

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/1140
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Responsible Officer:	David Auster
Land to be developed (Address):	Lot 12 DP 1197725, 80 Evans Street FRESHWATER NSW 2096
Proposed Development:	Temporary Signage
Zoning:	LEP - Land zoned R2 Low Density Residential LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Mount Pritchard & District Community Club Ltd
Applicant:	Cerno Management Pty Ltd

Application lodged:	01/11/2016
Application Type:	Local
State Reporting Category:	Subdivision only
Notified:	07/11/2016 to 21/11/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 0.00
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

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Warringah Local Environmental Plan 2011 - 2.5 Additional permitted uses for particular land

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
Detailed Site Description:	<p>The signage that is the subject of this application is on the mobile van cafe which is parked at the south eastern corner of the Harbord Diggers Club. It is located on a raised levelled area adjacent to the carpark to the east of the club, and also adjacent to the southern pedestrian entrance to the club. There is a bus stop on the street in front of the mobile van cafe.</p> <p>There are residential flat buildings to the west of the area where the mobile van cafe is located, but the area is otherwise surrounded by public reserve to the south and east.</p>

Map:



SITE HISTORY

DA2015/0579 was approved by Council on 15/10/2015, and gave consent for temporary club facilities for a maximum period of 3 years from the date of the consent. The following condition was imposed:

Temporary Club Facility

Development consent is granted for the Alterations and Additions to the existing Registered Club (Harbord Diggers) to facilitate a Temporary Club facility with associated signage for a maximum temporary period of three (3) years from the date of this consent after which time the use is to cease and buildings are to be demolished.

An application pursuant to Section 96 of the Act may be submitted to Council for the continuation of the use of the buildings for the purposes of a temporary club facility prior to the expiration of the three (3) year period.

Reason: To prevent inconsistencies between development consents applying to the site.

The consent for DA2015/0579 also included the following condition:

Mobile van cafe

No approval is granted for the mobile van cafe. All reference to the mobile van cafe is to be deleted from the approved plans.

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

Reason: To ensure compliance with the Warringah Local Environmental Plan 2011.

However, the mobile van cafe (to which the signage in this application relates) was approved by Council on 31/03/2016 under a section 82A review of DA2015/0579 (REV2015/0028). The consent for REV2015/0028 also limited the hours of operation for the mobile van cafe to 7am to 9pm, any day of the week.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for the temporary erection of three (3) business identification signs along the eastern, southern and western façades of the small cafe located on the southern side of the Club building. The proposed signage will be temporary in nature and will be removed following the forecast closure of the temporary club facilities on 22 October 2018.

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 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (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>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>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&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>Clauses 93 and/or 94</u> 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><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. 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 clause is not relevant to this application.</p>
Section 79C (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) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) 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 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Submissions” in this report.

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Section 79C 'Matters for Consideration'	Comments
Section 79C (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 Warringah Development Control Plan.

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

Name:	Address:
Jade Andrew Hudson	12 / 75 Evans Street FRESHWATER NSW 2096

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

- Character
- Amenity or visual quality
- Illumination

The matters raised within the submissions are addressed as follows:

- Character
Comment: Concerns were raised regarding the compatibility of the signage with the existing or desired future character of the area, and that it does not reflect the current internal temporary club facilities. The signage is considered to be generally in character with the small temporary cafe that it advertises, which is a chrome silver caravan style cafe (or "mobile van cafe" as described under the Council approval REV2015/0028), located at the south eastern corner of the club. The signage is generally consistent with the style and feel of the mobile van cafe. Given that it is also temporary in nature, and is to be removed once the redevelopment of the club is complete, the character of the signage is considered acceptable. The submission is not supported in this regard.
- Amenity or visual quality
Comment: Concerns were raised that the illuminated sign detracts from amenity or visual quality of nearby residential development, and the wider area. The signage is relatively low to the ground, and is significantly lower than the height of the club overall. It is not considered to be highly visible in the wider area, and is a minimum of 30m-40m from the nearest residential building. As discussed above, the signage is considered to be generally in character with the design of the temporary mobile van cafe, and as a result is not considered to have any unreasonable visual impacts or impacts on general amenity in the area. The illumination of the sign will not cause an unreasonable impact on residential neighbours across the road to the south west, or to the wider area, during daylight hours. Conditions of consent will be imposed limiting the hours of illumination in accordance with the operating hours of the mobile van cafe, 7am to 9pm as previously approved under REV2015/0028. Subject to this

condition, the submission is considered to be reasonably satisfied.

- **Illumination**
Comment: Concerns were raised with the hours of illumination of the signage. The applicants have stated in the Statement of Environmental Effects that the level of illumination can be adjusted if necessary, and that they will accept any curfew enforced by Council. As discussed above, a condition is recommended to limit the hours of illumination to match the opening hours of the cafe (7am - 9pm daily). Subject to this condition, the submission is considered to be reasonably satisfied in this regard.

MEDIATION

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

REFERRALS

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

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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?	There is no desired future character statement for the area. The signage is consistent with the character of the temporary silver chrome mobile van to which it is attached, and which has been previously approved by Council. The design of the signage references the beach area and local surfing culture with a surfboard, and in this regard is considered to be in character with the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the area.	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 signage is relatively low to the ground, being attached to the top of the mobile van cafe, and is well below the height of the club. As such it is not considered to be in a highly visible location from much of the surrounding area. It will not have any unreasonable visual impacts on the area during daylight hours, and conditions of consent will ensure that the illumination of the sign is confined to operating hours of 7am to 9pm. Subject to this condition, the signage is considered acceptable with regard to visual impacts.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage is in a location at the south east corner of the club that does not obscure any views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is well below the overall height of the club adjacent, and will not dominate the skyline or quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	No other advertisers are obscured by the signage.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is installed on the existing mobile van cafe, and is of a size and scale that is appropriate.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is considered to contribute visual interest to the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No existing signage requires rationalisation. The signage is temporary, and will be removed upon completion of the works to the club.	YES
Does the proposal screen unsightliness?	No unsightliness requires screening.	YES
Does the proposal protrude above	The signage is installed on the mobile van cafe,	YES

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buildings, structures or tree canopies in the area or locality?	but is well below the height of the adjacent club, and generally below tree canopy in the surrounding area.	
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 signage is temporary in nature and is installed on the temporary mobile van cafe. It is of a scale and proportion consistent with the mobile van, and will remain well below the bulk of the club adjacent.	YES
Does the proposal respect important features of the site or building, or both?	The signage is appropriate to the style of the silver chrome mobile van cafe. It does not detract from any important features of the surrounding area.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is consistent with the character of the mobile van cafe, and as such is considered to be sufficiently innovative and imaginative.	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 name of the cafe and surfboard logo, and lighting devices are integrated into the signage.	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?	The illumination of the sign will not be highly noticeable or distracting during daylight hours. A condition is recommended to limit hours of illumination to opening hours (7am - 9pm), and subject to this condition, safety for pedestrians, vehicles or aircraft, and amenity for nearby residents is not considered to be unreasonably impacted upon.	YES
Can the intensity of the illumination be adjusted, if necessary?	Yes, the illumination can be adjusted if necessary.	YES
Is the illumination subject to a curfew?	Yes, a condition is recommended to limit illumination to between 7am to 9pm daily.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No, the signage is located slightly setback from the road, and does not block any sightlines between the road and carparking area to the east. It does not create any safety concerns.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, no sightlines will be obstructed.	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.

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 Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	4m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

2.5 Additional permitted uses for particular land

The land falls under item 13 of Schedule 1 of the WLEP2011, allowing for additional permitted uses. Development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) (but only if the facility, whether indoor or outdoor, operates in conjunction with a registered club) and registered clubs is permitted with consent. The signage is ancillary to the temporary mobile van cafe, which is itself ancillary to the club, and has been previously approved by Council. The signage is therefore considered to be permissible with consent.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	No new wall	N/A	N/A
B3 Side Boundary Envelope	SE 5m	Complies	N/A	Yes
B5 Side Boundary Setbacks	SE 0.9m	2.1m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	4.88m	24.92%	No
B9 Rear Boundary Setbacks	6m	No rear boundary	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	No change to building footprint	N/A	N/A

***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
A.5 Objectives	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
R2 - All other land in R2 Zone	No	Yes
D10 Building Colours and Materials	Yes	Yes
D23 Signs	No	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The signage is a minimum of 4.8m from the front boundary, and its location is dictated by the position of the mobile van cafe.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

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The signage maintains the existing setback of the mobile van cafe, and will not have any significant impact on the sense of openness in the vicinity.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The signage will maintain the setbacks of the mobile van cafe, and in this regard is considered to maintain the existing pattern of development and visual continuity.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The signage is considered to be in character with the chrome silver design of the mobile van cafe. It is of high quality design, and will not detract from the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

No views will be unreasonably impacted upon.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D23 Signs

Description of non-compliance and/or inconsistency

The application relates to 3 signs attached to the roof of the mobile van cafe. Signs on or above the roof or parapet of a building are generally not considered appropriate and are discouraged. The mobile van is not necessarily considered to be a 'building' as such, and will be removed once the works to the club are complete. The signage does not fall strictly under any of the categories listed in the control, and a merit assessment against the objectives is undertaken below.

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment: The signage is considered to be well designed, and in character with the chrome silver mobile van to which it is attached. The location on the van is suitable given it relates to the use of the van as a cafe.

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

Comment: The signage is considered to be well designed and coordinated, and uses high quality materials.

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

Comment: The signage is not considered to result in any significant adverse impacts on the streetscape or surrounding locality. It is well designed and is in character with the mobile van cafe.

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

Comment: The signage is not considered to result in an adverse impact to residential properties, the nearest of which is approximately 30m - 40m away. A condition is recommended to ensure the illumination of the signage is limited to the opening hours of the cafe (7am to 9pm). Subject to this condition, the signage will not have any unreasonable impacts on the amenity of neighbours.

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

Comment: The signage does not have any adverse impacts on nearby heritage items, including the Duke Kahanamoku Statue and Memorial Park to the east. The signage is relatively low to the ground, being much lower than the club building. Illumination will be limited to opening hours. It will not restrict any views to or from the heritage item. The general character of the signage which includes a surfboard logo is generally in character with the surf related heritage of the area.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

CONCLUSION

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

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- 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 DA2016/1140 for Temporary Signage on land at Lot 12 DP 1197725, 80 Evans Street, FRESHWATER, 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
DA-40 Issue B	24/06/2015	Cerno
DA-60 Issue B	24/06/2015	Cerno

NOTE: This approval relates only to the "Diggers Diner" Signage shown on the approved plans.

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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. **Limitation of Development Consent for Signage**

Pursuant to the provisions of State Environmental Planning Policy No 64-Advertising and Signage this development consent will expire 15 years after the date on which this Development Consent becomes effective and operates

Reason: Statutory requirement under State Environmental Planning Policy No 64-Advertising and Signage. (DACPLB08)

3. **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)

4. **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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) 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.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

NORTHERN BEACHES COUNCIL

(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 sewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

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

5. **Compliance with Standards**

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

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

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

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**

- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

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

6. **Hours of Illumination**

Illumination of signage the subject of this consent shall be limited to the approved opening hours of the mobile van cafe of 7am to 9pm daily. Illumination is to cease outside of these hours.

Signs must not flash or move.

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

7. **Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be kept to a low level, and the level of illumination is to be readily adjustable to ensure that excessive light spill or nuisance is not caused to any nearby premises.

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

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

David Auster, Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager

NORTHERN BEACHES COUNCIL

ATTACHMENT A













No notification plan recorded.

ATTACHMENT B

	Notification Document	Title	Date
	2016/362113	Notification Map	04/11/2016

NORTHERN BEACHES COUNCIL

ATTACHMENT C

Reference Number	Document	Date
 2016/360651	Plans - Master Set	19/10/2016
 2016/360647	Report - Statement of Environmental Effects	21/10/2016
 DA2016/1140	80 Evans Street FRESHWATER NSW 2096 - Development Application - Alterations and Additions	01/11/2016
 2016/360618	Development Application Form	03/11/2016
 2016/360627	Applicants Signature	03/11/2016
 2016/360650	Plans - Internal	03/11/2016
 2016/360649	Plans - External	03/11/2016
 2016/361475	DA Acknowledgement Letter - Cerno Management Pty Ltd	04/11/2016
 2016/362113	Notification Map	04/11/2016
 2016/362137	Notification Letter - 201 posted 07/11/2016	04/11/2016
 2016/380934	Online Submission - Hudson	21/11/2016
 2016/407694	DA update	15/12/2016