

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/0844
<b>Responsible Officer:</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot 1 DP 115663, 86 Pittwater Road MANLY NSW 2095 Lot 1 DP 970249, 86 Pittwater Road MANLY NSW 2095 Lot A DP 404316, 86 Pittwater Road MANLY NSW 2095
<b>Proposed Development:</b>	Alterations and additions to the existing service station and signage.
<b>Zoning:</b>	Manly LEP2013 - Land zoned R3 Medium Density Residential Manly LEP2013 - Land zoned R3 Medium Density Residential Manly LEP2013 - Land zoned R3 Medium Density Residential
<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>	Caltex Oil (Australia) Pty Ltd
<b>Applicant:</b>	Caltex Oil (Australia) Pty Ltd
<b>Application lodged:</b>	23/05/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	30/05/2018 to 15/06/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 172,500.00

### 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 Local Environmental Plan 2013 - 5.10 Heritage conservation

Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils

Manly Local Environmental Plan 2013 - 6.2 Earthworks

Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area

Manly Development Control Plan - 3.2 Heritage Considerations

Manly Development Control Plan - 4.4.3 Signage

Manly Development Control Plan - 4.4.5 Earthworks (Excavation and Filling)

Manly Development Control Plan - 5.4.1 Foreshore Scenic Protection Area

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 115663 , 86 Pittwater Road MANLY NSW 2095 Lot 1 DP 970249 , 86 Pittwater Road MANLY NSW 2095 Lot A DP 404316 , 86 Pittwater Road MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of three allotments located on the north-eastern corner of Pittwater Road and Steinton Street.</p> <p>The site is irregular in shape with a frontage of 40.73m along Pittwater Road and a secondary frontage of 30.48m to Steinton Street.</p> <p>The site is located within the R3 Medium Density Residential zone and accommodates an existing service station.</p> <p>The site is generally flat.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by a mix of residential and commercial development.</p>

Map:



## SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

DA0150/1997 - Upgrade service station to include convenience store - Approved 1 August 1997.

DA0115/1999 - Refurbish building and upgrade signage - 17 July 1999.

DA0437/2008 - Increase in height of canopy of the existing service station - Approved 20 April 2009.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal includes a fitout and new signage and facade treatments to the existing building.

The proposed signage is comprised of:

- Two awning fascia signs to the western elevation
- Two flush wall signs to the western elevation
- Two flush wall signs to the southern elevation
- One pylon sign containing 4 signage panels
- One pylon sign containing one signage panel

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

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

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

are:

Section 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</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>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 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</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>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 insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;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 Matters for Consideration'	Comments
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> 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) <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
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	

Internal Referral Body	Comments		
(Contaminated Lands)	Was sufficient documentation provided appropriate for referral?		YES
	Is the site potentially contaminated?		Yes
	Are the reports undertaken by a suitably qualified consultant?		N/A
	Do the reports reflect the requirements of SEPP 55 & Guidelines for Assessing Contaminated Sites?		N/A
	Is the site potentially contaminated?		N/A
	Have you considered the list of potential contamination sites where phase 1 is required under SEPP55?		N/A
	Does the information submitted, and/or imposition of conditions, allow the the site to be validated safe for its intended use?		YES
	<b>General Comments</b>		
	The proposed signage should not disturb any contaminated soils		
	<b>Recommendation</b>		APPROVAL - no conditions
Comments completed by: James Montgomery			
Date: 29 May 2018			
Strategic & Place Planning (Heritage Officer)	<u>Planning Comments:</u>		
	The proposed "Flexface" wall sign to the southern elevation is conditioned to be deleted as per the Heritage comments below. Further discussion of heritage impact is completed under Clause 3.2.		
	<b>HERITAGE COMMENTS</b>		
	Discussion of reason for referral		
	Site is in Pittwater Road hca.		
	<b>Details of heritage items affected</b>		
	as above		
	<b>Other relevant heritage listings</b>		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Y/N	n/a
	Australian Heritage	Y/N	n/a



Internal Referral Body	Comments		
	Register		
	NSW State Heritage Register	Y/N	n/a
	National Trust of Aust (NSW) Register	Y/N	n/a
	RAIA Register of 20th Century Buildings of Significance	Y/N	n/a
	Other	Y/N	n/a
	Consideration of Application		
	<p>Proposal is for re-fit-out of extant service station. This is within acceptable limits of heritage impact, subject to:</p> <ul style="list-style-type: none"> <li>- schedule of colours and signage to be submitted for approval of Council's heritage advisor, and</li> <li>- flex-signage to be deleted from proposal.</li> </ul>		
	Further Comments		
	<p>COMPLETED BY: Zoran Popovic</p> <p>DATE:</p>		

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)\*

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

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

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

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

### SEPP 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 proposed signage is generally consistent with the existing signage on the site and will not unreasonably impact the future character of the locality.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the existing advertising theme.	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?	The proposal will not unreasonably detract from the amenity or visual quality of the nearby heritage items or broader conservation area. Council's Heritage Officer had no objections to the proposed signage, subject to the deletion of the "Flexface" wall sign to the southern elevation.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage is to be attached to the existing facade and signage panels on the site and will not obscure or compromise any important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal will not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal will not obscure any surrounding advertising.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is consistent in scale, proportion and form with the existing signage on the site.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will contribute to the visual interest of the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal will not result in any visual clutter.	YES
Does the proposal screen unsightliness?	No screening of unsightliness is considered necessary.	YES
Does the proposal protrude above buildings, structures or tree canopies in	The proposed signage does not protrude above the height of the existing building or signage	YES



the area or locality?	panels.	
<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 proposal is consistent with the characteristics of the building and site.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage will not unreasonably impact any important features on the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage and upgrades to the building facade will improve the appearance of the site and building.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No, the internal illumination will not result in any safety or amenity impacts and is proposed to comply with relevant Australian Standards.	YES
Can the intensity of the illumination be adjusted, if necessary?	No. The proposed signage is not considered to result in any unreasonable visual impact.	YES
Is the illumination subject to a curfew?	The proposed signage is proposed to be illuminated only during trading hours of the business.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage will not unreasonably impact road safety.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the proposed signage in the vicinity of the site boundaries is attached to the existing signage panels.	YES

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

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject property is located within the Sydney Harbour Catchment therefore the provisions of this plan apply to this development.

An assessment of the proposal against Clause 2(1) (aims of the SREP), Clause 13 (nominated

planning principles) and Clause 21 (relating to biodiversity, ecology and environmental protection) has been undertaken. The proposal is considered to be consistent with the above provisions of the SREP. Given the scale of the proposed modification and the works proposed referral to the Foreshores and Waterways Planning and Development Advisory Committee was not considered necessary.

### 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

### Principal Development Standards

The are no Principal Development Standards under Part 4 to consider as part of this assessment.

### Compliance Assessment

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes
Schedule 5 Environmental heritage	Yes

### Detailed Assessment

#### 5.10 Heritage conservation

Council's Heritage Officer raised no objection to the proposal, subject to recommended conditions of consent. The conditions are included as recommended.

#### 6.1 Acid sulfate soils

Clause 6.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 4, as indicated on Council's Acid Sulfate Soils Planning Map.

Works at depths beyond 2.0m below the natural ground surface and/or works by which the watertable is likely to be lowered more than 2.0 metre below the natural ground surface within a Class 4 acid sulfate soil area are required to be assessed to determine if any impact will occur.

The proposal includes no further excavation of the site.

## 6.2 Earthworks

The proposal includes no further excavation of the site.

## 6.9 Foreshore scenic protection area

The proposal includes changes to the existing signage and facade, and will result in no unreasonable impact on visual aesthetic amenity or views to and from the Pacific Ocean and Manly foreshore.

## Manly Development Control Plan

### Built Form Controls

Built Form Controls	Requirement	Proposed	Complies
4.4.3 Signage	2 signs	11	No

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
4.4.3 Signage	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

### Detailed Assessment

## 3.2 Heritage Considerations

Council's Heritage Officer commented that the proposed "Flexface" wall signage is beyond the acceptable limits of heritage impact. The proposed location, size and design of the "Flexface" sign is also considered unreasonable from a planning perspective. No further objection was raised in relation to heritage subject to conditions of consent, which are included as recommended.

## 4.4.3 Signage

### Description of non-compliance

The proposed number of signs is non-compliant with the controls of this Clause.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control 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.*

*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.*

*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.*

*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.*

*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.*

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

*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:

The proposed signage is generally consistent with the existing signage in terms of location and quantity, and will not detract from the visual amenity of the surrounding area or Municipality. The proposal does not result in excessive, unnecessary signage, visual clutter or confusion as the site is exceptionally large and has multiple street frontages. The new signage is located consistently with the existing signage and signage structures, which is set back from the property boundaries. The signage is effective in communicating the facilities and goods and services and is of high graphic and textural quality. The proposal will not unreasonably impact the nearby heritage items or broader conservation area. The proposed Flexface signage to the southern elevation is conditioned to be deleted as per the recommendation of Council's Heritage Officer.

#### **4.4.5 Earthworks (Excavation and Filling)**

The proposal includes no further excavation of the site.

#### **5.4.1 Foreshore Scenic Protection Area**

The proposal includes changes to the existing signage and facade, and will result in no unreasonable impact on visual aesthetic amenity or views to and from the Pacific Ocean and Manly foreshore.

#### **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**

S94 Contributions are not applicable to 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;
- 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 DA2018/0844 for Alterations and additions to the existing service station and signage. on land at Lot 1 DP 115663, 86 Pittwater Road, MANLY, Lot 1 DP 970249, 86 Pittwater Road, MANLY, Lot A DP 404316, 86 Pittwater 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A100 Proposed Site Plan	8 May 2018	Project Consultants WA
A216 Elevations E & F	8 May 2018	Project Consultants WA
A217 Elevations G & H	8 May 2018	Project Consultants WA
S110 Signage Details - ID Sign & Street Promo Sign	8 May 2018	Project Consultants WA
S111 Signage Details - Building Fascia & Air & Water	8 May 2018	Project Consultants WA

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

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

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

2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the



following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
  - A. the name and licence number of the principal contractor, and
  - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

### 3. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are

breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by 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**

### **4. 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**

### **5. Deletion of Signage**

The proposed "Flexface" wall sign to the southern elevation is to be deleted. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To minimise the visual impact of the proposal on the surrounding heritage items and heritage conservation area. (DACHECPCC1)

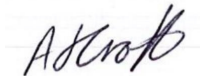
6. **Schedule of colours and finishes**

A schedule of colours and finishes for the proposal is to be submitted to Council's Heritage Officer for approval prior to the issue of the Construction Certificate.

Reason: To ensure the proposal is consistent with the character of the surrounding heritage items and heritage conservation area. (DACHECPCC2)

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

**Signed**




**Adam Croft, Planner**

The application is determined under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**



**ATTACHMENT A**

Notification Plan	Title	Date
 2018/322945	Plan - Notification	21/05/2018

**ATTACHMENT B**

Notification Document	Title	Date
 2018/327616	Notification Map	29/05/2018

## ATTACHMENT C

Reference Number	Document	Date
 2018/322943	Report - Statement of Environmental Effects	21/05/2018
 2018/322946	Plans - Master Set	21/05/2018
 2018/322944	Report - Waste Management Plan	21/05/2018
 2018/322945	Plan - Notification	21/05/2018
 DA2018/0844	86 Pittwater Road MANLY NSW 2095 - Development Application - Alterations and Additions	23/05/2018
 2018/311290	DA Acknowledgement Letter - Caltex Oil (Australia) Pty Ltd	23/05/2018
 2018/322942	Builders Quote	23/05/2018
 2018/322940	Development Application Form	28/05/2018
 2018/322941	Applicant Details	28/05/2018
 2018/323211	Power of Attorney	28/05/2018
 2018/327764	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0844 - 86 Pittwater Road MANLY NSW 2095	29/05/2018
 2018/330348	Environmental Health (Contaminated Lands) - Assessment Referral - DA2018/0844 - 86 Pittwater Road MANLY NSW 2095	29/05/2018
 2018/326760	Environmental Health Referral Response - contaminated lands	29/05/2018
 2018/327195	ARP Notification Map	29/05/2018
 2018/327573	DA Acknowledgement Letter (not integrated) - Caltex Oil (Australia) Pty Ltd	29/05/2018
 2018/327616	Notification Map	29/05/2018
 2018/327622	Notification Letter - 42	29/05/2018
 2018/334005	Heritage Referral Response	31/05/2018
 2018/338400	Building Assessment Referral Response	04/06/2018
 2018/378303	Enquiry - Section 94 Contributions - CDC180026NBC - 86 Pittwater Road Manly	21/06/2018
 2018/402255	Working Plans	02/07/2018
 2018/410051	Site Photos	05/07/2018