

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1238
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<b>Responsible Officer:</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	Lot 19 DP 653442, 390 Pittwater Road NORTH MANLY NSW 2100 Lot 18 DP 652218, 392 Pittwater Road NORTH MANLY NSW 2100
<b>Proposed Development:</b>	Business Identification Signage
<b>Zoning:</b>	Warringah LEP2011 - Land zoned IN2 Light Industrial Warringah LEP2011 - Land zoned IN2 Light Industrial WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Roshana Mangal Mohammad Anwar Mangal
<b>Applicant:</b>	Clinton Dive

<b>Application lodged:</b>	20/07/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	08/08/2018 to 24/08/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 55,000.00
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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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 19 DP 653442 , 390 Pittwater Road NORTH MANLY NSW 2100</p> <p>Lot 18 DP 652218 , 392 Pittwater Road NORTH MANLY NSW 2100</p>
<b>Detailed Site Description:</b>	<p>The site is officially described as lot 18 DP 652218 and lot 19 DP 653442, known as 390-392 Pittwater Road, North Manly. The subject site is currently zoned Light Industrial (IN2).</p> <p>The site is a corner site with Girard Street bounding the eastern boundary of the site. The subject site has a total land area of 1360m<sup>2</sup> (includes both lots) with the site generally rectangular in shape. The front boundary (Pittwater Road) measures 28.04m, and eastern secondary front boundary (Girard Street) measures 42.29m in length. The western side boundary measures 44.73m and the northern side boundary measures 30.48m. The street corner (Pittwater Road &amp; Girard Street) demonstrates a splayed corner 'cut' with a dimension of 3.45m.</p> <p>Vehicular and pedestrian access is via the secondary street frontage.</p> <p>The site is generally flat and has an existing single storey commercial building and open car parking area, with perimeter fencing delineating the street front boundaries to both Girard Street and Pittwater Road.</p> <p>The surrounding area to the east and west of the subject site comprise of a mix of industrial and commercial buildings typically one (1) and two (2) storey in height.</p>

Map:



## SITE HISTORY

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

- Application DA2015/0561 for Construction of a Childcare Centre was withdrawn from Council on the 14/01/2016.
- Application DA2000/4224 for Signage Erection - Nolde PTY Ltd was determined by Council on the 25 May 2000.
- Application DA1999/1899 for Hardware House - Alts. & Additions to Existing Premises and Use was determined by Council on the 27/10/1999.
- Pre-lodgement Meeting PLM2014/0065 was held on 03/07/2014 for Planning Proposal Strategy - Rezoning.

## PROPOSED DEVELOPMENT IN DETAIL

The application seeks approval for fourteen business signs.

The proposed signage includes;

- Freestanding Pylon sign (6m in height) containing an illuminated strip;
- Two illuminated fascia signs (STIHL and John Deere) measuring 2.4m x 1.2m, projected 0.22m from the wall;
- One illuminated fascia sign (Pittwater Mowers) measuring 15.55m x 1.2m, projected 0.15m from the wall;
- One pole signage (Chainsaw) measuring 1.15m x 4.06m;
- One Information wall sign (Quality brands advice etc) measuring 14m x 6.5m;
- One Information wall sign (Mowers, trimmers etc) measuring 10.28m x 0.203m;
- One Information wall sign (Battery Power etc) measuring 1.5m x 3m;
- One Information wall sign (Open 7 days) measuring 1.08m x 1.7m;
- One Information wall sign (Your Local) measuring 3.5m x 2.4m;

- Two Information wall sign (Weber Store) measuring 5.5m x 2m;
- Two information wall signs (Weber store) measuring 2.44m x 2.32m.

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

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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 matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><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 on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

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

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
NECC (Stormwater and Floodplain Engineering – Flood risk)	The Development Application involves the erection of new signage which includes a freestanding pylon sign, attached fascia signage, attached signage on roof and attached wall façade signage. The signage does not trigger flood planning requirements and as such the development application complies with the flood requirements in the LEP and DCP.

External Referral Body	Comments
NSW Dept of Transport (Roads and Maritime Services) (Dev. On Classified Roads)	Correspondence was received by the Transport Roads and Maritime Services (RMS) on the 15 August 2018, in response to the application. The RMS has no objection to the proposed signage subject to conditions listed within the correspondence.



## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP 64 - Advertising and Signage

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

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

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

Matters for Consideration	Comment	Complies
<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?	The conditioned outcome for the signage is considered to be compatible with the existing character of the area and will not detract from the potential of any future development.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The conditioned outcome for the signage is consistent with that of Light Industrial zoning area with similar surrounding signage by virtue of scale, design and proliferation and is therefore considered reasonable in this context.	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?	Conditions imposed as part of the consent have removed the proposed chain saw sign and the blade sign. The chain saw sign height 2.35m above the existing roofline, and the 6m high blade sign within the splayed front setback area detracts from the visual amenity of the streetscape, and nearby residential areas.  Therefore, the conditioned signage does not detract from any form of visual quality including those specific areas listed within matters for	YES

	consideration.	
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The conditioned outcome for the signage does not compromise nor obscure views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The conditioned outcome for the signage is not of a scale to cause unreasonable impacts upon the existing views of the skyline and vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The conditioned signage respects the viewing rights of other advertisers.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Conditions imposed as part of the consent have removed the proposed chain saw sign and the blade sign. The chain saw sign height 2.35m above the existing roofline, and the 6m high blade sign within the splayed front setback area are of a scale and proportion that creates visual impacts to the streetscape.  Therefore, the conditioned signage is appropriate for this context.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The conditioned proposal contributes to the visual interest of the streetscape with a variety of sizes, logos and wording.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The conditioned outcome for the signage is consistent with the surrounding industrial area and replaces all existing signage.	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?	Yes, the "Pittwater Mowers", "STIL" and "John Deere" signage sit above the roof height by approximately 1.2m. However, this height is reasonable in that the maximum height of the sign will be lower than the maximum height of the subject site building, and lower than the adjoining building to the north (4-8 Waine Street) which has a building height of 13.16m.	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The conditioned outcome for the signage is considered to be compatible with the surrounding industrial area character and the building of which it is attached to.	YES
Does the proposal respect important features of the site or building, or both?	The conditioned outcome for the signage respects important features of the site and building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The conditioned outcome for the signage is to be a contemporary in design to enhance the function of the business and movement of visitors onsite. It is considered to demonstrate creativity and imagination in relation to the site.	YES
<b>6. Associated devices and logos</b>	No safety devices have been designed as an	YES

<b>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?	integral part of the signage or structure.	
<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 illumination is proposed for the "Pittwater Mowers", "STIL" and "John Deere" signage. The illumination is to the lettering only, the background is not illuminated. The proposed level of illumination does not detract from the amenity of any surrounding residential or industry site.	YES
Can the intensity of the illumination be adjusted, if necessary?	Yes, the illumination will set to an automatic timer to restrict the hours of illumination.	YES
Is the illumination subject to a curfew?	Yes, the illumination is subjected to a curfew between the hours of 10.00pm and 6.00am daily.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The conditioned outcome for the signage will not reduce the safety for any road, pedestrian or bicyclist.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal does not obscure sightlines from public areas.	YES

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

### Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	9m	8.35m (Chainsaw sign) 7.2m (Pittwater mower sign)	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes



Clause	Compliance with Requirements
Part 2 Permitted or prohibited development	Yes
2.5 Additional permitted uses for particular land	Yes
Land Use Table	Yes
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

Built Form Control	Requirement	Proposed	% Variation*	Complies
B7 Front Boundary Setbacks	4m	3.6m Webber wall sign 0.8m Blade Sign	10% 80%	No No
B7 Secondary Front Steback	4m	16.9m Wall Signs	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
Part D Design	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D23 Signs	No	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### **B7 Front Boundary Setbacks**

The "Webber" wall sign and "Blade" sign are located within the front setback area of the site. The "Webber" wall sign is to be located on the existing building wall, therefore, there is no change to the front setback of the site. The "Blade" sign is to be removed from the application via a condition, therefore removing the additional front setback variation.

Consequently a merit assessment is not required in this instance.

#### **D23 Signs**

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

The application proposes fourteen (14) pieces of signage. However two (2) pieces of signage will be removed via conditions. Therefore the application will consist of the following twelve (12) pieces of

signage:

Sign	Requirement	Width	Height	Complies
Awning fascia sign (attached to the fascia or return end of an awning)	Shall not project above, below or beyond the fascia or return end of the awning to which it is attached.	2.4m 15.55m	1.2m 1.2m	No (STIHL and John Deere) Yes (Pittwater Mowers)
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	Shall not extend within 200mm of the top and sides of the wall. Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall.	14m	0.65m	Yes (Quality Brands & Advice)
		10.28m	0.203m	Yes (Mowers, trimmers, etc)
		1.5m	3.0m	Yes (Battery Power)
		1.08m	1.7m	Yes (Open 7 Days)
		3.5m	2.4m	Yes (Your Local)
		5.5m	2.0m	Yes (2 x Weber Store)
		2.44m	2.32m	Yes (2 x Weber Store)

#### Merit consideration

A review of the application concludes that the proposal is not consistent with the objectives of the D23 Signs control, and exhibits business signage that is inconsistent with the adjoining streetscape and adversely impacts on the amenity of the surrounding locality.

The proposed chainsaw sign (measuring 4.06m x 1.15m) citing above the existing roofline, the 6.0m blade sign, combined with twelve (12) additional pieces has the potential to give rise to unacceptable visual amenity impacts to the streetscape, the residential properties that are located directly opposite the site on Pittwater Road, and the nearby residents on the rising escarpment behind the site.

Therefore, the planning outcome is not considered to be site or locality responsive in that the proposed "chainsaw" sign and "blade" sign are not compatible with the area or other surrounding buildings.

Based on the above, conditions will be imposed that will remove the proposed "chainsaw" sign and "blade" sign.

Removing the proposed "chainsaw" and "blade" sign will minimise the visual amenity impacts on the Pittwater Road and Girade streetscape, and nearby residential sites. The elevation will continue to contain

a large selection of signage, therefore satisfying the objective of business identification of the building.

#### Merit consideration

The merit consideration below is for two (2) fascia signs "STIHL" and "John Deere" due to the non-compliances related to the 0.3m projection above the fascia to which it is attached.

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 illuminated "STIHL" and "John Deere" fascia signs are in an elevated location (approx. 5.6m above the ground level) located on the fascia of the building. This location enables the ability to easily identify the Pittwater Motors facility. Therefore, the signage is of a scale, design and location that allows for the identification of the business to which the sign relates.

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

#### Comment:

The illuminated "STIHL" and "John Deere" fascia signs are to be constructed of durable materials to withstand both natural and anthropogenic impacts.

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

#### Comment:

The illuminated "STIHL" and "John Deere" fascia signs maximum height sits below the adjoining properties building height, and is consistent with that of the general character of the streetscape and surrounding locality.

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

#### Comment:

The illuminated "STIHL" and "John Deere" fascia signs will not be readily visible from residential properties directly opposite on Pittwater Road due to the buildings orientation to Girard Road, and the industrial site opposite. Residents further up the escarpment and along Pittwater Road will have a sufficient spacial separation to assist in obscuring the impact of the fascia signs.

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

#### Comment:

The fascia signs are deemed to be appropriate for proposed development, and will not result in adverse impacts on open space areas in the surrounding area of the site.

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 s1.3 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.

## **POLICY CONTROLS**

### **Northern Beaches Council Contributions Plan 2018**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

## **CONCLUSION**

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

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

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

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

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

It is considered that the proposed development satisfies the appropriate controls and that all processes

and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1238 for Business Identification Signage on land at Lot 19 DP 653442, 390 Pittwater Road, NORTH MANLY, Lot 18 DP 652218, 392 Pittwater Road, NORTH MANLY, 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>
Site Plan	26/08/2014	Bee & Lethbridge
Light Boxes	Undated	Unsigned
Light and Dark Grey Signs	Undated	Unsigned
Black Signs	Undated	Unsigned
Front and end view proposed signs	Undate	Unsigned

##### 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. (DACPLB01)

#### 2. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The Chainsaw sign, measuring 4.06m x 1.15m, located above the roof-line does not form a part of this application and is to be deleted from all plans.
- The Blade Sign, measuring 6m, located in the front setback of Pittwater Road, does form a part of this application and is to be deleted from all plans.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land. (DACPLB02)

#### 3. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and



requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Transport Roads and Maritime Services	Response Road and Maritime Services	15 August 2018

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

#### 4. 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)

## 5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and

construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

management system.

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 6. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

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

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

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

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

### 7. Compliance with Standards

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

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

### 8. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 10.00pm and 6.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)

**9. Illumination Intensity and design**

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

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

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

**Signed**



**Catriona Shirley, Planner**

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



**Steven Findlay, Manager Development Assessments**