

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2017/0546
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<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 3 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot B DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 2 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 209503, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 3 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 10 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 339410, 884 - 896 Pittwater Road DEE WHY NSW 2099
<b>Proposed Development:</b>	Installation of Business Identification, Building Identification and Directional Signage
<b>Zoning:</b>	LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use
<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>	Karimbla Properties (No41) Pty Ltd
<b>Applicant:</b>	Karimbla Constructions Services (Nsw) Pty Ltd

<b>Application lodged:</b>	07/06/2017
<b>Application Type:</b>	Local

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<b>State Reporting Category:</b>	Mixed
<b>Notified:</b>	15/06/2017 to 03/07/2017
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 200,000.00
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## ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon 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

Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 3 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot B DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 7 DP 8172 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212 , 884 - 896 Pittwater Road DEE WHY</p>
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	<p>NSW 2099 Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 339410 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
<b>Detailed Site Description:</b>	<p>The subject site is known as the Dee Why Town Centre and is presently undergoing a significant construction phase of car parking, commercial and residential development.</p> <p>The site is bound to the north by Howard Aveune, south by Oaks Avenue and east by Pittwater Road.</p> <p>Given the present construction works, the site has no topographical features or landscaping present.</p>

Map:



## SITE HISTORY

The subject site has numerous applications related to it largely involving the construction of the Dee Why Town Centre development including 2 towers.

This subject application is a part of the town centre, but it not subordinate to any other applications. There are therefore no other relevant applications to this proposal.

## PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for the erection of business identification, business and directional signage around the Dee Why Town Centre site. A total of 62 individual signs are proposed comprising of the following formats:

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- Business signage for Woolworths supermarket
- Business signage for other retail tenancies
- Business identification signage
- Directional signage (pedestrian and vehicular)

The Details of the each specific sign is included in the table below:

Reference	Quantum	Sign Type	Sign Type - WLEP 2011	Width (mm)	Height (mm)
<b>Wayfinding Signage (Vehicular)</b>					
VH01	1	Business identification sign	Wall sign	2000	8060
VH02	1	Business directory sign	Freestanding sign	1.275	4.2m
VH03	2	Directional sign	Freestanding sign	3100	1350
VH04	2	Information sign	Wall sign/under awning sign	5750	800
VH05	2	Information sign	Wall sign	6000	800
<b>Wayfinding Signage (Pedestrian)</b>					
PD01	2	Business directory sign	Freestanding sign	1125	3750
PD02	1	Business directory sign	Freestanding sign	1075	3000
PD03	4	Business directory sign	Freestanding sign	1775	2050
PD04	1	Information sign	Projecting wall sign	400	400
RS01	4	Business identification sign	Under awning sign	1500	400
RS02	1	Business identification sign	Projecting wall sign	1500	400
<b>Business Identification Signage</b>					
RT01	13	Business identification sign	Wall sign	1500	400
RT01-WW	4	Business identification sign	Wall sign	6270	1250
RT01-BWS	1	Business identification sign	Wall sign	2131	812
RT02	19	Business identification sign	Under awning sign	1500	400
Unspecified	4	Business identification sign	Projecting wall sign	2500	400

The applicant was requested to provide additional information and amend the height of two specific signs that are proposed, which are:

1. VH01 - Lighthouse wall sign;
2. VH02 - Pedestrian Directory sign.

The applicant responded by lodging amended plans, on 24 August 2014 which shows a reduction of the Polyn sign (VH02) from 8m to 4.2m. However, no details have been provided in relation to the Lighthouse sign therefore given that there is insufficient information provided in relation to that sign, a condition has been included to delete the Lighthouse sign from the application.

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:

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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)(iia) – 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&amp;A Regulation 2000 requires the consent authority to consider “Prescribed conditions” of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This 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>
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><b>(i) Environmental Impacts</b> 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><b>(ii) Social Impacts</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impacts</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 79C (1) (c) – the suitability of the site for	The site is considered suitable for the proposed development.

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Section 79C 'Matters for Consideration'	Comments
the development	
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
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 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
Parks, reserves, beaches, foreshore	No objections raised to the proposed signage, and no conditions recommended.
Strategic Planning - Urban Design	The proposed signages fit well within the building and urban context. The proposal is acceptable in that respect.

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.
NSW Roads and Maritime Services - (SEPP 64 signage)	The NSW RMS has reviewed the proposal and raises no objections, subject to conditions requiring all signs to be erected entirely within the freehold property (unlimited in height of depth) and clear of the Pittwater Road boundary.

## 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:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<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?  Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the desired design outcome of the Dee Why Town Centre site and is of a scale commensurate to surrounding sites and development which ensures consistency and compatibility with the general theme for outdoor signage in the vicinity.	<b>YES</b>
<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?	No.	<b>YES</b>
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?  Does the proposal dominate the skyline and reduce the quality of vistas?  Does the proposal respect the viewing rights of other advertisers?	The proposed signage is not of a height of scale which would be considered to obscure or compromise any existing views enjoyed by surrounding properties, and is of a scale commensurate to that of the overall Dee Why Town Centre development which is considered appropriate for signage.  The signage is not unreasonably impacting upon the viewing rights of other advertisers.	<b>YES</b>
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?  Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is for the Dee Why Town Centre development site and its associated businesses and is for the purpose of wayfinding and business identification. The signage is commensurate to the scale and proportion of the surrounding development and streetscape and provides visual interest through its high-quality design.	<b>YES</b>

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Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The use of multi-purpose signage boards reduces clutter of each premise having individual signage and is integrated with the overall landscape master plan for the site, thereby being of a scale compatible with the height of future vegetation.	
Does the proposal screen unsightliness?		
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		
<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 proposed signage is compatible with the overall scale of the development site and is proportionate to other similar signage in the Dee Why area.  The signage is an integrated part of the design and thereby does not detract from the architecture and overall design concept of the vicinity. The relationship of the signage to the site serves as both a site identification means, business identification and wayfinding device thereby assisting the public and users of the domain.	<b>YES</b>
Does the proposal respect important features of the site or building, or both?		
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
<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.	<b>YES</b>
<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?	All signage proposed with the application incorporates internal illumination in the logos and lettering. The illumination is not of an intensity or of a scale which would cause unacceptable glare that could pose as a safety risk for pedestrians, vehicles or aircraft.  The signage will not have any adverse impacts on surrounding residential properties by virtue of glare, given that the signage is generally wholly internal of the Dee Why Town Centre site.  The level of illumination cannot be adjusted and is not subject to a curfew.	<b>YES</b>
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage will not reduce the safety for any pedestrians, drivers, bicyclists or the like and will not unreasonably obscure any existing or approved future pathways.	<b>YES</b>
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		

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

This development application is for signage only and as such, does not warrant an assessment against the applicable Principal Development Standards. All signage is located wholly within the subject site.

## Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
6.3 Flood planning	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes
7.11 Town Square and pedestrian connections	Yes
7.12 Provisions promoting retail activity	Yes

## **Warringah Development Control Plan**

### Built Form Controls

This development application is for signage only and as such, does not warrant an assessment against the applicable built form controls. All signage is located wholly within the subject site.

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## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D23 Signs	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

### D23 Signs

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

The application proposes sixty-two (62) pieces of signage consisting of the following:

Reference	Quantum	Sign Type	Sign Type - WLEP 2011	Width (mm)	Height (mm)	Complies
<b>Wayfinding Signage (Vehicular)</b>						
VH01	1	Business identification sign	Wall sign	2000	8060	<b>No*</b> <b>To be deleted from the application, by way of a condition</b>
VH02	1	Business directory sign	Freestanding sign	2350	4.2	<b>No</b>
VH03	2	Directional sign	Freestanding sign	3100	1350	<b>Yes</b>
VH04	2	Information sign	Wall sign/under awning sign	5750	800	<b>No</b>
VH05	2	Information sign	Wall sign	6000	800	<b>Yes</b>
<b>Wayfinding Signage (Pedestrian)</b>						
PD01	2	Business directory sign	Freestanding sign	1125	3750	<b>No</b>
PD02	1	Business directory sign	Freestanding sign	1075	3000	<b>No</b>
PD03	4	Business directory sign	Freestanding sign	1775	2050	<b>No</b>
PD04	1	Information sign	Projecting wall sign	400	400	<b>Yes</b>
RS01	4	Business identification sign	Under awning sign	1500	400	<b>No</b>
RS02	1	Business identification sign	Projecting wall sign	1500	400	<b>Yes</b>

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Business Identification Signage						
RT01	13	Business identification sign	Wall sign	1500	400	Yes
RT01-WW	4	Business identification sign	Wall sign	6270	1250	Yes
RT01-BWS	1	Business identification sign	Wall sign	2131	812	Yes
RT02	19	Business identification sign	Under awning sign	1500	400	No
Unspecified	4	Business identification sign	Projecting wall sign	2500	400	Yes

The proposed signage does not strictly comply with the criteria (requirements) of Cl. 23 of the DCP. Notwithstanding any numerical non-compliance (including the length of signage or heights of freestanding sign), the signage proposed is of a scale and design that is consistent and appropriate for the overall Dee Why Town Centre development site.

- *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 of a scale and design that is consistent with both the approved development on the site and the surrounding area. The well-designed signs are in appropriate locations to facilitate the orderly wayfinding and business identification throughout the site and reasonably relates to the identification of a land use, business or activity.

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

Comment: The signage proposed is all well designed and coordinated in scale, distribution and use and is of high-quality materials that are consistent with the general design of the overall site development.

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

Comment: The proposed signage is of a high-quality design that is compatible in terms of scale and material with that of the recently approved town center development and the greater Dee Why vicinity. The signage will enhance the quality of the streetscape and prove functionally vital as a directional mechanism.

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

Comment: The signage is not in locations or of a scale that would cause any detrimental or unreasonable amenity impact on any surrounding residential properties.

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

Comment: The signage proposed is not considered inappropriate as the scale and size are commensurate the to the overall scale of the greater development, and it serves the purpose of business identification and wayfinding which will be beneficial to the community within the public domain.

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

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 200,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.45%	\$ 900
Section 94A Planning and Administration	0.05%	\$ 100
Total	0.5%	\$ 1,000

## CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP

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- 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 DA2017/0546 for Installation of Business Identification, Building Identification and Directional Signage on land at Lot 3 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot B DP 371110, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 371110, 884 - 896 Pittwater Road, DEE WHY, Lot 2 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 212382, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 209503, 884 - 896 Pittwater Road, DEE WHY, Lot 7 DP 8172, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 307937, 884 - 896 Pittwater Road, DEE WHY, Lot 3 DP 307937, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 416469, 884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 504212, 884 - 896 Pittwater Road, DEE WHY, Lot 10 DP 231418, 884 - 896 Pittwater Road, DEE WHY, Lot 11 DP 231418, 884 - 896 Pittwater Road, DEE WHY, Lot A DP 339410, 884 - 896 Pittwater Road, DEE WHY, 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
Signage Locations 2 / 30 Issue 6	18 August 2017	The Blue Print
External Signage Suite 3 / 30 Issue 6	18 August 2017	The Blue Print
East Building Elevations 4 / 30 Issue 6	18 August 2017	The Blue Print
East Building Elevations 5/ 30 Issue 6	18 August 2017	The Blue Print
East Building Elevations 6/ 30 Issue 6	18 August 2017	The Blue Print
East Building Elevations 7 / 30 Issue 6	18 August 2017	The Blue Print
West Building Elevations 8 / 30 Issue 6	18 August 2017	The Blue Print
West Building Elevations 9/ 30 Issue 6	18 August 2017	The Blue Print
West Building Elevations 10 / 30 Issue	18 August 2017	The Blue Print
West Building Elevations 11 / 30 Issue 6	18 August 2017	The Blue Print
High Level Development ID 13 / 30 Issue 6	18 August 2017	The Blue Print
Primary Pylon Sign 14 / 30 Issue 6	18 August 2017	The Blue Print
Car Park Entry ID - Cantilevered 15 / 30 Issue 6	18 August 2017	The Blue Print
Car Park Entry ID - Wall Mounted 16 / 30	18 August 2017	The Blue Print

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Issue 6		
Loading Dock Entry ID 17 / 30 Issue 6	18 August 2017	The Blue Print
Loading Dock Entry ID - Woolworths 18 / 30 Issue 6	18 August 2017	The Blue Print
Pedestrian Development ID 19 / 30 Issue 6	18 August 2017	The Blue Print
Pedestrian Directory 20 / 30 Issue 6	18 August 2017	The Blue Print
Pedestrian Directional 21 / 30 Issue 6	18 August 2017	The Blue Print
Amenity ID 22 / 30 Issue 6	18 August 2017	The Blue Print
Tenant Shopfront ID - Wall Mounted 23 / 30 Issue 6	18 August 2017	The Blue Print
Tenant Shopfront ID - Woolworths 24 / 30 Issue 6	18 August 2017	The Blue Print
Tenant Shopfront ID - BWS 25 / 30 Issue 6	18 August 2017	The Blue Print
Tenant ID - Under Awning 26 / 30 Issue 6	18 August 2017	The Blue Print
Tenant ID - Cantilevered 27 / 30 Issue 6	18 August 2017	The Blue Print
Residential Entry ID - Under Awning 28 / 30 Issue 6	18 August 2017	The Blue Print
Residential Entry ID - Cantilevered 29 / 30 Issue 6	18 August 2017	The Blue Print

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. **Amendments to the approved plans**

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

- Sign number VH01 - Lighthouse 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 development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

## 3. **No Approval for any Signage above the parapet / roof line**

No approval is granted under this Development Consent for the erection of any advertising or business identification signage located above the roof/parapet line. All signage above the roof/parapet shall be deleted.



Reason: Compliance with Warringah Local Environment Plan. (DACPLB07)

#### 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) 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](http://www.warringah.nsw.gov.au)

(n) 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.

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(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)

## FEES / CHARGES / CONTRIBUTIONS

### 6. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 200,000.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.45%	\$ 900.00
Section 94A Planning and Administration	0.05%	\$ 100.00
Total	0.5%	\$ 1,000.00

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

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

### 7. Security Bond

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

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

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

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

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

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

### 8. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (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\*\*

\*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](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

### 9. Illumination Intensity and design

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

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

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properties. (DACPLG12)

10. **Signs/Goods in the Public Way**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: To ensure pedestrian safety and to protect the streetscape. (DACPLG15)

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**



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**Lashta Haidari, Principal Planner**

The application is determined under the delegated authority of:



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**Rodney Piggott, Manager Development Assessments**

01/09/17



## ATTACHMENT A















No notification plan recorded.

## ATTACHMENT B

	Notification Document	Title	Date
2017/189459	Notification Map	14/06/2017	

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## ATTACHMENT C

Reference Number	Document	Date
 2017/182430	Annexure 1 - Site Survey	10/10/2016
 2017/182432	Plans Master Set - Annexure 2 - proposed plans	11/05/2017
 2017/182429	Report - Statement of Environmental Effects	29/05/2017
 DA2017/0546	884-896 Pittwater Road DEE WHY NSW 2099 - Development Application - Alterations and Additions	07/06/2017
 2017/181947	DA Acknowledgement Letter - Karimbla Constructions Services (Nsw) Pty Ltd	07/06/2017
 2017/182427	Development Application Form	07/06/2017
 2017/182428	Applicant Details	07/06/2017
 2017/182434	Plans - Signage Details	07/06/2017
 2017/182433	Plans - Signage	07/06/2017
 2017/189459	Notification Map	14/06/2017
 2017/189577	Notification Letter - 559	14/06/2017
 2017/207814	Parks, Reserves and Foreshores Referral Response	30/06/2017
 2017/209399	Referral - Roads and Maritime Service - 884-896 Pittwater Road Dee Why	03/07/2017
 2017/273331	Urban Design Referral Response	07/08/2017