

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/1385
----------------------------	-------------

<b>Responsible Officer:</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 22 DP 516006, 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 101 DP 564655, 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 7 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 8 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 21 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 25 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 26 DP 975160, 176 - 180 Condamine Street BALGOWLAH NSW 2093 Lot 23 DP 518721, 176 - 180 Condamine Street BALGOWLAH NSW 2093
<b>Proposed Development:</b>	Construction of a business identification sign
<b>Zoning:</b>	Manly LEP2013 - Land zoned B6 Enterprise Corridor
<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>	Wadins Pty Ltd
<b>Applicant:</b>	The Sign Agency

<b>Application Lodged:</b>	13/08/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	23/08/2021 to 06/09/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 70,000.00
---------------------------------	--------------

## PROPOSED DEVELOPMENT IN DETAIL

The application proposes a single-sided LED display screen for advertising purposes on the Condamine Street elevation of Harvey Norman, which will be 20.25m<sup>2</sup> (4.5m x 4.5m) in area and 5m above the ground level. The proposed fascia signage would be setback between 2.780m and 4.180m from the Condamine Street boundary, and be located on an angled part of the frontage to face southbound traffic.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Manly Development Control Plan - 4.3.5 Setbacks

Manly Development Control Plan - 4.4.3 Signage

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 22 DP 516006 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 101 DP 564655 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 7 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 8 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 21 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 25 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 26 DP 975160 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p> <p>Lot 23 DP 518721 , 176 - 180 Condamine Street BALGOWLAH NSW 2093</p>
------------------------------	--

**Detailed Site Description:**

The site is located on the eastern side of Condamine Street, where it comes off the Burnt Bridge Creek Deviation. The site also has frontage to Roseberry St to the east. The site is currently occupied by Harvey Norman. The location proposed for the new sign is on the Condamine Street frontage, above an entry way where there is an architectural feature jutting out from the main facade. As a result the sign will face slightly to the north. There is residential land across Condamine Street to the west.

Map:



**SITE HISTORY**

The site has a history of use for the Harvey Norman building, with various development applications and complying development certificates being lodged. However, none of these are particularly relevant to the current signage application.

**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	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 the existing purposes for an extended period of time. The proposed development retains the existing use of the site, and is not considered a contamination

Section 4.15 Matters for Consideration'	Comments
	risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This 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	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p>

Section 4.15 Matters for Consideration'	Comments
in the locality	<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 existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 23/08/2021 to 06/09/2021 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 of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Traffic Engineer	<p><b><u>Proposal description:</u></b></p> <p>The DA proposes a single-sided LED display screen on the Condamine Street elevation, which will be 4.5m x 4.5m in the area and 5m above the ground level for advertising purposes.</p> <p>The proposed signage would be setback between 2.780m and 4.180m from the Condamine Street boundary.</p> <p>The plans prepared by TSA THE SIGN AGENCY dated July 2021 have been reviewed by the Traffic team.</p> <p><b><u>Parking and access:</u></b></p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• There would be no changes to parking and access to the retail centre due to the proposal.</li> </ul> <p><b><u>Traffic and pedestrian impacts:</u></b></p> <ul style="list-style-type: none"> <li>• The installation of the proposed signage 5m above the ground level comply with the 2.5m clearance from the ground and will be outside the clear zone to any road users/infrastructure, and therefore no impacts on them.</li> <li>• During the installation of the proposed signage, there would be some impacts on pedestrian and cyclist activity in the vicinity of the retail centre. This needs to be detailed in the Construction Traffic Management Plan (CTMP).</li> <li>• As Condamine Street is a secondary/classified road, according to <i>Clause 31 of SEPP 64</i>, this proposal requires consultation with RMS with respect to signage or advertising within 250 metres of a classified road.</li> <li>• Since the signage will be installed within the subject site, which is setback from the site boundary, pedestrian and drivers line of sign will be uninterrupted.</li> <li>• As noted in the SEE report prepared by Metris Urban Planning dated August 2021, there would be no distraction to motorists as the illuminated element would not result in flashing lights reflections or glare, which could affect local traffic. Further, the signage would not impact traffic intersections as vehicles would stop at the traffic lights facing away from the sign resulting in minimal if any impacts rather than facing directly towards the sign.</li> <li>• Therefore, road safety, pedestrian and cyclist safety would not be negatively impacted when the LED display screen is in operation.</li> </ul> <p><b><u>Conclusion</u></b></p> <p>The traffic team has no objection to the proposal in principle, and it can be supported subject to conditions regarding the preparation and implementation of a Construction Traffic Management Plan:</p>

External Referral Body	Comments
NSW Roads and Maritime Services - (SEPP 64 signage cl 17(3)(c))	TfNSW has reviewed the submitted application and raises no objection to the application as it is unlikely to have a significant impact onto the classified road network, subject to conditions of consent. These conditions are included in the recommendation.

**ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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

#### **SEPP 55 - Remediation of Land**

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

#### **SEPP 64 - Advertising and Signage**

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

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

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

<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?	The proposal is located within an existing commercial area, adjacent to a busy arterial road. It is consistent with all relevant objectives of the LEP and DCP, and is considered consistent with the desired character as expressed by those objectives.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	N/A	N/A
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas,	The proposal will not detract from any important areas.	YES

heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?		
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No. The sign is almost flush to the existing wall.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	Sign is below the roof line.	YES
Does the proposal respect the viewing rights of other advertisers?	N/A	N/A
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal is consistent in scale with the scale of the building it is attached too, which extends a significant distance in both directions from the sign location.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The sign may be expected to create visual interest.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	N/A
Does the proposal screen unsightliness?	N/A	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No	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 compatible with the scale of the large Harvey Norman building.	YES
Does the proposal respect important features of the site or building, or both?	There are no important features.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is sufficiently imaginative and innovative.	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?	Yes, the signage will present a clean look.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract	Both TfNSW and Council's Traffic Engineers have assessed the proposal and are satisfied subject to conditions. TfNSW has provided specific conditions regarding illumination, to ensure it	YES/NO



from the amenity of any residence or other form of accommodation?	complies with the requirements in Transport Corridor Outdoor Advertising and Signage Guidelines 2017.	
Can the intensity of the illumination be adjusted, if necessary?	Yes	YES
Is the illumination subject to a curfew?	The applicants have suggested a curfew of 10pm to 6am. This is concurred with and has been recommended as a condition of consent. There is residential land across the road to the west. This is a busy, well lit, arterial road, and there is significant existing vegetation on the western side of the road. The curfew suggested is sufficient to adequately mitigate any potential impacts to the residential neighbours given the context of the site.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Council's Traffic Engineers have assessed the proposal and are satisfied in this regard.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No	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.

### Manly Local Environmental Plan 2013

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	9.5m	N/A	Yes
Floor Space Ratio	FSR: 1:1	Unaltered	N/A	N/A

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	N/A

### Manly Development Control Plan

### Built Form Controls

Built Form Controls	Requirement	Proposed	% Variation*	Complies
4.3.5 Setbacks	4.5m front boundary, nil side a rear boundaries	Front: 2.78m - 4.18m, Located in centre of site well away from side boundaries	38.2%	No

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.3 Development in LEP Zone B6 Enterprise Corridor	Yes	Yes
4.3.5 Setbacks	No	Yes
4.4.3 Signage	Yes	Yes

### Detailed Assessment

#### **4.3.5 Setbacks**

The proposed signage will be non-compliant with the 4.5m front setback requirement. This is due to being located on an existing wall that is itself non-compliant. Despite the technical non-compliance, the proposal will not significantly alter the building setbacks and consequently will not significantly alter any existing environmental impacts caused by those setbacks. The proposal will be consistent with the relevant objective under clause 4.3 Development in LEP Zone B6 Enterprise Corridor:

Objective 1) To minimise negative visual impact of development by limiting the size and scale of buildings and having regard to suitable landscaping.

Comment: As mentioned above, the existing setbacks, and overall size and scale of the building will not be significantly altered, and the visual impacts of the signage have been assessed to be acceptable (see SEPP 64 in this report). The proposed non-compliance is therefore supported in the circumstances.

#### **4.4.3 Signage**

The proposed sign does not fall neatly into any of the categories of sign listed in the control. The applicant has stated they believe it to be a fascia sign. However, the wall where it is proposed is not a fascia. It has some of the characteristics of a flush wall sign, although it is not flush to the wall, or of a projecting wall sign, though it will lay flat against the wall and not project out.

Given that it does not fall into any of the categories listed, a merit assessment has been carried out against the objectives:

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

Comment: The proposal is located in a commercial area adjacent to the intersection of two busy arterial roads. It is not considered to be out of place in its context.

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

Comment: There is only one existing business identification sign on the Condamine Street frontage currently. The addition of the extra sign will not create any unreasonable visual clutter, particularly given the size of the building.

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

Comment: The proposal is adjacent to a busy road, and the residential area across the road to the west is well screened by existing vegetation. The proposal will not unreasonably impact on the streetscape or amenity of residents.

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

Comment: The proposal is in keeping with the scale and design of the building, and also with the character of the commercial area it is located within.

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

Comment: The site does not include a heritage item and is not in a conservation area.

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

Comment: The proposal is of a high standard, and conditions of consent will ensure no unreasonable impacts are caused.

Objective 7) To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately sized street numbers and complex names, and the use of directory boards to identify multiple unit

complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.

Comment: There are few signs in close proximity, and no unreasonable clutter will be caused. Council's Traffic Engineer and TfNSW have both recommended approval of the application subject to conditions of consent.

Given the above assessment, the proposal is supported in relation to this clause.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

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

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

## **CONCLUSION**

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

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

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

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

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

It is considered that the proposed development satisfies the appropriate controls and that all processes

and assessments have been satisfactorily addressed.

**RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2021/1385 for Construction of a business identification sign on land at Lot 22 DP 516006, 176 - 180 Condamine Street, BALGOWLAH, Lot 101 DP 564655, 176 - 180 Condamine Street, BALGOWLAH, Lot 7 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 8 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 21 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 25 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 26 DP 975160, 176 - 180 Condamine Street, BALGOWLAH, Lot 23 DP 518721, 176 - 180 Condamine Street, BALGOWLAH, 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>
HN_B_LED: A1	22/07/21	TSA
HN_B_LED: B1	22/07/21	TSA
HN_B_LED: C1	22/07/21	TSA

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

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

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

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

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Transport for NSW	TfNSW Referral Response	6 September 2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

### 3. **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.

### 4. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the

excavation, and

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

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

Reason: Legislative requirement.

## 5. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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

### 6. 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](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.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

8. **Construction Traffic Management Plan**

a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencement of works. The CTMP to detail how impacts on pedestrian and cyclist safety and amenity will be managed during the installation of the signage.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure pedestrian and cyclist safety are appropriately managed.

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

9. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

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

10. **Hours of Illumination**

Illumination of signage at the subject premises shall cease between the hours of 10.00pm and 6.00am 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.

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

**Signed**



**David Auster, Planner**

The application is determined on 19/10/2021, under the delegated authority of:

*REnglund.*

**Rebecca Englund, Acting Development Assessment Manager**