

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1673
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Responsible Officer:	Dean Pattalis
Land to be developed (Address):	Lot 1 DP 115663, 86 Pittwater Road MANLY NSW 2095 Lot 1 DP 970249, 86 Pittwater Road MANLY NSW 2095 Lot A DP 404316, 86 Pittwater Road MANLY NSW 2095
Proposed Development:	Alterations and additions to an existing service station, involving replacement business identification signs
Zoning:	Manly LEP2013 - Land zoned R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Caltex Petroleum Pty Ltd
Applicant:	Ampol Petroleum Ltd

Application Lodged:	29/12/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	18/01/2021 to 01/02/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 55,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for replacement signage at the existing Caltex service station to reflect the Ampol rebranding.

Works include:

- Removal and Replacement of Fuel Canopy signage on northern elevation;
- Removal and Replacement of ID Pylon Sign;
- Removal and Replacement of freestanding Promo Board sign;
- Removal and Replacement of on building fascia signage; and

- Removal of existing wall sign

No changes to the internal figuration or built form of the existing convenience store building are proposed.

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 Local Environmental Plan 2013 - 5.10 Heritage conservation
 Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils
 Manly Local Environmental Plan 2013 - 6.2 Earthworks
 Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area
 Manly Development Control Plan - 4.4.3 Signage
 Manly Development Control Plan - 4.4.5 Earthworks (Excavation and Filling)
 Manly Development Control Plan - 5.4.1 Foreshore Scenic Protection Area

SITE DESCRIPTION

Property Description:	Lot 1 DP 115663 , 86 Pittwater Road MANLY NSW 2095 Lot 1 DP 970249 , 86 Pittwater Road MANLY NSW 2095 Lot A DP 404316 , 86 Pittwater Road MANLY NSW 2095
Detailed Site Description:	The subject site consists of three allotments located on the north-eastern corner of Pittwater Road and Steinton Street. The site is irregular in shape with a frontage of 40.73m along Pittwater Road and a secondary frontage of 30.48m to Steinton Street. The site is located within the R3 Medium Density Residential zone pursuant to the Manly Local Environmental Plan 2013 (MLEP 2013) and accommodates an existing service

station.

The site is generally flat.

The site does not contain any significant vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a mix of residential and commercial development. Surrounding properties facing Pittwater Road are protected under the Manly Heritage Conservation Area and largely maintain their original facade.

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

CDC2018/0784: Service Station - Internal Fit Out and Food Take Away (CDC180026/01)

DA2018/0844: Alterations and additions to the existing service station and signage.

DA0437/2008: Increase in height of canopy of the existing service station

DA0115/1999: Refurbish building and upgrade signage

DA0450/97: Temporary advertisement - rooftop balloon

DA0329/97: Advertising sign

DA0150/1997: Upgrade service station to include convenience store

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	Manly 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 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>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 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 clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This 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 insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development</p>

Section 4.15 Matters for Consideration'	Comments
impacts on the natural and built environment and social and economic impacts in the locality	<p>on the natural and built environment are addressed under the Manly 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 (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 18/01/2021 to 01/02/2021 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.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>

Internal Referral Body	Comments					
Environmental Health (Contaminated Lands)	<p>General Comments</p> <p>The proposed works involve: + Replacement Signage including; • Removal and Replacement of Fuel Canopy signage on northern elevation; • Removal and Replacement of ID Pylon Sign; • Removal and Replacement of freestanding Promo Board sign; • Removal and Replacement of on building fascia signage; and • Removal of existing wall sign</p> <p>Illumination of signage will be conditioned.</p> <p>There are no impacts in relation to any potential contamination matters.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>					
Strategic and Place Planning (Heritage Officer)	<table><tr><th>HERITAGE COMMENTS</th></tr><tr><th>Discussion of reason for referral</th></tr><tr><td><p>The proposal has been referred to Heritage as it is located within Pittwater Road Conservation Area and in the vicinity of a number of heritage items, listed in Schedule 5 of Manly LEP 2013:</p><p>Item I94 - Residential flat building, “Kylemore” - 5A Carlton Street</p><p>Item I200 - Salvation Army, private hotel - 61–63 Pittwater Road</p><p>Item I201 - House - 77 Pittwater Road</p><p>Item I202 - House - 80 Pittwater Road</p><p>Item I203 - House - 82 Pittwater Road</p></td></tr><tr><th>Details of heritage items affected</th></tr><tr><td><p>Details of the items as contained within the Northern Beaches Heritage inventory are:</p><p>Pittwater Road Conservation Area</p><p><u>Statement of significance:</u></p><p>The street pattern is distinctive and underpins the urban character of the area. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively.</p><p><u>Physical description:</u></p><p>The streetscape of Pittwater Road is a winding vista of late 19th and early 20th century commercial and residential architecture of generally one or two floors - although there are exceptions. The</p></td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>The proposal has been referred to Heritage as it is located within Pittwater Road Conservation Area and in the vicinity of a number of heritage items, listed in Schedule 5 of Manly LEP 2013:</p> <p>Item I94 - Residential flat building, “Kylemore” - 5A Carlton Street</p> <p>Item I200 - Salvation Army, private hotel - 61–63 Pittwater Road</p> <p>Item I201 - House - 77 Pittwater Road</p> <p>Item I202 - House - 80 Pittwater Road</p> <p>Item I203 - House - 82 Pittwater Road</p>	Details of heritage items affected	<p>Details of the items as contained within the Northern Beaches Heritage inventory are:</p> <p>Pittwater Road Conservation Area</p> <p><u>Statement of significance:</u></p> <p>The street pattern is distinctive and underpins the urban character of the area. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively.</p> <p><u>Physical description:</u></p> <p>The streetscape of Pittwater Road is a winding vista of late 19th and early 20th century commercial and residential architecture of generally one or two floors - although there are exceptions. The</p>
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Internal Referral Body	Comments
	<p>streetscape provides 19th century atmosphere due to its scale, width and the number of extant Victorian structures. Within the streetscape there are a number of individually significant buildings which are listed separately. Adjacent streets generally comprise a consistent pattern of one and two storey residential cottages, with occasional terrace. Some streets have intermittent street plantings and remnant stone kerbs. The flat topography is accentuated by the escarpment to the west which provides an important visual, vertical and vegetated backdrop.</p> <p><i>Item I94 - Residential flat building, "Kylemore"</i> <u>Statement of significance:</u> This item is of local cultural heritage significance for its ability to demonstrate the pattern of Manly's development. In particular, it is associated with the growth of the commuter class and subsequent development of residential apartment buildings in Manly in the 1920's. It contributes to the overall character and historical context of the Pittwater Road Conservation Area</p> <p><u>Physical description:</u> The building is a two storey painted face brickwork apartment block with gable roof and Dutch style parapets to the east and west. The roof has concrete tiles and is broken backed over the verandah. There is a rendered string course, rendered name panel and dentilled decoration. The entrance is arched and the windows are casements with 2x4 panes in the upper level and double hung 3 pane vertically at the lower level.</p> <p><i>Item I200 - Salvation Army, private hotel - 61–63 Pittwater Road</i> <u>Statement of significance:</u> This item is of local and state cultural heritage significance as it demonstrates the pattern of development of Manly and, in particular, that associated with Pittwater Road. Constructed on a transport corridor close to the Steyne, it is an important example of a hostel built by the Salvation Army for holiday-makers from the country, one of the first three built in Australia. It is a fine and unique example of a large scale hostel displaying elements of the free classical style of architecture.</p> <p><u>Physical description:</u> A large-scale 4-storey, tuck pointed red brick and painted brick hostel with timber cantilevered verandah to first floor. Ornate pilastered Free Classical façade. Verandah has decorative scrolled metal awning brackets and organic styled timber brackets and lattice valance above. Double hung windows to upper level and casement sashes with coloured glazing to ground floor level with coloured glazing in top. Glazed ceramic tiles to street level entrance with art nouveau motif. Double leaf paneled front door. The front of the building, on the ground floor, was the original location of the communal dining room; while the area behind the first floor balcony housed the communal lounge room. "The garden roof is an outstanding feature of this modern Hostel" (The War Cry, 8.11.1913).</p>

Internal Referral Body	Comments																					
	<p>Item I201 - House - 77 Pittwater Road <u>Statement of significance:</u> An unusual landmark corner building in Federation Queen Anne Style. Physical description: Substantial 2-storey Federation Queen Anne style house with unusual round corner tower with onion dome. Hipped and gabled roof. Tower fixtures elaborate 1920's style leadlight windows. Features a pair of oriel windows to Carlton Street elevation with gables above. First floor roughcast stuccoed, ground floor face brick. Front fence sandstone with curved pillars and picket infill.</p> <p>Items I202 & 203 - House - 80 & 82 Pittwater Road <u>Statement of significance:</u> This building is a good example of a Late Victorian design. This item is of local cultural heritage significance as it demonstrates the pattern of development of Manly and in particular that associated with Pittwater Road. Constructed on the main road it is associated with development of the area prior to the introduction of the tram service. One of a pair, it is an uncommon example of its kind which contributes to the overall character of the Pittwater Road Conservation Area. <u>Physical description:</u> One of a pair (Nos 80 and 82) of single storey late Victorian period weatherboard semi-detached cottages in the Villa style. The cottages have a hipped roof with dominant symmetrical gabled wings and bull nosed awning between. Gabled have decorative barge boards and timber louvres. Bay windows in front wing have 2 pane double hung sashes and a sheet metal roof.</p> <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>No</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>No</td><td></td></tr><tr><td>Other</td><td>N/A</td><td></td></tr></table> <p>Consideration of Application The proposal seeks consent for rebranding the existing Caltex service stations to Ampol service stations by replacing the existing signage.</p>	Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	N/A	
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Internal Referral Body	Comments
	<p>It is considered that there will be no additional impact upon the significance of the Pittwater Conservation Area or the heritage items within the vicinity by the proposed signage.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of Manly LEP 2013.</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Heritage impact has been addressed in the SEE.</p> <p>Further Comments</p> <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 09 February 2021</p>

External Referral Body	Comments
NSW Roads and Maritime Services - (SEPP 64 signage cl 17(3)(c))	<p>TfNSW has reviewed the development application and raises no objections, subject to the proposal being designed and constructed to Council's satisfaction and complying with the following requirements:</p> <ol style="list-style-type: none"> 1. Signage displays must not contain/use: <ul style="list-style-type: none"> Flashing lights. Electronically changeable messages. Animated display, moving parts or simulated movement. Complex displays that hold a drivers attention beyond "glance appreciation". Displays resembling traffic signs or signals, or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'. A method of illumination that distracts or dazzles. 2. The illumination levels are to be in accordance with relevant guidelines and standards. 3. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pittwater Road. 4. All buildings and structures (including signage), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pittwater Road boundary.

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 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 proposal is in keeping the existing character of the site and does not impact the desired future character of the locality.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the existing outdoor advertising theme in the locality.	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 proposal will not detract from the amenity or visual quality of nearby landscapes, heritage items or broader conservation area. The proposal has been referred to Council's Heritage Officer who has raised no objections to the proposed signage.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposal does not alter the bulk, scale or location of the existing signage and does not impact any important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal will not dominate the skyline or reduce the quality of vistas.	YES

Does the proposal respect the viewing rights of other advertisers?	The proposal will not obscure any surrounding advertising.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is consistent in scale, proportion and form with the existing signage on the site.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will contribute to the visual interest of the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal will not contribute any additional visual clutter.	YES
Does the proposal screen unsightliness?	No screening of unsightliness is considered necessary.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above the existing height characteristics in the locality.	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 signage does not alter the existing characteristics, scale or proportion of the existing site.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage does not alter any important features of the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is consistent with the existing innovative and imaginative features of the site.	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?	No safety devices have been designed as part of this proposal.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No, the internal illumination will not result in any safety or amenity impacts and is proposed to comply with relevant Australian Standards.	YES
Can the intensity of the illumination be adjusted, if necessary?	No. The proposed signage is not considered to result in any unreasonable visual impact.	YES
Is the illumination subject to a curfew?	The proposed signage is proposed to be illuminated only during trading hours of the business.	YES
8. Safety Would the proposal reduce the safety	The proposed signage will unreasonably impact road, pedestrian or bicycle safety.	YES

for any public road, pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the proposed signage in the vicinity of the site boundaries is attached to the existing signage panels.	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.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject property is located within the Sydney Harbour Catchment therefore the provisions of this plan apply to this development.

An assessment of the proposal against Clause 2(1) (aims of the SREP), Clause 13 (nominated planning principles) and Clause 21 (relating to biodiversity, ecology and environmental protection) has been undertaken. The proposal is considered to be consistent with the above provisions of the SREP. Given the scale of the proposed modification and the works proposed referral to the Foreshores and Waterways Planning and Development Advisory Committee was not considered necessary.

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:	8.5m	6m (Main Site ID Sign)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes
Schedule 5 Environmental heritage	Yes

Detailed Assessment

5.10 Heritage conservation

The subject site is located within the Manly Heritage Conservation Area.

Council's heritage officer has reviewed the application and recommended that there will be no additional impact upon the significance of the Manly Conservation Area or the heritage items within the vicinity by the proposed signage.

Therefore, no objections are raised on heritage grounds and no conditions required.

6.1 Acid sulfate soils

Clause 6.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 4, as indicated on Council's Acid Sulfate Soils Planning Map.

Works at depths beyond 2.0m below the natural ground surface and/or works by which the watertable is likely to be lowered more than 2.0 metre below the natural ground surface within a Class 4 acid sulfate soil area are required to be assessed to determine if any impact will occur.

No excavation works are included as part of this proposal.

6.2 Earthworks

No excavation works are included as part of this proposal.

6.9 Foreshore scenic protection area

The proposal includes changes to the existing signage and facade, and will result in no unreasonable impact on visual aesthetic amenity or views to and from the Pacific Ocean and Manly foreshore.

Manly Development Control Plan

Built Form Controls

Built Form Controls	Requirement	Proposed	Complies
4.4.3 Signage	2 signs per frontage	10 (existing)	Yes - See discussion

***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
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.2 Heritage Considerations	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
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.4.3 Signage	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

4.4.3 Signage

Description of non-compliance

The proposed number of signs is non-compliant with the controls of this Clause.

Merit consideration:

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

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

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.

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.

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.

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.

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

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

Comment:

The proposed signage is consistent with the existing signage in terms of location and quantity, and will not detract from the visual amenity of the surrounding area or Municipality. The proposal does not result in excessive, unnecessary signage, visual clutter or confusion as the site is exceptionally large and has multiple street frontages. The new signage does not alter the size or location of the existing signage and signage structures, which are set back from the property boundaries. The signage is effective in communicating the facilities and goods and services and is of high graphic and textural quality. The proposal will not unreasonably impact the nearby heritage items or broader conservation area.

4.4.5 Earthworks (Excavation and Filling)

The proposal includes no further excavation of the site.

5.4.1 Foreshore Scenic Protection Area

The proposal includes changes to the existing signage and facade, and will result in no unreasonable impact on visual aesthetic amenity or views to and from the Pacific Ocean and Manly foreshore.

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 2019

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 DA2020/1673 for Alterations and additions to an existing service station, involving replacement business identification signs on land at Lot 1 DP 115663, 86 Pittwater Road, MANLY, Lot 1 DP 970249, 86 Pittwater Road, MANLY, Lot A DP 404316, 86 Pittwater Road, MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1: Site Plan	9 December 2020	Urbis
2: Signage Details - Main ID Site Sign/Promo Board	9 December 2020	Urbis
3: Signage Details - Car Canopy Fascia Sign	9 December 2020	Urbis
4: Signage Details -Shopfront Signage	9 December 2020	Urbis

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	December 2020	SLR

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.

4. **Transport for NSW Requirements**

TfNSW has reviewed the development application and raises no objections, subject to the proposal being designed and constructed to Council's satisfaction and complying with the following requirements:

1. Signage displays must not contain/use:
 - Flashing lights.
 - Electronically changeable messages.
 - Animated display, moving parts or simulated movement.
 - Complex displays that hold a drivers attention beyond "glance appreciation".
 - Displays resembling traffic signs or signals, or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'.
 - A method of illumination that distracts or dazzles.
2. The illumination levels are to be in accordance with relevant guidelines and standards.
3. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pittwater Road.
4. All buildings and structures (including signage), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pittwater Road boundary.

FEES / CHARGES / CONTRIBUTIONS

5. **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

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.

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

7. **Illumination of Signage**

Illumination of signage shall not adversely impact on neighbouring residential occupiers with regard to direction, light spill or intensity and comply with relevant Australian Standards.

Performance and design requirements and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: To protect public amenity

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

Signed



Dean Pattalis, Planner

The application is determined on 16/02/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments