

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1581
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 593980, 27 - 47 Birkley Road MANLY NSW 2095
Proposed Development:	Signage
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Uniting Church Aust Prop Trust
Applicant:	Diadem DDM Pty Ltd
Application lodged:	25/09/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	25/10/2018 to 12/11/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 19,430.00

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

Manly Development Control Plan - 4.4.3 Signage

SITE DESCRIPTION

Property Description:	Lot 1 DP 593980 , 27 - 47 Birkley Road MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of an allotment located on the western side of Birkley Road.</p> <p>The site is irregular in shape with a frontage of approximately 122m along Birkley Road, approximately 125m along Birkley Lane, approximately 35m along Raglan Street and approximately 45m along the footpath reserve to the north.</p> <p>The site is located within the R1 General Residential zone and accommodates various buildings related to aged care and independent living on site.</p> <p>The site has entrances for vehicles at Birkley Road and Birkley Lane.</p> <p>The site slopes up to the north and west and includes a retaining walls with landscaped area throughout the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by residential development along with aged care units on the opposite side of Birkley Lane.</p>

Map:



SITE HISTORY

The land have been various approvals for the subject site since 1974 relating to aged care, nursing homes, hostels and the like. The following building cards show the earliest building card consents on Council's record (including a deferred approval in 1974 and an approval in 1977):

169/74	4.9.74	43-47	Aynsley & Partners	Aged Persons Home "W H
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242/77	43-45-47	Hostel & Nursing Home Metho
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for signage to identify the residential 'units for aged persons' (see site history) as well as to provide informative and directional signage on site. This includes the following signage (as provided by the Statement of Environmental Effects):

-27 Birkley Road, Manly

- Sign Location 1 – Site Identification Wall Mount 1200mm W x 600mm H x 20mm D non-illuminated
- Sign Location 2 – Site Identification Wall Mount 1800mm W x 900mm H x 20mm D non-illuminated
- Sign Location 3 – Directional Wall Mount 400mm W x 600mm H x 20mm D non-illuminated
- Sign Location 4 – Directional Wall Mount 800mm W x 1000mm H x 20mm D non-illuminated

-31 Birkley Road, Manly

- Sign Location 1 – Site Identification Free Standing 1200mm W x 600mm H x 20mm D non-illuminated
- Sign Location 4 – Directional Pole Mount 400mm W x 760mm H x 3mm D non-illuminated

-33 Birkley Road, Manly

- Sign Location 1 – Site Identification Free Standing 1200mm W x 600mm H x 20mm D non-illuminated

Sign Location 2 – Directional Wall Mount 400mm W x 600mm H x 20mm D non-illuminated

-47 Birkley Road, Manly

Sign Location 1 – Site Identification Wall Mount 1800mm W x 900mm H x 20mm D non-illuminated

Sign Location 2 – Directional Wall Mount 400mm W x 600mm H x 20mm D non-illuminated

Sign Location 5 – Directional Wall Mount 400mm W x 600mm H x 20mm D non-illuminated

Sign Location 7 – Directional Wall Mount 400mm W x 600mm H x 20mm D non-illuminated"

This includes a total of 10 replacement signs and 2 new signs.

The two new signs are a directional sign on an existing metal gate and an identification sign on an existing metal fence.

There are 6 directional signs, 5 identification signs and one parking sign.

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	Manly Development Control Plan applies to this 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 of the EP&A Regulation 2000</u> requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A) of the EP&A Regulation 2000</u> requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109 of the EP&A Regulation 2000</u>, 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 of the EP&A Regulation 2000</u> requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Clauses 93 and/or 94 of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A 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 clause is not relevant to this application.</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 Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any 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.

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:
Mrs Sarah Bedingfield	38 Birkley Road MANLY NSW 2095

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

- Signage not suitable for residential zone. Colour and size of signage should be more in keeping with residential area.
- Issues relating to car parking and vehicles on site.

The matters raised within the submissions are addressed as follows:

- Signage not suitable for residential zone. Colour and size of signage should be more in keeping with residential area.
Comment:
The signage within the residential zone is considered suitable given the use of the site and size of the site relative to dwelling house residential development in the area. As further discussed below (under SEPP 64 Advertising and Signage and the Manly DCP), the colour and size of signage is reasonable as a result of being kept relative to the site as well as being subservient to the existing built form and landscaping on site.
- Issues relating to car parking and vehicles on site.
Comment:
The proposal is for signage only and does not provide for any change to the provision of parking (although on sign identifies parking). As such specific concerns relating to parking or traffic in the area should be sent to council@northernbeaches.nsw.gov.au or issues on site may be raised with the owner.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning	Further to a review of available documents and a site visit

Internal Referral Body	Comments
(Heritage Officer)	<p>The site of proposed development is not heritage listed, however, it is in the vicinity of several listed items, including collectively listed groups of houses in Raglan Street, Birkley Road and Quinton Road. Given the nature of the proposal, the separation between sites, setting across the road and the nature of significance of the items, it is assessed that impact on heritage values will be within acceptable limits.</p> <p>Based on the above, I have no objection to this proposal from heritage perspective and deem heritage conditions not required.</p> <p>Kind Regards Zoran Popovic Heritage Adviser</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential 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 residential land use.

SEPP 64 - Advertising and Signage

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

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

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

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The character of the area involves residential style development with varying types of fences and retaining walls along Raglan Street and Birkley Lane. As a result of the relatively large lot size of the subject site along with the relatively large scale of building on site, the subject site forms a larger scaled character as compared to the predominant form of development in the vicinity. As such the replacement of 10 existing signs along with two new signs is reasonable given this relative scale. Additionally the limited extent in size and complementary nature of colours (with both the existing signage and the development in the area) ensures compatibility with the character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal provides for six directional signs, five identification signs and a parking sign. Council's mapping system provides a site area of 5595.7m ² for the site, whilst the minimum lot size is 250m ² for the area. This equates to the subject site being approximately 22 times larger than the minimum lot size for the area. As such a total of 12 signs in this area and given the use of the site, is reasonable.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal is in the vicinity of heritage items but as a result of separation from sites and setting across the road, Council's Heritage officer provides no objection. Additionally, the identification signs are generally well separated so as to not provide clutter to have an unreasonable impact on the area.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The signs are attached to existing built form on site or located in existing gardens. This ensures that the signage would not protrude into important view or vista corridors.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The signs are attached to existing built form on site or located in existing gardens. This ensures that the signage would not unreasonably protrude into important vistas or dominate the skyline.	YES
Does the proposal respect the viewing	The signs are attached to existing built form on	YES

rights of other advertisers?	site or located in existing gardens. This would have not unreasonable impact on other advertisers.	
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Given the size of the site, relative size of the signage and the reasonable separation, the proposal will be reasonable within the setting and streetscape.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal includes provision of identification signage as well directional signage to a reasonable scale and extent to provide appropriate visual interest and information.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal involves providing an upgrade to the existing identification and directional signage. It is noted that 10 of the 12 proposed signs replace existing older signs. This is appropriate rationalisation and simplification given the size of the site.	YES
Does the proposal screen unsightliness?	The proposal provides interest without providing clutter or unsightliness through inappropriate bulk or scale.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are generally provided at the ground level on walls, fences and in gardens that present to the streetscape and internal roads. This is appropriate and not overbearing given the size of the site and size of built form on site.	YES
Does the proposal respect important features of the site or building, or both?	The proposal maintains the presentation of the existing walls and building with the presentation of a sign to complement the buildings by being subservient to existing built form.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The rationalisation of existing deteriorating signs along with the addition of two reasonably sized signs to an existing metal fence ensures an appropriate upgrade in presentation.	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?	The proposal appropriately limits logos to relate to the identification of the site.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or	The proposed signage does not involve illumination.	YES

other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?	The proposed signage does not involve illumination.	YES
Is the illumination subject to a curfew?	The proposed signage does not involve illumination.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The flush wall signs will have no unreasonable impact on safety.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The flush wall signs will have no unreasonable impact on safety.	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.

Manly Local Environmental Plan 2013

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

Manly Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.8 Waste Management	Yes	Yes
4.4.3 Signage	Yes	Yes

Detailed Assessment

4.4.3 Signage

Clause 4.4.3 of the Manly DCP provides controls for all development types as well as controls for particular development types. Given the varying type of proposed signage, the signage on site is assessed against the underlying objectives of these controls as follows:

Objective 1) To ensure that advertising does not detract from the scenic beauty and amenity of the Municipality; harmonises with its surroundings and the buildings to which they are attached.

Comment:

The ten replacement signs are located on existing built form and within gardens on site to ensure a minimisation in presentation of bulk and scale which harmonises with the surroundings.

Objective 2) To minimise the visual impact by encouraging fewer more effective signs that may otherwise degrade the existing and likely future quality of residential environments or result in excessive, unnecessary signage, visual clutter and confusion caused by a proliferation of signs in local and neighbourhood centres.

Comment:

The subject site is not in a neighbourhood centre but provides a reasonable number of signs given the size of the site (as explained under *SEPP 64- Advertising and Signage* discussion in this report).

Objective 3) To permit building and business identification signs which communicate the facilities (including tourist facilities), amenities, goods and services in local and neighbourhood centres which do not interfere with the streetscape or amenity of residents.

Comment:

Although not in a local or neighbourhood centre, the identification signs appropriately communicate the use of the site.

Objective 4) Signs should enhance the distinctive urban character and scenic amenity of the Municipality and contribute to the atmosphere of the streets in local and neighbourhood centres and should be designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings in local and neighbourhood centres.

Comment:

The signs provide neutral tones along with the purple colour associated with the use. Given the size, scale and extent, this is appropriate for the site and scenic amenity of the area.

Objective 5) To prevent signage from impacting on the presentation of the heritage item or area to the general public on heritage items and conservation areas.

Comment:

As provided by Council's heritage officer, the physical separation (relative to size of the signs) of the proposed development from nearby heritage items will ensure there is no unreasonable impact on heritage.

Objective 6) To ensure all signage is of high standards of graphic and textural content.

Comment:

The colours and logos are limited to relate to the use of the site or be of neutral tone. This provides a high standard of graphic and textural context.

Objective 7) To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately sized street numbers and complex names, and the use of directory boards to identify multiple unit complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.

Comment:

Although not in an industrial zone, the proposal provides directional signs to assist in mitigating traffic confusion.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(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.

POLICY CONTROLS

Manly Section 94 Development Contributions Plan

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;
- Manly Local Environment Plan;
- Manly 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 DA2018/1581 for Signage on land at Lot 1 DP 593980, 27 - 47 Birkley Road, 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Proposed Works- Location 1 (115 Wesley Heights High Care)	9 May 2018	diadem
ID28W Entry Wall Address Small	2 March 2017	diadem
Proposed Works- Location 2 (115 Wesley Heights High Care)	9 May 2018	diadem
ID27W Entry Wall Address	2 June 2016	diadem
Proposed Works- Location 3 (115 Wesley Heights High Care)	9 May 2018	diadem
D18W FOH Tertiary Pedestrian Wall Mounted	13 December 2016	diadem
Proposed Works- Location 4 (115 Wesley Heights High Care)	9 May 2018	diadem
D5W Mixed Medium Wall Mounted	2 June 2016	diadem
Proposed Works- Location 1 (105 Wesley Heights Independent Living, 31 Birkley Road)	6 July 2018	diadem
Section Q	2 June 2016	diadem
Section R	2 June 2016	diadem
Proposed Works- Location 2 (105 Wesley Heights Independent Living, 31 Birkley Road)	28 August 2018	diadem
D8F FOH Parking Small Pole Mounted	2 June 2016	diadem
Section W	2 June 2016	diadem
Proposed Works- Location 1 (105 Wesley Heights Independent Living, 33 Birkley Road)	6 July 2016	diadem
ID19F Entry Plinth Address Small	2 March 2017	diadem
Proposed Works- Location 2 (105 Wesley Heights Independent Living, 33 Birkley Road)	6 July 2018	diadem
Proposed Works- Location 1 (114 Wesley Heights Low Care)	9 May 2018	diadem
Proposed Works- Location 2 (114 Wesley Heights Low Care)	9 May 2018	diadem
Proposed Works- Location 5 (114 Wesley Heights Low Care)	9 May 2018	diadem
Proposed Works- Location 7 (114 Wesley Heights Low Care)	9 May 2018	diadem

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. **Amendments to the approved plans**

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

- All architectural plans are to show the correct identification and details, given the location on site.

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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use. The consent is for signage only.

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

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 \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of 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.

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

Signed



Thomas Prosser, Planner

The application is determined on 27/11/2018, under the delegated authority of:



Steven Findlay, Manager Development Assessments