

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/1322
----------------------------	-------------

<b>Responsible Officer:</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 1 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 2 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 3 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 4 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 5 DP 7022, 29 Moore Road FRESHWATER NSW 2096
<b>Proposed Development:</b>	Construction of signage
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
<b>Development Permissible:</b>	Yes, under Clause 2.5 of the WLEP
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Harbord Hotel Holdings Pty Ltd
<b>Applicant:</b>	Boston Blyth Fleming Pty Ltd

<b>Application Lodged:</b>	19/10/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	29/10/2020 to 12/11/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 26,000.00
---------------------------------	--------------

### PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the upgrade of existing signage and new signage. In detail, this involves:

- Replacement of LED lettering above the main entry
- Painted signage on partition in the beer garden
- Replacement of signage mounted on a post
- Graphic mural to the bottle shop glazing

- Illuminate acrylic lettering to bottle shop awning.

## ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 2 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 3 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 4 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 5 DP 7022 , 29 Moore Road FRESHWATER NSW 2096
<b>Detailed Site Description:</b>	<p>The subject site consists of an allotment located on the corner of Moore Road and Charles Street.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a hotel on site.</p> <p>The site contains a courtyard to Moore Road and a car park entrance to Charles Street.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by residential development.</p>

Map:



## SITE HISTORY

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

- DA1986/209- Alterations to the Harbord Beach Hotel involving tiling of front entrance, additional driveway, games area, new bar and counter space approved on 29 July 1986
- DA2001/0614- Retractable awnings to garden area approved on 16 October 2001.
- DA2005/912- Enclosed vergola over courtyard approved on 26 July 2006.
- DA2006/1130- Addition of a Terrace approved on 19 July 2007.
- DA2015/0061- Alterations and additions to existing commercial building (hotel) approved on 6/05/2015 (replacement of timber lattice with glass structure)
- DA2020/0468 - Alterations and additions to the hotel approved on 24/06/2020.

## PLM2020/0069

A Pre-Lodgement meeting was held on 16 April 2020. Advice was given in regard to acoustic treatment of the hotel and presentation of the hotel in relation to heritage. There has been adequate consideration of this advice given in the proposed fit out and treatment of the building.

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

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) –	Draft State Environmental Planning Policy (Remediation of Land)

Section 4.15 Matters for Consideration'	Comments
Provisions of any draft environmental planning instrument	seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for commercial purposes for an extended period of time. The proposed development retains the commercial use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>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 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</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 Impact</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 Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

### **BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.

### **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject development application has been publicly exhibited from 29/10/2020 to 12/11/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

<b>Name:</b>	<b>Address:</b>
Mr Jeffrey Kenneth Bembrick	3 / 27 Moore Road FRESHWATER NSW 2096

The matters raised within the submissions are addressed as follows:

- Request for conditions to limit adverse impacts of signage; request for condition to restrict lighting (particularly in later hours)

Comment:  
Council's Heritage officer has provided conditions which provide a reasonable control on the impact of signage. Further, a condition has been imposed to ensure lighting associated with signage is switched off outside of operational hours.
- Issue regarding spotlight at upper level being left on

Comment:  
This issue was been sent to Council's Environmental Health team to investigate. Council's Environmental officer responded by stating that there is no delegated authority under any environmental or public health legislation for lighting. As such, the issues should be referred to the Principal Cerifying Authority if is relation to Australian Standards, otherwise to Community Justice Centres for mediation.
- Signage will encourage increase to extent and intensity of activity on the site

Comment:  
As a result of the signage being of an appropriate size and scale (as further discussed in this report), the proposed signage would not encourage increase to extent and intensity of activity to any unreasonable level.
- Ongoing concerns to disturbance of neighbourhood amenity and noise issues; Inadequate assessment of noise in previous applications

Comment:  
Conditions have been imposed on previous applications to reduce the impact of the development on surrounding residential amenity.
- Assessment should involve consideration of size, position, messaging and lighting

associated with signage

Comment:

This assessment is made in this report under *SEPP 64 - Advertising and Signage* and *D23 - Signs* under the WDCP.

- Request for restriction of marketing signage

Comment:

A condition is imposed to remove existing signage and this provides a reasonable control on the amount of signage.

- Objection to advertising signage on Freshwater surf club

Comment:

This issue has been sent to Council's Heritage officer to investigate.

## REFERRALS

Internal Referral Body	Comments	
Strategic and Place Planning (Heritage Officer)	<b>HERITAGE COMMENTS</b>	
	Discussion of reason for referral	
	This proposal has been referred to Heritage as it is a listed heritage item, being <b>Item 174 - Harbord Beach Hotel</b> , at 29 Moore Road, Freshwater, which is listed in Schedule 5 of Warringah Local Environmental Plan 2011.	
	<b>Details of heritage items affected</b>	
	Details of this heritage item, as contained within the Warringah Heritage Inventory, are:	
	<b>Item 174 - Harbord Beach Hotel</b>	
	<u>Statement of Significance:</u>	
	A rare example of an Inter-war hotel building which shows influences of the Californian bungalow style. Historically provides evidence of the early development of social & recreational facilities to serve the growing population. Local landmark.	
	<u>Physical Description:</u>	
	Two storey building with rendered masonry walls. Tiled hipped, jerkin headed & gabled roof. Terrace on first floor supported by arcaded verandah. A number of modifications include surrounding wall, beergarden, bottle shop extension & window modifications.	
<b>Other relevant heritage listings</b>		
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
Australian Heritage Register	No	

Internal Referral Body	Comments		
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	<b>Consideration of Application</b>		
	<p>The proposal seeks consent for replacing the existing signage with the new signage including the replacement of the 3D lettering above the main entry, replacement of the existing pole signage in front of the Bottle Shop, replacement of the existing hamper sign near Charles Street entry and hand painted sign to replace existing wall mounted signs either side of the vehicular access to the bottle shop and patrons' car park. The proposed new signage includes; a new mural to the Bottle Shop glazing; illuminated acrylic lettering to the bottle shop awning; a new freestanding decorative partition signage located within the beer garden and a new hand painted signage to the top of the gable facing Charles Street.</p> <p>A general conservation policy for new signs on heritage buildings is to minimise their impact on the cultural significance of the heritage buildings and conservation areas, and consideration should be given to the location and design of new signs, so that they do not intrude upon the visual quality of the building or its setting. It is understood that all existing signage will be removed, some of them will be replaced and there is one new sign to the top of the gable facing Charles Street and a free standing new sign win the beer garden.</p> <p>Overall, it is considered that generally the proposed signage is compatible with the general conservation policy and the low scale character of Freshwater, however, it is recommended to lower the height of the proposed pylon signage in front of the bottle shop, to be the same height as existing pylon.</p> <p>Therefore, no objections are raised on heritage grounds subject to two conditions.</p> <p><u>Consider against the provisions of CL5.10 of WLEP 2011.</u>            Is a Conservation Management Plan (CMP) Required? No            Has a CMP been provided? No            Is a Heritage Impact Statement required? Yes            Has a Heritage Impact Statement been provided? Yes</p>		
	<b>Further Comments</b>		
	COMPLETED BY: Oya Guner, Heritage Advisor		

Internal Referral Body	Comments
	DATE: 20 November 2020

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

### SEPP 64 - Advertising and Signage

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

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

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

Matters for Consideration	Comment	Complies
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is for signage to an existing pub in a residential zone which is listed as an additional permissible use under the WLEP 2011. The proposed maintains signage appropriate for a pub, and also minimises total extent in number and size of signs to respect the residential character.	YES
Is the proposal consistent with a	The proposal maintains signage that appropriately	YES



particular theme for outdoor advertising in the area or locality?	meets the theme for advertising of the existing pub.	
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signs are of a scale that matches existing elements of the building and does not protrude away from the building to an extent in which the visual amenity of the coastal area would be negatively impacted.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage is generally attached or close to the existing building and would not have any unreasonable impact on views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs are at the level of the existing pub and would not have an unreasonable impact on vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	As the proposed additional permissible use is in a residential zone, the proposed signage does not have an unreasonable impact on other advertisers.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Given the existing pub is on a relatively large lot as compared to the surrounding lots, the proposal for 6 new signs is an appropriate amount for the streetscape and setting.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage adds elements of architectural interest to the existing pub building.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	A condition has been imposed which includes a requirement to remove existing signage.	YES
Does the proposal screen unsightliness?	The proposal does not introduce any unsightliness due to reasonable bulk and scale.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage remains below tree canopies and generally within the confines of the existing building envelope and footprint	YES
<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 signage provides information and marketing for the existing pub. This is appropriate for the commercial use.	YES
Does the proposal respect important features of the site or building, or both?	The proposal respects the Heritage value of the site subject to conditions provided by Council's Heritage officer.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The different types of signs on the site displays innovation.	YES
<b>6. Associated devices and logos with advertisements and advertising</b>	NO	N/A

<p><b>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?</p>		
<p><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?</p>	<p>No, as a result of the scale and location of the illuminated signage (not too far from ground level).</p>	<p>YES</p>
<p>Can the intensity of the illumination be adjusted, if necessary?</p>	<p>Yes, subject to conditions.</p>	<p>YES</p>
<p>Is the illumination subject to a curfew?</p>	<p>Yes, subject to conditions.</p>	<p>YES</p>
<p><b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>As a result of the signage being maintained generally within the confines of the existing footprint, and due to appropriate size and colouring, there would be no unreasonable safety impact.</p>	<p>YES</p>

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

### SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

#### 11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The signage would not have an unreasonable impact on coastal wetlands or rainforest.

#### 12 Development on land within the coastal vulnerability area

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is*

satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
  - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

Comment:

The proposal will not have a detrimental impact on the above and is not likely to alter coastal processes. This is a result of the lack of additional bulk proposed and the physical separation of the site from the beach and coastal area (over 100m).

**13 Development on land within the coastal environment area**

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped*

- headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*

Comment:

The proposal will not have an adverse impact on the above as the proposed works do not involve excavation, substantial addition of bulk, or any other change to the natural environment which could cause an unreasonable impact on the coastal environment area.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The proposal retains the siting of the existing hotel which is over 100m from the beach. This physical separation from the coastline along with the proposed works being maintained within the existing siting, provides a circumstance in which potential impact is sufficiently minimised.

As such, it is considered that the application does not comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

**Warringah Local Environmental Plan 2011**

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
5.3 Development near zone boundaries	Yes
5.10 Heritage conservation	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

**Warringah Development Control Plan**

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
D23 Signs	No	Yes

Detailed Assessment

**D23 Signs**

Description of non-compliance and/or inconsistency

The application proposes 6 pieces of signage consisting of the following:

Sign	Requirement	Sign Number	Width	Height	M <sup>2</sup>	Complies
Awning fascia sign (attached to the fascia or return end of an awning)	Shall not project above, below or beyond the fascia or return end of the awning to which it is attached.	1	4.33m	0.385m	1.65	Yes
		4	1.58m	0.19m	0.3	
Freestanding signs (not being a sign elsewhere listed in this table, and includes a bulletin board, tenancy board, and the like)	Shall not exceed 2 metres in height above the existing natural ground level; Shall not have an area greater than 4sqm; Shall not project beyond the boundary of the premises; and Shall not be illuminated.	2	3.85m	0.15m	0.57	No (see comments)
		5	1.345m	1.515m (4.2m above gl)	2.03	
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	Shall not extend within 200mm of the top and sides of the wall. Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more	3	10.05m	1.9m	19.05	Yes
		6	2.685m	1.55m	4.15	

	than 300mm from the wall.					
--	---------------------------	--	--	--	--	--

Merit consideration

With regard to the consideration for a variation, 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 proposal involves various signs attached to and close to the existing pub. These signs are of a suitable scale so as to appropriately identify the pub and associated activities.

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

Comment:

The proposal involves materials that complement the existing building with neutral colours and tones.

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

Comment:

The proposed signs are of a scale and location generally within the envelope of the pub. This ensures there would be no unreasonable visual impact on the area.

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

Comment:

Subject to conditions for control on illumination and light, the proposal will maintain appropriate amenity to neighbours

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

Comment:

Council's Heritage officer is satisfied with the signage, subject to conditions.

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 s1.3 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 affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

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:

- 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 DA2020/1322 for Construction of signage on land at Lot 1 DP 7022, 29 Moore Road, FRESHWATER, Lot 2 DP 7022, 29 Moore Road,

FRESHWATER, Lot 3 DP 7022, 29 Moore Road, FRESHWATER, Lot 4 DP 7022, 29 Moore Road, FRESHWATER, Lot 5 DP 7022, 29 Moore Road, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-DXX-001 - Site & Roof - Proposed Plan	18.09.20	Alexander and Co
DA-EXX-001 - Overall Building External Elevations 01 (western elevation)	18.09.20	Alexander and Co
DA-GXX-001 - Overall Building External Elevations 01	18.09.20	Alexander and Co
DA-GXX-002 - Overall Building External Elevations 01	18.09.20	Alexander and Co

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Heritage Impact Statement	September 2020	Weir Phillips

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

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

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

### 2. **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.

### 3. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or 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) 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.
- (k) 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.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (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 2018
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

#### 4. **Lighting associated with signage**

Any lighting associated with signage is to be switched off outside of operational hours.

Reason: To preserve neighbourhood amenity.

## FEES / CHARGES / CONTRIBUTIONS

#### 5. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

6. **Height of the pylon signage**

Height of the proposed pylon sign, replacing the existing pylon, should match existing.

Reason: To preserve the existing setting and the significance of the heritage item.

7. **Illuminated signage**

The illuminated signage is to be adjustable so that it can be less than 200lux outside of operational hours.

Reason: To ensure appropriate amenity for neighbours.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. **Existing signage to be removed**

All existing signage should be removed and only the signage shown on the architectural drawings should be placed.

Reason: To avoid excessive signage and preserve the significance of the heritage item.

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

**Signed**



**Thomas Prosser, Planner**

The application is determined on 26/11/2020, under the delegated authority of:



**Lashta Haidari, Acting Development Assessment Manager**