the front setback and 1.8m from the western side setback away from the western adjoining multi unit dwellings.

In this regard, the proposal will not result in any unreasonable overshadowing impacts to nearby properties. There are no privacy impacts from the signage.

#### **4. What is the internal amenity?**

*Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.*

Comment:

The proposed signs are located 2.0m from the front boundary and 1.8m from the western boundary that adjoins a multi unit dwelling residence. The two signs are compliant with *Clause C2.11 Signage* of the Pittwater 21 DCP and consistent with *SEPP 64 Advertising and Signage*. The proposed two signs will replace the three over sized unapproved signage currently existing within the front setback of the Plant Nursery.

In this regard, the proposal will have no unreasonable impact on the internal amenity for the western adjoining residential properties.

#### **Conclusion**

Based on the evidence provided by the applicant, it is confirmed that the existing land use of the subject site was lawfully approved as a plant nursery and has been continuously used for its approved purpose since 1991. Subsequently, the use can be retained under the current EPI (PLEP 2014).

Therefore, the plant nursery land use has existing use rights and pursuant to Clause 42 of the EP&A Regulation 2000, and subsequently associated business signage can be considered for the site.

#### **BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.

#### **NOTIFICATION & SUBMISSIONS RECEIVED**

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

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Lindsay Andrew Dyce	8 Mahogany Boulevard WARRIEWOOD NSW 2102

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

- **Consistency with the R3 Medium Density Residential Zone**
- **Visual Impact**
- **Traffic**
- **Consistency with the Warriwood Landscape Master Plan**
- **Notification**
- **Proposal inconsistency**

The matters raised within the submissions are addressed as follows:

- ***Concern was raised that signage is inconsistent with the objectives of the R3 Medium Density Residential Zone.***

Comment:

The proposed signage for the existing Plant Nursery relies on existing use rights as the use of the site is not permitted in the R3 Medium Density Residential zone.

Whilst two of the objectives of the R3 Medium Density Residential zone are to provide housing types for medium residential development, there are two objectives that provide for other land uses, these being:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

As such, the approved Plant Nursery has been assessed and determined as a consistent form of development within the locality. The proposed signage is ancillary to the approved use and is therefore considered to achieve the objectives of the R3 Medium Density Residential Zone.

It is considered that this matter has been addressed and does not warrant further amendment or refusal of the application.

- ***Concern was raised in respect to the bulk and scale and visual impact of the signage and how it related to the streetscape and overall character of the local area.***

Comment:

The proposed signs demonstrate compliance with *Clause C2.11 Signage* of the Pittwater 21 DCP and consistency with the objectives of *SEPP 64 Advertising and Signage*.

The proposed signage is compliant with the side setback control of the R3 Medium Density Residential zone, with a variation to the Macpherson Street front setback, which is considered reasonable for signage.

The signage is integrated within the existing landscaping on the subject site which reduces the visual bulk and scale of the signage when viewed from the street.

It is not considered that the proposed signage will to give rise to unacceptable visual amenity impacts to the surrounding and directly opposite residential properties, nor adversely impact the nearby heritage items.

Therefore, it is considered that this matter has been addressed by the siting and scale of the

proposed signs and does not warrant further amendment or refusal of the application.

- ***There is concern that the proposed signage is unsafe, as it causes "visual confusion" for the passing traffic.***

Comment:

The signage has been assessed by Councils Traffic Engineers who have concluded that there is no impact on the safety, or the movement of passing vehicles as a result of the proposed signage.

Therefore, it is considered that this matter has been address and does not warrant further amendment or refusal of the application.

- ***There is concern that the proposed signage is inconsistent with the Warriwood Valley Landscape Masterplan and Design Guidelines (Public Domain).***

Comment:

The Warriwood Valley Landscape Masterplan and Design Guidelines main objective is to provide "a consolidated reference document encompassing all landscaping related objectives and requirements of the planning controls for the release area". Signage is not covered or addressed in the Warriwood Valley Landscape Masterplan and Design Guidelines. The requirements for signage are covered within clause C2.11 Signage within the Pittwater 21 Development Control Plan.

The proposed signs demonstrate compliance with C2.11 Signage of the Pittwater 21 DCP and are also consistent with the objectives of SEPP 64 Advertising and Signage.

Therefore, it is considered that this issues has been addressed and does not warrant further amendment or refusal of the application.

- ***There is concern the application was not notified in accordance with the requirements of the Pittwater 21 Development Control Plan, nor notified to the Warriwood Resident Association.***

Comment:

The amended plans, utilised for this assessment report, where notified in accordance with the Pittwater 21 Development Control Plan. Photo evidence was received by Council demonstrating the notification sign was displayed on the site in accordance with the required dates of the notification period. The application was not required to be notified to the Warriewood Resident Association but was notified consistent with the DCP requirements.

Therefore, it is considered that this issue has been addressed and does not warrant further amendment or refusal of the application.

- ***Concern was raised with the discrepancy between the number of signs proposed in the original proposal compared to the number of signs proposed in the amended design.***

Comment:

The original proposal was for three (3) pieces of signage. The amended proposal, that forms the basis of this assessment report, is for two (2) pieces of signage with the following dimensions:

- a) 4.5m in width and 1.0m in height for the sign;
- b) a total of 4.5sqm in area;
- b) 2.0m- 2.1m in overall height for one sign and 2.1m to 2.2m in overall height for the second sign.

Therefore, there is less signage proposed as part of the amended design.

It is considered that this issue does not warrant further amendment or refusal of the application.

## REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	The proposal has been referred to Heritage as it is within proximity of two heritage items
	<b>Federation Cottage</b> - 163 Macpherson Street, Warriewood
	<b>Memorial in bus shelter</b> - Adjacent to 163 Macpherson Street
	Details of heritage items affected
	Details of the items as contained within the Pittwater inventory are as follows:
	<p><b>Federation Cottage</b></p> <p><u>Statement of significance:</u> The Cottage at 163 Macpherson Street in Warriewood, built in 1910s, is of historical significance as a good representative example of the early 20th century housing stock in the Warriewood Valley. The house is one of most intact remaining houses of the early 1906 subdivision.</p> <p><u>Physical description:</u> Weatherboard brick and fibrous cement cottage. Hipped and gabled colourbond roof. Weatherboard to lower portion of exterior façade walls. Fibrous cement panelling above and to gable ends. Timber casement windows. Dark brick balustrade to veranda. Appears to be intact. Very little ornamentation in detailing (Tropman 1993).</p>
	<p><b>Memorial</b></p> <p><u>Statement of significance:</u> The Memorial in Bus Shelter is dedicated to all Pittwater men who died in during WWII. The place has high social significance for the Pittwater community due to its association with the men who died during WWII.</p> <p><u>Physical description:</u> Bus shelter and brass memorial plaque. Warriewood community donated most of the money to pay for this. The plaque reads "This building was erected to the memory of our gallant dead. 1939-1945. Lest we forget. F Gibson AIF; H M F Howlett AIF; K Hadley RAAF; V W Hearne RAN; F W Headford AIF."</p>
	Other relevant heritage listings

Internal Referral Body	Comments		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	<p>The proposal seeks consent for signs on the garden centre located on the other side of Macpherson Street from the heritage items. The proposed location of the signs is also to the west of the heritage items, at the head of the roundabout intersection. Given the physical separation afforded by the roadway and the distance between the heritage items and signs, there is considered to be no impact upon the heritage items or their significance.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>		
	Further Comments		
	COMPLETED BY: Brendan Gavin, Principal Planner		
	DATE: 8 April 2020		
	Traffic Engineer	There is no concern for the proposed two signs on traffic grounds.	

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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 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:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>While the existing and future character of the Warriewood Valley Locality is for residential development, the subject site has an existing approval for a Plant Nursery.</p> <p>As stated within the Pittwater 21 Development Control Plan, the Warriewood Valley locality is to be characterised by a varied mix of residential, retail, commercial, industrial, recreational, and educational land use.</p> <p>The approved use of the subject site as a Plant Nursery is consistent with the retail and commercial land use of the area. As such, the associated business signage proposed is ancillary to the existing land use of the subject site. Council considered the two business signs proposed as consistent with the existing and desired future</p>	YES

	character of the Warriwood Locality.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>Outdoor business signage in the Warriwood Valley area is a mix of scales, colours and styles. As a result there is no identified theme for outdoor signage in this location.</p> <p>The location of the proposed signage is unique being the subject site is within the R3 Medium Density Residential zone and directly adjoins residential dwellings, not other commercial or retail businesses.</p> <p>However, the proposed signage is generally consistent with signage used for this form of business operation.</p> <p>The location of the two proposed signs within the front landscaped setback demonstrates an integration with the existing landscaping on the site. The signage also will assist in screening the Plant Nursery carpark and storage area.</p> <p>It is considered that signage in this location would be consistent with the signage within the Warriwood Valley and is of a bulk and scale that is visually compatible with the current land use and surrounding business signage.</p>	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?	<p>Councils Heritage Officer assessed the proposal and concluded that "<i>given the physical separation afforded by the roadway and the distance between the heritage items and signs, there is considered to be no impact upon the heritage items or their significance</i>".</p> <p>It is considered that the two business signs do not 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>	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage does not obscure nor compromise any important views that are currently enjoyed from surrounding allotments.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	<p>The signage proposed will integrated within the existing screening landscaping and will assist in screening the retail area of the Plant Nursery as presented to the Macpherson Street frontage.</p> <p>The signs are compliant with the bulk and scale requirements of C2.11 <i>Signage</i> of the P21 DCP.</p>	YES

	The signage when viewed from other locations will not create a vista of lesser aesthetic value to that of the existing streetview and continue to allow for an attractive vista.	
Does the proposal respect the viewing rights of other advertisers?	<p>Given the nature of the surrounding land uses, there are no other advertisers affected by the proposed signage.</p> <p>The advertising component of the signage is consistent with surrounding advertising in of nearby business signage within the Warriwood Valley Locality .</p>	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The quantity and scale of the signage proposed is consistent with expectation of the land use and the large street frontage of over 140m in length. The signage complies with the size, height and area of clause <i>C2.11 Signage</i> of the P21 DCP, and is in scale with the existing boundary fencing and landscaping.</p> <p>The location of the signage is orientated towards Mcpherson Street and a traffic roundabout, thereby providing sufficient spatial distance to residential properties that are directly opposite the site. The proposed signage is compliant with the side setback control of the R3 Medium Density Residential zone, providing compliant spatial distance to the adjoining residential unit dwellings.</p> <p>As a result the two signs are considered appropriate and compatible with the scale, proportion and characteristics of the site for which the proposed signage is to be located.</p>	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is proposed to site within a line of mature hedging and palm trees which soften and screen the signage from the street. The proposed signage is considered appropriate to the setting and the Macpherson streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no approved signage in the proposed location and the signage on the remainder of the site and does not require modification.	YES
Does the proposal screen unsightliness?	There is no unsightliness to be screened.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage is to be a free standing signs approximately 2.0m - 2.1m in overall height for one sign and 2.1m to 2.2m in overall height for the second sign. The signs height will not result in any protrusion above buildings, structures or trees canopies within the site or the Warriwood Valley locality.	YES
<b>5. Site and building</b>	The scale of the signage is compatible with the	YES

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?	scale of the site and the structures at the Plant Nursery. The signs are 2.0m to 2.2m in overall height, integrated within the existing landscaping and do not dominate the street frontage. The signage is considered to be compatible with the surrounding area character and to the residential building of which it adjoins.	
Does the proposal respect important features of the site or building, or both?	The location of the signage has no detrimental impact with regard important features of the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The outcome for the signage is to be a contemporary in design to enhance the function of the business. The location and the integration of the signage into the existing landscaping is a positive solution and is considered to demonstrate creativity and imagination in relation to the site.	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?	No safety devices or illumination have been designed as an integral part of the signage or structure.	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 proposed to contain any areas of illumination.	YES
Can the intensity of the illumination be adjusted, if necessary?	Not applicable.	N/A
Is the illumination subject to a curfew?	Not applicable	N/A
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage does not reduce the safety for any public road users or pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not reduce the safety for any public road users or pedestrians or bicyclists. The signage will not obscure any sight lines due to the setback from the Macpherson Street frontage. The signs are positioned near the existing Macpherson and Garden Street round-about, where vehicles have naturally slowed their vehicles. Councils Traffic Engineers has also assessed the location of the signs and their impact on the existing sitelines. Councils Traffic Engineers concluded that the proposed signs will not obstruct and sightlines from public or private areas and that there is no impact to the safety of pedestrians, bicyclists or vehicles.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

## SEPP (Infrastructure) 2007

### Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

### Comment:

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

## Pittwater Local Environmental Plan 2014

Is the development permissible?	No
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:	10.5m	2.0m - 2.1m for one sign and 2.1m - 2.2m for the second sign	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes



Clause	Compliance with Requirements
7.3 Flood planning	Yes

#### Detailed Assessment

#### **Zone R3 Medium Density Residential**

The proposed signage for the existing Plant Nursery relies on existing use rights as the existing use is not permitted use within a R3 Medium Density Residential zone.

Whilst two of the objectives of the R3 Medium Density Residential zone are to provide housing types for medium residential development, there are two objectives that provide for other land uses, these being:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

As such, the approved Plant Nursery is considered a consistent form of development within the locality. The proposed signage is ancillary to the approved use and is therefore considered to achieve the objectives of the R3 Medium Density Residential Zone.

#### **Pittwater 21 Development Control Plan**

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	2m	69.2%	No
Side building line	2.5m South	126.62m	-	Yes
	0.9m West	1.8m	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.16 Warriewood Valley Locality	Yes	Yes
A5 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
C2.11 Signage	Yes	Yes
D16 Warriewood Valley Locality	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D16.6 Front building lines	No	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.13 Building colours and materials	Yes	Yes

#### Detailed Assessment

#### **D16.1 Character as viewed from a public place**

The proposed signage is sited and designed as to not adversely impact on the amenity of the streetscape and the surrounding locality.

In particular, the signs are designed not to dominate or obscure other signs or result in visual clutter.

The proposed signage is integrated within a deep soil landscaping area along the Macpherson Street frontage. Whilst the signage is able to be readily identified, the landscaped area contained within the frontage will visually screen and soften the built form. This front setback area also provides adequate opportunities for additional screen planting to be implemented, which is of a size and scale that could further reduce and adverse visual impact and visually soften the built form.

Therefore, it is considered that the visual impact and bulk and scale of the proposed signs is not overbearing resulting in a scale that is reasonably complementary and compatible with its setting, and its context with surrounding residential properties.

As a result, the proposal demonstrates consistency with the requirements and outcomes of this clause.

#### **D16.6 Front building lines**

##### Description of Non-Compliance

The two business identification signs are located 2.0 metres from the front boundary, and as a result are non-compliant with the control. The signage proposed is considered to be minor structures within the context of the length of the front setback (over 140m), the surrounding built environment and are softened by the existing vegetation at the front of the site.

The location of the proposed sign are constrained by the existing area of sales floor of the plant Nursery, which is located 3m from the front boundary.

##### Merit Assessment:

The proposed signage will result in a non-compliance with the front building line to all street frontages (Macpherson Street). In consideration of the non-compliance's, the proposal is considered against the following outcomes:

- ***To achieve the desired future character of the Locality.***

##### Comment:

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

*"Warriewood Valley Release Area continues to be developed as a desirable urban community in*

*accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services."*

The approved Plant Nursery has been assessed and determined as a consistent form of development within the locality. The proposed signage is ancillary to the approved use and is therefore considered achieve the desired future character for the locality.

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

Comment:

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

- ***The bulk and scale of the built form is minimised.***

Comment:

The proposed signage demonstrate reasonable bulk and scale for the curtilage of the site, and the siting within existing landscaping minimises the bulk and scale.

- ***To achieve a consistent built form alignment in the streetscape, which is spacious and attractive, enhanced by tree planting within the front setback.***

Comment:

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

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

Comment:

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

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

Comment:

Conditions have been included to ensure existing landscaping around the signage is maintained to assist with the integration of the signage into the setting.

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

Comment:

The works proposed do not include any new parking.

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

Comments:

The signage is generally located at a reasonable distance from the closest neighbouring property (1.8m from the western boundary). The signage is not illuminated nor overbearing in scale. The signage proposed has no impact on the levels of privacy, amenity and solar access to

neighbouring properties. As a result the signage is reasonably complementary and compatible with its setting, and its context with surrounding residential properties.

An assessment of the application has also found the development to be consistent with the relevant requirements for Building Identification Signs under *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 P21 DCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

### **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0719 for Business Identification Signage on land at Lot 1 DP 592091, 20 - 22 Macpherson Street, WARRIEWOOD, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan Issue A	3 March 2020	Ross Oliveri Building Designer
Elevation, Section, Signage Floor Plan Issue A	3 March 2020	Ross Oliveri Building Designer

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

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. 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.

### 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) 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.

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

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

### 4. **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.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 5. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

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

### 6. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

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

### 7. **Landscaping Maintenance**

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

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

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

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

**Signed**



**Catriona Shirley, Planner**

The application is determined on 13/05/2020, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**