

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/0179
<b>Responsible Officer:</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 12 DP 1197725, 80 Evans Street FRESHWATER NSW 2096
<b>Proposed Development:</b>	Construction of Business Identification Signage for a Registered Club
<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
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Mount Pritchard & District Community Club Ltd
<b>Applicant:</b>	Adrien Clements
<b>Application lodged:</b>	09/02/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	15/02/2018 to 05/03/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 48,000.00

### 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 Local Environmental Plan 2011 - Zone R2 Low Density Residential

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
<b>Detailed Site Description:</b>	<p>The site is located to the south of Carrington Parade, between Evans Street and Lumsdaine Drive. The site is currently a construction site, with the Harbord Diggers club being constructed.</p> <p>To the east along Lumsdaine Drive is the ocean. There is low density residential development across Carrington Parade to the north, and there is medium density residential development across Evans Street to the south and south west.</p>

Map:



## SITE HISTORY

The relevant history for the current development application is as follows:

**DA2014/0875** was approved by Warringah Council for Demolition and excavation works and construction of seniors housing, registered club, childcare centre and associated carparking and landscaping (Harbord Diggers Club site) on 1 December 2014.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal involves construction of 11 new signs at various locations around the Harbord Diggers Club. The application as lodged proposed 13 new signs. However, the applicant amended the application to delete two of the proposed signs (the deleted signs were located at the corner of Lumsdaine Drive and Carrington Parade, and at the pedestrian entry on Evans Street).

The applicant submitted updated plans and an updated statement of environmental effects to reflect the deletion of the two signs. During the assessment the applicant was asked to further amend the plans to provide clarification, and to delete any reference to signage not being applied for under this application, and to make sure all signage was located on the site and not on the Council road reserve. As a result sign 4 in the table below was amended from a 'plinth' on the road reserve to a wall mounted sign on the previously approved wall/fence.

As there were no objections received, and as the change to the application involved no changes or additions other than deletion of two of the signs, re-notification of the application was considered unnecessary.

The proposed signs and locations are as follows (also refer to location plan "*LOWER GROUND - HOSPITALITY PRECINCT*"):

Sign Code on List of Plans	Description/Type	Dimension	Area (sqm)	Location
1	Pole Sign: directional signage (wayfinding) consisting of 5 x sign panels	Pole height – 3250mm Each sign panel (5) - 770mm x 120mm	0.5	South of the pedestrian entry to Lumsdaine Drive
2	Pole Sign: directional signage (wayfinding) consisting of 5 x sign panels	Pole height – 3250mm Each sign panel (5) - 770mm x 120mm	0.5	North eastern corner of the site
3	Pole Sign: directional signage (wayfinding) consisting of 5 x sign panels	Pole height – 3250mm Each sign panel (5) - 770mm x 120mm	0.5	Evans Street pedestrian entrance
4	Business Identification Sign: Wall Mounted sign with the Harbord Diggers brand/logo and the facilities on site	2800mm x 1842mm	5.16	Western corner of the site. Attached to the blockwork wall.
5	Business Identification Sign: plinth sign	2500mm x 1000mm	2.5	North of the pedestrian entry to Lumsdaine

	consisting of 1 x panel with the Harbord Diggers brand/logo			Drive
6	Wall Sign: Loading Dock identification sign	730mm x 150mm	0.1	Attached to wall (loading dock)
7	Wall Sign: car park entry sign	952mm x 300mm	0.28	Attached to wall above Evans Street car park entrance
8	Height bar	2275mm x 70mm	0.15	Attached to hang above the entrance of the Evans Street car park
9	Business Identification Sign: 1 x panel with the Harbord Diggers brand/logo attached to the wall	5095mm x 2095mm	10.67	Attached to Evans Street car park entry wall
10	Business Identification Sign: 1 x panel with the Harbord Diggers brand/logo attached	3400mm x 1400mm	4.76	Attached to wall of the building adjacent to the Evans Street car park entrance
11	Business Identification Sign: Wall sign consisting of signage for childcare	Childcare Sign – 658mm x 335mm	0.22	Childcare Sign – 658mm x 335mm

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 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) – Provisions of any draft environmental planning instrument	None applicable.
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)(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	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed

Section 4.15 Matters for Consideration'	Comments
Regulation 2000)	<p>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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider 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>(i) <b>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>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the</p>



Section 4.15 Matters for Consideration'	Comments
	existing and proposed land use.
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	No submissions received.
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.

## 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 the relevant 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
Road Reserve	<p>Insufficient detail has been provided to determine whether or not some feature signage (plinths) are located on the road reserve. The installation of signage Plinths on Council's road reserve is not supported. No objection to proposed signage on boundary walls.</p> <p>Planner comment: The applicant submitted amended plans deleting the plinth from Council's road reserve. A condition of consent has also been included in the notice of determination requiring all signage to be within the Harbord Diggers site property boundaries. Subject to this condition, the proposal is acceptable.</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.

## 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 indicates that the subject site has been used for Harbord Diggers Club, which commenced operating on this site in the late 1950s to early 1960s and expanded over the years to encompass the majority of the street block. A preliminary site investigation was submitted with DA2014/0875, and Council's Environmental Health section was satisfied with the measure taken to contain and prevent contamination. The current application relates only to placing signage on the building and site. 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 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:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	There is no desired future character statement applicable to the site. However, the proposed signage is of a style, design, and character which will be generally consistent with the design of the Harbord Diggers club, and will not be of a design that is glaringly inconsistent with the surrounding residential area. The signage is generally limited to the main entrances of the building, and is not excessive in size or number of signs. Conditions of consent will ensure that illumination of signs is kept to a level in keeping with the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising	There is no particular theme in the area.	YES

in the area or locality?		
<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 signage will not detract from the surrounding area, including the heritage items to the east or surrounding vistas of the ocean. The signage is not considered to be excessive in size or number of signs, and is generally limited to the main entrances of the Harbord Diggers. It will not have any significant detrimental impacts on the surrounding area.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No views or vistas will be obscured in any significant way. The proposed signage is generally located on walls and does not protrude above any parapets (thereby extending the height or width of walls). There are some small directional sign posts, and one free standing sign at ground level on the eastern side of the building, but these will not have any significant impacts on any views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is generally located at ground level, or on walls. It will not dominate the skyline or have any significant negative impacts on any vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	There are no other advertisers in the area.	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 signage is generally of a size, scale and form that is consistent with the character of the building. It will not protrude above the walls, and the few free standing signs are simple directional sign posts, and one ground level Harbord Diggers sign at the north eastern entry.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage may be expected to contribute to visual interest. It is not considered to be of a design or character that will be overbearing or dominating in the area.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage is generally limited to signs near each entry to the site, and some directional signposts. It is adequately rationalised.	YES
Does the proposal screen unsightliness?	There is no unsightliness that requires screening.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage does not protrude above any buildings, walls or structures, and will be below the tree canopy.	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 is of a size and scale generally consistent with the size of the development. It will not protrude above the building at all, and is considered to be in proportion to the size of the building and the overall site.	YES
Does the proposal respect important features of the site or building, or both?	The signage is generally located upon walls, as well as one free standing sign near the north	YES



	eastern entrance, and some directional signposts. These will not have any significant impacts on the nearby heritage items to the east, or have any significant impacts on the surrounding views and vistas of the ocean.	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is considered to be generally attractive and not overbearing or dominating of the surrounding residential area. It is considered to be sufficiently innovative and imaginative.	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?	The signage is generally located on walls and near the main entrances to the building/site, and illumination devices are internal to the signage where applicable.	YES
<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?	Some of the signs are illuminated, however the illumination is not neon, and will be limited in hours and level of illumination by conditions of consent. The signage will not result in any unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of nearby residential development.	YES
Can the intensity of the illumination be adjusted, if necessary?	A condition of consent will require the intensity of illumination to be adjustable.	YES
Is the illumination subject to a curfew?	A condition of consent will require illumination to be turned off between the hours of 12am and 6am.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage is not likely to have any significant impacts on safety of the surrounding roads, or of pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is generally located on walls where it will not protrude above or to the side of those walls to obscure any sight lines. The free standing signs proposed are directional signpost type signs similar to Council road name signage, and one free standing sign near the northeastern entrance that is not in a place which would cause any safety issues.	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 Environmental Plan 2011**

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	All signage is located at or near ground level, and is below the 8.5m height limit. The highest signs are the pole signs which are 3.25m above ground level. The wall signs located on or near Evans Street are no higher than above ground than the walls they are located upon.	N/A	Yes

Compliance Assessment

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

Detailed Assessment

**Zone R2 Low Density Residential**

The proposed signage is ancillary to the Harbord Diggers development, which is permissible as an

additional permitted use on site under Schedule 1 of the LEP.

## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	N/A	N/A	N/A
B3 Side Boundary Envelope	5m	All signage complies	N/A	Yes
B5 Side Boundary Setbacks	0.9m	No change to existing side setbacks of building. The signage will all be within the site, and wall mounted signs will be mounted on the previously approved walls/fences.	N/A	Yes
B7 Front Boundary Setbacks	6.5m	No change to existing setbacks of building. The signage will all be within the site, and wall mounted signs will be mounted on the previously approved walls/fences. Two of the proposed pole signs are within 6.5m of the front boundaries.	100%	No
B9 Rear Boundary Setbacks	N/A	N/A	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	No change to existing.	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
D10 Building Colours and Materials	Yes	Yes
D23 Signs	No	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### B7 Front Boundary Setbacks

##### Description of non-compliance

The proposed signage is generally located on walls. There are two direction sign post type signs, and

one free standing sign near the north eastern entrance to the site that are within the 6.5m front setback area.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The proposed signage is generally on walls, or is for signpost type signage, and one free standing sign near the northern entrance. It will not have any significant impact on the sense of openness in the area.

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

Comment:

The signage will not have a significant impact on the visual pattern of building in the area. It is generally minor in the context of the overall development on site.

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

Comment:

The signage is considered to be generally attractive and in keeping with the development. It will not detract from the streetscape or visual qualities of the area.

- *To achieve reasonable view sharing.*

Comment:

No views will be significantly impacted by the signage.

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

## D23 Signs

Description of non-compliance and/or inconsistency

The application proposes 11 pieces of signage consisting of the following:

Sign Number	Sign Type	Requirement	Width	Height	M <sup>2</sup>	Complies
5	Freestanding signs (not being a sign elsewhere listed in this table, and	Shall not exceed 2 metres in height above the existing natural ground	2.5m	1m	2.5sqm	No (illuminated)



	includes a bulletin board, tenancy board, and the like)	level; Shall not have an area greater than 4sqm; Shall not project beyond the boundary of the premises; and Shall not be illuminated.					
1, 2 and 3	Pole or pylon sign (erected on a pole or pylon independent of any building or other structure)	Shall not be less than 2.6 metres above ground level; Shall not exceed 6 metres in height above the existing natural ground level; Must have a maximum area of no more than 4sqm on any single face; Shall not project beyond the boundary of the premises; and No more than one pole/pylon sign per site is permitted.	N/A		3.25m	0.5sqm	Yes
4, 6, 7, 8, 9, 10	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	4	3.9m	1.12m	4.4sqm	No (less than 2.7m above ground)
			6	730mm	150mm	0.11sqm	Yes
			7	952mm	300mm	0.29sqm	Yes
			8	5.095m	2.095m	10.67sqm	Yes
			9	3.4m	1.4m	4.76sqm	No (less than 2.7m above ground)



		natural ground level ground; and Shall not project more than 300mm from the wall.	10	2.275m	370mm	0.84sqm	Yes
--	--	---	----	--------	-------	---------	-----

Non-compliances are as follows:

- Sign 4 is illuminated and less than 2.7m above ground.
- Sign 5 is considered to be a 'free standing sign' and is illuminated.
- Sign 9 is illuminated and less than 2.7m above ground.

The other signage generally complies with the requirements.

#### 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 generally well designed, and the signs are suitably located near each of the entrances. The signage includes identification of the childcare entry, loading dock, and directional signage, as well as Harbord Diggers business identification signs.

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

Comment: The signage is generally well designed and tasteful. The finishes indicated will generally match the buildings on site, and are considered to be high quality.

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

Comment: The site is a large site, and the signage is generally well spread out around the various entrances. The signage will not create any significant adverse impacts. It is generally well designed and will not be overbearing given the size of the site and the building.

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

Comment: The signage is generally well designed and will not be unattractive. Some of the proposed signage is illuminated, however conditions of consent will ensure that the level of illumination is adjustable, and that a curfew is applied to illumination to protect residential amenity.

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

Comment: The proposed signage will not negatively impact on any open space areas, heritage items or conservation areas. The signage is generally well designed and tasteful, and will not have any significant impact on views to or from the nearby heritage items to the east.

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 DA2018/0179 for Construction of Business Identification Signage for a Registered Club on land at Lot 12 DP 1197725, 80 Evans Street, FRESHWATER, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
2 of 17	29.03.2018	Strategic Spaces
3 of 17	29.03.2018	Strategic Spaces
4 of 17	29.03.2018	Strategic Spaces
5 of 17	29.03.2018	Strategic Spaces
6 of 17	29.03.2018	Strategic Spaces
7 of 17	29.03.2018	Strategic Spaces
8 of 17	29.03.2018	Strategic Spaces
9 of 17	29.03.2018	Strategic Spaces
10 of 17	29.03.2018	Strategic Spaces
11 of 17	29.03.2018	Strategic Spaces
12 of 17	29.03.2018	Strategic Spaces
13 of 17	29.03.2018	Strategic Spaces
14 of 17	29.03.2018	Strategic Spaces
15 of 17	29.03.2018	Strategic Spaces
16 of 17	29.03.2018	Strategic Spaces

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

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

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

**3. Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the

updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

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

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.



- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) 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.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.
- (k) 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 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. (DACPLB10)

5. **Signage located within property boundaries**

All signage approved under this consent is to be located within the property boundaries. No signage is approved on the Council road reserve area.

In this regard, the plans are to be amended so that Sign 03 and Sign 02 are located fully on the Harbord Diggers site.

Reason: To ensure all works are located on the subject site. (DACPLBOC1)

## FEES / CHARGES / CONTRIBUTIONS

6. **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 to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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.  
(DACPLC02)

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

### 8. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 12.00 midnight and 6.00 am daily.

Signs must not flash, move or be constructed of neon materials.

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

### 9. Illumination Intensity and design

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

The level of illumination of signage must be adjustable.

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

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

**Signed**



**David Auster, Planner**

The application is determined under the delegated authority of:



**Anna Williams, Manager Development Assessments**




























## **ATTACHMENT A**

No notification plan recorded.

## **ATTACHMENT B**

No notification map.

## ATTACHMENT C

Reference Number	Document	Date
 2018/109137	Report - Statement of Environmental Effects	06/02/2018
 2018/109156	Plans - Master Set	06/02/2018
 DA2018/0179	80 Evans Street FRESHWATER NSW 2096 - Development Application - Alterations and Additions	09/02/2018
 2018/105275	DA Acknowledgement Letter - Adrien Clements	09/02/2018
 2018/109126	Development Application Form	12/02/2018
 2018/109129	Applicant Details	12/02/2018
 2018/109187	Plans - External	12/02/2018
 2018/109197	Plans - Internal	12/02/2018
 2018/114323	Request for Further Information - DA2018/0179	14/02/2018
 2018/114578	DA Acknowledgement Letter (not integrated) - Adrien Clements	14/02/2018
 2018/114625	Notification Letter - 261	14/02/2018
 2018/126438	Superseded - Outstanding Charges - Adrien Clements	20/02/2018
 2018/126202	Invoice - DA2018/0179 - Adrien Clements	21/02/2018
 2018/126248	DA Fees Receipt	21/02/2018
 2018/132997	Email from applicant RE: Outstanding Charges - DA2018/0179 - 80 Evans Street, Freshwater	21/02/2018
 2018/132957	Report - Statement of Environmental Effects - Revised	23/02/2018
 2018/132958	Plans - Master Set - Revised	23/02/2018
 2018/132959	DELETE	23/02/2018
 2018/132993	Outstanding Charges - Adrien Clements	23/02/2018
 2018/170754	Request for clarification and amended plans	13/03/2018
 2018/179790	Amended/clarified plans	15/03/2018
 2018/179797	Clarified Signage Locations 2018 03 15	16/03/2018
 2018/179798	Clarified Signage List - Development Application	16/03/2018
 2018/195292	Further request for amendments to plans	23/03/2018
 2018/222254	Amended plans provided - FINAL SET	06/04/2018
 2018/222262	Amended Sign 04 & 11	09/04/2018
 2018/222266	Amended plans FINAL	09/04/2018