

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1314
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 1 DP 588603, 33 Oaks Avenue DEE WHY NSW 2099 Lot A DP 326907, 33 Oaks Avenue DEE WHY NSW 2099 Lot B DP 326907, 33 Oaks Avenue DEE WHY NSW 2099
Proposed Development:	Construction of business identification signage
Zoning:	Warringah LEP2011 - Land zoned B4 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jinyan Dee Why Pty Ltd
Applicant:	Y Squared Pty Ltd

Application Lodged:	05/08/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	13/08/2021 to 27/08/2021
Advertised:	Not Advertised
Submissions Received:	6
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 113,282.00
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PROPOSED DEVELOPMENT IN DETAIL

"The proposed development consent for business identification signs on the façade of Tenancy 9C at 33 Oaks Avenue, Dee Why.

The proposal specifically entails two (2) wall signs and one (1) top hamper sign comprising the following:

- *Sign 1: Wall sign located on front façade comprising the 'our medical dee why' business name and logo;*
- *Sign 2: Top hamper sign comprising the 'our medical' business name and logo;*
- *Sign 3: Wall sign located on front façade comprising the 'our medical dee why' business name and logo, 'Open to 10pm every day' wording, 'BULK BILLING GPs' wording and image, 'RADIOLOGY'*

wording and image, 'DENTAL' wording and image, 'PATHOLOGY' wording and image and 'ALLIED HEALTH' wording and logos."

Original Proposal vs Amended Proposal

Original proposal had a total signage area of 82.5sqm and the amended proposal has been reduced down to 56.8sqm (a reduction of 25.7sqm or 31.2%).

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 1 DP 588603 , 33 Oaks Avenue DEE WHY NSW 2099 Lot A DP 326907 , 33 Oaks Avenue DEE WHY NSW 2099 Lot B DP 326907 , 33 Oaks Avenue DEE WHY NSW 2099
Detailed Site Description:	The subject site is identified as 33 Oaks Avenue, Dee Why, and is legally described as Lots A & B DP 326907 and Lot 1 DP588603. The site is irregular in shape and exhibits an area of approximately 5,854sqm. The subject site is zoned B4 Mixed Use and is subject to the applicable provisions of the Warringah Local Environmental Plan (WLEP2011). The proposed works relate to Tenancy 9C which forms part of

the larger Dee Why Market Shopping Centre.

The current site comprises a single level neighbourhood shopping centre with dual street frontage of approximately 79m to Oaks Avenue on the north boundary and 31m to Pacific Parade to the south boundary.

Map:



SITE HISTORY

CDC2021/0607 - First use and internal fitout to tenancy 1 as a medical centre approved 25 June 2021

Amended Plans

10 September 2021 - Council raised concerns with the applicant regarding the size of the signage which in total was 82.5sqm.

24 September 2021 - Council receives Revision 2 from the applicant:-

- "Sign 1 is reduced to 26 sqm overall and is similar size to adjacent ILS sign.
- The illumination of sign 1 is to the white and yellow faces only (less than 15% of the total area / 3.9 sqm)
- The illumination of Sign 3 is via external sources with the beams facing south, therefore no glare will be visible from Oaks Avenue.
- The proposed illumination hours are 7am to 10pm Mon-Friday, 8.00am to 10pm weekends and public holidays as per the medical centre hours.
- We understand that several of the objectors believe the blue background as part of the proposal. Our understanding is that painting of the façade may be carried out as exempt works under the provisions of SEPP (Exempt and Complying Development Codes) 2008. While the extent of painting is indicated and reduced on the revised plans, is not measured as part of the signage area or proposed to form part of the DA."

29 September 2021 - Council responded to the applicant in relation to Revision 2 indicating the amendments did not adequately address the original concerns.

8 October 2021 - Council receives Revision 3 from the applicant:-

"Summary of Revisions

Sign 3

- *The total area is reduced by approximately 30% from the previous submission of 41.8sqm to less than 30.0 sqm.*
- *As previous, the illumination of Sign 3 will be via external sources with the beams facing south, therefore no glare will be visible from Oaks Avenue.*

Sign 1

- *The total area of the sign is 26.0 sqm as per the previous submission.*
- *The internal illumination is to the white and yellow faces of the 3D lettering and logo only.*

Glazed Shop fronts

We note that several shop windows in the immediate vicinity are either fully or partially covered with opaque signage, such as lifestyle graphics, whereby the cumulative impact can lead to reduced activation of the frontage. The revised signage plan adds notation that the medical centre shopfront will have clear / transparent glazing. We believe this will reinforce activation of frontage and is good design."

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	See discussion on "Environmental Planning Instruments" in this

Section 4.15 Matters for Consideration'	Comments
of any environmental planning instrument	report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
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) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact 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 Matters for Consideration'	Comments
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 13/08/2021 to 27/08/2021 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 6 submission/s from:

Name:	Address:
Mohamed El Beshlawi	453 / 28 Oaks Avenue DEE WHY NSW 2099
Lauren Emily Robertson	359 / 28 Oaks Avenue DEE WHY NSW 2099
Mr Michael Thomas Robertson	359 / 28 Oaks Avenue DEE WHY NSW 2099
Ms Shirley Hedy Taylor	259 / 28 Oaks Avenue DEE WHY NSW 2099
Rui Ferrari	11 / 47 Pacific Parade DEE WHY NSW 2099
Wyndham Fitzgerald Cramer	257 / 28 Oaks Avenue DEE WHY NSW 2099

The following issues were raised in the submissions and each have been addressed below:

- Illumination (hours & intensity)
- Health and well being (sleep deprivation)/amenity
- SEPP 64 and Streetview/streetscape
- Blue façade
- Signage out of character
- Devaluation

The matters raised within the submissions are addressed as follows:

- Illumination (hours & intensity)

Comment: A number of concerns were raised about the hours of illumination (all night) and the

intensity of illumination (glare) from the proposed signage.

The applicant has not stated the hours of illumination of the signage, however it is noted that hours of the medical centre have been approved via the recent Complying Development Certificate (CDC2021/0607 - First use and internal fitout to tenancy 1 as a medical centre) as follows:-

"7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday"

Given the above the hours of illumination will be conditioned to the hours of operations of the medical centre to maintain amenity. Additionally a condition will be included that 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.

It is considered that these issues/concerns have been adequately addressed and do not warrant refusal and/or further amendment via condition(s).

- Health and well being (sleep deprivation)/amenity

Comment: A number of issues/concerns were raised relating to health (well being) including sleep deprivation and amenity. It is noted that the proposed signage will be over 30m at the closest point from the Lighthouse Development (northern side of Oaks Avenue) which is considered to ensure adequate spatial separation. Additionally, the above conditioning for the hour operations of illumination and intensity condition will also ensure that reasonable levels of amenity (including health/well being).

It is considered that these issues/concerns have been adequately addressed and do not warrant refusal and/or further amendment via condition(s).

- SEPP 64 and Streetview/streetscape

Comment: One submission raised that issue that the proposal was inconsistent with SEPP 64 - Advertising and Signage stating that the signage was incompatible with the surrounding signage and visually unappealing.

The amended reduced signage combined with Council conditions for further reductions will further visually reduce the signage and ensure a better streetscape outcome. It is noted that the signage has reduced from 82.5sqm down to 56.8sqm (a reduction of 25.7sqm or 31.2% from the original proposal (Rev 1). Additionally, an ongoing condition will be added to ensure that this outcome (no painting of the front façade outside the red dotted line on the approved plans so the whole façade does not appear as signage).

It is considered that these issues/concerns have been adequately addressed and do not warrant refusal and/or further amendment via condition(s).

- Blue façade

Comment: Concerns were raised about the original proposal and the overbearing use of blue on the front façade. Council concurred with this issue and as stated above wrote to the applicant on 10 September 2021. After a number of amendments which included a reduction of the blue painted front façade Council will add further conditioning to ensure that the blue corporate painting scheme is reduced now and into the future (via an on-going condition).

It is considered that these issues/concerns have been adequately addressed and does not warrant refusal and/or further amendment via condition(s).

- Signage out of character

Comment: As stated above Council concurred that the original proposal (signage) was out of character. Council has requested a number of reductions which has seen two (2) additional revisions from the applicant. Conditions will be added to further reduce the signage and ensure a better streetscape outcome.

It is considered that these issues/concerns have been adequately addressed and does not warrant refusal subject to further amendment via condition(s).

- Devaluation

Comment: Issues were raised about devaluation of property via the proposed signage. Under the Environmental Planning and Assessment Act 1979 - Section 4.15 Evaluation devaluation of property is not a consideration.

REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	The proposal has been referred to Heritage as the subject property is within proximity to a heritage item
	147 - House - 45 Pacific Parade, Dee Why
	Details of heritage items affected
	Details of the item as contained within the Warringah inventory is as follows:
	<p><u>Statement of Significance</u></p> <p>A good representative example of a substantial inter-war bungalow which was designed to address the corner site. Displays high integrity with much original fabric & detailing & retention of garden context. High aesthetic significance.</p> <p><u>Physical Description</u></p> <p>Single storey brick dwelling designed to address the corner. Multi-gabled & hipped roof of terracotta tiles. Sandstone foundation</p>

Internal Referral Body	Comments		
	walls. Wide verandah on two sides supported by squat columns on brick piers.Timber battons to gables. Stairs to verandah have been re-tiled. Located on prominent corner site.		
	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		
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	The proposal seeks consent for new external signage on the shopping centre facing Oaks Avenue. The shopping centre extends through to Pacific Parade where the heritage item is located on the other side of the road. As the works are only to the Oaks Avenue frontage, there is no impact to the heritage item or its significance.		
	Therefore Heritage raises no objections and requires no conditions.		
	Consider against the provisions of CL5.10 of WLEP.		
	Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No		
	Further Comments		
	COMPLETED BY: Brendan Gavin, Principal Planner		
DATE: 6 August 2021			

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

Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

SEPP 64 - Advertising and Signage

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

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

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

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing and desired future character of the area considering the mixed use nature of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the signs and other signage within this established mixed use area.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from any environmentally sensitive areas, natural or other conservation areas, open space, rural landscapes or residential areas.	YES

3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signs will not obscure or hinder any views or vistas.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs will not dominate the skyline or reduce the quality of vistas, given the siting and the modest heights of the signs.	YES
Does the proposal respect the viewing rights of other advertisers?	The signage is solely intended to represent and advertise the approved land use of the building only i.e. Our Medical Dee Why	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and form of the signage is largely as existing, and considered appropriate and consistent with the established mixed use nature of the surrounding area.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The digital nature of certain signs is contemporary in design and will contribute to the visual interest of the streetscape and store setting.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage will not create visual clutter and will improve the overall appearance of the building as a result of the modern design features.	YES
Does the proposal screen unsightliness?	There is no unsightliness to be screened.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs are appropriate in height and scale, remaining comfortably below the maximum allowable height of 16m & 24m.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signs are considered compatible with the streetscape and surrounding development in regard to scale and proportion.	YES
Does the proposal respect important features of the site or building, or both?	The proposal is not considered likely to affect any important features within the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signs are a contemporary advanced signage, having regard to the electronic nature of certain signs.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage partially consists of Our Medical Dee Why logo, which is an integral part of the signage scheme. The proposal also entails lighting, safety structures and cabling. These features are not proposed or intended to be integral to the main signage message and are to support the signage content itself.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract	The signage is located over 30m away from residential properties which considered adequate spatial separation. Coupled with the reduction of the overall sizing of the signs from the original	YES

from the amenity of any residence or other form of accommodation?	proposal and addition of suitable conditions it is considered that proposal will not create unacceptable glare or detract from the amenity of residential properties.	
Can the intensity of the illumination be adjusted, if necessary?	A condition has been included for the intensity of illumination to be adjusted (if necessary).	YES
Is the illumination subject to a curfew?	The hours of illumination will be conditioned to be in accordance with the hours of operations of the medical centre therefore ensuring reasonable amenity for surrounding residential properties.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposal is not considered likely to affect the safety of any public road, pedestrians or cyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal would not obscure sightlines from public areas.	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:	16m & 24m	9.3m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 6 Additional Local Provisions	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes
Part 7 Dee Why Town Centre	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes
7.6 Height of buildings	Yes
7.10 Allowance for external ancillary plant and roof access	Yes
7.11 Town Square and pedestrian connections	Yes
7.12 Provisions promoting retail activity	Yes

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part C Siting Factors	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
Part D Design	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D23 Signs	Yes	Yes
Part E The Natural Environment	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part G Special Area Controls	Yes	Yes
Notes	Yes	Yes

Detailed Assessment

D23 Signs

The application proposes three (3) pieces of signage consisting of the following:

Sign	Requirement		Width	Height	M ²	Complies
Top hamper sign (attached to the transom of a doorway or display window of a building)	Shall not extend beyond any building alignment or below the level of the head of the doorway or window within the building upon which it is attached; Shall not exceed 600mm in height; and Shall not have an advertising area greater than 5sqm.	Sign2	1.6m	0.6m	0.96sqm	Yes
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	Shall not extend within 200mm of the top and sides of the wall. Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall.	Sign1	10m	2.6m	26sqm	Yes
		Sign3	8.5m	3.5m	29.75sqm	Yes

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

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

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
- Inconsistent 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 DA2021/1314 for Construction of business identification signage on land at Lot 1 DP 588603, 33 Oaks Avenue, DEE WHY, Lot A DP 326907, 33 Oaks Avenue, DEE WHY, Lot B DP 326907, 33 Oaks Avenue, DEE WHY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
External Signage Location Plan (Revision 1)	28 May 2021	Y Squared Architects
External Elevation Sheet 1 (Revision 3)	5 October 2021	Y Squared Architects

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

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	7 July 2021	Matthew Young

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

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

2. Prescribed Conditions

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

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

- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

3. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of

any Authorised Officer.

- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable

cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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).

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION

CERTIFICATE

5. Amendments to the approved plans

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

- The blue paint finishes surrounding Sign 1 (outside the red dotted rectangle) are to be deleted.
- The reference of "*paint finish to existing slats*" above Sign 3 and "*paint finish to existing façade*" above Sign 1 are to be deleted.
- The extension brackets (arms) and lights are not to be extended any more than 850mm off the front façade of the building. Both the fittings and brackets are black in colour.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

6. 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

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 10:00pm and 7:00am Monday to Saturday and 8:00pm and 7:00am on a Sunday or a public holiday.

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.

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)

10. **Existing Façade and existing slats**

Approval is only granted for Sign 1 and Sign 3 within the red dotted rectangles demonstrated on the approved plan. Sign 2 for the above door sign is also approved.

The existing façade surrounding Sign 1 is to be maintained in accordance with the finish of the building proper and not be a blue colour to avoid the whole facade appearing as signage. Additionally, the slats surrounding Sign 3 are to maintained with the finish of the building proper and not be a blue colour to avoid the whole facade appearing as signage.

Reason: Streetscape, amenity and compliance with SEPP 64 Advertising and Signage.

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

Signed



Phil Lane, Principal Planner

The application is determined on 20/10/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments