

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/1063
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	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 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
Proposed Development:	Temporary Hoarding Signage during the construction period.
Zoning:	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
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Karimbla Properties (No41) Pty Ltd
Applicant:	Karimbla Properties (No41) Pty Ltd

Application lodged:	12/10/2016
Application Type:	Local
State Reporting Category:	Other
Notified:	27/10/2016 to 11/11/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP

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Submissions:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 79,376.00
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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

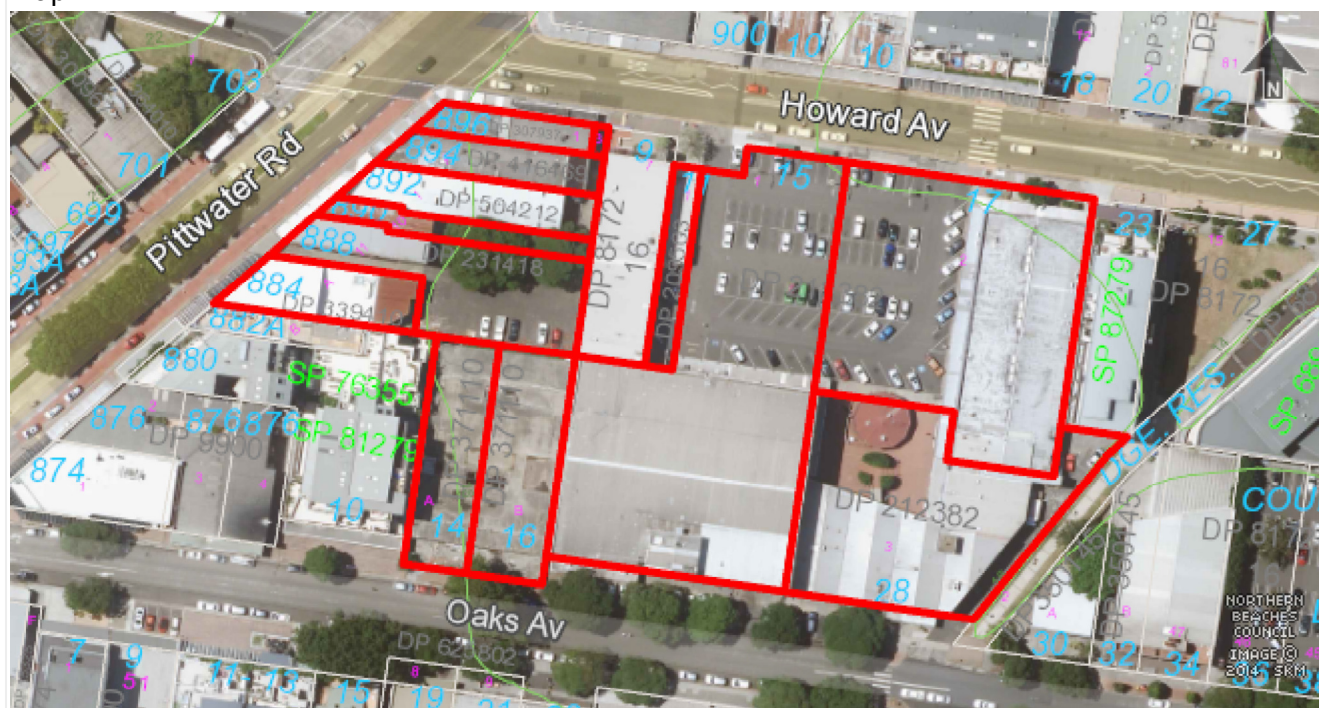
SITE DESCRIPTION

Property Description:	<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 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 NSW 2099</p> <p>Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410 , 884 - 896 Pittwater Road DEE WHY</p>
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	NSW 2099
Detailed Site Description:	<p>The site is irregular in shape with frontages to Pittwater Road, Howard Avenue and Oaks Avenue, and also frontage to the pedestrian walkway between Oaks Avenue and Howard Avenue. The site has a total site area of approximately 14.5 hectares.</p> <p>The site is located in the commercial/mixed use area in the centre of Dee Why, and is generally known as the Dee Why Town Centre site.</p>

Map:



SITE HISTORY

Hoarding Permit HP2016/0015 for 89m of Class C Hoarding in Oaks Avenue was approved by Council on 1/7/2016, and expired on 31/12/2016. No other records of hoarding permits were found.

This development application does not stipulate that any proposed signage is to encroach on Council land, however as the accompanying plans are not clear in this regard, a recommended condition of consent requires the applicant to demonstrate that the subject signage is wholly on their land.

PROPOSED DEVELOPMENT IN DETAIL

It is proposed to erect temporary Building Identification signage (hoarding fencing and gantry signage) along the Pittwater Road, Howard Avenue and Oaks Avenue frontages of the subject site, and along the alleyway between Oaks Avenue and Howard Avenue for the duration of construction. The signage will need to be in place until end December 2018. None of the signage is illuminated. A total of 10 signs are proposed. A summary of the signage is as follows:

Signage Location	Description
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A. Howard Ave
(total 3 signs)

Hoarding Total Size: 144.9m wide x 1.8m high, presented as follows:

- Residential: 2m wide panel = Total 15m long. Step and Repeat
 - Retail: 2m wide panel = Total 15m long. Step and Repeat
- Gantry: 33.8m wide x 1m high.

B. Laneway between Oaks Ave
and Howard Ave
(total 1 sign)

Hoarding Total Size: 54.3m wide x 1.8m high

C. Oaks Ave
(total 3 signs)

Hoarding Total Size: 92.7m wide x 1.8m high, presented as follows:

- Residential: 2m wide panel = Total 15m long. Step and Repeat
 - Retail: 2m wide panel = Total 15m long. Step and Repeat
- Gantry: 82.9m wide x 1m high.

D. Pittwater Rd
(total 3 signs)

Hoarding Total Size: 64.5m wide x 1.8m high, presented as follows:

- Residential: 2m wide panel = Total 15m long. Step and Repeat
 - Council: 2m wide panel = Total 15m long. Step and Repeat
- Gantry: 69.2m wide x 1m high.

The development application does not stipulate that the proposed signage will encroach upon Council land (road reserve) and owners consent has not been sought from Council / provided with this application. As such, this report includes a condition which requires all signage to be located wholly on the subject sites.

Upon a visit to the subject site, it was noted that signage which is similar in nature to the proposed signage had already been erected upon the hoarding. As such, this application seeks for the use of the hoarding for business identification signage only.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of

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Section 79C 'Matters for Consideration'	Comments
Regulation 2000 (EP&A Regulation 2000)	<p>development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the	The site is considered suitable for the proposed

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Section 79C 'Matters for Consideration'	Comments
site for the development	development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions received.
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
Natural Environment (Flood)	The proposed hoarding is not considered to increase flood risk. No flood related development controls applied.
Parks, reserves, beaches, foreshore	No objection to the proposal and no conditions recommended.
Road Reserve	<p>The applicant proposed to erect the hoarding and gantry in front of No. 23 Howard Avenue in accordance with the submitted Hoarding Overview. No. 23 Howard Avenue is not a part of the development site.</p> <p>It will cause a significant obstruction to the residents of No.23 Hoard Avenue when erecting a hoarding on the road reserve areas.</p> <p>As such, the applicant shall amend the hoarding design and keep the hoarding in front of the development site only.</p> <p>Roads Asset has no objection to the proposal subject to the conditions of Council's Hoarding Permit Application.</p>

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

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External Referral Body	Comments
NSW Roads and Maritime Services - (SEPP 64 signage)	<p>NSW Roads and Maritime Services (RMS) provided the following referral response:</p> <p><i>"Roads and Maritime has reviewed the submitted documentation and raise no objection to the application.</i></p> <p><i>Please note that to install type-B hoarding along a 'classified road' frontage required consent from the Roads and Maritime and this particular site does not seem to be approved for such type of hoarding. In that case, a separate hoarding application shall be submitted to the Roads and Maritime for approval of type-B hoarding."</i></p> <p>The current application is for signage, not for hoarding. However, a condition of consent will require the applicants to make a separate hoarding application to the RMS as required.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. This issue has been considered and dealt with as part of the consent for construction of the development which the hoarding surrounds. As such, 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 land use.

SEPP 64 - Advertising and Signage

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

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

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

provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage includes scenes of the finished development and the surrounding coastal area, in this regard, the signage is considered to be business identification signage. It is considered to be compatible with the existing and future character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme applicable.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage does not have any significant impacts on any special areas.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	No views or vistas will be obscured. The signage is located on the existing hoarding surrounding the site.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is located on the existing hoarding, and will not dominate the skyline.	YES
Does the proposal respect the viewing rights of other advertisers?	The signage is located on the existing hoarding, and will not obscure any other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is compatible in size with the hoarding, and will be removed upon removal of the hoarding. It is compatible with the streetscape.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage provides visual interest to the otherwise plain hoarding. It is generally attractive and will improve the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	YES
Does the proposal screen unsightliness?	The signage is located on the existing hoarding which screens the construction site.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage will not protrude above the hoarding.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage is compatible with the size of the hoarding on which it is located. It will not protrude above or beyond the hoarding.	YES

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Does the proposal respect important features of the site or building, or both?	The signage includes scenes of the completed development and surrounding area.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is considered to be sufficiently innovative and attractive. It will provide visual interest to the hoarding.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The logos have been integrated into the signage. There are no safety devices or illumination.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No illumination is proposed.	YES
Can the intensity of the illumination be adjusted, if necessary?	N/A	YES
Is the illumination subject to a curfew?	N/A	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage is located on the hoarding, and there is no reason it will cause any safety concerns.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage is located on the hoarding, and will not obstruct any sight lines.	YES

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

SEPP (Infrastructure) 2007

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

The signage is located on the existing hoarding surrounding the site which is not subject to a height limit. However, the signage does not increase or alter the height of the existing hoarding.

Compliance Assessment

Clause	Compliance with Requirements
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes
Part 7 Dee Why Town Centre	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
7.6 Height of buildings	Yes
7.11 Town Square and pedestrian connections	Yes
7.12 Provisions promoting retail activity	Yes
7.13 Mobility, traffic management and parking	Yes

Warringah Development Control Plan

Built Form Controls

The signage is located on the existing hoarding surrounding the site, which is not subject to any built form controls. However, the signage does not increase or alter the built form of the existing hoarding.

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

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Clause	Compliance with Requirements	Consistency Aims/Objectives
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D23 Signs

The application proposed temporary hoarding signage, which is not identified by the control, and therefore has no specific controls. As such, a merit assessment is carried out below:

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 proposed signage is located on the hoarding, and is temporary in nature (to be removed when the hoarding is removed). The signage includes scenes of the completed development and surrounding coastal area. It is considered to be well designed and appropriate to the location.
- To achieve well designed and coordinated signage that uses high quality materials.*
Comment: The signage will use mesh flush to the hoarding boards. It is considered to be of sufficient quality given the temporary nature of the signage.
- To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
Comment: The signage is attractive and inoffensive. It will contribute to visual interest in the streetscape.
- To ensure the provision of signs does not adversely impact on the amenity of residential properties.*
Comment: The proposed signage will have no significant or unreasonable impacts on nearby residential property.
- To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*
Comment: The proposal will not have any significant or unreasonable impacts on any heritage items.

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

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2016/1063 for Temporary Hoarding Signage during the construction period. 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 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
Hoarding Design Residential Focus Mesh Hoarding 2m wide panel 15 x 2m = 50m wide	Not dated	TPA
Hoarding Design Residential Focus 1. 2. and 3.	Not dated	TPA
Hoarding Design Retail Focus Mesh Hoarding 2m wide panel 15 x 2m = 50m wide	Not dated	TPA
Hoarding Design Retail Focus 1. 2 and 3.	Not dated	TPA
Hoarding Overview	Not dated	TPA
A _ Howard Avenue	Not dated	TPA
Howard Gantry Design	Not dated	TPA
B _ Laneway between Oaks Ave and Howard Ave	Not dated	TPA
C _ Oaks Ave	Not dated	TPA
Oaks Gantry Design	Not dated	TPA
D _ Pittwater Road	Not dated	TPA
Pittwater Gantry Design	Not dated	TPA
D _ Pittwater Road - Northern Beaches Council section	Not dated	TPA

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. (DACPLB01)

2. **Amendments to the approved plans**

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

- No signage is approved in front of 23 Howard Avenue (Lot CP SP 87279) or 27 Howard Avenue (Lot 15 Sec 16 DP 8172 - public reserve)

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

3. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	eServices Reference	Dated
NSW Roads and Maritime Services	RMS Referral Response	9 November 2016

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

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

(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.

(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)

6. **Location of hoarding**

All signage upon the hoarding is to be located wholly within the subject site and is not to encroach upon Council road reserve.

Should any portion of the hoarding encroach within Council land then a valid Council hoarding permit is required to be obtained for this portion of the hoarding. No signage is approved on any portion of the hoarding which encroaches upon Council land.

Reason: To protect pedestrian amenity in the public domain. (DACPLBOC2)

FEES / CHARGES / CONTRIBUTIONS

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

NORTHERN BEACHES COUNCIL

Conflict of Interest.

Signed

Adam Mitchell, Planner


The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager





















ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

Notification Document	Title	Date
 2016/350941	Notification Map	26/10/2016

ATTACHMENT C

Reference Number	Document	Date
 2016/342092	Plans - Master Set	29/09/2016
 2016/342094	Report - SEPP 64 Assessment	10/10/2016
 2016/342090	Plans - Survey	10/10/2016
 2016/342087	Builders Quote	10/10/2016
 2016/342088	Report - Statement of Environmental Effects	10/10/2016
 DA2016/1063	884-896 Pittwater Road DEE WHY NSW 2099 - Development Application - Alterations and Additions	12/10/2016
 2016/336558	DA Acknowledgement Letter - Karimbla Properties (No41) Pty Ltd	12/10/2016
 2016/342078	Development Application Form	18/10/2016
 2016/342082	Applicant Details	18/10/2016
 2016/344239	Refund	20/10/2016
 2016/345973	Acknowledgement: RMS Referral	21/10/2016
 2016/350838	Notification Letter - 363	26/10/2016
 2016/350941	Notification Map	26/10/2016
 2016/354369	Natural Environment Referral Response - Flood	31/10/2016
 2016/359963	Roads and Assets Referral Response	03/11/2016
 2016/366924	RMS Response	09/11/2016
 2016/366938	Referral - Roads and Maritime Services - 884-896 Pittwater Road Dee Why	09/11/2016
 2016/368793	Parks, Reserves and Foreshores Referral Response	11/11/2016
 2016/374733	RMS Referral Response	15/11/2016
 2017/103726	OBSOLETE - Assessment Report	12/04/2017
 2017/129706	Stamped Plans	10/05/2017