

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1758
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 50 DP 1125295, 277 - 283 Condamine Street MANLY VALE NSW 2093
Proposed Development:	Alterations and Additions to an existing Retail Premises and associated signage
Zoning:	Warringah LEP2011 - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Northgate Nominees Pty Ltd
Applicant:	Milestone (Aus) Pty Ltd
Application lodged:	29/10/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	02/11/2018 to 20/11/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 197,784.37

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 - B10 Merit assessment of rear boundary setbacks

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 50 DP 1125295 , 277 - 283 Condamine Street MANLY VALE NSW 2093
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Condamine Street. The site is legally known as Lot 50 in DP 1125295, No. 277- 283 Condamine Street.</p> <p>The site is regular in shape with a frontage of 56.7m along Condamine Street and a depth of 43.48m. The site has a surveyed area of 2,457m².</p> <p>The site is located within the B2 Local Centre zone and accommodates a two-storey retail and commercial building with basement car parking. The ground floor is occupied by a retail outlet ("Dan Murphy's").</p> <p>Surrounding development consists of commercial buildings to the east and south of the site and residences to the west and north.</p> <p>The site has an easterly aspect with a moderate topography rising up the rear (west) boundary of the site.</p>

Map:



SITE HISTORY

A review of Council records has revealed the following relevant history on the site:

Development Application No. 2014/0630

Application for the installation of signage, determined by way of approval on 14 August 2014.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for alterations and additions to an existing shop (Dan Murphy's) and the erection of signage.

The works sought are to facilitate a drive-through pick-up facility at the rear of the building, and includes the installation of enclosed pallet storage units. A new door is to be installed in the western wall of the building and a small shade structure is to be erected. 11 pieces of signage are shown on the plans, however only 4 pieces are proposed.

No changes are proposed to the existing building GFA or provision of car parking. Operations and deliveries are to remain as is existing.

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	Warringah Development Control Plan 2011 applies to this

Section 4.15 Matters for Consideration'	Comments
development control plan	proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, 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&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>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This matter may be addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Environmental Health has reviewed this application with regard to light and noise emissions of a proposed "pick up area" development that may affect the amenity of the surrounding environmental receptors. We find that the illuminated lights and traffic through the passageway is not likely to diminish the existing environmental amenity in the area and recommend approval subject to conditions.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Traffic Engineer	The proposal involves external alterations to the existing Dan Murphy's liquor store building, including signage, new drive through

Internal Referral Body	Comments
	<p>area and new external storage.</p> <p>The introduction of a pick-up drive thru service is not anticipated to impact on the traffic generation of the site. The site is anticipated to maintain the existing generation rate. The drive thru service merely allows customers to collect their purchase without exiting their vehicle.</p> <p>As such, the Traffic Team raise no objection to the proposed alterations.</p>

External Referral Body	Comments
NSW Dept of Transport (Roads and Maritime Services) (Dev. On Classified Roads)	The application was referred to the NSW Roads and Maritime Services for comment. The NSW RMS responded on 11 December 2018 and raised no objection to the development, subject to conditions as 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:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Consistent The proposed signage is consistent with the existing signage present on the site and within the Condamine Street precinct, and is therefore considered to be compatible with the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Consistent The theme of the signage is appropriate for its context.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Consistent The proposed signage does not detract from the amenity or visual quality of the Condamine Street precinct or the adjoining residential areas.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	Consistent The proposed signage is flush with existing buildings and structures on the site, and therefore will not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	Consistent The proposed signage is flush with and aligned with the ridge of existing buildings on the site, and therefore will not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	Consistent The proposed signage respects the viewing rights of other advertisers by not obscuring views of their signs.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Consistent The proposed signage is of a scale and dimension that is consistent with the remainder of the signage within the streetscape.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Consistent The proposed signage does not detract from the existing features of visual interest within the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Consistent The proposed signage is to be erected in addition to existing signage on the building. Notwithstanding this, it is considered that the signage layout is rational.	YES
Does the proposal screen unsightliness?	Consistent The signage is mounted on the existing building on site and will contribute to reducing the visual	YES

	bulk of the building. It is not considered that there is unsightliness to be screened.	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Consistent The signage proposed does not protrude above buildings, structures or tree canopies in the area or locality.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Consistent The proposed signage is of a scale that is appropriately commensurate to the overall scale of the building on site, and with other surrounding developments and their associated signage.	YES
Does the proposal respect important features of the site or building, or both?	Consistent The signage respects the building features.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Consistent The proposed signage is consistent with the existing signage and architectural language of the building.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	Consistent Proposed illumination of the signage is not considered to result in unacceptable glare, affect safety for pedestrians, vehicles or aircrafts, detract from the amenity of any residence or any other form of accommodation.	YES
Can the intensity of the illumination be adjusted, if necessary?	No	YES
Is the illumination subject to a curfew?	No	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Consistent The development will not reduce the safety for drivers, bicyclists or pedestrians.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Consistent The signage proposed and the overall development will not reduce safety for pedestrians.	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.

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

The development application does not seek to modify the built form in a way that alters the previous approved Height of Buildings. Accordingly, no further assessment on the provision of Principal Development Standards is required under this application.

Compliance Assessment

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B5 Side Boundary Setbacks	North - merit assessment	11.5m	Yes (merit)
	South - merit assessment	16.5m	Yes (merit)
B9 Rear Boundary Setbacks	West - merit assessment	Nil (no change to existing)	Yes (merit)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D3 Noise	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D23 Signs	Yes	Yes
E10 Landslip Risk	Yes	Yes
F1 Local and Neighbourhood Centres	Yes	Yes

Detailed Assessment

B10 Merit assessment of rear boundary setbacks

The development is subject to a merit assessment of the side and rear boundary setbacks proposed.

The present structure on the site has a nil rear setback, and the proposed enclosed pallet storage is located underneath an roof structure with a nil setback to the rear boundary. The pallet storage proposes a 11.5m setback to the northern boundary, and a 16..5m setback to the southern boundary.

Given the existing improvements on site, the topography of the land and the forms of development that surround the site, the proposed pallet storage is not expected to be readily discernible from the public or private domain, and does not contribute to any additional building bulk, overshadowing or amenity impact upon adjoining lands.

Accordingly, the merit assessment of the proposed side and rear setbacks of the development demonstrate that the development is acceptable given the negligible amenity impacts caused by the structure and can therefore be supported.

D3 Noise

The proposed development is not anticipated to generate any unreasonable or adverse level of noise that could disturb the adjoining residential properties.

D23 Signs

The architectural plans accompanying the development application show 11 pieces of signage, however the Statement of Environmental Effects indicates that approval is only sought for 4 signs. The Statement details the signage as follows (extract):

- Sign 1 – 1 x Non-Illuminated Directional Sign to replace the existing Car Parking Entry Sign. Sign 1 will be applied to the top of the existing pole structure at the vehicle entry point to the basement car park. The sign will be constructed from a framed Vinyl Print on Precision Cut

ACM/IBond panel and will be fixed to the top of the existing pole structure at the rear of the site. Sign 1 will comprise “Parking” and “Pick Up” wording and measures 4.9m(w) x 0.46m(h). This sign is classified as exempt development in accordance with Clause 2.97 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) as it is the same size as the existing approved sign. On this basis, Sign 1 does not require Council’s development consent. The sign has been included on the DA plans held at Appendix A for completeness only.

- Sign 2 – 1 x Non-Illuminated Wall Sign to comprise “*Liquor/ Merchants/ Dan Murphy’s/ Since 1878*” wording. The sign will be constructed from a framed Vinyl Print on Precision Cut ACM/IBond panel and will be fixed to the wall on the western elevation of the existing building. Sign 2 measures 2.875m(w) x 1.645m(h). This sign is classified as exempt development in accordance with Clause 2.99 of the Codes SEPP as it is not visible from any public place outside the site. On this basis, Sign 2 does not require Council’s development consent. The sign has been included on the DA plans held at Appendix A for completeness only.
- Sign 3 – 1 x Non-Illuminated Wall Sign to comprise the Dan Murphy’s bust and “*Pick Up Your Online Order Here*” wording. The sign will be constructed from a framed Vinyl Print on Precision Cut ACM/IBond panel and will be fixed to the wall on the western elevation. Sign 3 measures 2.40m(w) x 3.22m(h). This sign is classified as exempt development in accordance with Clause 2.99 of the Codes SEPP as it is not visible from any public place outside the site. On this basis, Sign 3 does not require Council’s development consent. The sign has been included on the DA plans held at Appendix A for completeness only.
- Sign 4 – 1 x Illuminated Wall Sign (digital screen) on the western elevation of the building and measures 0.9m(w) x 1.45m(h). This sign is classified as exempt development in accordance with Clause 2.99 of the Codes SEPP as it is not visible from any public place outside the site. On this basis, Sign 4 does not require Council’s development consent. The sign has been included on the DA plans held at Appendix A for completeness only.
- **Sign 5** – 1 x Non-Illuminated Sign to replace the approved Building Identification Sign. The sign will be constructed from a framed Vinyl Print on Precision Cut ACM/IBond panel and will be fixed to the wall on the eastern elevation of the existing building under the awning level. Sign 5 measures 8m(w) x 0.25m(h).
- **Sign 6** – 1 x Non-Illuminated Directional Sign comprise the “*Parking*” and “*Pick Up*” wording. The sign will be constructed from a framed Vinyl Print on Precision Cut ACM/IBond panel and will be fixed to the awning fascia on the southern elevation. Sign 6 measures 4.115m(w) x 0.4m(h).
- Sign 7 – 1 x Non-Illuminated Under Awning Sign to replace the existing Under Awning Sign located along the eastern elevation. This sign is classified as exempt development in accordance with Clause 2.97 of the Codes SEPP as it is the same size as the existing approved sign. On this basis, Sign 7 does not require Council’s development consent. The sign has been included on the DA plans held at Appendix A for completeness only.
- **Sign 8** – 1 x Non-Illuminated Directional Sign comprise the “*Pick Up*” wording. The sign will be constructed from a framed Vinyl Print on Precision Cut ACM/IBond panel and will be located under the mezzanine level at the rear of the site. Sign 8 measures 0.7m(w) x 0.48m(h).
- **Sign 9** – 1 x Illuminated Wall Sign (digital screen) on the elevation of the proposed storage at the rear of the building and measures 0.9m(w) x 1.45m(h).

- Sign 10 – 1 x Non-Illuminated Wall Sign (Directional Sign) comprise “*Pick Up*” wording. The sign will be constructed from a framed Vinyl Print on Precision Cut ACM/IBond panel and will be fixed to the wall on the western elevation of the existing building. Sign 10 measures 2.4m(w) x 0.6m(h). This sign is classified as exempt development in accordance with Clause 2.99 of the Codes SEPP as it is not visible from any public place outside the site. On this basis, Sign 10 does not require Council’s development consent. The sign has been included on the DA plans held at Appendix A for completeness only.
- Sign 11 – 1 x Non-Illuminated Wall Sign to comprise the Dan Murphy’s bust and “*Lowest Liquor Price Guarantee*” wording. The sign is to be applied on the western elevation and measures 11.34m(w) x 4.64m(h). This sign is classified as exempt development in accordance with Clause 2.99 of the Codes SEPP as it is not visible from any public place outside the site. On this basis, Sign 11 does not require Council’s development consent. The sign has been included on the DA plans held at Appendix A for completeness only.

Accordingly, as sought by the application, an assessment is made only against signs 5, 6, 8 and 9 (emphasised in **bold** above).

The four pieces of wall signage sought are found to comply with the requirements of Part D23 of the WDCP 2011, and therefore, the signage is deemed to satisfy the control Objectives.

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

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 197,784		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.45%	\$ 890
Section 7.12 Planning and Administration	0.05%	\$ 99
Total	0.5%	\$ 989

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 DA2018/1758 for Alterations and Additions to an existing Retail Premises and associated signage on land at Lot 50 DP 1125295, 277 - 283 Condamine Street, MANLY VALE, 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
DWG. 1 Amend No. G	18 October 2018	TRG
Sheet Number 5.3 - Revision E	18 October 2018	TRG
Sheet Number 5.4 - Revision E	18 October 2018	TRG

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

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Report Title	Dated	Prepared By
Waste Management Plan	October 2018	Milestone (AUST) Pty Limited

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

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

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
NSW Roads and Maritime Services	NSW RMS Referral Response	11 December 2018

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

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

3. **Approved Signage**

This development consent only approves 'Sign 5', 'Sign 6', 'Sign 8' and 'Sign 9' as detailed on the Approved Stamped Plans.

Reason: To ensure the development is carried out in accordance with the approved development.

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.

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.

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 7.12 Development Contributions Plan		
Contribution based on a total development cost of \$ 197,784.37		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.45%	\$ 890.03
Section 7.12 Planning and Administration	0.05%	\$ 98.89
Total	0.5%	\$

		988.92
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The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2018.

7. **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).

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

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

8. **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.

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

9. **Prevent offensive noise**

The ongoing use of the proposed pick-up / drive-through area must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

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

Signed



Adam Mitchell, Principal Planner

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



Matthew Edmonds, Manager Development Assessments