

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2022/0816
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<b>Responsible Officer:</b>	Stephanie Gelder
<b>Land to be developed (Address):</b>	Lot 100 DP 1276056, 19 - 21 South Steyne MANLY NSW 2095
<b>Proposed Development:</b>	Temporary real estate signage
<b>Zoning:</b>	Manly LEP2013 - Land zoned B2 Local Centre
<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>	Royal Far West
<b>Applicant:</b>	Royal Far West

<b>Application Lodged:</b>	20/05/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	31/05/2022 to 14/06/2022
<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>	\$ 46,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises of the erection of temporary real estate signage.

The application proposes replacement perimeter fence signage, as detailed below:

- Perimeter Signage A: Wentworth Street: 17.95m x 0.9m; and
- Perimeter Signage B: Corner of Wentworth Street (14.7m x 1.15m) and South Steyne (33.2m x 1.15m).

The perimeter signage is proposed to be constructed of Premium PVC mesh finished with webbing and eyelets (Non-illuminated).

The application proposes the installation of 3 façade mounted signs, as detailed below:

- Erection of New Building Sign 1 (northern façade of Wentworth Street facing building): 3.5m x 6m;
- Erection of New Building Sign 2 (eastern façade of Wentworth Street facing building): 4m x 8m; and
- Replacement of Building Sign 3 (northern façade of South Steyne facing building): 4m x 11m.

The building signs are proposed to be construction of Steel top frame with ACM cladding boards and vinyl printed skins (Non-illuminated).

The application proposes temporary real estate signage which will be erected on site until such time as the buildings upon which the signage is proposed to be attached are demolished as a component of the future works. The proposed temporary real estate signage relates specifically to the development to which the Concept Approval, as modified, relates and to that extent is not inconsistent with the approval for the concept proposal for the development of the site.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Manly Development Control Plan - 4.4.3 Signage

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 100 DP 1276056 , 19 - 21 South Steyne MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the south-western side of South Steyne and south-eastern side of Wentworth Street.</p> <p>The site is irregular in shape with a primary frontage of 79.69m along South Steyne and a secondary frontage of 52.095m along Wentworth Street. The site has a surveyed</p>

area of 3838m<sup>2</sup>.

The site is located within the B2 Local Centre zone from MLEP 2013 and accommodates a three storey brick building, and a five storey brick building currently on the site.

The site is generally flat with no significant changes in topography.

The site contains limited vegetation. There are no details of any threatened species on the subject site.

### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by a mixture of commercial, residential, and educational land uses. The subject site is located within the Manly Town Centre and is opposite Manly Beach.

Map:



## **SITE HISTORY**

The land has been used for residential and commercial purposes for an extended period of time. A search of Council's records has revealed that there are no recent applications that have been determined by Council.

However previous approvals that have been determined under Ministerial delegation include the following:

### **MP10\_0159 - Royal Far West Concept Plan**

Part3A Application for Mixed use development, including:

- (a) Use of the site for a mixed use development with associated hospital facility, "Centre for Excellence";
- (b) Indicative building envelopes for buildings to a maximum height of 8 Storeys (RL 31.15);
- (c) Tourist and visitor accommodations, residential, retail/commercial and hospital / medical uses to a maximum FSR of 3:1;
- (d) Basement car parking for 184 car spaces; and
- (e) Landscaping areas throughout the site.

Approved on 18 April 2013 by Minister for Planning and Infrastructure.

### **MP10\_0159 S75W MOD-1 - Royal Far West Concept Plan**

Part3AMod Application for Mixed use development, comprising amendments to the Concept Approval, including:

- Remove 16 South Steyne from the land
- Provide a new building envelope (Building B) and courtyard to replace the rear of Drummond House and an approved outdoor play area
- Replace Buildings C, D, E and F with two rectangular building envelopes (Building C and D) and a publicly accessible forecourt
- Clarify the provision of no less than 184 parking spaces in the basement.

Approved on 20 April 2022 by Minister for Planning and Infrastructure.

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

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

<b>Section 4.15 Matters for Consideration</b>	<b>Comments</b>
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan 2013 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional</p>

Section 4.15 Matters for Consideration	Comments
	<p>information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This 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 insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (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 Manly Development Control Plan 2013 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 31/05/2022 to 14/06/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Dr Janet Evelyn West	536 / 25 Wentworth Street MANLY NSW 2095

The following issues were raised in the submissions:

- **Proposed Development**

The above issues are addressed as follows:

- **Proposed Development**

A submission raised concern surrounding the development of the site and the architect of the development.

### Comment:

The proposal is in relation to temporary signage and is not in relation to the development of the existing site. The subject site obtains a Concept Plan that was approved by the Minister for Planning and Infrastructure. Further details of the approval is detailed under Site History contained within this report. The submission raises concerns surrounding the development of the Royal Far West building and the architect of the development. The concerns relating to the development of the site are not relevant to the current development application that is seeking consent for temporary signage. Therefore, the concerns raised are not in relation to the proposed temporary signage and do not warrant the refusal of the proposed application.

## REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral

Internal Referral Body	Comments
	<p>The proposal has been referred to Heritage as the subject site adjoins a number of heritage items and within the vicinity of heritage listed items:</p> <p><b>Item I226 - House</b> - 15–16 South Steyne</p> <p><b>Item I242 - Residential flat building</b> - 31 Victoria Parade</p> <p><b>Item I241 - Residential flat building</b> - 29 Victoria Parade</p> <p><b>Item I245 - The Drummond Far West Home</b> - 22 Wentworth Street</p> <p><b>Item I246 - Street trees</b> - Wentworth Street</p> <p><b>Item I224 - Public shelters</b> - South Steyne and North Steyne</p> <p><b>Item I 168 - Ocean foreshores</b> - Manly municipal area, boundary adjacent to the ocean</p> <p><b>Item I174 - Beach Reserve</b>—Merrett Park North Steyne and South Steyne - North Steyne and South Steyne</p> <p><b>Details of heritage items affected</b></p> <p>Details of the heritage items as contained within the Manly Heritage Inventory are:</p> <p><b>Item I245 - The Drummond Far West Home</b>  <u>Statement of Significance:</u>  This building is a good example of Inter-War Classical style in a building with state historical significance for its role as a charitable institution.  <u>Physical Description:</u>  Three storey Inter-War Classical style building. Cream brick institutional building with tile roof. Wide colonnade ground floor. Paired Doric columns to first and second floor balconies. Contrasting brickwork used as highlight to arches on ground floor and in horizontal bands.</p> <p><b>Item I226 - House</b>  <u>Statement of Significance:</u>  Representative substantial Victorian Italianate house.</p> <p><b>Item I246 - Street trees</b>  <u>Statement of Significance:</u>  Listed for its aesthetic importance to the streetscape.  <u>Physical Description:</u>  Remnant tree species planted in carriageway; Norfolk Island pine, Port Jackson fig and Brush Box.</p> <p><b>Item I 168 - Ocean foreshores</b></p>

Internal Referral Body	Comments		
	<u>Statement of Significance:</u> High significance as natural sand beach and cultural backdrop of paved promenade and first coastal plantings of Norfolk Island Pines.		
	<u>Physical Description:</u> Beachfront, promenade, sandstone retaining wall, paved, grassed And/or planting beds and remnant plantings of Norfolk Island Pines planted from the 1850's to the 1880's.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	The proposal seeks consent for a temporary real estate signage on site. The proposed signage is not considered compatible with the controls of Manly DCP as they are excessive in size. However, given that these real estate signs are temporary and non-illuminated in nature and located on the existing structures on the subject site that are subject to demolition as a component of the future works (as explained in the Statement of Environmental Effects), the impact of the proposed works upon the heritage items in the vicinity is considered manageable.		
	Therefore, no objections are raised on heritage grounds, subject to one condition.		
	<u>Consider against the provisions of CL5.10 of Manly LEP 2013.</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 (as part of the SEE)		
	Further Comments		
	COMPLETED BY: Oya Guner, Heritage Advisor		
DATE: 02 June 2022			



Internal Referral Body	Comments

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

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP (Transport and Infrastructure) 2021

#### Ausgrid

Section 2.48 of Chapter 2 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.

### SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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 5 of Chapter 3, 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 compatible with the existing and future character of the area and as the signage is temporary in nature the signage is suitable in this regard.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is for signage associated with the subject site and is therefore consistent with the development.	YES
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not unduly detract from the amenity or visual quality of the area.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage is temporary in nature and will not obscure or compromise any important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage will not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	As the proposed signage is located on the subject site, the signage will not impact upon the viewing rights of 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?	The proposed signage is appropriate in terms of scale, proportion and form for the streetscape and setting.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will not negatively impact the visual impact of the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage will not result in any significant visual clutter. The proposal includes the replacement of signage as well as new signage to ensure unreasonable clutter does not occur.	YES
Does the proposal screen unsightliness?	The proposal does not screen unsightliness	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is located along existing buildings and fencing that does not protrude above buildings,	YES

	structures, or tree canopies.	
<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 temporary signage is compatible with the scale and proportion of the building facades and fencing to which the proposed signage is to be affixed.	YES
Does the proposal respect important features of the site or building, or both?	The proposal respects the features of the site and building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal includes signage that is appropriate to the site and building.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable.	N/A
<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 proposed signage is non-illuminated.	N/A
Can the intensity of the illumination be adjusted, if necessary?	All proposed signage is non-illuminated.	N/A
Is the illumination subject to a curfew?	All proposed signage is non-illuminated.	N/A
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage will not result in reduced safety for public roads, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not reduce the safety for pedestrians.	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 this chapter and its underlying objectives.

## SEPP (Resilience and Hazards) 2021

### Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential and 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential and commercial land use.

## Manly Local Environmental Plan 2013

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10m, 12m, 15m, 18m, 25m	unaltered	-	N/A
Floor Space Ratio	FSR: 3:1	unaltered	-	N/A

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	N/A
4.4 Floor space ratio	N/A
5.21 Flood planning	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

## Manly Development Control Plan

### Built Form Controls

There are no Built Form Controls applicable to the proposal.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.4.3 Signage	No	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

### Detailed Assessment

#### 4.4.3 Signage

#### Description of non-compliance

In accordance with Clause 4.4.3.3 of Manly Development Control Plan 2013, the requirements for Real Estate Signs are as follows:

#### Real Estate Signs

i) *The maximum dimensions of Real Estate Signs in relation to advertising:*

- *the proposed sale or letting of a property - 1.22m in length and 0.915m in height; or*
- *the proposed sale by auction - 1.83m in length and 1.22m in height; or*
- *commercial and industrial premises - 2.44m in length and 1.83m in height.*

ii) *Real Estate signs must be removed 10 days after the date of settlement or letting of the property and must be contained within the boundaries of the allotment.*

In this instance, the proposed signage exceeds the required dimensions. Notwithstanding, a detailed assessment against the objectives of the control has been undertaken. In this instance, the variation to the real estate signage dimensions is supportable.

#### Merit consideration:

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

***Objective 1) To ensure that advertising does not detract from the scenic beauty and amenity of the Municipality; harmonises with its surroundings and the buildings to which they are attached.***

#### Comment

The proposed signage is temporary in nature and will not detract from the scenic beauty and amenity of Manly. The proposed signage is attached to the existing building and fencing and will harmonise appropriately with the surroundings.

***Objective 2) To minimise the visual impact by encouraging fewer more effective signs that may otherwise degrade the existing and likely future quality of residential environments or result in excessive, unnecessary signage, visual clutter and confusion caused by a proliferation of signs in local and neighbourhood centres.***

#### Comment

The proposed signage is temporary and non-illuminated and will not result in a negative visual impact for the existing and future of the environment. As such, the proposal will not result in excessive, unnecessary signage, visual clutter or confusion.

***Objective 3) To permit building and business identification signs which communicate the facilities (including tourist facilities), amenities, goods and services in local and neighbourhood centres which do not interfere with the streetscape or amenity of residents.***

#### Comment

The proposed temporary signage is for real estate signage. Therefore this objective is not relevant.

***Objective 4) Signs should enhance the distinctive urban character and scenic amenity of the Municipality and contribute to the atmosphere of the streets in local and neighbourhood centres and should be designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings in local***

**and neighbourhood centres.**

Comment

The size and location of the proposed temporary signage reflects the scale of the development on the subject site. The proposed signage is sympathetic to the existing building and suitable for the locality.

***Objective 5) To prevent signage from impacting on the presentation of the heritage item or area to the general public on heritage items and conservation areas.***

Comment

The proposed signage will not impact upon surrounding heritage items. Council's Heritage Officer has reviewed the proposal and is supportive of the application, subject to conditions.

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

Comment

The proposed signage is to be constructed of premium PVC meshing and vinyl banners. Furthermore, Council's Heritage Officer has recommended a condition requiring the details of the colours and graphics to be provided to Council to ensure appropriate colours and graphics are used.

***Objective 7) To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately sized street numbers and complex names, and the use of directory boards to identify multiple unit complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.***

Comment

The proposed development is not located in an Industrial Zone. Therefore this objective is not relevant.

## **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 consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2021**

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;
- Manly Local Environment Plan;



- Manly Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2022/0816 for Temporary real estate signage on land at Lot 100 DP 1276056, 19 - 21 South Steyne, MANLY, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Proposed Signage Location & Dimensions - 2	17 March 2022	Royal Far West
Wentworth Street & Corner of South Steyne & Wentworth Street - 3	17 March 2022	Royal Far West
Signage Specifications & Details - 4	17 March 2022	Royal Far West

##### 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. **Limitation of Development Consent for Signage**

The signage is to be erected for a maximum of three (3) years from the date of consent.

Reason: To maintain a consistent streetscape.

## 3. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

#### 4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.

## **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. Details of colours and graphics**

Details of the proposed colours and graphics are to be submitted to Council prior to the issue of the Construction Certificate.

Reason: To ensure that the colours and graphics are appropriate for the heritage items and the character of the area.

### **7. 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.

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

8. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

9. **Signage Details**

The signage is to contain text, images/renders, contact number/s and website details for the marketing of the subject site to which the Concept Approval, as modified, relates and is consistent with the Concept Approval.

Reason: To ensure compliance with the terms of this consent.

10. **Third Party Advertising**

No third party advertising is to be detailed on any of the signage.

Reason: To ensure signage relates to the marketing of the subject site.

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

**Signed**



**Stephanie Gelder, Planner**

The application is determined on 16/06/2022, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**